

**As Passed by the Senate**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H. B. No. 413**

**Representative Brinkman**

**Cosponsors: Representatives Hambley, Becker, Ruhl, Blessing, Hill, Boose, Hayes, Burkley, Thompson, Vitale, Sweeney, Zeltwanger, Terhar, Hackett, Hood, Buchy, Green, Retherford, Anielski, Ryan, Rogers, Conditt, Amstutz, Antonio, Arndt, Brenner, Brown, Celebrezze, Craig, Cupp, Derickson, Dever, Duffey, Ginter, Henne, Manning, McClain, O'Brien, M., Patterson, Pelanda, Reineke, Rezabek, Schaffer, Scherer, Sprague, Strahorn, Young**

**Senators Uecker, Eklund, Faber, Hite, Seitz, Tavares, Thomas**

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**A BILL**

To amend sections 121.22, 164.02, 504.01, 505.261, 1  
505.27, 505.29, 505.31, 505.37, 505.39, 505.40, 2  
505.602, 505.86, 511.23, 517.03, 517.07, 3  
517.073, 517.08, 517.11, 755.13, 5571.16, 4  
5705.19, 5709.10, and 5709.40, to enact section 5  
504.24, and to repeal section 5571.11 of the 6  
Revised Code to add to the purposes for which a 7  
board of township trustees may go into executive 8  
session, to permit a township to charge for 9  
recycling services, to reduce the population 10  
threshold for a township to adopt a limited home 11  
rule form of government, to authorize a township 12  
to purchase, lease, or provide underwater rescue 13  
and recovery equipment for fire and rescue 14  
purposes, to authorize boards of township 15  
trustees to pay for group life insurance for any 16  
employee, to expand the cemetery purposes for 17  
which such boards may levy a tax or expend 18

township funds, to make other changes to the 19  
township laws or laws relating to township 20  
authority, to allow taxing units to use the 21  
proceeds of a fire, police, or emergency 22  
services tax levy to pay costs related to the 23  
service for which the tax is levied, to remove 24  
the limitations on the authority to reappoint 25  
members of the Ohio Small Government Capital 26  
Improvements Commission, to authorize boards of 27  
township trustees and boards of park 28  
commissioners to expend funds for the public 29  
purpose of presenting community events in their 30  
parks and other recreational facilities, and to 31  
expand the public infrastructure improvements 32  
townships, municipal corporations, and counties 33  
may pay for using money from their public 34  
improvement tax increment equivalent funds. 35

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

**Section 1.** That sections 121.22, 164.02, 504.01, 505.261, 36  
505.27, 505.29, 505.31, 505.37, 505.39, 505.40, 505.602, 505.86, 37  
511.23, 517.03, 517.07, 517.073, 517.08, 517.11, 755.13, 38  
5571.16, 5705.19, 5709.10, and 5709.40 be amended and section 39  
504.24 of the Revised Code be enacted to read as follows: 40

**Sec. 121.22.** (A) This section shall be liberally construed 41  
to require public officials to take official action and to 42  
conduct all deliberations upon official business only in open 43  
meetings unless the subject matter is specifically excepted by 44  
law. 45

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| (B) As used in this section:  | 46   |
| (1) "Public body" means any of the following:   | 47   |
| (a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;  | 48<br>49<br>50<br>51<br>52<br>53<br>54                   |
| (b) Any committee or subcommittee of a body described in division (B) (1) (a) of this section;  | 55<br>56   |
| (c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B) (1) (c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code. | 57<br>58<br>59<br>60<br>61<br>62<br>63<br>64<br>65<br>66 |
| (2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.  | 67<br>68   |
| (3) "Regulated individual" means either of the following:   | 69   |
| (a) A student in a state or local public educational institution;   | 70<br>71   |
| (b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution  | 72<br>73   |

because of criminal behavior, mental illness or retardation, 74  
disease, disability, age, or other condition requiring custodial 75  
care. 76

(4) "Public office" has the same meaning as in section 77  
149.011 of the Revised Code. 78

(C) All meetings of any public body are declared to be 79  
public meetings open to the public at all times. A member of a 80  
public body shall be present in person at a meeting open to the 81  
public to be considered present or to vote at the meeting and 82  
for purposes of determining whether a quorum is present at the 83  
meeting. 84

The minutes of a regular or special meeting of any public 85  
body shall be promptly prepared, filed, and maintained and shall 86  
be open to public inspection. The minutes need only reflect the 87  
general subject matter of discussions in executive sessions 88  
authorized under division (G) or (J) of this section. 89

(D) This section does not apply to any of the following: 90

(1) A grand jury; 91

(2) An audit conference conducted by the auditor of state 92  
or independent certified public accountants with officials of 93  
the public office that is the subject of the audit; 94

(3) The adult parole authority when its hearings are 95  
conducted at a correctional institution for the sole purpose of 96  
interviewing inmates to determine parole or pardon; 97

(4) The organized crime investigations commission 98  
established under section 177.01 of the Revised Code; 99

(5) Meetings of a child fatality review board established 100  
under section 307.621 of the Revised Code, meetings related to a 101

review conducted pursuant to guidelines established by the 102  
director of health under section 3701.70 of the Revised Code, 103  
and meetings conducted pursuant to sections 5153.171 to 5153.173 104  
of the Revised Code; 105

(6) The state medical board when determining whether to 106  
suspend a certificate without a prior hearing pursuant to 107  
division (G) of either section 4730.25 or 4731.22 of the Revised 108  
Code; 109

(7) The board of nursing when determining whether to 110  
suspend a license or certificate without a prior hearing 111  
pursuant to division (B) of section 4723.281 of the Revised 112  
Code; 113

(8) The state board of pharmacy when determining whether 114  
to suspend a license without a prior hearing pursuant to 115  
division (D) of section 4729.16 of the Revised Code; 116

(9) The state chiropractic board when determining whether 117  
to suspend a license without a hearing pursuant to section 118  
4734.37 of the Revised Code; 119

(10) The executive committee of the emergency response 120  
commission when determining whether to issue an enforcement 121  
order or request that a civil action, civil penalty action, or 122  
criminal action be brought to enforce Chapter 3750. of the 123  
Revised Code; 124

(11) The board of directors of the nonprofit corporation 125  
formed under section 187.01 of the Revised Code or any committee 126  
thereof, and the board of directors of any subsidiary of that 127  
corporation or a committee thereof; 128

(12) An audit conference conducted by the audit staff of 129  
the department of job and family services with officials of the 130

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| public office that is the subject of that audit under section    | 131 |
| 5101.37 of the Revised Code;                                     | 132 |
| (13) The occupational therapy section of the occupational        | 133 |
| therapy, physical therapy, and athletic trainers board when      | 134 |
| determining whether to suspend a license or limited permit       | 135 |
| without a hearing pursuant to division (D) of section 4755.11 of | 136 |
| the Revised Code;  | 137 |
| (14) The physical therapy section of the occupational            | 138 |
| therapy, physical therapy, and athletic trainers board when      | 139 |
| determining whether to suspend a license without a hearing       | 140 |
| pursuant to division (E) of section 4755.47 of the Revised Code; | 141 |
| (15) The athletic trainers section of the occupational           | 142 |
| therapy, physical therapy, and athletic trainers board when      | 143 |
| determining whether to suspend a license without a hearing       | 144 |
| pursuant to division (D) of section 4755.64 of the Revised Code. | 145 |
| (E) The controlling board, the tax credit authority, or          | 146 |
| the minority development financing advisory board, when meeting  | 147 |
| to consider granting assistance pursuant to Chapter 122. or 166. | 148 |
| of the Revised Code, in order to protect the interest of the     | 149 |
| applicant or the possible investment of public funds, by         | 150 |
| unanimous vote of all board or authority members present, may    | 151 |
| close the meeting during consideration of the following          | 152 |
| information confidentially received by the authority or board    | 153 |
| from the applicant:  | 154 |
| (1) Marketing plans;   | 155 |
| (2) Specific business strategy;                                  | 156 |
| (3) Production techniques and trade secrets;                     | 157 |
| (4) Financial projections;                                       | 158 |

(5) Personal financial statements of the applicant or 159  
members of the applicant's immediate family, including, but not 160  
limited to, tax records or other similar information not open to 161  
public inspection. 162

The vote by the authority or board to accept or reject the 163  
application, as well as all proceedings of the authority or 164  
board not subject to this division, shall be open to the public 165  
and governed by this section. 166

(F) Every public body, by rule, shall establish a 167  
reasonable method whereby any person may determine the time and 168  
place of all regularly scheduled meetings and the time, place, 169  
and purpose of all special meetings. A public body shall not 170  
hold a special meeting unless it gives at least twenty-four 171  
hours' advance notice to the news media that have requested 172  
notification, except in the event of an emergency requiring 173  
immediate official action. In the event of an emergency, the 174  
member or members calling the meeting shall notify the news 175  
media that have requested notification immediately of the time, 176  
place, and purpose of the meeting. 177

The rule shall provide that any person, upon request and 178  
payment of a reasonable fee, may obtain reasonable advance 179  
notification of all meetings at which any specific type of 180  
public business is to be discussed. Provisions for advance 181  
notification may include, but are not limited to, mailing the 182  
agenda of meetings to all subscribers on a mailing list or 183  
mailing notices in self-addressed, stamped envelopes provided by 184  
the person. 185

(G) Except as provided in divisions (G)(8) and (J) of this 186  
section, the members of a public body may hold an executive 187  
session only after a majority of a quorum of the public body 188

determines, by a roll call vote, to hold an executive session 189  
and only at a regular or special meeting for the sole purpose of 190  
the consideration of any of the following matters: 191

(1) To consider the appointment, employment, dismissal, 192  
discipline, promotion, demotion, or compensation of a public 193  
employee or official, or the investigation of charges or 194  
complaints against a public employee, official, licensee, or 195  
regulated individual, unless the public employee, official, 196  
licensee, or regulated individual requests a public hearing. 197  
Except as otherwise provided by law, no public body shall hold 198  
an executive session for the discipline of an elected official 199  
for conduct related to the performance of the elected official's 200  
official duties or for the elected official's removal from 201  
office. If a public body holds an executive session pursuant to 202  
division (G) (1) of this section, the motion and vote to hold 203  
that executive session shall state which one or more of the 204  
approved purposes listed in division (G) (1) of this section are 205  
the purposes for which the executive session is to be held, but 206  
need not include the name of any person to be considered at the 207  
meeting. 208

(2) To consider the purchase of property for public 209  
purposes, ~~or for~~ the sale of property at competitive bidding, or 210  
the sale or other disposition of unneeded, obsolete, or unfit- 211  
for-use property in accordance with section 505.10 of the 212  
Revised Code, if premature disclosure of information would give 213  
an unfair competitive or bargaining advantage to a person whose 214  
personal, private interest is adverse to the general public 215  
interest. No member of a public body shall use division (G) (2) 216  
of this section as a subterfuge for providing covert information 217  
to prospective buyers or sellers. A purchase or sale of public 218  
property is void if the seller or buyer of the public property 219

has received covert information from a member of a public body 220  
that has not been disclosed to the general public in sufficient 221  
time for other prospective buyers and sellers to prepare and 222  
submit offers. 223

If the minutes of the public body show that all meetings 224  
and deliberations of the public body have been conducted in 225  
compliance with this section, any instrument executed by the 226  
public body purporting to convey, lease, or otherwise dispose of 227  
any right, title, or interest in any public property shall be 228  
conclusively presumed to have been executed in compliance with 229  
this section insofar as title or other interest of any bona fide 230  
purchasers, lessees, or transferees of the property is 231  
concerned. 232

(3) Conferences with an attorney for the public body 233  
concerning disputes involving the public body that are the 234  
subject of pending or imminent court action; 235

(4) Preparing for, conducting, or reviewing negotiations 236  
or bargaining sessions with public employees concerning their 237  
compensation or other terms and conditions of their employment; 238

(5) Matters required to be kept confidential by federal 239  
law or regulations or state statutes; 240

(6) Details relative to the security arrangements and 241  
emergency response protocols for a public body or a public 242  
office, if disclosure of the matters discussed could reasonably 243  
be expected to jeopardize the security of the public body or 244  
public office; 245

(7) In the case of a county hospital operated pursuant to 246  
Chapter 339. of the Revised Code, a joint township hospital 247  
operated pursuant to Chapter 513. of the Revised Code, or a 248

municipal hospital operated pursuant to Chapter 749. of the 249  
Revised Code, to consider trade secrets, as defined in section 250  
1333.61 of the Revised Code; 251

(8) To consider confidential information related to the 252  
marketing plans, specific business strategy, production 253  
techniques, trade secrets, or personal financial statements of 254  
an applicant for economic development assistance, or to 255  
negotiations with other political subdivisions respecting 256  
requests for economic development assistance, provided that both 257  
of the following conditions apply: 258

(a) The information is directly related to a request for 259  
economic development assistance that is to be provided or 260  
administered under any provision of Chapter 715., 725., 1724., 261  
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 262  
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 263  
5709.81 of the Revised Code, or that involves public 264  
infrastructure improvements or the extension of utility services 265  
that are directly related to an economic development project. 266

(b) A unanimous quorum of the public body determines, by a 267  
roll call vote, that the executive session is necessary to 268  
protect the interests of the applicant or the possible 269  
investment or expenditure of public funds to be made in 270  
connection with the economic development project. 271

If a public body holds an executive session to consider 272  
any of the matters listed in divisions (G) (2) to (8) of this 273  
section, the motion and vote to hold that executive session 274  
shall state which one or more of the approved matters listed in 275  
those divisions are to be considered at the executive session. 276

A public body specified in division (B) (1) (c) of this 277

section shall not hold an executive session when meeting for the 278  
purposes specified in that division. 279

(H) A resolution, rule, or formal action of any kind is 280  
invalid unless adopted in an open meeting of the public body. A 281  
resolution, rule, or formal action adopted in an open meeting 282  
that results from deliberations in a meeting not open to the 283  
public is invalid unless the deliberations were for a purpose 284  
specifically authorized in division (G) or (J) of this section 285  
and conducted at an executive session held in compliance with 286  
this section. A resolution, rule, or formal action adopted in an 287  
open meeting is invalid if the public body that adopted the 288  
resolution, rule, or formal action violated division (F) of this 289  
section. 290

(I) (1) Any person may bring an action to enforce this 291  
section. An action under division (I) (1) of this section shall 292  
be brought within two years after the date of the alleged 293  
violation or threatened violation. Upon proof of a violation or 294  
threatened violation of this section in an action brought by any 295  
person, the court of common pleas shall issue an injunction to 296  
compel the members of the public body to comply with its 297  
provisions. 298

(2) (a) If the court of common pleas issues an injunction 299  
pursuant to division (I) (1) of this section, the court shall 300  
order the public body that it enjoins to pay a civil forfeiture 301  
of five hundred dollars to the party that sought the injunction 302  
and shall award to that party all court costs and, subject to 303  
reduction as described in division (I) (2) of this section, 304  
reasonable attorney's fees. The court, in its discretion, may 305  
reduce an award of attorney's fees to the party that sought the 306  
injunction or not award attorney's fees to that party if the 307

court determines both of the following: 308

(i) That, based on the ordinary application of statutory 309  
law and case law as it existed at the time of violation or 310  
threatened violation that was the basis of the injunction, a 311  
well-informed public body reasonably would believe that the 312  
public body was not violating or threatening to violate this 313  
section; 314

(ii) That a well-informed public body reasonably would 315  
believe that the conduct or threatened conduct that was the 316  
basis of the injunction would serve the public policy that 317  
underlies the authority that is asserted as permitting that 318  
conduct or threatened conduct. 319

(b) If the court of common pleas does not issue an 320  
injunction pursuant to division (I)(1) of this section and the 321  
court determines at that time that the bringing of the action 322  
was frivolous conduct, as defined in division (A) of section 323  
2323.51 of the Revised Code, the court shall award to the public 324  
body all court costs and reasonable attorney's fees, as 325  
determined by the court. 326

(3) Irreparable harm and prejudice to the party that 327  
sought the injunction shall be conclusively and irrebuttably 328  
presumed upon proof of a violation or threatened violation of 329  
this section. 330

(4) A member of a public body who knowingly violates an 331  
injunction issued pursuant to division (I)(1) of this section 332  
may be removed from office by an action brought in the court of 333  
common pleas for that purpose by the prosecuting attorney or the 334  
attorney general. 335

(J) (1) Pursuant to division (C) of section 5901.09 of the 336

Revised Code, a veterans service commission shall hold an 337  
executive session for one or more of the following purposes 338  
unless an applicant requests a public hearing: 339

(a) Interviewing an applicant for financial assistance 340  
under sections 5901.01 to 5901.15 of the Revised Code; 341

(b) Discussing applications, statements, and other 342  
documents described in division (B) of section 5901.09 of the 343  
Revised Code; 344

(c) Reviewing matters relating to an applicant's request 345  
for financial assistance under sections 5901.01 to 5901.15 of 346  
the Revised Code. 347

(2) A veterans service commission shall not exclude an 348  
applicant for, recipient of, or former recipient of financial 349  
assistance under sections 5901.01 to 5901.15 of the Revised 350  
Code, and shall not exclude representatives selected by the 351  
applicant, recipient, or former recipient, from a meeting that 352  
the commission conducts as an executive session that pertains to 353  
the applicant's, recipient's, or former recipient's application 354  
for financial assistance. 355

(3) A veterans service commission shall vote on the grant 356  
or denial of financial assistance under sections 5901.01 to 357  
5901.15 of the Revised Code only in an open meeting of the 358  
commission. The minutes of the meeting shall indicate the name, 359  
address, and occupation of the applicant, whether the assistance 360  
was granted or denied, the amount of the assistance if 361  
assistance is granted, and the votes for and against the 362  
granting of assistance. 363

**Sec. 164.02.** (A) There is hereby created the Ohio public 364  
works commission consisting of seven members who shall be 365

appointed as follows: two persons shall be appointed by the 366  
speaker of the house of representatives; one person shall be 367  
appointed by the minority leader of the house of 368  
representatives; two persons shall be appointed by the president 369  
of the senate; one person shall be appointed by the minority 370  
leader of the senate; and one person from the private sector, 371  
who shall have at least eight years experience in matters of 372  
public finance, shall be appointed alternately by the speaker of 373  
the house of representatives and the president of the senate, 374  
with the speaker of the house making the first appointment. The 375  
director of transportation, the director of environmental 376  
protection, the director of development, the director of natural 377  
resources, and the chairperson of the Ohio water development 378  
authority shall be nonvoting, ex officio members of the 379  
commission. The initial appointments made to the commission by 380  
the minority leaders of the senate and house of representatives 381  
and one of the initial appointments made by the speaker of the 382  
house of representatives and the president of the senate shall 383  
be for terms ending December 31, 1989; one of the initial 384  
appointments made by the speaker of the house of representatives 385  
and the president of the senate shall be for terms ending 386  
December 31, 1990; and the initial term of the appointment to 387  
the commission that is alternately made by the speaker of the 388  
house of representatives and the president of the senate shall 389  
be for a term ending December 31, 1989. Thereafter, terms of 390  
office shall be for three years, each term ending on the same 391  
day of the same month of the year as did the term which it 392  
succeeds. Each member shall hold office from the date of 393  
appointment until the end of the term for which the member is 394  
appointed. Members may be reappointed one time. Vacancies shall 395  
be filled in the same manner provided for original appointments. 396  
Any member appointed to fill a vacancy occurring prior to the 397

expiration date of the term for which the member's predecessor 398  
was appointed shall hold office for the remainder of that term. 399  
A member shall continue in office subsequent to the expiration 400  
date of the member's term until the member's successor takes 401  
office or until a period of sixty days has elapsed, whichever 402  
occurs first. 403

The commission shall elect a chairperson, vice- 404  
chairperson, and other officers as it considers advisable. Four 405  
members constitute a quorum. Members of the commission shall 406  
serve without compensation but shall be reimbursed for their 407  
actual and necessary expenses incurred in the performance of 408  
their duties. 409

(B) The Ohio public works commission shall: 410

(1) Review and evaluate persons who will be recommended to 411  
the governor for appointment to the position of director of the 412  
Ohio public works commission, and, when the commission considers 413  
it appropriate, recommend the removal of a director; 414

(2) Provide the governor with a list of names of three 415  
persons who are, in the judgment of the commission, qualified to 416  
be appointed to the position of director. The commission shall 417  
provide the list, which may include the name of the incumbent 418  
director to the governor, not later than sixty days prior to the 419  
expiration of the term of such incumbent director. A director 420  
shall serve a two-year term upon initial appointment, and four- 421  
year terms if subsequently reappointed by the governor; however, 422  
the governor may remove a director at any time following the 423  
commission's recommendation of such action. Upon the expiration 424  
of a director's term, or in the case of the resignation, death, 425  
or removal of a director, the commission shall provide such list 426  
of the names of three persons to the governor within thirty days 427

of such expiration, resignation, death, or removal. Nothing in 428  
this section shall prevent the governor, in the governor's 429  
discretion, from rejecting all of the nominees of the commission 430  
and requiring the commission to select three additional 431  
nominees. However, when the governor has requested and received 432  
a second list of three additional names, the governor shall make 433  
the appointment from one of the names on the first list or the 434  
second list. Appointment by the governor is subject to the 435  
advice and consent of the senate. 436

In the case of the resignation, removal, or death of the 437  
director during the director's term of office, a successor shall 438  
be chosen for the remainder of the term in the same manner as is 439  
provided for an original appointment. 440

(3) Provide oversight to the director and advise in the 441  
development of policy guidelines for the implementation of this 442  
chapter, and report and make recommendations to the general 443  
assembly with respect to such implementation; 444

(4) Adopt bylaws to govern the conduct of the commission's 445  
business; 446

(5) Appoint the members of the Ohio small government 447  
capital improvements commission in accordance with division (C) 448  
of this section. 449

(C) (1) There is hereby created the Ohio small government 450  
capital improvements commission. The commission shall consist of 451  
ten members, including the director of transportation, the 452  
director of environmental protection, and the chairperson of the 453  
Ohio water development authority as nonvoting, ex officio 454  
members and seven voting members appointed by the Ohio public 455  
works commission. Each such appointee shall be a member of a 456

district public works integrating committee who was appointed to 457  
the integrating committee pursuant to the majority vote of the 458  
chief executive officers of the villages of the appointee's 459  
district or by a majority of the boards of township trustees of 460  
the appointee's district. 461

(2) Two of the initial appointments shall be for terms 462  
ending two years after March 29, 1988. The remaining initial 463  
appointments shall be for terms ending three years after March 464  
29, 1988. Thereafter, terms of office shall be for two years, 465  
with each term ending on the same date of the same month as did 466  
the term that it succeeds. Each member shall hold office from 467  
the date of appointment until the end of the term for which the 468  
member is appointed. Vacancies shall be filled in the same 469  
manner as original appointments. Any member appointed to fill a 470  
vacancy occurring ~~prior to~~ before the expiration date of the 471  
term for which the member's predecessor was appointed shall hold 472  
office as a member for the remainder of that term. A member 473  
shall continue in office ~~subsequent to~~ after the expiration of 474  
the member's term until the member's successor takes office or 475  
until a period of sixty days has elapsed, whichever occurs 476  
first. Members of the commission may be reappointed ~~to serve two~~ 477  
~~additional terms, except that no member appointed to an initial~~ 478  
~~term of three years may be reappointed to more than one~~ 479  
~~additional term.~~ No more than two members of the commission may 480  
be members of the same district public works integrating 481  
committee. 482

(3) The Ohio small government capital improvements 483  
commission shall elect one of its appointed members as 484  
chairperson and another as vice-chairperson. Four voting members 485  
of the commission constitute a quorum, and the affirmative vote 486  
of four appointed members is required for any action taken by 487

vote of the commission. No vacancy in the membership of the 488  
commission shall impair the right of a quorum by an affirmative 489  
vote of four appointed members to exercise all rights and 490  
perform all duties of the commission. Members of the commission 491  
shall serve without compensation, but shall be reimbursed for 492  
their actual and necessary expenses incurred in the performance 493  
of their duties. 494

(D) The Ohio small government capital improvements 495  
commission shall: 496

(1) Advise the general assembly on the development of 497  
policy guidelines for the implementation of this chapter, 498  
especially as it relates to the interests of small governments 499  
and the use of the portion of bond proceeds set aside for the 500  
exclusive use of townships and villages; 501

(2) Advise the township and village subcommittees of the 502  
various district public works integrating committees concerning 503  
the selection of projects for which the use of such proceeds 504  
will be authorized; 505

(3) Affirm or overrule the recommendations of its 506  
administrator made in accordance with section 164.051 of the 507  
Revised Code concerning requests from townships and villages for 508  
financial assistance for capital improvement projects. 509

(E) Membership on the Ohio public works commission or the 510  
Ohio small government capital improvements commission does not 511  
constitute the holding of a public office. No appointed member 512  
shall be required, by reason of section 101.26 of the Revised 513  
Code, to resign from or forfeit membership in the general 514  
assembly. 515

Notwithstanding any provision of law to the contrary, a 516

county, municipal, or township public official may serve as a 517  
member of the Ohio public works commission or the Ohio small 518  
government capital improvements commission. 519

Members of the commissions established by this section do 520  
not have an unlawful interest in a public contract under section 521  
2921.42 of the Revised Code solely by virtue of the receipt of 522  
financial assistance under this chapter by the local subdivision 523  
of which they are also a public official or appointee. 524

(F) The director of the Ohio public works commission shall 525  
administer the small counties capital improvement program, which 526  
is hereby created. The program shall provide financial 527  
assistance to county governments of counties that have a 528  
population of less than eighty-five thousand according to the 529  
most recent decennial census. Under the program, the director 530  
shall review and may approve projects submitted by subcommittees 531  
of district public works integrating committees under division 532  
(E) of section 164.06 of the Revised Code. In approving 533  
projects, the director shall be guided by the provisions of 534  
division (B) of that section, while taking into consideration 535  
the special capital improvement needs of small counties. 536

**Sec. 504.01.** A township that meets the qualifications of 537  
this section may adopt a limited home rule government in the 538  
manner provided in this section. 539

(A) (1) If a township has a population of at least ~~three-~~ 540  
two thousand five hundred but less than five thousand in the 541  
unincorporated territory of the township, a limited home rule 542  
government under which the township exercises limited powers of 543  
local self-government and limited police powers may be adopted 544  
if all the following apply: 545

(a) The electors of the unincorporated territory of the township petition the board of township trustees to adopt limited home rule government;

(b) The petition has been signed by ten per cent of the electors of the unincorporated territory of the township, as determined by the total number of votes cast in that territory for the office of governor at the most recent general election for that office;

(c) The board of township trustees appoints a township administrator under division (A) (2) of section 505.031 of the Revised Code; and

(d) The total amount certified in the official certificate of estimated resources or in an amended official certificate of estimated resources for the township under section 5705.36 of the Revised Code is at least three million five hundred thousand dollars for the most recently concluded fiscal year.

If the conditions enumerated in this division have been met, the board shall adopt and certify to the board of elections a resolution directing the board of elections to submit to the electors of the unincorporated territory the question whether the township should adopt a limited home rule government. The question shall be voted upon at the next general election occurring at least ninety days after certification of the resolution to the board of elections.

(2) If a township has a population of at least five thousand but less than fifteen thousand in the unincorporated territory of the township, the board of township trustees, by a majority vote, may adopt a resolution causing the board of elections to submit to the electors of the unincorporated area

of the township the question of whether the township should 575  
adopt a limited home rule government under which it exercises 576  
limited powers of local self-government and limited police 577  
powers, as authorized by this chapter. The question shall be 578  
voted upon at the next general election occurring at least 579  
ninety days after certification of the resolution to the board 580  
of elections. 581

(3) If a township has a population of fifteen thousand or 582  
more in the unincorporated territory of the township, the board 583  
of township trustees, after at least one public hearing, may do 584  
either of the following: 585

(a) By a unanimous vote, adopt a resolution establishing a 586  
limited home rule government under which the township exercises 587  
limited powers of local self-government and limited police 588  
powers as authorized by this chapter. The resolution shall 589  
become effective thirty days after the date of its adoption 590  
unless within that thirty-day period there is presented to the 591  
board of township trustees a petition, signed by a number of 592  
registered electors residing in the unincorporated area of the 593  
township equal to at least ten per cent of the total vote cast 594  
for all candidates for governor in that area at the most recent 595  
general election at which a governor was elected, requesting the 596  
board of township trustees to submit the question of 597  
establishing a limited home rule government to the electors of 598  
that area for approval or rejection at a special election to be 599  
held on the day of the next primary or general election 600  
occurring at least ninety days after the petition is presented. 601  
Each part of the petition shall meet the requirements specified 602  
in section 3501.38 of the Revised Code. Upon timely receipt of 603  
the petition, the board of township trustees shall adopt a 604  
resolution causing the board of elections to submit to the 605

electors of the unincorporated area of the township the question 606  
of whether the township should adopt a limited home rule 607  
government. 608

(b) By a majority vote, adopt a resolution causing the 609  
board of elections to submit to the electors of the 610  
unincorporated area of the township the question of whether the 611  
township should adopt a limited home rule government under which 612  
it exercises limited powers of local self-government and limited 613  
police powers, as authorized by this chapter. The question shall 614  
be voted upon at the next general election occurring at least 615  
ninety days after certification of the resolution to the board 616  
of elections. 617

(4) If a township meets the population requirements of 618  
division (A) (2) or (3) of this section, the electors of the 619  
unincorporated area of the township may petition the board of 620  
township trustees to adopt a resolution causing the board of 621  
elections to submit to the electors the question of whether the 622  
township should adopt a limited home rule government. Upon 623  
receipt of a petition signed by ten per cent of the electors of 624  
the unincorporated area of the township, as determined by the 625  
total number of votes cast in that area for the office of 626  
governor at the most recent general election for that office, 627  
the board of township trustees shall adopt the resolution. The 628  
question shall be voted upon at the next general election 629  
occurring at least ninety days after the certification of the 630  
resolution to the board of elections. 631

(B) If the population of the unincorporated territory of 632  
any township that adopts a limited home rule government under 633  
division (A) (3) or (4) of this section is fifteen thousand or 634  
more, the township shall be called an "urban township." 635

(C) Except as otherwise provided in division (A) (1) of 636  
this section, townships with a population of less than five 637  
thousand in the unincorporated territory of the township are not 638  
permitted to adopt a limited home rule government. 639

Sec. 504.24. (A) A board of township trustees of an urban 640  
township, as defined in section 504.01 of the Revised Code, may 641  
lay out, establish, construct, maintain, and operate, within the 642  
unincorporated territory of the township, off-street parking 643  
facilities for motor vehicles. For this purpose, the board may 644  
acquire by purchase, gift, devise, exchange, lease, or sublease 645  
any existing off-street parking facilities or any real estate or 646  
interest in real estate required for the construction of the 647  
parking facilities. In addition, the board may exercise the 648  
power of eminent domain in the manner provided by sections 649  
163.01 to 163.22 of the Revised Code. 650

(B) Land acquired by a township under this section is not 651  
tax exempt, except if any township owns and operates parking 652  
facilities used exclusively for a public purpose and charges no 653  
fee for the privilege of parking in such a facility, the 654  
facilities are tax exempt. 655

**Sec. 505.261.** A board of township trustees may acquire 656  
suitable lands and materials, including landscape planting and 657  
other site improvement materials and playground, athletic, and 658  
recreational equipment and apparatus, to establish a township 659  
park pursuant to section 505.26 of the Revised Code and for 660  
those purposes may issue, subject to Chapter 133. of the Revised 661  
Code, securities and other public obligations as defined in 662  
division (GG) of section 133.01 of the Revised Code. 663

If lands are purchased, the board may pay for them over a 664  
period of thirty years from the date of purchase, and may issue 665

securities of the township covering the deferred payments 666  
pursuant to division (B) (4) (c) of section 133.20 of the Revised 667  
Code. If materials, including landscape planting or other site 668  
improvement materials and playground, athletic, and recreational 669  
equipment and apparatus, are purchased, the board may issue 670  
securities of the township for that purpose having a maximum 671  
maturity as specified in division (B) (7) (e) or (f) of section 672  
133.20 of the Revised Code covering the deferred payments. The 673  
securities may bear interest not to exceed the rate determined 674  
as provided in section 9.95 of the Revised Code. The securities 675  
shall not be included in the computation of the net indebtedness 676  
of the township under section 133.09 of the Revised Code. 677

The resolution authorizing the issuance of the securities 678  
shall provide for amounts sufficient to pay the interest on and 679  
principal of the securities. For this purpose, the board may 680  
expend funds from the township general fund, or the board may 681  
levy a tax, not to exceed one-half of one mill, on the taxable 682  
property of the township for a period not to exceed four years. 683  
The tax shall be collected as other taxes and appropriated to 684  
pay the interest on and principal of the securities. The 685  
securities shall contain an option for prepayment. The 686  
securities shall be offered for sale on the open market or may 687  
be given to the vendor or contractor if no sale is made on the 688  
open market. 689

The board shall have surveys and plats made of the lands 690  
acquired for a township park and shall establish permanent 691  
monuments on the boundaries of the lands. The plats, when 692  
executed according to sections 711.01 to 711.38 of the Revised 693  
Code, shall be recorded in the office of the county recorder, 694  
and such records shall be admissible in evidence for the purpose 695  
of locating and ascertaining the true boundaries of the park. In 696

furtherance of the use and enjoyment of the park lands 697  
controlled by it, the board may accept donations of money or 698  
other property, or may act as trustees of land, money, or other 699  
property, and use and administer them as stipulated by the 700  
donor, or as provided in the trust agreement. The terms of each 701  
donation or trust shall first be approved by the court of common 702  
pleas before acceptance by the board. 703

The board may receive and expend grants for park purposes 704  
from agencies and instrumentalities of the United States or of 705  
this state, and may enter into contracts or agreements with the 706  
agencies and instrumentalities, or with other townships, 707  
township park boards, municipal corporations, municipal park 708  
boards, counties, park districts, or other similar park 709  
authorities, to carry out the purposes for which the grants were 710  
furnished. 711

The board shall devise plans for the maintenance and 712  
improvement of the park and award all contracts for maintenance 713  
and improvement in the manner provided by the law governing 714  
township trustees in awarding contracts for public improvements. 715  
The board may appoint all necessary employees, fix their 716  
compensation, and prescribe their duties. The board may prohibit 717  
selling, giving away, or using any intoxicating liquors in the 718  
township park, and may pass bylaws and adopt rules for the 719  
government of the park and provide for their enforcement by 720  
fines and penalties. 721

The board may expend funds from the township general fund, 722  
or revenue derived from property taxes levied for parks and 723  
recreational purposes, for the public purpose of presenting 724  
community events that are open to the public in a township park. 725

**Sec. 505.27.** (A) (1) Boards of township trustees, either 726

severally or jointly, may provide, maintain, and operate 727  
facilities for the collection, transfer, recycling, and disposal 728  
of solid wastes or may enter into written contracts with the 729  
proper municipal or county authorities or with independent 730  
contractors for such services for the township or for a waste 731  
disposal district as provided in section 505.28 of the Revised 732  
Code. 733

(2) (a) If a board of township trustees enters into a 734  
contract with an independent contractor under division (A) (1) of 735  
this section, the contract may provide that the independent 736  
contractor is the exclusive provider of any or all of the 737  
services described in that division for the township or the 738  
waste disposal district. If the contract so provides, both of 739  
the following apply: 740

(i) The contract shall be entered into only by competitive 741  
bidding. 742

(ii) No other independent contractor or other person or 743  
entity shall provide, in the township or waste disposal 744  
district, the services agreed to in the contract during the 745  
contract period. 746

(b) Whoever violates division (A) (2) (a) (ii) of this 747  
section shall be fined one hundred fifty dollars for the first 748  
offense and five hundred dollars for each subsequent offense. 749  
Each ~~collection, transfer, or disposal made~~ service provided in 750  
violation of that division constitutes a separate offense. Fines 751  
collected under that division shall be paid into the waste 752  
collection fund established under division (A) of section 505.31 753  
of the Revised Code. 754

(B) When so required by rules adopted under division (G) 755

(2) of section 343.01 of the Revised Code, a board of township trustees, before constructing, enlarging, or modifying a solid waste facility as defined in section 3734.01 of the Revised Code, shall obtain approval for the facility from the board of county commissioners of the county or board of directors of the joint solid waste management district, or board of trustees of a regional solid waste management authority if such has been formed under section 343.011 of the Revised Code, having jurisdiction for compliance with the initial or amended solid waste management plan of the district approved under section 3734.521, 3734.55, or 3734.56 of the Revised Code.

**Sec. 505.29.** The board of township trustees may levy, in any year, a sufficient tax within the ten-mill limitation upon all taxable property in a waste disposal district to provide and maintain waste collection, transfer, recycling, and disposal ~~service services~~ and to provide for the collection and disposal of tree leaves.

In the alternative, the board of township trustees of any township that has provided or contracted for the collection, transfer, recycling, or disposal of garbage or refuse on behalf of the township or any district may establish, by resolution, equitable charges of rents to be paid to the township for the use and benefit of that service by every person, firm, or corporation whose premises are so served. The charges shall constitute a lien upon the property served and, if not paid when due, shall be collected in the same manner as other township taxes.

**Sec. 505.31.** (A) Except as otherwise provided in division (B) of this section, the township fiscal officer shall collect the service charges for waste collection, transfer, recycling,

and disposal service-services and administer them under rules 786  
established by the board of township trustees. All of those 787  
service charges shall be kept in a separate fund designated as 788  
the waste collection fund and shall be appropriated and 789  
administered by the board. The fund shall be used for payment of 790  
the costs of the management, maintenance, and operation of the 791  
garbage and refuse collection, transfer, recycling, and disposal 792  
system in the township or several waste disposal districts. The 793  
board also may use the fund for payment of the costs incurred by 794  
the township in relation to the collection and disposal of tree 795  
leaves. 796

Service charges for waste disposal service collected from 797  
one district cannot be used for any other district. If a 798  
district is abandoned or discontinued, any balance remaining in 799  
the fund for that district shall be paid into the general fund 800  
of the township. 801

(B) When a board of township trustees contracts with an 802  
independent contractor for the collection, transfer, recycling, 803  
and disposal of solid wastes under section 505.27 of the Revised 804  
Code, the contract may provide for the independent contractor to 805  
collect and keep the service charges for the ~~waste disposal~~ 806  
services the contractor provides. 807

**Sec. 505.37.** (A) The board of township trustees may 808  
establish all necessary rules to guard against the occurrence of 809  
fires and to protect the property and lives of the citizens 810  
against damage and accidents, and may, with the approval of the 811  
specifications by the prosecuting attorney or, if the township 812  
has adopted limited home rule government under Chapter 504. of 813  
the Revised Code, with the approval of the specifications by the 814  
township's law director, purchase, lease, lease with an option 815

to purchase, or otherwise provide any fire apparatus, mechanical 816  
resuscitators, underwater rescue and recovery equipment, or 817  
other fire equipment, appliances, materials, fire hydrants, and 818  
water supply for fire-fighting and fire and rescue purposes that 819  
seems advisable to the board. The board shall provide for the 820  
care and maintenance of such fire equipment, and, for these 821  
purposes, may purchase, lease, lease with an option to purchase, 822  
or construct and maintain necessary buildings, and it may 823  
establish and maintain lines of fire-alarm communications within 824  
the limits of the township. The board may employ one or more 825  
persons to maintain and operate ~~fire-fighting~~ such fire 826  
equipment, or it may enter into an agreement with a volunteer 827  
fire company for the use and operation of ~~fire-fighting~~ the 828  
equipment. The board may compensate the members of a volunteer 829  
fire company on any basis and in any amount that it considers 830  
equitable. 831

When the estimated cost to purchase fire apparatus, 832  
mechanical resuscitators, underwater rescue and recovery 833  
equipment, or other fire equipment, appliances, materials, fire 834  
hydrants, buildings, or fire-alarm communications equipment or 835  
services exceeds fifty thousand dollars, the contract shall be 836  
let by competitive bidding. When competitive bidding is 837  
required, the board shall advertise once a week for not less 838  
than two consecutive weeks in a newspaper of general circulation 839  
within the township. The board may also cause notice to be 840  
inserted in trade papers or other publications designated by it 841  
or to be distributed by electronic means, including posting the 842  
notice on the board's internet web site. If the board posts the 843  
notice on its web site, it may eliminate the second notice 844  
otherwise required to be published in a newspaper of general 845  
circulation within the township, provided that the first notice 846

published in such newspaper meets all of the following 847  
requirements: 848

(1) It is published at least two weeks before the opening 849  
of bids. 850

(2) It includes a statement that the notice is posted on 851  
the board's internet web site. 852

(3) It includes the internet address of the board's 853  
internet web site. 854

(4) It includes instructions describing how the notice may 855  
be accessed on the board's internet web site. 856

The advertisement shall include the time, date, and place 857  
where the clerk of the township, or the clerk's designee, will 858  
read bids publicly. The time, date, and place of bid openings 859  
may be extended to a later date by the board of township 860  
trustees, provided that written or oral notice of the change 861  
shall be given to all persons who have received or requested 862  
specifications not later than ninety-six hours prior to the 863  
original time and date fixed for the opening. The board may 864  
reject all the bids or accept the lowest and best bid, provided 865  
that the successful bidder meets the requirements of section 866  
153.54 of the Revised Code when the contract is for the 867  
construction, demolition, alteration, repair, or reconstruction 868  
of an improvement. 869

(B) The boards of township trustees of any two or more 870  
townships, or the legislative authorities of any two or more 871  
political subdivisions, or any combination of these, may, 872  
through joint action, unite in the joint purchase, lease, lease 873  
with an option to purchase, maintenance, use, and operation of 874  
~~fire fighting~~ fire equipment described in division (A) of this 875

section, or for any other purpose designated in sections 505.37 876  
to 505.42 of the Revised Code, and may prorate the expense of 877  
the joint action on any terms that are mutually agreed upon. 878

(C) The board of township trustees of any township may, by 879  
resolution, whenever it is expedient and necessary to guard 880  
against the occurrence of fires or to protect the property and 881  
lives of the citizens against damages resulting from their 882  
occurrence, create a fire district of any portions of the 883  
township that it considers necessary. The board may purchase, 884  
lease, lease with an option to purchase, or otherwise provide 885  
any fire apparatus, mechanical resuscitators, underwater rescue 886  
and recovery equipment, or other fire equipment, appliances, 887  
materials, fire hydrants, and water supply for fire-fighting and 888  
fire and rescue purposes, or may contract for the fire 889  
protection for the fire district as provided in section 9.60 of 890  
the Revised Code. The fire district so created shall be given a 891  
separate name by which it shall be known. 892

Additional unincorporated territory of the township may be 893  
added to a fire district upon the board's adoption of a 894  
resolution authorizing the addition. A municipal corporation 895  
that is within or adjoining the township may be added to a fire 896  
district upon the board's adoption of a resolution authorizing 897  
the addition and the municipal legislative authority's adoption 898  
of a resolution or ordinance requesting the addition of the 899  
municipal corporation to the fire district. 900

If the township fire district imposes a tax, additional 901  
unincorporated territory of the township or a municipal 902  
corporation that is within or adjoining the township shall 903  
become part of the fire district only after all of the following 904  
have occurred: 905

(1) Adoption by the board of township trustees of a resolution approving the expansion of the territorial limits of the district and, if the resolution proposes to add a municipal corporation, adoption by the municipal legislative authority of a resolution or ordinance requesting the addition of the municipal corporation to the district;

(2) Adoption by the board of township trustees of a resolution recommending the extension of the tax to the additional territory;

(3) Approval of the tax by the electors of the territory proposed for addition to the district.

Each resolution of the board adopted under division (C) (2) of this section shall state the name of the fire district, a description of the territory to be added, and the rate and termination date of the tax, which shall be the rate and termination date of the tax currently in effect in the fire district.

The board of trustees shall certify each resolution adopted under division (C) (2) of this section to the board of elections in accordance with section 5705.19 of the Revised Code. The election required under division (C) (3) of this section shall be held, canvassed, and certified in the manner provided for the submission of tax levies under section 5705.25 of the Revised Code, except that the question appearing on the ballot shall read:

"Shall the territory within .....  
(description of the proposed territory to be added) be added to ..... (name) fire district, and a property tax at a rate of taxation not exceeding ..... (here insert tax

rate) be in effect for ..... (here insert the number of 935  
years the tax is to be in effect or "a continuing period of 936  
time," as applicable)?" 937

If the question is approved by at least a majority of the 938  
electors voting on it, the joinder shall be effective as of the 939  
first day of July of the year following approval, and on that 940  
date, the township fire district tax shall be extended to the 941  
taxable property within the territory that has been added. If 942  
the territory that has been added is a municipal corporation and 943  
if it had adopted a tax levy for fire purposes, the levy is 944  
terminated on the effective date of the joinder. 945

Any municipal corporation may withdraw from a township 946  
fire district created under division (C) of this section by the 947  
adoption by the municipal legislative authority of a resolution 948  
or ordinance ordering withdrawal. On the first day of July of 949  
the year following the adoption of the resolution or ordinance 950  
of withdrawal, the municipal corporation withdrawing ceases to 951  
be a part of the district, and the power of the fire district to 952  
levy a tax upon taxable property in the withdrawing municipal 953  
corporation terminates, except that the fire district shall 954  
continue to levy and collect taxes for the payment of 955  
indebtedness within the territory of the fire district as it was 956  
composed at the time the indebtedness was incurred. 957

Upon the withdrawal of any municipal corporation from a 958  
township fire district created under division (C) of this 959  
section, the county auditor shall ascertain, apportion, and 960  
order a division of the funds on hand, moneys and taxes in the 961  
process of collection except for taxes levied for the payment of 962  
indebtedness, credits, and real and personal property, either in 963  
money or in kind, on the basis of the valuation of the 964

respective tax duplicates of the withdrawing municipal 965  
corporation and the remaining territory of the fire district. 966

A board of township trustees may remove unincorporated 967  
territory of the township from the fire district upon the 968  
adoption of a resolution authorizing the removal. On the first 969  
day of July of the year following the adoption of the 970  
resolution, the unincorporated township territory described in 971  
the resolution ceases to be a part of the district, and the 972  
power of the fire district to levy a tax upon taxable property 973  
in that territory terminates, except that the fire district 974  
shall continue to levy and collect taxes for the payment of 975  
indebtedness within the territory of the fire district as it was 976  
composed at the time the indebtedness was incurred. 977

(D) The board of township trustees of any township, the 978  
board of fire district trustees of a fire district created under 979  
section 505.371 of the Revised Code, or the legislative 980  
authority of any municipal corporation may purchase, lease, or 981  
lease with an option to purchase the necessary ~~fire-fighting-~~ 982  
fire equipment described in division (A) of this section, 983  
buildings, and sites for the township, fire district, or 984  
municipal corporation and issue securities for that purpose with 985  
maximum maturities as provided in section 133.20 of the Revised 986  
Code. The board of township trustees, board of fire district 987  
trustees, or legislative authority may also construct any 988  
buildings necessary to house ~~fire-fighting-~~fire equipment and 989  
issue securities for that purpose with maximum maturities as 990  
provided in section 133.20 of the Revised Code. 991

The board of township trustees, board of fire district 992  
trustees, or legislative authority may issue the securities of 993  
the township, fire district, or municipal corporation, signed by 994

the board or designated officer of the municipal corporation and 995  
attested by the signature of the township fiscal officer, fire 996  
district clerk, or municipal clerk, covering any deferred 997  
payments and payable at the times provided, which securities 998  
shall bear interest not to exceed the rate determined as 999  
provided in section 9.95 of the Revised Code, and shall not be 1000  
subject to Chapter 133. of the Revised Code. The legislation 1001  
authorizing the issuance of the securities shall provide for 1002  
levying and collecting annually by taxation, amounts sufficient 1003  
to pay the interest on and principal of the securities. The 1004  
securities shall be offered for sale on the open market or given 1005  
to the vendor or contractor if no sale is made. 1006

Section 505.40 of the Revised Code does not apply to any 1007  
securities issued, or any lease with an option to purchase 1008  
entered into, in accordance with this division. 1009

(E) A board of township trustees of any township or a 1010  
board of fire district trustees of a fire district created under 1011  
section 505.371 of the Revised Code may purchase a policy or 1012  
policies of liability insurance for the officers, employees, and 1013  
appointees of the fire department, fire district, or joint fire 1014  
district governed by the board that includes personal injury 1015  
liability coverage as to the civil liability of those officers, 1016  
employees, and appointees for false arrest, detention, or 1017  
imprisonment, malicious prosecution, libel, slander, defamation 1018  
or other violation of the right of privacy, wrongful entry or 1019  
eviction, or other invasion of the right of private occupancy, 1020  
arising out of the performance of their duties. 1021

When a board of township trustees cannot, by deed of gift 1022  
or by purchase and upon terms it considers reasonable, procure 1023  
land for a township fire station that is needed in order to 1024

respond in reasonable time to a fire or medical emergency, the 1025  
board may appropriate land for that purpose under sections 1026  
163.01 to 163.22 of the Revised Code. If it is necessary to 1027  
acquire additional adjacent land for enlarging or improving the 1028  
fire station, the board may purchase, appropriate, or accept a 1029  
deed of gift for the land for these purposes. 1030

(F) As used in this division, "emergency medical service 1031  
organization" has the same meaning as in section 4766.01 of the 1032  
Revised Code. 1033

A board of township trustees, by adoption of an 1034  
appropriate resolution, may choose to have the state board of 1035  
emergency medical, fire, and transportation services license any 1036  
emergency medical service organization it operates. If the board 1037  
adopts such a resolution, Chapter 4766. of the Revised Code, 1038  
except for sections 4766.06 and 4766.99 of the Revised Code, 1039  
applies to the organization. All rules adopted under the 1040  
applicable sections of that chapter also apply to the 1041  
organization. A board of township trustees, by adoption of an 1042  
appropriate resolution, may remove its emergency medical service 1043  
organization from the jurisdiction of the state board of 1044  
emergency medical, fire, and transportation services. 1045

**Sec. 505.39.** The board of township trustees may, in any 1046  
year, levy a sufficient tax upon all taxable property in the 1047  
township or in a fire district, to provide protection against 1048  
fire, to provide fire and rescue services, to provide and 1049  
maintain fire apparatus, mechanical resuscitators, underwater 1050  
rescue and recovery equipment, and other fire equipment and 1051  
appliances, buildings and sites ~~for apparatus and appliances~~ 1052  
therefor, sources of water supply, ~~and materials for such water~~ 1053  
~~supply therefor,~~ to establish and maintain lines of fire-alarm 1054

~~telegraph communications~~, and to pay permanent, part-time, or 1055  
volunteer fire-fighting companies to operate such equipment. 1056

**Sec. 505.40.** No bonds shall be issued by the board of 1057  
township trustees for the purpose of providing and maintaining 1058  
fire apparatus, mechanical resuscitators, underwater rescue and 1059  
recovery equipment, and other fire equipment and appliances, 1060  
buildings ~~or~~ and sites therefor, sources of water supply and 1061  
materials therefor, or for the establishment and maintenance of 1062  
lines of fire-alarm-~~telegraph communications~~, or for the payment 1063  
of permanent, part-time, or volunteer fire-fighting companies to 1064  
operate such equipment, unless approved by vote of the people in 1065  
a township or fire district in the manner provided by section 1066  
133.18 of the Revised Code, and in no event in an amount 1067  
exceeding the greater of one hundred fifty thousand dollars or 1068  
two per cent of the total value of all property in the township 1069  
as listed and assessed for taxation. 1070

**Sec. 505.602.** A board of township trustees may procure and 1071  
pay all or any part of the cost of group life insurance to 1072  
insure the lives of officers and ~~full-time~~ employees of the 1073  
township. The amount of group life insurance coverage provided 1074  
by the board to insure the lives of officers of the township 1075  
shall not exceed fifty thousand dollars per officer. 1076

**Sec. 505.86.** (A) As used in this section: 1077

"Party in interest" means an owner of record of the real 1078  
property on which the building or structure is located, and 1079  
includes a holder of a legal or equitable lien of record on the 1080  
real property or the building or other structure. 1081

"Total cost" means any costs incurred due to the use of 1082  
employees, materials, or equipment of the township, any costs 1083

arising out of contracts for labor, materials, or equipment, and 1084  
costs of service of notice or publication required under this 1085  
section. 1086

(B) A board of township trustees, by resolution, may 1087  
provide for the removal, repair, or securance of buildings or 1088  
other structures in the township that have been declared 1089  
insecure, unsafe, or structurally defective by any fire 1090  
department under contract with the township or by the county 1091  
building department or other authority responsible under Chapter 1092  
3781. of the Revised Code for the enforcement of building 1093  
regulations or the performance of building inspections in the 1094  
township, or buildings or other structures that have been 1095  
declared to be in a condition dangerous to life or health, or 1096  
unfit for human habitation by the board of health of the general 1097  
health district of which the township is a part. 1098

At least thirty days ~~prior to~~ before the removal, repair, 1099  
or securance of any insecure, unsafe, or structurally defective 1100  
building or other structure, the board of township trustees 1101  
shall give notice by certified mail, return receipt requested, 1102  
to each party in interest of its intention with respect to the 1103  
removal, repair, or securance of an insecure, unsafe, or 1104  
structurally defective or unfit building or other structure. 1105

If the address of a party in interest is unknown and 1106  
cannot reasonably be obtained, it is sufficient to publish the 1107  
notice once in a newspaper of general circulation in the 1108  
township. 1109

(C) (1) If the board of trustees, in a resolution adopted 1110  
under this section, pursues action to remove any insecure, 1111  
unsafe, or structurally defective building or other structure, 1112  
the notice shall include a statement informing the parties in 1113

interest that each party in interest is entitled to a hearing if 1114  
the party in interest requests a hearing in writing within 1115  
~~thirty~~ twenty days after ~~which~~ the notice was mailed. The 1116  
written request for a hearing shall be made to the township 1117  
fiscal officer. 1118

(2) If a party in interest timely requests a hearing, the 1119  
board shall set the date, time, and place for the hearing and 1120  
notify the party in interest by certified mail, return receipt 1121  
requested. The date set for the hearing shall be within fifteen 1122  
days, but not earlier than seven days, after the party in 1123  
interest has requested a hearing, unless otherwise agreed to by 1124  
both the board and the party in interest. The hearing shall be 1125  
recorded by stenographic or electronic means. 1126

(3) The board shall make an order deciding the matter not 1127  
later than thirty days after a hearing, or not later than thirty 1128  
days after mailing notice to the parties in interest if no party 1129  
in interest requested a hearing. The order may dismiss the 1130  
matter or direct the removal, repair, or securance of the 1131  
building or other structure. At any time, a party in interest 1132  
may consent to an order. 1133

(4) A party in interest who requested and participated in 1134  
a hearing, and who is adversely affected by the order of the 1135  
board, may appeal the order under section 2506.01 of the Revised 1136  
Code. 1137

(D) At any time, a party in interest may enter into an 1138  
agreement with the board of township trustees to perform the 1139  
removal, repair, or securance of the insecure, unsafe, or 1140  
structurally defective or unfit building or other structure. 1141

(E) If an emergency exists, as determined by the board, 1142

notice may be given other than by certified mail and less than 1143  
thirty days ~~prior to~~ before the removal, repair, or securance. 1144

(F) The total cost of removing, repairing, or securing 1145  
buildings or other structures that have been declared insecure, 1146  
unsafe, structurally defective, or unfit for human habitation, 1147  
or of making emergency corrections of hazardous conditions, when 1148  
approved by the board, shall be paid out of the township general 1149  
fund from moneys not otherwise appropriated, except that, if the 1150  
costs incurred exceed five hundred dollars, the board may borrow 1151  
moneys from a financial institution to pay for the costs in 1152  
whole or in part. 1153

The total cost may be collected by either of the following 1154  
methods: 1155

(1) The board may have the fiscal officer of the township 1156  
certify the total costs, together with a proper description of 1157  
the lands to the county auditor who shall place the costs upon 1158  
the tax duplicate. The costs are a lien upon the lands from and 1159  
after the date of entry. 1160

(2) The board may commence a civil action to recover the 1161  
total costs from the owner of record of the real property on 1162  
which the building or structure is located. 1163

(G) Any board of township trustees may, whenever a policy 1164  
or policies of insurance are in force providing coverage against 1165  
the peril of fire on a building or structure and the loss agreed 1166  
to between the named insured or insureds and the company or 1167  
companies is more than five thousand dollars and equals or 1168  
exceeds sixty per cent of the aggregate limits of liability on 1169  
all fire policies covering the building or structure on the 1170  
property, accept security payments and follow the procedures of 1171

divisions (C) and (D) of section 3929.86 of the Revised Code. 1172

**Sec. 511.23.** (A) When the vote under section 511.22 of the 1173  
Revised Code is in favor of establishing one or more public 1174  
parks, the board of park commissioners shall constitute a board, 1175  
to be called the board of park commissioners of that township 1176  
park district, and they shall be a body politic and corporate. 1177  
Their office is not a township office within the meaning of 1178  
section 703.22 of the Revised Code but is an office of the 1179  
township park district. The members of the board shall serve 1180  
without compensation but shall be allowed their actual and 1181  
necessary expenses incurred in the performance of their duties. 1182

(B) The board may locate, establish, improve, maintain, 1183  
and operate a public park or parks in accordance with division 1184  
(B) of section 511.18 of the Revised Code, with or without 1185  
recreational facilities. Any township park district that 1186  
contains only unincorporated territory and that operated a 1187  
public park or parks outside the township immediately prior to 1188  
July 18, 1990, may continue to improve, maintain, and operate 1189  
these parks outside the township, but further acquisitions of 1190  
land shall not affect the boundaries of the park district itself 1191  
or the appointing authority for the board of park commissioners. 1192

The board may lease, accept a conveyance of, or purchase 1193  
suitable lands for cash, by purchase by installment payments 1194  
with or without a mortgage, by lease or lease-purchase 1195  
agreements, or by lease with option to purchase, may acquire 1196  
suitable lands through an exchange under section 511.241 of the 1197  
Revised Code, or may appropriate suitable lands and materials 1198  
for park district purposes. The board also may lease facilities 1199  
from other political subdivisions or private sources. The board 1200  
shall have careful surveys and plats made of the lands acquired 1201

for park district purposes and shall establish permanent 1202  
monuments on the boundaries of the lands. Those plats, when 1203  
executed according to sections 711.01 to 711.38 of the Revised 1204  
Code, shall be recorded in the office of the county recorder, 1205  
and those records shall be admissible in evidence for the 1206  
purpose of locating and ascertaining the true boundaries of the 1207  
park or parks. 1208

(C) In furtherance of the use and enjoyment of the lands 1209  
controlled by it, the board may accept donations of money or 1210  
other property or act as trustees of land, money, or other 1211  
property, and may use and administer the land, money, or other 1212  
property as stipulated by the donor or as provided in the trust 1213  
agreement. 1214

The board may receive and expend grants for park purposes 1215  
from agencies and instrumentalities of the United States and 1216  
this state and may enter into contracts or agreements with those 1217  
agencies and instrumentalities to carry out the purposes for 1218  
which the grants were furnished. 1219

(D) In exercising any powers conferred upon the board 1220  
under divisions (B) and (C) of this section and for other types 1221  
of assistance that the board finds necessary in carrying out its 1222  
duties, the board may hire and contract for professional, 1223  
technical, consulting, and other special services and may 1224  
purchase goods and award contracts. The procuring of goods and 1225  
awarding of contracts with a cost in excess of fifty thousand 1226  
dollars shall be done in accordance with the procedures 1227  
established for the board of county commissioners by sections 1228  
307.86 to 307.91 of the Revised Code. 1229

(E) The board may appoint an executive for the park or 1230  
parks and may designate the executive or another person as the 1231

clerk of the board. It may appoint all other necessary officers 1232  
and employees, fix their compensation, and prescribe their 1233  
duties, or it may require the executive to appoint all other 1234  
necessary officers and employees, and to fix their compensation 1235  
and prescribe their duties, in accordance with guidelines and 1236  
policies adopted by the board. 1237

(F) The board may adopt bylaws and rules that it considers 1238  
advisable for the following purposes: 1239

(1) To prohibit selling, giving away, or using any 1240  
intoxicating liquors in the park or parks; 1241

(2) For the government and control of the park or parks 1242  
and the operation of motor vehicles in the park or parks; 1243

(3) To provide for the protection and preservation of all 1244  
property and natural life within its jurisdiction. 1245

Before the bylaws and rules take effect, the board shall 1246  
provide for a notice of their adoption to be published once a 1247  
week for two consecutive weeks or as provided in section 7.16 of 1248  
the Revised Code, in a newspaper of general circulation in the 1249  
county within which the park district is located. 1250

No person shall violate any of the bylaws or rules. Fines 1251  
levied and collected for violations shall be paid into the 1252  
treasury of the township park district. The board may use moneys 1253  
collected from those fines for any purpose that is not 1254  
inconsistent with sections 511.18 to 511.37 of the Revised Code. 1255

(G) The board may do either of the following: 1256

(1) Establish and charge fees for the use of any 1257  
facilities and services of the park or parks regardless of 1258  
whether the park or parks were acquired before, on, or after 1259

September 21, 2000; 1260

(2) Enter into a lease agreement with an individual or 1261  
organization that provides for the exclusive use of a specified 1262  
portion of the park or parks within the township park district 1263  
by that individual or organization for the duration of an event 1264  
produced by the individual or organization. The board, for the 1265  
specific portion of the park or parks covered by the lease 1266  
agreement, may charge a fee to, or permit the individual or 1267  
organization to charge a fee to, participants in and spectators 1268  
at the event covered by the agreement. 1269

(H) The board may expend moneys from the treasury of the 1270  
township park district, or revenue derived from property taxes 1271  
levied for parks and recreational purposes, for the public 1272  
purpose of presenting community events that are open to the 1273  
public in the park or parks within the township park district. 1274

(I) If the board finds that real or personal property 1275  
owned by the township park district is not currently needed for 1276  
park purposes, the board may lease that property to other 1277  
persons or organizations during any period of time the board 1278  
determines the property will not be needed. If the board finds 1279  
that competitive bidding on a lease is not feasible, it may 1280  
lease the property without taking bids. 1281

~~(I)~~ (J) The board may exchange property owned by the 1282  
township park district for property owned by the state, another 1283  
political subdivision, or the federal government on terms that 1284  
it considers desirable, without the necessity of competitive 1285  
bidding. 1286

~~(J)~~ (K) Any rights or duties established under this 1287  
section may be modified, shared, or assigned by an agreement 1288

pursuant to section 755.16 of the Revised Code. 1289

**Sec. 517.03.** To defray the expenses of the purchase or 1290  
appropriation, and the enclosing, care, supervision, repair, and 1291  
improving of lands for cemetery purposes, and of maintaining and 1292  
improving entombments, including mausoleums, columbariums, and 1293  
other interment rights, the board of township trustees may levy 1294  
a tax sufficient for that purpose. 1295

**Sec. 517.07.** Upon application, the board of township 1296  
trustees shall sell at a reasonable price the number of lots as 1297  
public wants demand for burial purposes. Purchasers of lots or 1298  
other interment rights, upon complying with the terms of sale, 1299  
may receive deeds for the lots or rights which the board shall 1300  
execute and which shall be recorded by the township fiscal 1301  
officer in a book for that purpose. The expense of recording 1302  
shall be paid by the person receiving the deed. Upon the 1303  
application of a head of a family living in the township, the 1304  
board shall, without charge, make and deliver to the applicant a 1305  
deed for a suitable lot or right for the interment of the 1306  
applicant's family, if, in the opinion of the board and by 1307  
reason of the circumstances of the family, the payment would be 1308  
oppressive. 1309

The terms of sale and any deed for lots executed after 1310  
July 24, 1986, for an entombment, including a mausoleum, 1311  
columbarium, or other interment right executed on or after ~~the~~ 1312  
~~effective date of this amendment~~ September 29, 2015, may include 1313  
the following requirements: 1314

(A) The grantee shall provide to the board of township 1315  
trustees, in writing, a list of the names and addresses of the 1316  
persons to whom the grantee's property would pass by intestate 1317  
succession. 1318

(B) The grantee shall notify the board in writing of any 1319  
subsequent changes in the name or address of any persons to whom 1320  
property would descend. 1321

(C) Any person who receives a township cemetery lot or 1322  
right by gift, inheritance, or any other means other than the 1323  
original conveyance shall, within one year after receiving the 1324  
interest, give written notice of the person's name and address 1325  
to the board having control of the cemetery, and shall notify 1326  
the board of any subsequent changes in the person's name or 1327  
address. 1328

The terms of sale and any deed for any lots or rights 1329  
executed in compliance with the notification requirements set 1330  
forth in divisions (A), (B), and (C) of this section shall state 1331  
that the board of township trustees shall have right of reentry 1332  
to the cemetery lot or right if the notification requirements 1333  
are not met. At least ninety days before establishing reentry, 1334  
the board shall send a notice by certified mail to the last 1335  
known owner at the owner's last known address to inform the 1336  
owner that the owner's interest in the lot or right will cease 1337  
unless the notification requirements are met. If the owner's 1338  
address is unknown and cannot reasonably be obtained, it is 1339  
sufficient to publish the notice once in a newspaper of general 1340  
circulation in the county. In order to establish reentry, the 1341  
board shall pass a resolution stating that the conditions of the 1342  
sale or of the deed have not been fulfilled, and that the board 1343  
reclaims its interest in the lot or right. 1344

The board may limit the terms of sale or the deed for a 1345  
cemetery lot or right by specifying that the owner, a member of 1346  
the owner's family, or an owner's descendant must use the lot, 1347  
tomb, including a mausoleum, or columbarium, or at least a 1348

portion of the lot, tomb, including a mausoleum, or columbarium, 1349  
within a specified time period. The board may specify this time 1350  
period to be at least twenty but not more than fifty years, with 1351  
right of renewal provided at no cost. At least ninety days prior 1352  
to the termination date for use of the cemetery lot, tomb, 1353  
including a mausoleum, or columbarium, the board shall send a 1354  
notice to the owner to inform the owner that the owner's 1355  
interest in the lot or right will cease on the termination date 1356  
unless the owner contracts for renewal by that date. The board 1357  
shall send the notice by certified mail to the owner if the 1358  
owner is a resident of the township or is a nonresident whose 1359  
address is known. If the owner's address is unknown and cannot 1360  
reasonably be obtained, it is sufficient to publish the notice 1361  
once in a newspaper of general circulation in the county. 1362

The terms of sale and any deed for lots or rights conveyed 1363  
with a termination date shall state that the board shall have 1364  
right of reentry to the lot or right at the end of the specified 1365  
time period if the lot, tomb, including a mausoleum, or 1366  
columbarium, is not used within this time period or renewed for 1367  
an extended period. In order to establish reentry, the board 1368  
shall pass a resolution stating that the conditions of the sale 1369  
or of the deed have not been fulfilled, and that the board 1370  
reclaims its interest in the lot or right. The board shall 1371  
compensate owners of unused lots or rights who do not renew the 1372  
terms of sale or the deed by paying the owner eighty per cent of 1373  
the purchase price. The board may repurchase any cemetery lot or 1374  
right from its owner at any time at a price that is mutually 1375  
agreed upon by the board and the owner. 1376

**Sec. 517.073.** The board of township trustees may reenter a 1377  
lot for which the terms of sale or deed was executed prior to 1378  
July 24, 1986, or an entombment, including a mausoleum, 1379

columbarium, or other interment right for which the terms of 1380  
sale or deed was executed prior to ~~the effective date of this~~ 1381  
~~section~~ September 29, 2015, if the board determines the lot or 1382  
right is unused and adopts a resolution creating a procedure for 1383  
right of reentry in accordance with this section. The resolution 1384  
shall state that the board of township trustees has the right of 1385  
reentry to the cemetery lot or right purchased prior to July 24, 1386  
1986, or prior to ~~the effective date of this section~~ September 1387  
29, 2015. Before reentering a lot or right, the board shall send 1388  
a notice by certified mail to the last known owner at the 1389  
owner's last known address to inform the owner that the owner's 1390  
interest in the lot or right will cease unless the owner or 1391  
owner's heir responds by a specified date. If the owner's 1392  
address is unknown and cannot be obtained reasonably, it is 1393  
sufficient to publish the notice once in a newspaper of general 1394  
circulation in the county. To establish reentry, the board shall 1395  
pass a resolution stating that the owner has not responded by 1396  
the specified date, and that the board reclaims its interest in 1397  
the lot or right. 1398

At least ninety days prior to the termination date for use 1399  
of the cemetery lot, tomb, including a mausoleum, or 1400  
columbarium, the board shall send a notice to the owner to 1401  
inform the owner that the owner's interest in the lot or right 1402  
will cease on the termination date unless the owner or owner's 1403  
heir contracts for renewal by that date. The board shall send 1404  
the notice by certified mail to the owner if the owner is a 1405  
resident of the township or is a nonresident whose address is 1406  
known. If the owner's address is unknown and cannot reasonably 1407  
be obtained, it is sufficient to publish the notice once in a 1408  
newspaper of general circulation in the county. 1409

In order to establish reentry, the board shall pass a 1410

resolution stating that because of the lack of response to 1411  
notice sent by certified mail that provided a termination date, 1412  
the board reclaims its interest in the lot or right. 1413

**Sec. 517.08.** The proceeds arising from the sale of 1414  
cemetery lots under section 517.07 of the Revised Code shall be 1415  
used in maintaining, improving, beautifying, and embellishing 1416  
such grounds, and for maintaining and improving entombments, 1417  
including mausoleums, columbariums, and other interment rights, 1418  
except that upon unanimous consent of the board of township 1419  
trustees, such proceeds may be used in the purchase or 1420  
appropriation of additional land for cemetery purposes in 1421  
accordance with sections 517.01 and 517.13 of the Revised Code; 1422  
and the board of township trustees may build and maintain proper 1423  
and secure fences around all such cemeteries, to be paid for 1424  
from the township funds. 1425

**Sec. 517.11.** The board of township trustees shall provide 1426  
for the protection and preservation of cemeteries under its 1427  
jurisdiction, and shall prohibit interments therein when new 1428  
grounds have been procured for township cemeteries or burial 1429  
grounds. Where such old cemeteries are in or near village plats, 1430  
and the public health is liable to be injured by further 1431  
interments therein, the board shall institute suits to recover 1432  
possession thereof, remove trespassers therefrom, and may 1433  
recover damages for injuries thereto or any part thereof, or to 1434  
any fence or hedge enclosing them, or to any tomb or monument 1435  
therein. 1436

The board may enclose ~~such~~ cemeteries under its 1437  
jurisdiction with a substantial fence or hedge, and shall keep 1438  
any such fence or hedge in good repair. It may re-erect any 1439  
fallen tombstones, regardless of the cause of the falling, in 1440

such cemeteries. The board, as it considers necessary, may 1441  
purchase, maintain, and improve entombments, including 1442  
mausoleums, columbariums, and other interment rights. The board 1443  
may levy a tax to meet any costs incurred for these purposes, 1444  
not to exceed one-half mill in any one year, upon all the 1445  
taxable property of the township. 1446

**Sec. 755.13.** (A) The authority to supervise and maintain 1447  
parks, playgrounds, playfields, gymnasiums, public baths, 1448  
swimming pools, or indoor recreation centers, may be vested in 1449  
any existing body or board, or in a recreation board, as the 1450  
legislative authority of the municipal corporation, the board of 1451  
township trustees, or the board of county commissioners 1452  
determines. The local authorities of any such municipal 1453  
corporation, township, or county may equip, develop, operate, 1454  
and maintain such facilities as authorized by sections 755.12 to 1455  
755.18 of the Revised Code. Such local authorities may, for the 1456  
purpose of carrying out such sections, employ play leaders, 1457  
recreation directors, supervisors, superintendents, or any other 1458  
officers or employees, and may procure and pay all or any part 1459  
of the cost of a policy or policies insuring such officers or 1460  
employees against liability on account of damage or injury to 1461  
persons or property arising from the performance of their 1462  
official duties. 1463

(B) The board of township trustees may expend funds from 1464  
the township general fund, or revenue derived from property 1465  
taxes levied for parks and recreational purposes, for the public 1466  
purpose of presenting community events that are open to the 1467  
public at such parks, playgrounds, playfields, gymnasiums, 1468  
public baths, swimming pools, or indoor recreation centers. 1469

(C) The board of county commissioners may adopt rules for 1470

the preservation of good order within parks, playfields, and 1471  
reservations of land under its jurisdiction and on adjacent 1472  
highways, rivers, riverbanks, and lakes, and the preservation of 1473  
property and natural life therein. Such rules shall be published 1474  
as provided in sections 731.21 to 731.25 of the Revised Code 1475  
before taking effect, and shall be enforced by a "law 1476  
enforcement officer" as defined in section 2901.01 of the 1477  
Revised Code. No person shall violate a rule adopted under this 1478  
division. Whoever violates a rule adopted under this division 1479  
shall be fined not more than one hundred dollars. If the 1480  
offender has previously been convicted of a violation of the 1481  
rule, the offender shall be fined not more than five hundred 1482  
dollars. All fines collected for any violation of any rule 1483  
adopted under this division shall be paid into the general fund 1484  
of the county treasury. 1485

**Sec. 5571.16.** The board of township trustees, by 1486  
resolution, may require any person to obtain a permit before 1487  
installing a driveway culvert or making any excavation in a 1488  
township highway or highway right-of-way within its 1489  
jurisdiction, except an excavation to repair, rehabilitate, or 1490  
replace a pole already installed for the purpose of providing 1491  
electric or telecommunications service. The board, as a 1492  
condition to the granting of the permit, may do any of the 1493  
following: 1494

(A) Require the applicant to submit plans indicating the 1495  
location, size, type, and duration of the culvert or excavation 1496  
contemplated; 1497

(B) Specify methods of excavation, refilling, and 1498  
resurfacing to be followed; 1499

(C) Require the use of warning devices it considers 1500

necessary to protect travelers on the highway; 1501

(D) Require the applicant to indemnify the township 1502  
against liability or damage as the result of the installation of 1503  
the culvert or as a result of the excavation; 1504

(E) Require the applicant to post a deposit or bond, with 1505  
sureties to the satisfaction of the board, conditioned upon the 1506  
performance of all conditions in the permit. 1507

Applications for permits under this section shall be made 1508  
to the township fiscal officer upon forms to be furnished by the 1509  
board. Applications, including, but not limited to, a single 1510  
application for an excavation project to install six or more 1511  
poles for the purpose of providing electric or 1512  
telecommunications service or to install a pole associated with 1513  
underground electric or telecommunications service, shall be 1514  
accompanied by a fee of up to fifty dollars per application, 1515  
which fee shall be returned to the applicant if the application 1516  
is denied. Except as otherwise provided in this section, no 1517  
application or fee shall be required for an excavation project 1518  
to install five or fewer poles for the purpose of providing 1519  
electric or telecommunications service, but the person making 1520  
that excavation shall provide verifiable notice of the 1521  
excavation to the township ~~clerk~~ fiscal officer at least three 1522  
business days prior to the date of the excavation. 1523

No person shall install a driveway culvert or make an 1524  
excavation in any township highway or highway right-of-way in 1525  
violation of any resolution adopted pursuant to this section, 1526  
except that, in the case of an emergency requiring immediate 1527  
action to protect the public health, safety, and welfare, an 1528  
excavation may be made without first obtaining a permit, if an 1529  
application is made at the earliest possible opportunity. 1530

As used in this section, "person" has the same meaning as 1531  
in section 1.59 of the Revised Code, and "right-of-way" has the 1532  
same meaning as in division (UU) (2) of section 4511.01 of the 1533  
Revised Code. 1534

**Sec. 5705.19.** This section does not apply to school 1535  
districts, county school financing districts, or lake facilities 1536  
authorities. 1537

The taxing authority of any subdivision at any time and in 1538  
any year, by vote of two-thirds of all the members of the taxing 1539  
authority, may declare by resolution and certify the resolution 1540  
to the board of elections not less than ninety days before the 1541  
election upon which it will be voted that the amount of taxes 1542  
that may be raised within the ten-mill limitation will be 1543  
insufficient to provide for the necessary requirements of the 1544  
subdivision and that it is necessary to levy a tax in excess of 1545  
that limitation for any of the following purposes: 1546

(A) For current expenses of the subdivision, except that 1547  
the total levy for current expenses of a detention facility 1548  
district or district organized under section 2151.65 of the 1549  
Revised Code shall not exceed two mills and that the total levy 1550  
for current expenses of a combined district organized under 1551  
sections 2151.65 and 2152.41 of the Revised Code shall not 1552  
exceed four mills; 1553

(B) For the payment of debt charges on certain described 1554  
bonds, notes, or certificates of indebtedness of the subdivision 1555  
issued subsequent to January 1, 1925; 1556

(C) For the debt charges on all bonds, notes, and 1557  
certificates of indebtedness issued and authorized to be issued 1558  
prior to January 1, 1925; 1559

(D) For a public library of, or supported by, the 1560  
subdivision under whatever law organized or authorized to be 1561  
supported; 1562

(E) For a municipal university, not to exceed two mills 1563  
over the limitation of one mill prescribed in section 3349.13 of 1564  
the Revised Code; 1565

(F) For the construction or acquisition of any specific 1566  
permanent improvement or class of improvements that the taxing 1567  
authority of the subdivision may include in a single bond issue; 1568

(G) For the general construction, reconstruction, 1569  
resurfacing, and repair of streets, roads, and bridges in 1570  
municipal corporations, counties, or townships; 1571

(H) For parks and recreational purposes; 1572

(I) For ~~the purpose of~~ providing and maintaining fire 1573  
apparatus, mechanical resuscitators, underwater rescue and 1574  
recovery equipment, or other fire equipment and appliances, 1575  
buildings, ~~or~~ and sites therefor, or sources of water supply and 1576  
materials therefor, ~~or for~~ the establishment and maintenance of 1577  
lines of ~~fire alarm telegraph~~ fire-alarm communications, ~~or for~~ 1578  
the payment of firefighting companies or permanent, part-time, 1579  
or volunteer firefighting, emergency medical service, 1580  
administrative, or communications personnel to operate the same, 1581  
including the payment of any employer contributions required for 1582  
such personnel under section 145.48 or 742.34 of the Revised 1583  
Code, ~~or for~~ the purchase of ambulance equipment, ~~or for~~ the 1584  
provision of ambulance, paramedic, or other emergency medical 1585  
services operated by a fire department or firefighting company,  1586  
or for the payment of other related costs; 1587

(J) For ~~the purpose of~~ providing and maintaining motor 1588

vehicles, communications, other equipment, buildings, and sites 1589  
for such buildings used directly in the operation of a police 1590  
department, ~~or for~~ the payment of salaries of permanent or part- 1591  
time police, communications, or administrative personnel to 1592  
operate the same, including the payment of any employer 1593  
contributions required for such personnel under section 145.48 1594  
or 742.33 of the Revised Code, ~~or for~~ the payment of the costs 1595  
incurred by townships as a result of contracts made with other 1596  
political subdivisions in order to obtain police protection, ~~or~~ 1597  
for the provision of ambulance or emergency medical services 1598  
operated by a police department, or for the payment of other 1599  
related costs; 1600

(K) For the maintenance and operation of a county home or 1601  
detention facility; 1602

(L) For community mental retardation and developmental 1603  
disabilities programs and services pursuant to Chapter 5126. of 1604  
the Revised Code, except that the procedure for such levies 1605  
shall be as provided in section 5705.222 of the Revised Code; 1606

(M) For regional planning; 1607

(N) For a county's share of the cost of maintaining and 1608  
operating schools, district detention facilities, forestry 1609  
camps, or other facilities, or any combination thereof, 1610  
established under section 2151.65 or 2152.41 of the Revised Code 1611  
or both of those sections; 1612

(O) For providing for flood defense, providing and 1613  
maintaining a flood wall or pumps, and other purposes to prevent 1614  
floods; 1615

(P) For maintaining and operating sewage disposal plants 1616  
and facilities; 1617

(Q) For the purpose of purchasing, acquiring, 1618  
constructing, enlarging, improving, equipping, repairing, 1619  
maintaining, or operating, or any combination of the foregoing, 1620  
a county transit system pursuant to sections 306.01 to 306.13 of 1621  
the Revised Code, or of making any payment to a board of county 1622  
commissioners operating a transit system or a county transit 1623  
board pursuant to section 306.06 of the Revised Code; 1624

(R) For the subdivision's share of the cost of acquiring 1625  
or constructing any schools, forestry camps, detention 1626  
facilities, or other facilities, or any combination thereof, 1627  
under section 2151.65 or 2152.41 of the Revised Code or both of 1628  
those sections; 1629

(S) For the prevention, control, and abatement of air 1630  
pollution; 1631

(T) For maintaining and operating cemeteries; 1632

(U) For providing ambulance service, emergency medical 1633  
service, or both; 1634

(V) For providing for the collection and disposal of 1635  
garbage or refuse, including yard waste; 1636

(W) For the payment of the police officer employers' 1637  
contribution or the firefighter employers' contribution required 1638  
under sections 742.33 and 742.34 of the Revised Code; 1639

(X) For the construction and maintenance of a drainage 1640  
improvement pursuant to section 6131.52 of the Revised Code; 1641

(Y) For providing or maintaining senior citizens services 1642  
or facilities as authorized by section 307.694, 307.85, 505.70, 1643  
or 505.706 or division (EE) of section 717.01 of the Revised 1644  
Code; 1645

(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code; 1646  
1647  
1648

(AA) For the maintenance and operation of a free public museum of art, science, or history; 1649  
1650

(BB) For the establishment and operation of a 9-1-1 system, as defined in section 128.01 of the Revised Code; 1651  
1652

(CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this division, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code. This division applies only to a county, township, or municipal corporation. 1653  
1654  
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1658

(DD) For the purpose of acquiring property for, constructing, operating, and maintaining community centers as provided for in section 755.16 of the Revised Code; 1659  
1660  
1661

(EE) For the creation and operation of an office or joint office of economic development, for any economic development purpose of the office, and to otherwise provide for the establishment and operation of a program of economic development pursuant to sections 307.07 and 307.64 of the Revised Code, or to the extent that the expenses of a county land reutilization corporation organized under Chapter 1724. of the Revised Code are found by the board of county commissioners to constitute the promotion of economic development, for the payment of such operations and expenses; 1662  
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(FF) For the purpose of acquiring, establishing, constructing, improving, equipping, maintaining, or operating, or any combination of the foregoing, a township airport, landing 1672  
1673  
1674

field, or other air navigation facility pursuant to section 1675  
505.15 of the Revised Code; 1676

(GG) For the payment of costs incurred by a township as a 1677  
result of a contract made with a county pursuant to section 1678  
505.263 of the Revised Code in order to pay all or any part of 1679  
the cost of constructing, maintaining, repairing, or operating a 1680  
water supply improvement; 1681

(HH) For a board of township trustees to acquire, other 1682  
than by appropriation, an ownership interest in land, water, or 1683  
wetlands, or to restore or maintain land, water, or wetlands in 1684  
which the board has an ownership interest, not for purposes of 1685  
recreation, but for the purposes of protecting and preserving 1686  
the natural, scenic, open, or wooded condition of the land, 1687  
water, or wetlands against modification or encroachment 1688  
resulting from occupation, development, or other use, which may 1689  
be styled as protecting or preserving "greenspace" in the 1690  
resolution, notice of election, or ballot form. Except as 1691  
otherwise provided in this division, land is not acquired for 1692  
purposes of recreation, even if the land is used for 1693  
recreational purposes, so long as no building, structure, or 1694  
fixture used for recreational purposes is permanently attached 1695  
or affixed to the land. Except as otherwise provided in this 1696  
division, land that previously has been acquired in a township 1697  
for these greenspace purposes may subsequently be used for 1698  
recreational purposes if the board of township trustees adopts a 1699  
resolution approving that use and no building, structure, or 1700  
fixture used for recreational purposes is permanently attached 1701  
or affixed to the land. The authorization to use greenspace land 1702  
for recreational use does not apply to land located in a 1703  
township that had a population, at the time it passed its first 1704  
greenspace levy, of more than thirty-eight thousand within a 1705

county that had a population, at that time, of at least eight 1706  
hundred sixty thousand. 1707

(II) For the support by a county of a crime victim 1708  
assistance program that is provided and maintained by a county 1709  
agency or a private, nonprofit corporation or association under 1710  
section 307.62 of the Revised Code; 1711

(JJ) For any or all of the purposes set forth in divisions 1712  
(I) and (J) of this section. This division applies only to a 1713  
township. 1714

(KK) For a countywide public safety communications system 1715  
under section 307.63 of the Revised Code. This division applies 1716  
only to counties. 1717

(LL) For the support by a county of criminal justice 1718  
services under section 307.45 of the Revised Code; 1719

(MM) For the purpose of maintaining and operating a jail 1720  
or other detention facility as defined in section 2921.01 of the 1721  
Revised Code; 1722

(NN) For purchasing, maintaining, or improving, or any 1723  
combination of the foregoing, real estate on which to hold, and 1724  
the operating expenses of, agricultural fairs operated by a 1725  
county agricultural society or independent agricultural society 1726  
under Chapter 1711. of the Revised Code. This division applies 1727  
only to a county. 1728

(OO) For constructing, rehabilitating, repairing, or 1729  
maintaining sidewalks, walkways, trails, bicycle pathways, or 1730  
similar improvements, or acquiring ownership interests in land 1731  
necessary for the foregoing improvements; 1732

(PP) For both of the purposes set forth in divisions (G) 1733

|  |      |
|--|------|
| and (OO) of this section.  | 1734 |
| (QQ) For both of the purposes set forth in divisions (H)         | 1735 |
| and (HH) of this section. This division applies only to a        | 1736 |
| township.  | 1737 |
| (RR) For the legislative authority of a municipal                | 1738 |
| corporation, board of county commissioners of a county, or board | 1739 |
| of township trustees of a township to acquire agricultural       | 1740 |
| easements, as defined in section 5301.67 of the Revised Code,    | 1741 |
| and to supervise and enforce the easements.                      | 1742 |
| (SS) For both of the purposes set forth in divisions (BB)        | 1743 |
| and (KK) of this section. This division applies only to a        | 1744 |
| county.  | 1745 |
| (TT) For the maintenance and operation of a facility that        | 1746 |
| is organized in whole or in part to promote the sciences and     | 1747 |
| natural history under section 307.761 of the Revised Code.       | 1748 |
| (UU) For the creation and operation of a county land             | 1749 |
| reutilization corporation and for any programs or activities of  | 1750 |
| the corporation found by the board of directors of the           | 1751 |
| corporation to be consistent with the purposes for which the     | 1752 |
| corporation is organized;  | 1753 |
| (VV) For construction and maintenance of improvements and        | 1754 |
| expenses of soil and water conservation district programs under  | 1755 |
| Chapter <del>1515.</del> <u>940.</u> of the Revised Code;        | 1756 |
| (WW) For the OSU extension fund created under section            | 1757 |
| 3335.35 of the Revised Code for the purposes prescribed under    | 1758 |
| section 3335.36 of the Revised Code for the benefit of the       | 1759 |
| citizens of a county. This division applies only to a county.    | 1760 |
| (XX) For a municipal corporation that withdraws or               | 1761 |

proposes by resolution to withdraw from a regional transit 1762  
authority under section 306.55 of the Revised Code to provide 1763  
transportation services for the movement of persons within, 1764  
from, or to the municipal corporation; 1765

(YY) For any combination of the purposes specified in 1766  
divisions (NN), (VV), and (WW) of this section. This division 1767  
applies only to a county. 1768

The resolution shall be confined to the purpose or 1769  
purposes described in one division of this section, to which the 1770  
revenue derived therefrom shall be applied. The existence in any 1771  
other division of this section of authority to levy a tax for 1772  
any part or all of the same purpose or purposes does not 1773  
preclude the use of such revenues for any part of the purpose or 1774  
purposes of the division under which the resolution is adopted. 1775

The resolution shall specify the amount of the increase in 1776  
rate that it is necessary to levy, the purpose of that increase 1777  
in rate, and the number of years during which the increase in 1778  
rate shall be in effect, which may or may not include a levy 1779  
upon the duplicate of the current year. The number of years may 1780  
be any number not exceeding five, except as follows: 1781

(1) When the additional rate is for the payment of debt 1782  
charges, the increased rate shall be for the life of the 1783  
indebtedness. 1784

(2) When the additional rate is for any of the following, 1785  
the increased rate shall be for a continuing period of time: 1786

(a) For the current expenses for a detention facility 1787  
district, a district organized under section 2151.65 of the 1788  
Revised Code, or a combined district organized under sections 1789  
2151.65 and 2152.41 of the Revised Code; 1790

(b) For providing a county's share of the cost of 1791  
maintaining and operating schools, district detention 1792  
facilities, forestry camps, or other facilities, or any 1793  
combination thereof, established under section 2151.65 or 1794  
2152.41 of the Revised Code or under both of those sections. 1795

(3) When the additional rate is for either of the 1796  
following, the increased rate may be for a continuing period of 1797  
time: 1798

(a) For the purposes set forth in division (I), (J), (U), 1799  
or (KK) of this section; 1800

(b) For the maintenance and operation of a joint 1801  
recreation district. 1802

(4) When the increase is for the purpose or purposes set 1803  
forth in division (D), (G), (H), (T), (Z), (CC), or (PP) of this 1804  
section, the tax levy may be for any specified number of years 1805  
or for a continuing period of time, as set forth in the 1806  
resolution. 1807

A levy for one of the purposes set forth in division (G), 1808  
(I), (J), or (U) of this section may be reduced pursuant to 1809  
section 5705.261 or 5705.31 of the Revised Code. A levy for one 1810  
of the purposes set forth in division (G), (I), (J), or (U) of 1811  
this section may also be terminated or permanently reduced by 1812  
the taxing authority if it adopts a resolution stating that the 1813  
continuance of the levy is unnecessary and the levy shall be 1814  
terminated or that the millage is excessive and the levy shall 1815  
be decreased by a designated amount. 1816

A resolution of a detention facility district, a district 1817  
organized under section 2151.65 of the Revised Code, or a 1818  
combined district organized under both sections 2151.65 and 1819

2152.41 of the Revised Code may include both current expenses 1820  
and other purposes, provided that the resolution shall apportion 1821  
the annual rate of levy between the current expenses and the 1822  
other purpose or purposes. The apportionment need not be the 1823  
same for each year of the levy, but the respective portions of 1824  
the rate actually levied each year for the current expenses and 1825  
the other purpose or purposes shall be limited by the 1826  
apportionment. 1827

Whenever a board of county commissioners, acting either as 1828  
the taxing authority of its county or as the taxing authority of 1829  
a sewer district or subdistrict created under Chapter 6117. of 1830  
the Revised Code, by resolution declares it necessary to levy a 1831  
tax in excess of the ten-mill limitation for the purpose of 1832  
constructing, improving, or extending sewage disposal plants or 1833  
sewage systems, the tax may be in effect for any number of years 1834  
not exceeding twenty, and the proceeds of the tax, 1835  
notwithstanding the general provisions of this section, may be 1836  
used to pay debt charges on any obligations issued and 1837  
outstanding on behalf of the subdivision for the purposes 1838  
enumerated in this paragraph, provided that any such obligations 1839  
have been specifically described in the resolution. 1840

A resolution adopted by the legislative authority of a 1841  
municipal corporation that is for the purpose in division (XX) 1842  
of this section may be combined with the purpose provided in 1843  
section 306.55 of the Revised Code, by vote of two-thirds of all 1844  
members of the legislative authority. The legislative authority 1845  
may certify the resolution to the board of elections as a 1846  
combined question. The question appearing on the ballot shall be 1847  
as provided in section 5705.252 of the Revised Code. 1848

The resolution shall go into immediate effect upon its 1849

passage, and no publication of the resolution is necessary other 1850  
than that provided for in the notice of election 1851

When the electors of a subdivision or, in the case of a 1852  
qualifying library levy for the support of a library association 1853  
or private corporation, the electors of the association library 1854  
district, have approved a tax levy under this section, the 1855  
taxing authority of the subdivision may anticipate a fraction of 1856  
the proceeds of the levy and issue anticipation notes in 1857  
accordance with section 5705.191 or 5705.193 of the Revised 1858  
Code. 1859

**Sec. 5709.10.** Market houses and other houses or halls, 1860  
public squares, or other public grounds of a municipal 1861  
corporation or township used exclusively for public purposes or 1862  
erected by taxation for such purposes, land and multi-level 1863  
parking structures used exclusively for a public purpose and 1864  
owned and operated by a municipal corporation under section 1865  
717.05 of the Revised Code or by an urban township that has 1866  
adopted a limited home rule form of government under section 1867  
504.02 of the Revised Code that charges no fee for the privilege 1868  
of parking thereon, property used as a county fairgrounds that 1869  
is owned by the board of county commissioners or by a county 1870  
agricultural society, and property of housing authorities 1871  
created and organized under and for the purposes of sections 1872  
3735.27 to 3735.50 of the Revised Code, which property is hereby 1873  
declared to be public property used exclusively for a public 1874  
purpose, notwithstanding that parts thereof may be lawfully 1875  
leased, shall be exempt from taxation. 1876

**Sec. 5709.40.** (A) As used in this section: 1877

(1) "Blighted area" and "impacted city" have the same 1878  
meanings as in section 1728.01 of the Revised Code. 1879

(2) "Business day" means a day of the week excluding 1880  
Saturday, Sunday, and a legal holiday as defined under section 1881  
1.14 of the Revised Code. 1882

(3) "Housing renovation" means a project carried out for 1883  
residential purposes. 1884

(4) "Improvement" means the increase in the assessed value 1885  
of any real property that would first appear on the tax list and 1886  
duplicate of real and public utility property after the 1887  
effective date of an ordinance adopted under this section were 1888  
it not for the exemption granted by that ordinance. 1889

(5) "Incentive district" means an area not more than three 1890  
hundred acres in size enclosed by a continuous boundary in which 1891  
a project is being, or will be, undertaken and having one or 1892  
more of the following distress characteristics: 1893

(a) At least fifty-one per cent of the residents of the 1894  
district have incomes of less than eighty per cent of the median 1895  
income of residents of the political subdivision in which the 1896  
district is located, as determined in the same manner specified 1897  
under section 119(b) of the "Housing and Community Development 1898  
Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; 1899

(b) The average rate of unemployment in the district 1900  
during the most recent twelve-month period for which data are 1901  
available is equal to at least one hundred fifty per cent of the 1902  
average rate of unemployment for this state for the same period. 1903

(c) At least twenty per cent of the people residing in the 1904  
district live at or below the poverty level as defined in the 1905  
federal Housing and Community Development Act of 1974, 42 U.S.C. 1906  
5301, as amended, and regulations adopted pursuant to that act. 1907

(d) The district is a blighted area. 1908

(e) The district is in a situational distress area as 1909  
designated by the director of development services under 1910  
division (F) of section 122.23 of the Revised Code. 1911

(f) As certified by the engineer for the political 1912  
subdivision, the public infrastructure serving the district is 1913  
inadequate to meet the development needs of the district as 1914  
evidenced by a written economic development plan or urban 1915  
renewal plan for the district that has been adopted by the 1916  
legislative authority of the subdivision. 1917

(g) The district is comprised entirely of unimproved land 1918  
that is located in a distressed area as defined in section 1919  
122.23 of the Revised Code. 1920

(6) "Project" means development activities undertaken on 1921  
one or more parcels, including, but not limited to, 1922  
construction, expansion, and alteration of buildings or 1923  
structures, demolition, remediation, and site development, and 1924  
any building or structure that results from those activities. 1925

(7) "Public infrastructure improvement" includes, but is 1926  
not limited to, public roads and highways; water and sewer 1927  
lines; the continued maintenance of those public roads and 1928  
highways and water and sewer lines; environmental remediation; 1929  
land acquisition, including acquisition in aid of industry, 1930  
commerce, distribution, or research; demolition, including 1931  
demolition on private property when determined to be necessary 1932  
for economic development purposes; stormwater and flood 1933  
remediation projects, including such projects on private 1934  
property when determined to be necessary for public health, 1935  
safety, and welfare; the provision of gas, electric, and 1936  
communications service facilities, including the provision of 1937  
gas or electric service facilities owned by nongovernmental 1938

entities when such improvements are determined to be necessary 1939  
for economic development purposes; and the enhancement of public 1940  
waterways through improvements that allow for greater public 1941  
access. 1942

(B) The legislative authority of a municipal corporation, 1943  
by ordinance, may declare improvements to certain parcels of 1944  
real property located in the municipal corporation to be a 1945  
public purpose. Improvements with respect to a parcel that is 1946  
used or to be used for residential purposes may be declared a 1947  
public purpose under this division only if the parcel is located 1948  
in a blighted area of an impacted city. For this purpose, 1949  
"parcel that is used or to be used for residential purposes" 1950  
means a parcel that, as improved, is used or to be used for 1951  
purposes that would cause the tax commissioner to classify the 1952  
parcel as residential property in accordance with rules adopted 1953  
by the commissioner under section 5713.041 of the Revised Code. 1954  
Except with the approval under division (D) of this section of 1955  
the board of education of each city, local, or exempted village 1956  
school district within which the improvements are located, not 1957  
more than seventy-five per cent of an improvement thus declared 1958  
to be a public purpose may be exempted from real property 1959  
taxation for a period of not more than ten years. The ordinance 1960  
shall specify the percentage of the improvement to be exempted 1961  
from taxation and the life of the exemption. 1962

An ordinance adopted or amended under this division shall 1963  
designate the specific public infrastructure improvements made, 1964  
to be made, or in the process of being made by the municipal 1965  
corporation that directly benefit, or that once made will 1966  
directly benefit, the parcels for which improvements are 1967  
declared to be a public purpose. The service payments provided 1968  
for in section 5709.42 of the Revised Code shall be used to 1969

finance the public infrastructure improvements designated in the 1970  
ordinance, for the purpose described in division (D) (1) of this 1971  
section or as provided in section 5709.43 of the Revised Code. 1972

(C) (1) The legislative authority of a municipal 1973  
corporation may adopt an ordinance creating an incentive 1974  
district and declaring improvements to parcels within the 1975  
district to be a public purpose and, except as provided in 1976  
division (F) of this section, exempt from taxation as provided 1977  
in this section, but no legislative authority of a municipal 1978  
corporation that has a population that exceeds twenty-five 1979  
thousand, as shown by the most recent federal decennial census, 1980  
shall adopt an ordinance that creates an incentive district if 1981  
the sum of the taxable value of real property in the proposed 1982  
district for the preceding tax year and the taxable value of all 1983  
real property in the municipal corporation that would have been 1984  
taxable in the preceding year were it not for the fact that the 1985  
property was in an existing incentive district and therefore 1986  
exempt from taxation exceeds twenty-five per cent of the taxable 1987  
value of real property in the municipal corporation for the 1988  
preceding tax year. The ordinance shall delineate the boundary 1989  
of the district and specifically identify each parcel within the 1990  
district. A district may not include any parcel that is or has 1991  
been exempted from taxation under division (B) of this section 1992  
or that is or has been within another district created under 1993  
this division. An ordinance may create more than one such 1994  
district, and more than one ordinance may be adopted under 1995  
division (C) (1) of this section. 1996

(2) Not later than thirty days prior to adopting an 1997  
ordinance under division (C) (1) of this section, if the 1998  
municipal corporation intends to apply for exemptions from 1999  
taxation under section 5709.911 of the Revised Code on behalf of 2000

owners of real property located within the proposed incentive 2001  
district, the legislative authority of a municipal corporation 2002  
shall conduct a public hearing on the proposed ordinance. Not 2003  
later than thirty days prior to the public hearing, the 2004  
legislative authority shall give notice of the public hearing 2005  
and the proposed ordinance by first class mail to every real 2006  
property owner whose property is located within the boundaries 2007  
of the proposed incentive district that is the subject of the 2008  
proposed ordinance. 2009

(3) (a) An ordinance adopted under division (C) (1) of this 2010  
section shall specify the life of the incentive district and the 2011  
percentage of the improvements to be exempted, shall designate 2012  
the public infrastructure improvements made, to be made, or in 2013  
the process of being made, that benefit or serve, or, once made, 2014  
will benefit or serve parcels in the district. The ordinance 2015  
also shall identify one or more specific projects being, or to 2016  
be, undertaken in the district that place additional demand on 2017  
the public infrastructure improvements designated in the 2018  
ordinance. The project identified may, but need not be, the 2019  
project under division (C) (3) (b) of this section that places 2020  
real property in use for commercial or industrial purposes. 2021  
Except as otherwise permitted under that division, the service 2022  
payments provided for in section 5709.42 of the Revised Code 2023  
shall be used to finance the designated public infrastructure 2024  
improvements, for the purpose described in division (D) (1) or 2025  
(E) of this section, or as provided in section 5709.43 of the 2026  
Revised Code. 2027

An ordinance adopted under division (C) (1) of this section 2028  
on or after March 30, 2006, shall not designate police or fire 2029  
equipment as public infrastructure improvements, and no service 2030  
payment provided for in section 5709.42 of the Revised Code and 2031

received by the municipal corporation under the ordinance shall 2032  
be used for police or fire equipment. 2033

(b) An ordinance adopted under division (C)(1) of this 2034  
section may authorize the use of service payments provided for 2035  
in section 5709.42 of the Revised Code for the purpose of 2036  
housing renovations within the incentive district, provided that 2037  
the ordinance also designates public infrastructure improvements 2038  
that benefit or serve the district, and that a project within 2039  
the district places real property in use for commercial or 2040  
industrial purposes. Service payments may be used to finance or 2041  
support loans, deferred loans, and grants to persons for the 2042  
purpose of housing renovations within the district. The 2043  
ordinance shall designate the parcels within the district that 2044  
are eligible for housing renovation. The ordinance shall state 2045  
separately the amounts or the percentages of the expected 2046  
aggregate service payments that are designated for each public 2047  
infrastructure improvement and for the general purpose of 2048  
housing renovations. 2049

(4) Except with the approval of the board of education of 2050  
each city, local, or exempted village school district within the 2051  
territory of which the incentive district is or will be located, 2052  
and subject to division (E) of this section, the life of an 2053  
incentive district shall not exceed ten years, and the 2054  
percentage of improvements to be exempted shall not exceed 2055  
seventy-five per cent. With approval of the board of education, 2056  
the life of a district may be not more than thirty years, and 2057  
the percentage of improvements to be exempted may be not more 2058  
than one hundred per cent. The approval of a board of education 2059  
shall be obtained in the manner provided in division (D) of this 2060  
section. 2061

(D) (1) If the ordinance declaring improvements to a parcel 2062  
to be a public purpose or creating an incentive district 2063  
specifies that payments in lieu of taxes provided for in section 2064  
5709.42 of the Revised Code shall be paid to the city, local, or 2065  
exempted village, and joint vocational school district in which 2066  
the parcel or incentive district is located in the amount of the 2067  
taxes that would have been payable to the school district if the 2068  
improvements had not been exempted from taxation, the percentage 2069  
of the improvement that may be exempted from taxation may exceed 2070  
seventy-five per cent, and the exemption may be granted for up 2071  
to thirty years, without the approval of the board of education 2072  
as otherwise required under division (D) (2) of this section. 2073

(2) Improvements with respect to a parcel may be exempted 2074  
from taxation under division (B) of this section, and 2075  
improvements to parcels within an incentive district may be 2076  
exempted from taxation under division (C) of this section, for 2077  
up to ten years or, with the approval under this paragraph of 2078  
the board of education of the city, local, or exempted village 2079  
school district within which the parcel or district is located, 2080  
for up to thirty years. The percentage of the improvement 2081  
exempted from taxation may, with such approval, exceed seventy- 2082  
five per cent, but shall not exceed one hundred per cent. Not 2083  
later than forty-five business days prior to adopting an 2084  
ordinance under this section declaring improvements to be a 2085  
public purpose that is subject to approval by a board of 2086  
education under this division, the legislative authority shall 2087  
deliver to the board of education a notice stating its intent to 2088  
adopt an ordinance making that declaration. The notice regarding 2089  
improvements with respect to a parcel under division (B) of this 2090  
section shall identify the parcels for which improvements are to 2091  
be exempted from taxation, provide an estimate of the true value 2092

in money of the improvements, specify the period for which the 2093  
improvements would be exempted from taxation and the percentage 2094  
of the improvement that would be exempted, and indicate the date 2095  
on which the legislative authority intends to adopt the 2096  
ordinance. The notice regarding improvements to parcels within 2097  
an incentive district under division (C) of this section shall 2098  
delineate the boundaries of the district, specifically identify 2099  
each parcel within the district, identify each anticipated 2100  
improvement in the district, provide an estimate of the true 2101  
value in money of each such improvement, specify the life of the 2102  
district and the percentage of improvements that would be 2103  
exempted, and indicate the date on which the legislative 2104  
authority intends to adopt the ordinance. The board of 2105  
education, by resolution adopted by a majority of the board, may 2106  
approve the exemption for the period or for the exemption 2107  
percentage specified in the notice; may disapprove the exemption 2108  
for the number of years in excess of ten, may disapprove the 2109  
exemption for the percentage of the improvement to be exempted 2110  
in excess of seventy-five per cent, or both; or may approve the 2111  
exemption on the condition that the legislative authority and 2112  
the board negotiate an agreement providing for compensation to 2113  
the school district equal in value to a percentage of the amount 2114  
of taxes exempted in the eleventh and subsequent years of the 2115  
exemption period or, in the case of exemption percentages in 2116  
excess of seventy-five per cent, compensation equal in value to 2117  
a percentage of the taxes that would be payable on the portion 2118  
of the improvement in excess of seventy-five per cent were that 2119  
portion to be subject to taxation, or other mutually agreeable 2120  
compensation. If an agreement is negotiated between the 2121  
legislative authority and the board to compensate the school 2122  
district for all or part of the taxes exempted, including 2123  
agreements for payments in lieu of taxes under section 5709.42 2124

of the Revised Code, the legislative authority shall compensate 2125  
the joint vocational school district within which the parcel or 2126  
district is located at the same rate and under the same terms 2127  
received by the city, local, or exempted village school 2128  
district. 2129

(3) The board of education shall certify its resolution to 2130  
the legislative authority not later than fourteen days prior to 2131  
the date the legislative authority intends to adopt the 2132  
ordinance as indicated in the notice. If the board of education 2133  
and the legislative authority negotiate a mutually acceptable 2134  
compensation agreement, the ordinance may declare the 2135  
improvements a public purpose for the number of years specified 2136  
in the ordinance or, in the case of exemption percentages in 2137  
excess of seventy-five per cent, for the exemption percentage 2138  
specified in the ordinance. In either case, if the board and the 2139  
legislative authority fail to negotiate a mutually acceptable 2140  
compensation agreement, the ordinance may declare the 2141  
improvements a public purpose for not more than ten years, and 2142  
shall not exempt more than seventy-five per cent of the 2143  
improvements from taxation. If the board fails to certify a 2144  
resolution to the legislative authority within the time 2145  
prescribed by this division, the legislative authority thereupon 2146  
may adopt the ordinance and may declare the improvements a 2147  
public purpose for up to thirty years, or, in the case of 2148  
exemption percentages proposed in excess of seventy-five per 2149  
cent, for the exemption percentage specified in the ordinance. 2150  
The legislative authority may adopt the ordinance at any time 2151  
after the board of education certifies its resolution approving 2152  
the exemption to the legislative authority, or, if the board 2153  
approves the exemption on the condition that a mutually 2154  
acceptable compensation agreement be negotiated, at any time 2155

after the compensation agreement is agreed to by the board and 2156  
the legislative authority. 2157

(4) If a board of education has adopted a resolution 2158  
waiving its right to approve exemptions from taxation under this 2159  
section and the resolution remains in effect, approval of 2160  
exemptions by the board is not required under division (D) of 2161  
this section. If a board of education has adopted a resolution 2162  
allowing a legislative authority to deliver the notice required 2163  
under division (D) of this section fewer than forty-five 2164  
business days prior to the legislative authority's adoption of 2165  
the ordinance, the legislative authority shall deliver the 2166  
notice to the board not later than the number of days prior to 2167  
such adoption as prescribed by the board in its resolution. If a 2168  
board of education adopts a resolution waiving its right to 2169  
approve agreements or shortening the notification period, the 2170  
board shall certify a copy of the resolution to the legislative 2171  
authority. If the board of education rescinds such a resolution, 2172  
it shall certify notice of the rescission to the legislative 2173  
authority. 2174

(5) If the legislative authority is not required by 2175  
division (D) of this section to notify the board of education of 2176  
the legislative authority's intent to declare improvements to be 2177  
a public purpose, the legislative authority shall comply with 2178  
the notice requirements imposed under section 5709.83 of the 2179  
Revised Code, unless the board has adopted a resolution under 2180  
that section waiving its right to receive such a notice. 2181

(E) (1) If a proposed ordinance under division (C) (1) of 2182  
this section exempts improvements with respect to a parcel 2183  
within an incentive district for more than ten years, or the 2184  
percentage of the improvement exempted from taxation exceeds 2185

seventy-five per cent, not later than forty-five business days 2186  
prior to adopting the ordinance the legislative authority of the 2187  
municipal corporation shall deliver to the board of county 2188  
commissioners of the county within which the incentive district 2189  
will be located a notice that states its intent to adopt an 2190  
ordinance creating an incentive district. The notice shall 2191  
include a copy of the proposed ordinance, identify the parcels 2192  
for which improvements are to be exempted from taxation, provide 2193  
an estimate of the true value in money of the improvements, 2194  
specify the period of time for which the improvements would be 2195  
exempted from taxation, specify the percentage of the 2196  
improvements that would be exempted from taxation, and indicate 2197  
the date on which the legislative authority intends to adopt the 2198  
ordinance. 2199

(2) The board of county commissioners, by resolution 2200  
adopted by a majority of the board, may object to the exemption 2201  
for the number of years in excess of ten, may object to the 2202  
exemption for the percentage of the improvement to be exempted 2203  
in excess of seventy-five per cent, or both. If the board of 2204  
county commissioners objects, the board may negotiate a mutually 2205  
acceptable compensation agreement with the legislative 2206  
authority. In no case shall the compensation provided to the 2207  
board exceed the property taxes forgone due to the exemption. If 2208  
the board of county commissioners objects, and the board and 2209  
legislative authority fail to negotiate a mutually acceptable 2210  
compensation agreement, the ordinance adopted under division (C) 2211  
(1) of this section shall provide to the board compensation in 2212  
the eleventh and subsequent years of the exemption period equal 2213  
in value to not more than fifty per cent of the taxes that would 2214  
be payable to the county or, if the board's objection includes 2215  
an objection to an exemption percentage in excess of seventy- 2216

five per cent, compensation equal in value to not more than 2217  
fifty per cent of the taxes that would be payable to the county, 2218  
on the portion of the improvement in excess of seventy-five per 2219  
cent, were that portion to be subject to taxation. The board of 2220  
county commissioners shall certify its resolution to the 2221  
legislative authority not later than thirty days after receipt 2222  
of the notice. 2223

(3) If the board of county commissioners does not object 2224  
or fails to certify its resolution objecting to an exemption 2225  
within thirty days after receipt of the notice, the legislative 2226  
authority may adopt the ordinance, and no compensation shall be 2227  
provided to the board of county commissioners. If the board 2228  
timely certifies its resolution objecting to the ordinance, the 2229  
legislative authority may adopt the ordinance at any time after 2230  
a mutually acceptable compensation agreement is agreed to by the 2231  
board and the legislative authority, or, if no compensation 2232  
agreement is negotiated, at any time after the legislative 2233  
authority agrees in the proposed ordinance to provide 2234  
compensation to the board of fifty per cent of the taxes that 2235  
would be payable to the county in the eleventh and subsequent 2236  
years of the exemption period or on the portion of the 2237  
improvement in excess of seventy-five per cent, were that 2238  
portion to be subject to taxation. 2239

(F) Service payments in lieu of taxes that are 2240  
attributable to any amount by which the effective tax rate of 2241  
either a renewal levy with an increase or a replacement levy 2242  
exceeds the effective tax rate of the levy renewed or replaced, 2243  
or that are attributable to an additional levy, for a levy 2244  
authorized by the voters for any of the following purposes on or 2245  
after January 1, 2006, and which are provided pursuant to an 2246  
ordinance creating an incentive district under division (C) (1) 2247

of this section that is adopted on or after January 1, 2006, 2248  
shall be distributed to the appropriate taxing authority as 2249  
required under division (C) of section 5709.42 of the Revised 2250  
Code in an amount equal to the amount of taxes from that 2251  
additional levy or from the increase in the effective tax rate 2252  
of such renewal or replacement levy that would have been payable 2253  
to that taxing authority from the following levies were it not 2254  
for the exemption authorized under division (C) of this section: 2255

(1) A tax levied under division (L) of section 5705.19 or 2256  
section 5705.191 of the Revised Code for community mental 2257  
retardation and developmental disabilities programs and services 2258  
pursuant to Chapter 5126. of the Revised Code; 2259

(2) A tax levied under division (Y) of section 5705.19 of 2260  
the Revised Code for providing or maintaining senior citizens 2261  
services or facilities; 2262

(3) A tax levied under section 5705.22 of the Revised Code 2263  
for county hospitals; 2264

(4) A tax levied by a joint-county district or by a county 2265  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 2266  
for alcohol, drug addiction, and mental health services or 2267  
facilities; 2268

(5) A tax levied under section 5705.23 of the Revised Code 2269  
for library purposes; 2270

(6) A tax levied under section 5705.24 of the Revised Code 2271  
for the support of children services and the placement and care 2272  
of children; 2273

(7) A tax levied under division (Z) of section 5705.19 of 2274  
the Revised Code for the provision and maintenance of zoological 2275  
park services and facilities under section 307.76 of the Revised 2276

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| Code;  | 2277   |
| (8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;   | 2278<br>2279<br>2280   |
| (9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;   | 2281<br>2282<br>2283<br>2284   |
| (10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;   | 2285<br>2286   |
| (11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;   | 2287<br>2288<br>2289<br>2290<br>2291   |
| (12) A tax levied under section 3709.29 of the Revised Code for a general health district program.   | 2292<br>2293   |
| (G) An exemption from taxation granted under this section commences with the tax year specified in the ordinance so long as the year specified in the ordinance commences after the effective date of the ordinance. If the ordinance specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of real and public utility property and that commences after the effective date of the ordinance. In lieu of stating a specific year, the ordinance may provide that the exemption commences in the tax year in which the value of an improvement exceeds a specified amount or in which the | 2294<br>2295<br>2296<br>2297<br>2298<br>2299<br>2300<br>2301<br>2302<br>2303<br>2304<br>2305 |

construction of one or more improvements is completed, provided 2306  
that such tax year commences after the effective date of the 2307  
ordinance. With respect to the exemption of improvements to 2308  
parcels under division (B) of this section, the ordinance may 2309  
allow for the exemption to commence in different tax years on a 2310  
parcel-by-parcel basis, with a separate exemption term specified 2311  
for each parcel. 2312

Except as otherwise provided in this division, the 2313  
exemption ends on the date specified in the ordinance as the 2314  
date the improvement ceases to be a public purpose or the 2315  
incentive district expires, or ends on the date on which the 2316  
public infrastructure improvements and housing renovations are 2317  
paid in full from the municipal public improvement tax increment 2318  
equivalent fund established under division (A) of section 2319  
5709.43 of the Revised Code, whichever occurs first. The 2320  
exemption of an improvement with respect to a parcel or within 2321  
an incentive district may end on a later date, as specified in 2322  
the ordinance, if the legislative authority and the board of 2323  
education of the city, local, or exempted village school 2324  
district within which the parcel or district is located have 2325  
entered into a compensation agreement under section 5709.82 of 2326  
the Revised Code with respect to the improvement, and the board 2327  
of education has approved the term of the exemption under 2328  
division (D) (2) of this section, but in no case shall the 2329  
improvement be exempted from taxation for more than thirty 2330  
years. Exemptions shall be claimed and allowed in the same 2331  
manner as in the case of other real property exemptions. If an 2332  
exemption status changes during a year, the procedure for the 2333  
apportionment of the taxes for that year is the same as in the 2334  
case of other changes in tax exemption status during the year. 2335

(H) Additional municipal financing of public 2336

infrastructure improvements and housing renovations may be 2337  
provided by any methods that the municipal corporation may 2338  
otherwise use for financing such improvements or renovations. If 2339  
the municipal corporation issues bonds or notes to finance the 2340  
public infrastructure improvements and housing renovations and 2341  
pledges money from the municipal public improvement tax 2342  
increment equivalent fund to pay the interest on and principal 2343  
of the bonds or notes, the bonds or notes are not subject to 2344  
Chapter 133. of the Revised Code. 2345

(I) The municipal corporation, not later than fifteen days 2346  
after the adoption of an ordinance under this section, shall 2347  
submit to the director of development services a copy of the 2348  
ordinance. On or before the thirty-first day of March of each 2349  
year, the municipal corporation shall submit a status report to 2350  
the director of development services. The report shall indicate, 2351  
in the manner prescribed by the director, the progress of the 2352  
project during each year that an exemption remains in effect, 2353  
including a summary of the receipts from service payments in 2354  
lieu of taxes; expenditures of money from the funds created 2355  
under section 5709.43 of the Revised Code; a description of the 2356  
public infrastructure improvements and housing renovations 2357  
financed with such expenditures; and a quantitative summary of 2358  
changes in employment and private investment resulting from each 2359  
project. 2360

(J) Nothing in this section shall be construed to prohibit 2361  
a legislative authority from declaring to be a public purpose 2362  
improvements with respect to more than one parcel. 2363

(K) If a parcel is located in a new community district in 2364  
which the new community authority imposes a community 2365  
development charge on the basis of rentals received from leases 2366

of real property as described in division (L) (2) of section 2367  
349.01 of the Revised Code, the parcel may not be exempted from 2368  
taxation under this section. 2369

**Section 2.** That existing sections 121.22, 164.02, 504.01, 2370  
505.261, 505.27, 505.29, 505.31, 505.37, 505.39, 505.40, 2371  
505.602, 505.86, 511.23, 517.03, 517.07, 517.073, 517.08, 2372  
517.11, 755.13, 5571.16, 5705.19, 5709.10, and 5709.40 and 2373  
section 5571.11 of the Revised Code are hereby repealed. 2374

**Section 3.** The amendment by this act of section 5705.19 of 2375  
the Revised Code applies to tax levies approved by the voters at 2376  
an election held before, on, or after the effective date of this 2377  
section. 2378

**Section 4.** The Fifth District's opinion in *Lawrence* 2379  
*Township v. Canal Fulton*, 2009-Ohio-759; 2009 Ohio App. LEXIS 2380  
634 (5th Dist. Feb. 17, 2009) does not represent the intent of 2381  
the General Assembly with respect to the definition of "owner" 2382  
for purposes of division (E) of section 709.02 of the Revised 2383  
Code, nor does the Third District's opinion in *State ex rel.*, 2384  
the *National Lime and Stone Company v. Board of Marion County* 2385  
*Commissioners*, 2016-Ohio-859; 2016 Ohio App. LEXIS 799 (3rd. 2386  
Dist. March 7, 2016), which mistakenly followed the Lawrence 2387  
decision rather than the plain language in division (E) of 2388  
section 709.02 of the Revised Code. The intent of the General 2389  
Assembly is expressed in the plain language of division (E) of 2390  
section 709.02 of the Revised Code and by the Ohio Supreme Court 2391  
in *City of North Canton v. City of Canton*, 114 Ohio St.3d 253 2392  
(2007). 2393