

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 34**

**Representatives Hambley, Ryan**

**Cosponsors: Representatives Wiggam, Greenspan, Blessing, Hill, Becker, Riedel, Goodman, Bishoff, Arndt, Anielski, Antani, Antonio, Ashford, Boyd, Carfagna, Conditt, Craig, Dever, Edwards, Faber, Fedor, Ginter, Green, Henne, Holmes, Howse, Huffman, Kick, Koehler, Landis, Lanese, LaTourette, Leland, Lepore-Hagan, Lipps, McColley, Miller, O'Brien, Patterson, Patton, Pelanda, Perales, Reineke, Rogers, Romanchuk, Scherer, Seitz, Sheehy, Slaby, Smith, K., Smith, R., Stein, Sweeney, Thompson, Vitale, West, Young**

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**A BILL**

To amend sections 9.312, 124.327, 128.07, 149.30, 1  
303.14, 307.204, 307.699, 340.02, 343.01, 2  
505.109, 505.266, 505.391, 505.511, 519.14, 3  
902.04, 931.03, 940.20, 3517.01, 3517.11, 4  
3791.12, 4301.39, 5713.082, 5715.12, 5715.19, 5  
5715.20, 5717.01, 5721.30, 5721.31, 5721.32, 6  
5721.33, and 5727.75 of the Revised Code to 7  
authorize certain state agencies, local 8  
governments, and other boards, commissions, and 9  
officers to deliver certain notices by ordinary 10  
mail and electronically instead of by certified 11  
mail. 12

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

**Section 1.** That sections 9.312, 124.327, 128.07, 149.30, 13  
303.14, 307.204, 307.699, 340.02, 343.01, 505.109, 505.266, 14

505.391, 505.511, 519.14, 902.04, 931.03, 940.20, 3517.01, 15  
3517.11, 3791.12, 4301.39, 5713.082, 5715.12, 5715.19, 5715.20, 16  
5717.01, 5721.30, 5721.31, 5721.32, 5721.33, and 5727.75 of the 17  
Revised Code be amended to read as follows: 18

**Sec. 9.312.** (A) If a state agency or political subdivision 19  
is required by law or by an ordinance or resolution adopted 20  
under division (C) of this section to award a contract to the 21  
lowest responsive and responsible bidder, a bidder on the 22  
contract shall be considered responsive if the bidder's proposal 23  
responds to bid specifications in all material respects and 24  
contains no irregularities or deviations from the specifications 25  
which would affect the amount of the bid or otherwise give the 26  
bidder a competitive advantage. The factors that the state 27  
agency or political subdivision shall consider in determining 28  
whether a bidder on the contract is responsible include the 29  
experience of the bidder, the bidder's financial condition, 30  
conduct and performance on previous contracts, facilities, 31  
management skills, and ability to execute the contract properly. 32

For purposes of this division, the provision of a bid 33  
guaranty in accordance with divisions (A) (1) and (B) of section 34  
153.54 of the Revised Code issued by a surety licensed to do 35  
business in this state is evidence of financial responsibility, 36  
but a state agency or political subdivision may request 37  
additional financial information for review from an apparent low 38  
bidder after it opens all submitted bids. A state agency or 39  
political subdivision shall keep additional financial 40  
information it receives pursuant to a request under this 41  
division confidential, except under proper order of a court. The 42  
additional financial information is not a public record under 43  
section 149.43 of the Revised Code. 44

An apparent low bidder found not to be responsive and responsible shall be notified by the state agency or political subdivision of that finding and the reasons for it. Except for contracts awarded by the department of administrative services pursuant to section 125.11 of the Revised Code, the notification shall be given in writing and either by certified mail or, if the state agency or political subdivision has record of an internet identifier of record associated with the bidder, by ordinary mail and by that internet identifier of record. When awarding contracts pursuant to section 125.11 of the Revised Code, the department may send such notice in writing by first class mail or by electronic means.

(B) Where a state agency or a political subdivision that has adopted an ordinance or resolution under division (C) of this section determines to award a contract to a bidder other than the apparent low bidder or bidders for the construction, reconstruction, improvement, enlargement, alteration, repair, painting, or decoration of a public improvement, it shall meet with the apparent low bidder or bidders upon a filing of a timely written protest. The protest must be received within five days of the notification required in division (A) of this section. No final award shall be made until the state agency or political subdivision either affirms or reverses its earlier determination. Notwithstanding any other provisions of the Revised Code, the procedure described in this division is not subject to Chapter 119. of the Revised Code.

(C) A municipal corporation, township, school district, board of county commissioners, any other county board or commission, or any other political subdivision required by law to award contracts by competitive bidding may by ordinance or resolution adopt a policy of requiring each competitively bid

contract it awards to be awarded to the lowest responsive and 76  
responsible bidder in accordance with this section. 77

(D) As used in this section, "internet identifier of 78  
record" means an electronic mail address, or any other 79  
designation used for self-identification or routing in internet 80  
communication or posting, provided for the purpose of receiving 81  
communication. 82

**Sec. 124.327.** (A) Employees who have been laid off or 83  
have, by virtue of exercising their displacement rights, been 84  
displaced to a lower classification in their classification 85  
series, shall be placed on appropriate layoff lists. Those 86  
employees with the most retention points within each category of 87  
order of layoff, as established in section 124.323 of the 88  
Revised Code, shall be placed at the top of the layoff list to 89  
be followed by employees ranked in descending total retention 90  
order. Laid-off employees shall be placed on layoff lists for 91  
each classification in the classification series equal to or 92  
lower than the classification in which the employee was employed 93  
at the time of layoff. 94

(B) An employee who is laid off retains reinstatement 95  
rights in the agency from which the employee was laid off. 96  
Reinstatement rights continue for one year from the date of 97  
layoff. During this one-year period, in any layoff jurisdiction 98  
in which an appointing authority has an employee on a layoff 99  
list, the appointing authority shall not hire or promote anyone 100  
into a position within that classification until all laid-off 101  
persons on a layoff list for that classification who are 102  
qualified to perform the duties of the position are reinstated 103  
or decline the position when it is offered. 104

For an exempt employee, as defined in section 124.152 of 105

the Revised Code, who has reinstatement rights into a bargaining 106  
unit classification, the exempt employee's recall jurisdiction 107  
shall be the counties in which the exempt employee indicates 108  
willingness to accept reinstatement as determined by the 109  
applicable collective bargaining agreement. 110

(C) Each laid-off or displaced employee, in addition to 111  
reinstatement rights within the employee's appointing authority, 112  
has the right to reemployment with any other state agency, 113  
board, commission, or independent institution described in 114  
division (B) (1) of section 124.326 of the Revised Code, if the 115  
employee meets all applicable position-specific minimum 116  
qualifications developed by the other agency, board, commission, 117  
or independent institution and reviewed for validity by the 118  
department of administrative services or, in the absence of 119  
position-specific minimum qualifications so developed and 120  
reviewed, meets the qualifications described in the applicable 121  
classification, but only in the same classification from which 122  
the employee was initially laid off or displaced. Layoff lists 123  
for each appointing authority must be exhausted before other 124  
jurisdiction reemployment layoff lists are used. 125

(D) Any employee accepting or declining reinstatement to 126  
the same classification and same appointment type from which the 127  
employee was laid off or displaced shall be removed from the 128  
appointing authority's layoff list. 129

(E) Any employee accepting or declining reemployment to 130  
the same classification and the same appointment type from which 131  
the employee was laid off or displaced shall be removed from the 132  
layoff list for the jurisdiction in which the employee accepted 133  
or declined that reemployment as determined under division (C) 134  
of this section. 135

(F) An employee who does not exercise the option to 136  
displace under section 124.324 of the Revised Code shall only be 137  
entitled to reinstatement or reemployment in the classification 138  
from which the employee was displaced or laid off. 139

(G) Except as otherwise provided in this division, an 140  
employee who declines reinstatement to a classification lower in 141  
the classification series than the classification from which the 142  
employee was laid off or displaced, thereafter is only entitled 143  
to reinstatement to a classification higher, up to and including 144  
the classification from which the employee was laid off or 145  
displaced, in the classification series than the classification 146  
that was declined. This division does not apply when an 147  
employee, who was a full-time employee at the time of layoff or 148  
displacement, declines reinstatement in a part-time position. 149

(H) Any employee reinstated or reemployed under this 150  
section shall not serve a probationary period upon reinstatement 151  
or reemployment, except that an employee laid off during an 152  
original or promotional probationary period shall begin a new 153  
probationary period. 154

(I) For the purposes of this section, employees whose 155  
salary or wage is not paid directly by warrant of the director 156  
of budget and management shall be placed on layoff lists of 157  
their appointing authority only. 158

(J) A state agency shall notify an employee recalled from 159  
layoff of the offer of reinstatement or reemployment either by 160  
certified letter or, if the agency has record of an internet 161  
identifier of record associated with the employee, by ordinary 162  
mail and by that internet identifier of record. As used in this 163  
division, "internet identifier of record" has the same meaning 164  
as in section 9.312 of the Revised Code. 165

**Sec. 128.07.** (A) The 9-1-1 planning committee shall 166  
prepare a proposal on the implementation of a countywide 9-1-1 167  
system and shall hold a public meeting on the proposal to 168  
explain the system to and receive comments from public 169  
officials. At least thirty but not more than sixty days before 170  
the meeting, the committee shall send a copy of the 171  
implementation proposal and written notice of the meeting: 172

(1) ~~By certified mail, to~~ To the board of county 173  
commissioners, the legislative authority of each municipal 174  
corporation in the county, and to the board of trustees of each 175  
township in the county, either by certified mail or, if the 176  
committee has record of an internet identifier of record 177  
associated with the board or legislative authority, by ordinary 178  
mail and by that internet identifier of record; and 179

(2) To the board of trustees, directors, or park 180  
commissioners of each subdivision that will be served by a 181  
public safety answering point under the plan. 182

(B) The proposal and the final plan adopted by the 183  
committee shall specify: 184

(1) Which telephone companies serving customers in the 185  
county and, as authorized in division (A)(1) of section 128.03 186  
of the Revised Code, in an adjacent county will participate in 187  
the 9-1-1 system; 188

(2) The location and number of public safety answering 189  
points; how they will be connected to a company's telephone 190  
network; from what geographic territory each will receive 9-1-1 191  
calls; whether basic or enhanced 9-1-1 service will be provided 192  
within such territory; what subdivisions will be served by the 193  
answering point; and whether an answering point will respond to 194

calls by directly dispatching an emergency service provider, by	195
relaying a message to the appropriate provider, or by	196
transferring the call to the appropriate provider;	197
(3) Which subdivision or regional council of governments	198
will establish, equip, furnish, operate, and maintain a	199
particular public safety answering point;	200
(4) A projection of the initial cost of establishing,	201
equipping, and furnishing and of the annual cost of the first	202
five years of operating and maintaining each public safety	203
answering point;	204
(5) Whether the cost of establishing, equipping,	205
furnishing, operating, or maintaining each public safety	206
answering point should be funded through charges imposed under	207
section 128.22 of the Revised Code or will be allocated among	208
the subdivisions served by the answering point and, if any such	209
cost is to be allocated, the formula for so allocating it;	210
(6) How each emergency service provider will respond to a	211
misdirected call.	212
(C) Following the meeting required by this section, the 9-	213
1-1 planning committee may modify the implementation proposal	214
and, no later than nine months after the resolution authorized	215
by section 128.06 of the Revised Code is adopted, may adopt, by	216
majority vote, a final plan for implementing a countywide 9-1-1	217
system. If a planning committee and wireline service provider do	218
not agree on whether the wireline service provider is capable of	219
providing the wireline telephone network as described under	220
division (A) of section 128.03 of the Revised Code and the	221
planning committee refers that question to the steering	222
committee, the steering committee may extend the nine-month	223



deadline established by this division to twelve months. 224  
Immediately on completion of the plan, the planning committee 225  
shall send a copy of the final plan: 226

(1) ~~By certified mail to~~ To the board of county 227  
commissioners of the county, to the legislative authority of 228  
each municipal corporation in the county, and to the board of 229  
township trustees of each township in the county either by 230  
certified mail or, if the committee has record of an internet 231  
identifier of record associated with the board or legislative 232  
authority, by ordinary mail and by that internet identifier of 233  
record; and 234

(2) To the board of trustees, directors, or park 235  
commissioners of each subdivision that will be served by a 236  
public safety answering point under the plan. 237

(D) As used in this section, "internet identifier of 238  
record" has the same meaning as in section 9.312 of the Revised 239  
Code. 240

**Sec. 149.30.** The Ohio history connection, chartered by 241  
this state as a corporation not for profit to promote a 242  
knowledge of history and archaeology, especially of Ohio, and 243  
operated continuously in the public interest since 1885, may 244  
perform public functions as prescribed by law. 245

The general assembly may appropriate money to the Ohio 246  
history connection each biennium to carry out the public 247  
functions of the Ohio history connection as enumerated in this 248  
section. An appropriation by the general assembly to the Ohio 249  
history connection constitutes an offer to contract with the 250  
Ohio history connection to carry out those public functions for 251  
which appropriations are made. An acceptance by the Ohio history 252

connection of the appropriated funds constitutes an acceptance 253  
by the Ohio history connection of the offer and is considered an 254  
agreement by the Ohio history connection to perform those 255  
functions in accordance with the terms of the appropriation and 256  
the law and to expend the funds only for the purposes for which 257  
appropriated. The governor may request on behalf of the Ohio 258  
history connection, and the controlling board may release, 259  
additional funds to the Ohio history connection for survey, 260  
salvage, repair, or rehabilitation of an emergency nature for 261  
which funds have not been appropriated, and acceptance by the 262  
Ohio history connection of those funds constitutes an agreement 263  
on the part of the Ohio history connection to expend those funds 264  
only for the purpose for which released by the controlling 265  
board. 266

The Ohio history connection shall faithfully expend and 267  
apply all moneys received from the state to the uses and 268  
purposes directed by law and for necessary administrative 269  
expenses. If the general assembly appropriates money to the Ohio 270  
history connection for grants or subsidies to other entities for 271  
their site-related programs, the Ohio history connection, except 272  
for good cause, shall distribute the money within ninety days of 273  
accepting a grant or subsidy application for the money. 274

The Ohio history connection shall perform the public 275  
function of sending notice by ordinary or certified mail to the 276  
owner of any property at the time it is listed on the national 277  
register of historic places. The Ohio history connection shall 278  
accurately record all expenditures of such funds in conformity 279  
with generally accepted accounting principles. 280

The auditor of state shall audit all funds and fiscal 281  
records of the Ohio history connection. 282

The public functions to be performed by the Ohio history connection shall include all of the following:	283 284
(A) Creating, supervising, operating, protecting, maintaining, and promoting for public use a system of state memorials, titles to which may reside wholly or in part with this state or wholly or in part with the Ohio history connection as provided in and in conformity to appropriate acts and resolves of the general assembly, and leasing for renewable periods of two years or less, with the advice and consent of the attorney general and the director of administrative services, lands and buildings owned by the state which are in the care, custody, and control of the Ohio history connection, all of which shall be maintained and kept for public use at reasonable hours;	285 286 287 288 289 290 291 292 293 294 295 296
(B) Making alterations and improvements, marking, and constructing, reconstructing, protecting, or restoring structures, earthworks, and monuments in its care, and equipping such facilities with appropriate educational maintenance facilities;	297 298 299 300 301
(C) Serving as the archives administration for the state and its political subdivisions as provided in sections 149.31 to 149.42 of the Revised Code;	302 303 304
(D) Administering a state historical museum, to be the headquarters of the society and its principal museum and library, which shall be maintained and kept for public use at reasonable hours;	305 306 307 308
(E) Establishing a marking system to identify all designated historic and archaeological sites within the state and marking or causing to be marked historic sites and	309 310 311

communities considered by the society to be historically or 312  
archaeologically significant; 313

(F) Publishing books, pamphlets, periodicals, and other 314  
publications about history, archaeology, and natural science and 315  
offering one copy of each regular periodical issue to all public 316  
libraries in this state at a reasonable price, which shall not 317  
exceed one hundred ten per cent more than the total cost of 318  
publication; 319

(G) Engaging in research in history, archaeology, and 320  
natural science and providing historical information upon 321  
request to all state agencies; 322

(H) Collecting, preserving, and making available by all 323  
appropriate means and under approved safeguards all manuscript, 324  
print, or near-print library collections and all historical 325  
objects, specimens, and artifacts which pertain to the history 326  
of Ohio and its people, including the following original 327  
documents: Ohio Constitution of 1802; Ohio Constitution of 1851; 328  
proposed Ohio Constitution of 1875; design and the letters of 329  
patent and assignment of patent for the state flag; S.J.R. 13 330  
(1873); S.J.R. 53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); 331  
H.J.R. 73 (1883); S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 332  
(1902); S.J.R. 28 (1902); H.J.R. 39 (1902); S.J.R. 23 (1903); 333  
H.J.R. 19 (1904); S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 334  
(1917); petition form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 335  
(1923); H.J.R. 40 (1923); H.J.R. 8 (1929); H.J.R. 20 (1929); 336  
S.J.R. 4 (1933); petition form (2) (1933); S.J.R. 57 (1936); 337  
petition form (1936); H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 338  
8 (1944); S.J.R. 6 (1947); petition form (1947); H.J.R. 24 339  
(1947); and H.J.R. 48 (1947); 340

(I) Encouraging and promoting the organization and 341

development of county and local historical societies; 342

(J) Providing to Ohio schools such materials as the Ohio 343  
history connection may prepare to facilitate the instruction of 344  
Ohio history at a reasonable price, which shall not exceed one 345  
hundred ten per cent more than the total cost of preparation and 346  
delivery; 347

(K) Providing advisory and technical assistance to local 348  
societies for the preservation and restoration of historic and 349  
archaeological sites; 350

(L) Devising uniform criteria for the designation of 351  
historic and archaeological sites throughout the state and 352  
advising local historical societies of the criteria and their 353  
application; 354

(M) Taking inventory, in cooperation with the Ohio arts 355  
council, the Ohio archaeological council, and the archaeological 356  
society of Ohio, of significant designated and undesignated 357  
state and local sites and keeping an active registry of all 358  
designated sites within the state; 359

(N) Contracting with the owners or persons having an 360  
interest in designated historic or archaeological sites or 361  
property adjacent or contiguous to those sites, or acquiring, by 362  
purchase, gift, or devise, easements in those sites or in 363  
property adjacent or contiguous to those sites, in order to 364  
control or restrict the use of those historic or archaeological 365  
sites or adjacent or contiguous property for the purpose of 366  
restoring or preserving the historical or archaeological 367  
significance or educational value of those sites; 368

(O) Constructing a monument honoring Governor James A. 369  
Rhodes, which shall stand on the northeast quadrant of the 370

grounds surrounding the capitol building. The monument shall be 371  
constructed with private funds donated to the Ohio history 372  
connection and designated for this purpose. No public funds 373  
shall be expended to construct this monument. The department of 374  
administrative services shall cooperate with the Ohio history 375  
connection in carrying out this function and shall maintain the 376  
monument in a manner compatible with the grounds of the capitol 377  
building. 378

(P) Commissioning a portrait of each departing governor, 379  
which shall be displayed in the capitol building. The Ohio 380  
history connection may accept private contributions designated 381  
for this purpose and, at the discretion of its board of 382  
trustees, also may apply for the same purpose funds appropriated 383  
by the general assembly to the Ohio history connection pursuant 384  
to this section. 385

(Q) Submitting an annual report of its activities, 386  
programs, and operations to the governor within two months after 387  
the close of each fiscal year of the state. 388

The Ohio history connection shall not sell, mortgage, 389  
transfer, or dispose of historical or archaeological sites to 390  
which it has title and in which the state has monetary interest 391  
except by action of the general assembly. 392

In consideration of the public functions performed by the 393  
Ohio history connection for the state, employees of the Ohio 394  
history connection shall be considered public employees within 395  
the meaning of section 145.01 of the Revised Code. 396

**Sec. 303.14.** The county board of zoning appeals may: 397

(A) Hear and decide appeals where it is alleged there is 398  
error in any order, requirement, decision, or determination made 399

by an administrative official in the enforcement of sections 400  
303.01 to 303.25 of the Revised Code, or of any resolution 401  
adopted pursuant thereto; 402

(B) Authorize upon appeal, in specific cases, such 403  
variance from the terms of the zoning resolution as will not be 404  
contrary to the public interest, where, owing to special 405  
conditions, a literal enforcement of the resolution will result 406  
in unnecessary hardship, and so that the spirit of the 407  
resolution shall be observed and substantial justice done; 408

(C) Grant conditional zoning certificates for the use of 409  
land, buildings, or other structures if such certificates for 410  
specific uses are provided for in the zoning resolution. If the 411  
board considers conditional zoning certificates for activities 412  
that are permitted and regulated under Chapter 1514. of the 413  
Revised Code or activities that are related to making finished 414  
aggregate products, the board shall proceed in accordance with 415  
section 303.141. of the Revised Code. 416

(D) Revoke an authorized variance or conditional zoning 417  
certificate granted for the extraction of minerals, if any 418  
condition of the variance or certificate is violated. 419

The board shall notify the holder of the variance or 420  
certificate either by certified mail or, if the board has record 421  
of an internet identifier of record associated with the holder, 422  
by ordinary mail and by that internet identifier of record of 423  
its intent to revoke the variance or certificate under division 424  
(D) of this section and of the holder's right to a hearing 425  
before the board within thirty days of the mailing of the notice 426  
if the holder so requests. If the holder requests a hearing, the 427  
board shall set a time and place for the hearing and notify the 428  
holder. At the hearing, the holder may appear in person, by 429

attorney, or by other representative, or the holder may present 430  
the holder's position in writing. The holder may present 431  
evidence and examine witnesses appearing for or against the 432  
holder. If no hearing is requested, the board may revoke the 433  
variance or certificate without a hearing. The authority to 434  
revoke a variance or certificate is in addition to any other 435  
means of zoning enforcement provided by law. 436

In exercising the above-mentioned powers, the board may, 437  
in conformity with such sections, reverse or affirm, wholly or 438  
partly, or modify the order, requirement, decision, or 439  
determination appealed from and may make such order, 440  
requirement, decision, or determination as ought to be made, and 441  
to that end has all powers of the officer from whom the appeal 442  
is taken. 443

As used in this section, "internet identifier of record" 444  
has the same meaning as in section 9.312 of the Revised Code. 445

**Sec. 307.204.** (A) As used in this section: 446

(1) "Concentrated animal feeding facility" and "major 447  
concentrated animal feeding facility" have the same meanings as 448  
in section 903.01 of the Revised Code. 449

(2) "Facility" means a proposed new or expanded major 450  
concentrated animal feeding facility. 451

(3) "Improvement" means the construction, modification, or 452  
both of county infrastructure. 453

(B) A person who proposes to do any of the following shall 454  
provide written notification as required under division (C) of 455  
this section to the board of county commissioners of the county 456  
in which a facility is or is to be located: 457



- (1) Establish a new major concentrated animal feeding facility; 458  
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- (2) Increase the design capacity of an existing major concentrated animal feeding facility by ten per cent or more in excess of the design capacity set forth in the current permit for construction or modification of the facility or for installation or modification of the disposal system for manure at the facility issued under section 903.02 or division (J) of section 6111.03 of the Revised Code, as applicable; 460  
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- (3) Increase the design capacity of an existing concentrated animal feeding facility by ten per cent or more in excess of the design capacity set forth in the current permit for construction or modification of the facility or for installation or modification of the disposal system for manure at the facility issued under section 903.02 or division (J) of section 6111.03 of the Revised Code, as applicable, and to a design capacity of more than ten times the number of animals specified in any of the categories in division (H) of section 903.01 of the Revised Code. 467  
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- (C) The person shall notify the board in writing by certified mail of the proposed construction or expansion of the facility and include the following information: 477  
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- (1) The anticipated travel routes of motor vehicles to and from the facility; 480  
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- (2) The anticipated number and weights of motor vehicles traveling to and from the facility. 482  
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- (D) At the request of the board, the county engineer may review the written notification and advise the board on both of the following: 484  
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(1) Improvements and maintenance of improvements that are 487  
reasonably needed in order to accommodate the impact on county 488  
infrastructure that is anticipated as a result of the facility, 489  
including increased travel or the types of vehicles on county 490  
roads; 491

(2) The projected costs of the improvements and 492  
maintenance. 493

Not later than ten days after receiving the written 494  
notification, the board may request the person to provide 495  
additional reasonable and relevant information regarding the 496  
impact of the facility on county infrastructure. The person 497  
shall provide the information not later than ten days after the 498  
request is made. 499

(E) (1) Not later than thirty days after the initial 500  
written notification is received by the board, the board shall 501  
submit to the person its recommendations, if any, concerning the 502  
improvements that will be needed as a result of the facility and 503  
the cost of those improvements. 504

(2) Not later than fifteen days after receipt of the 505  
board's recommendations, the person shall notify the board 506  
either that the person agrees with the recommendations and will 507  
implement them or that the person is submitting reasonable 508  
alternative recommendations or modifications to the board. If 509  
the person agrees with the recommendations, they shall be 510  
considered to be the board's final recommendations. 511

(3) If the board receives alternative recommendations or 512  
modifications under division (E) (2) of this section, the board 513  
shall select final recommendations and submit them to the person 514  
not later than thirty days after the receipt of the alternative 515

recommendations or modifications. 516

(F) (1) The board shall prepare a written, dated statement 517  
certifying that the written notification required under this 518  
section was submitted and that final recommendations were 519  
selected regarding needed improvements and the costs of those 520  
improvements. The board shall provide the person with the 521  
original of the statement so that the person can include it with 522  
the application for a permit to install for the facility as 523  
required under division (C) (4) of section 903.02 of the Revised 524  
Code. The board shall retain a copy of the statement for its 525  
records. 526

(2) If the board fails to prepare a written, dated 527  
statement in accordance with division (F) (1) of this section 528  
within seventy-five days of receiving the initial written 529  
notification by certified mail from the person, the person 530  
instead shall file with the application for a permit to install 531  
for the facility a notarized affidavit declaring that the person 532  
has met the criteria established in this section and that a 533  
written, dated statement was not received by the person from the 534  
board. 535

(G) If the person receives a written, dated statement from 536  
the board as provided in division (F) (1) of this section, the 537  
person shall construct, modify, and maintain or finance the 538  
construction, modification, and maintenance of improvements as 539  
provided in the board's final recommendations and with the 540  
approval and oversight of the county engineer. If the person 541  
fails to do so, the board shall notify the person either by 542  
certified mail or, if the board has record of an internet 543  
identifier of record associated with the person, by ordinary 544  
mail and by that internet identifier of record that the board 545

intends to initiate mediation with the person if the person 546  
remains out of compliance with the final recommendations. 547

The board shall allow sufficient time for the person to 548  
apply for and proceed to obtain, for the purpose of financing 549  
the construction, modification, or maintenance of the 550  
improvements, exemptions from taxation under sections 5709.63, 551  
5709.632, 5709.73, and 5709.78 of the Revised Code or state or 552  
federal grants that may be available. 553

If the person remains out of compliance with the final 554  
recommendations, the board may initiate mediation with the 555  
person in order to resolve the differences between them. If 556  
mediation fails to resolve the differences, the board and the 557  
person first shall attempt to resolve the differences through 558  
any legal remedies before seeking redress through a court of 559  
common pleas. 560

(H) If the person subsequently submits an application 561  
under section 903.02 of the Revised Code for a permit to modify 562  
the facility, or if the routes of travel to or from the facility 563  
change for any reason other than road construction conducted by 564  
the county, the board or the person may request that additional 565  
information be provided in writing and shall proceed as provided 566  
in this section for the notification and recommendation 567  
proceedings. 568

(I) As used in this section, "internet identifier of 569  
record" has the same meaning as in section 9.312 of the Revised 570  
Code. 571

**Sec. 307.699.** (A) As used in this section: 572

(1) "Sports facility" has the same meaning as in section 573  
307.696 of the Revised Code. 574

(2) "Residual cash" has the same meaning as in division 575  
(B) (5) of section 5709.081 of the Revised Code. 576

(3) "Internet identifier of record" has the same meaning 577  
as in section 9.312 of the Revised Code. 578

(B) Any political subdivision or subdivisions or any 579  
corporation that owns a sports facility that is both constructed 580  
under section 307.696 of the Revised Code and includes property 581  
exempt from taxation under division (B) of section 5709.081 of 582  
the Revised Code, shall make an annual service payment in lieu 583  
of taxes on the exempt property for each tax year beginning with 584  
the first tax year in which the facility or part thereof is used 585  
by a major league professional athletic team for its home 586  
schedule. The amount of the service payment for a tax year shall 587  
be determined by the county auditor under division (D) of this 588  
section. 589

(C) On or before the first day of September each year, the 590  
owner of property to which this section applies shall file both 591  
of the following with the county auditor: 592

(1) A return in the same form as under section 5711.02 of 593  
the Revised Code listing all its exempt tangible personal 594  
property as of the first day of August of that year; 595

(2) An audited financial statement certified by the owner 596  
and reflecting the actual receipts, revenue, expenses, 597  
expenditures, net income, and residual cash derived from the 598  
property during the most recently ended calendar year. 599

For the purposes of this section, the county auditor shall 600  
determine the true value of the real and tangible personal 601  
property owned by the political subdivision or subdivisions or 602  
the corporation and included in the sports facility, including 603

the taxable portion thereof, by capitalizing at an appropriate 604  
rate the net income of the owner derived from that property. The 605  
auditor shall use the net income as certified in the owner's 606  
financial statement, unless ~~he~~ the auditor determines that the 607  
amount so certified is inaccurate, in which event ~~he~~ the auditor 608  
shall determine the accurate amount of net income to be 609  
capitalized. The county auditor shall compute net income before 610  
debt service, and shall not include any revenue from county 611  
taxes as defined in division (A) (1) of section 307.696 of the 612  
Revised Code. The true value so determined shall be allocated 613  
between real and tangible personal property and assessed for the 614  
purposes of this section at the appropriate percentages provided 615  
by law for determining taxable values. 616

Using information reported or determined under this 617  
division, the county auditor shall determine the amount of 618  
putative taxes for the property for that tax year. As used in 619  
this section, "putative taxes" means the greater of one million 620  
dollars or the amount of property taxes that would have been 621  
charged and payable if all the real and tangible personal 622  
property owned by the political subdivision or subdivisions or 623  
the corporation and included in the sports facility was subject 624  
to taxation. 625

(D) On or before the date that is sixty days before the 626  
date that the first payment of real property taxes are due 627  
without penalty under Chapter 323. of the Revised Code each tax 628  
year, the county auditor shall determine the amount of service 629  
payments for that tax year for property to which this section 630  
applies in the following manner: 631

(1) The county auditor shall deduct from the amount of 632  
putative taxes under division (C) of this section any taxes 633

assessed against the taxable portion of the sports facility 634  
owned by any of the entities in division (B) (1) of section 635  
5709.081 of the Revised Code, any amounts paid by a municipal 636  
corporation under section 5709.082 of the Revised Code as a 637  
result of the exempt property, and any amounts available in the 638  
construction payments account established under division (G) (1) 639  
of this section as are required to make the total deductions 640  
under this division equal to one million dollars. 641

(2) The county auditor shall fix the amount of the service 642  
payments for a tax year at the amount of the putative taxes 643  
minus deductions under division (D) (1) of this section. However, 644  
any amount of service payments required because the putative 645  
taxes exceed one million dollars shall not exceed the amount of 646  
residual cash of the owner of the exempt property as reported in 647  
division (C) of this section that would otherwise accrue to the 648  
political subdivision or subdivisions pursuant to division (B) 649  
(5) of section 5709.081 of the Revised Code if no service 650  
payments were imposed under this section. 651

(3) If the exempt property is an improvement under 652  
division (C) (2) of section 5709.081 of the Revised Code, the 653  
county auditor shall determine the percentage which such 654  
improvement constitutes of the total sports facility and shall 655  
substitute for the one-million-dollar amount, wherever it 656  
appears in this section, an amount equal to such percentage 657  
multiplied by one million dollars. The percentage shall be 658  
determined by dividing the reproduction cost new of the 659  
improvement by the reproduction cost new of the total sports 660  
facility including the improvement, owned by any of the entities 661  
under division (B) (1) of section 5709.081 of the Revised Code. 662

(E) On or before the date that is sixty days before the 663

date that the first payment of real property taxes are due 664  
without penalty under Chapter 323. of the Revised Code each tax 665  
year, the county auditor shall certify and send notice ~~by~~ 666  
~~certified mail~~ to the owner of the property either by certified 667  
mail or, if the auditor has record of an internet identifier of 668  
record associated with the owner, by ordinary mail and by that 669  
internet identifier of record, of the amount and the calculation 670  
of the service payments charged that tax year, including the 671  
separate valuations determined for the real and tangible 672  
personal property, the capitalization rate used, the separate 673  
deductions allowed under division (D) of this section, and any 674  
claimed inaccuracies in net income determined under division (C) 675  
of this section. 676

The service payments for a tax year shall be charged and 677  
collected in the same manner as real property taxes for that tax 678  
year. Revenue collected as service payments shall be distributed 679  
to the taxing districts that would have received property tax 680  
revenue from the exempt property if it was not exempt, for the 681  
tax year for which the payments are made, in the same 682  
proportions as property taxes are distributed. However, if the 683  
sum of the deductions allowed under division (D) of this section 684  
and the service payments exceeds one million dollars, any 685  
service payments in excess of one million dollars shall first be 686  
paid to the municipal corporation to reimburse it for the 687  
payments made under section 5709.082 of the Revised Code from 688  
the inception of such payments. Any such payments to the 689  
municipal corporation shall be deducted from the municipal 690  
payments account established under division (G) (2) of this 691  
section. 692

(F) The owner of property exempt from taxation under 693  
section 5709.081 of the Revised Code or persons and political 694



subdivisions entitled to file complaints under section 5715.19 695  
of the Revised Code may appeal the determination of the annual 696  
service payments required by this section to the board of 697  
revision in the county in which the exempt property is located 698  
within the time period for filing complaints under section 699  
5715.19 of the Revised Code. The appeal shall be taken by filing 700  
a complaint with that board which need not be on the form 701  
prescribed for other complaints filed under section 5715.19 of 702  
the Revised Code but which shall include an identification of 703  
the exempt property, a copy of the auditor's certification to 704  
the owner, a calculation of the service payments claimed to be 705  
correct and a statement of the errors in the auditor's 706  
determination. Upon receipt of such complaint, the board of 707  
revision shall notify the county auditor of the county in which 708  
the exempt property is located, who shall, within thirty days of 709  
such notice, certify to the board of revision a transcript of 710  
the record of the proceedings of the county auditor pertaining 711  
to the determination of the annual service payments. Any 712  
complaint filed under this section shall be regarded as a 713  
complaint for the purposes of divisions (B), (C), (E), (F), (G), 714  
and (H) of section 5715.19 of the Revised Code. The board of 715  
revision shall order the hearing of evidence and shall determine 716  
the amount of service payments due and payable pursuant to this 717  
section. 718

(G) The county auditor of the county in which the exempt 719  
property is located shall establish the following two accounts: 720

(1) A construction payments account to which shall be 721  
posted all payments made by a municipal corporation pursuant to 722  
section 5709.082 of the Revised Code on account of such property 723  
derived from persons employed at the site of the sports facility 724  
in the construction of the facility. Deductions shall be made 725

from such account as provided in division (D) of this section 726  
until the amounts so posted are exhausted~~+~~. 727

(2) A municipal payments reimbursement account to which 728  
shall be posted all payments made by a municipal corporation 729  
pursuant to section 5709.082 of the Revised Code on account of 730  
such property including those posted under division (G)(1) of 731  
this section. Deductions shall be made from the municipal 732  
payments reimbursement account for reimbursements to the 733  
municipal corporation made under division (E) of this section 734  
until the amounts posted are exhausted. 735

**Sec. 340.02.** (A) For each alcohol, drug addiction, and 736  
mental health service district, there shall be appointed a board 737  
of alcohol, drug addiction, and mental health services 738  
consisting of eighteen members or fourteen members. Should the 739  
board of alcohol, drug addiction, and mental health services 740  
elect to remain at eighteen members, as provided under section 741  
340.02 of the Revised Code as it existed immediately prior to 742  
the date of this amendment, the board of alcohol, drug 743  
addiction, and mental health services and the board of county 744  
commissioners shall not be required to take any action. Should 745  
the board of alcohol, drug addiction, and mental health services 746  
elect a recommendation to become a fourteen-member board, that 747  
recommendation must be approved by the board of county 748  
commissioners of the county in which the alcohol, drug 749  
addiction, and mental health district is located in order for 750  
the transition to a fourteen-member board to occur. Not later 751  
than September 30, 2013, each board of alcohol, drug addiction, 752  
and mental health services wishing to become a fourteen-member 753  
board shall notify the board of county commissioners of that 754  
recommendation. Failure of the board of county commissioners to 755  
take action within thirty days after receipt of the 756

recommendation shall be deemed agreement by the board of county 757  
commissioners to transition to a fourteen-member board of 758  
alcohol, drug addiction, and mental health services. Should the 759  
board of county commissioners reject the recommendation, the 760  
board of county commissioners shall adopt a resolution stating 761  
that rejection within thirty days after receipt of the 762  
recommendation. Upon adoption of the resolution, the board of 763  
county commissioners shall meet with the board of alcohol, drug 764  
addiction, and mental health services to discuss the matter. 765  
After the meeting, the board of county commissioners shall 766  
notify the department of mental health and addiction services of 767  
its election not later than January 1, 2014. In a joint-county 768  
district, a majority of the boards of county commissioners must 769  
not reject the recommendation of a joint-county board to become 770  
a fourteen-member board in order for the transition to a 771  
fourteen-member board to occur. Should the joint-county district 772  
have an even number of counties, and the boards of county 773  
commissioners of these counties tie in terms of whether or not 774  
to accept the recommendation of the alcohol, drug addiction, and 775  
mental health services board, the recommendation of the alcohol, 776  
drug addiction, and mental health service board to become a 777  
fourteen-member board shall prevail. The election shall be 778  
final. Failure to provide notice of its election to the 779  
department on or before January 1, 2014, shall constitute an 780  
election to continue to operate as an eighteen-member board, 781  
which election shall also be final. If an existing board 782  
provides timely notice of its election to transition to operate 783  
as a fourteen-member board, the number of board members may 784  
decline from eighteen to fourteen by attrition as current 785  
members' terms expire. However, the composition of the board 786  
must reflect the requirements set forth in this section for 787  
fourteen-member boards. For all boards, half of the members 788

shall be interested in mental health services and half of the 789  
members shall be interested in alcohol, drug, or gambling 790  
addiction services. All members shall be residents of the 791  
service district. The membership shall, as nearly as possible, 792  
reflect the composition of the population of the service 793  
district as to race and sex. 794

(B) For boards operating as eighteen-member boards, the 795  
director of mental health and addiction services shall appoint 796  
eight members of the board and the board of county commissioners 797  
shall appoint ten members. For boards operating as fourteen- 798  
member boards, the director of mental health and addiction 799  
services shall appoint six members of the board and the board of 800  
county commissioners shall appoint eight members. In a joint- 801  
county district, the county commissioners of each participating 802  
county shall appoint members in as nearly as possible the same 803  
proportion as that county's population bears to the total 804  
population of the district, except that at least one member 805  
shall be appointed from each participating county. 806

(C) The director of mental health and addiction services 807  
shall ensure that at least one member of the board is a 808  
clinician with experience in the delivery of mental health 809  
services, at least one member of the board is a person who has 810  
received or is receiving mental health services, at least one 811  
member of the board is a parent or other relative of such a 812  
person, at least one member of the board is a clinician with 813  
experience in the delivery of addiction services, at least one 814  
member of the board is a person who has received or is receiving 815  
addiction services, and at least one member of the board is a 816  
parent or other relative of such a person. A single member who 817  
meets both qualifications may fulfill the requirement for a 818  
clinician with experience in the delivery of mental health 819

services and a clinician with experience in the delivery of 820  
addiction services. 821

(D) No member or employee of a board of alcohol, drug 822  
addiction, and mental health services shall serve as a member of 823  
the board of any provider with which the board of alcohol, drug 824  
addiction, and mental health services has entered into a 825  
contract for the provision of services or facilities. No member 826  
of a board of alcohol, drug addiction, and mental health 827  
services shall be an employee of any provider with which the 828  
board has entered into a contract for the provision of services 829  
or facilities. No person shall be an employee of a board and 830  
such a provider unless the board and provider both agree in 831  
writing. 832

(E) No person shall serve as a member of the board of 833  
alcohol, drug addiction, and mental health services whose 834  
spouse, child, parent, brother, sister, grandchild, stepparent, 835  
stepchild, stepbrother, stepsister, father-in-law, mother-in- 836  
law, son-in-law, daughter-in-law, brother-in-law, or sister-in- 837  
law serves as a member of the board of any provider with which 838  
the board of alcohol, drug addiction, and mental health services 839  
has entered into a contract for the provision of services or 840  
facilities. No person shall serve as a member or employee of the 841  
board whose spouse, child, parent, brother, sister, stepparent, 842  
stepchild, stepbrother, stepsister, father-in-law, mother-in- 843  
law, son-in-law, daughter-in-law, brother-in-law, or sister-in- 844  
law serves as a county commissioner of a county or counties in 845  
the alcohol, drug addiction, and mental health service district. 846

(F) Each year each board member shall attend at least one 847  
in-service training session provided or approved by the 848  
department of mental health and addiction services. 849

(G) For boards operating as eighteen-member boards, each member shall be appointed for a term of four years, commencing the first day of July, except that one-third of initial appointments to a newly established board, and to the extent possible to expanded boards, shall be for terms of two years, one-third of initial appointments shall be for terms of three years, and one-third of initial appointments shall be for terms of four years. For boards operating as fourteen-member boards, each member shall be appointed for a term of four years, commencing the first day of July, except that four of the initial appointments to a newly established board, and to the extent possible to expanded boards, shall be for terms of two years, five initial appointments shall be for terms of three years, and five initial appointments shall be for terms of four years. No member shall serve more than two consecutive four-year terms under the same appointing authority. A member may serve for three consecutive terms under the same appointing authority only if one of the terms is for less than two years. A member who has served two consecutive four-year terms or three consecutive terms totaling less than ten years is eligible for reappointment by the same appointing authority one year following the end of the second or third term, respectively.

When a vacancy occurs, appointment for the expired or unexpired term shall be made in the same manner as an original appointment. The board shall notify the appointing authority ~~shall be notified either by certified mail or, if the board has~~ record of an internet identifier of record associated with the authority, by ordinary mail and by that internet identifier of record of any vacancy and shall fill the vacancy within sixty days following that notice.

Any member of the board may be removed from office by the

appointing authority for neglect of duty, misconduct, or 881  
malfeasance in office, and shall be removed by the appointing 882  
authority if the member is barred by this section from serving 883  
as a board member. The member shall be informed in writing of 884  
the charges and afforded an opportunity for a hearing. Upon the 885  
absence of a member within one year from either four board 886  
meetings or from two board meetings without prior notice, the 887  
board shall notify the appointing authority, which may vacate 888  
the appointment and appoint another person to complete the 889  
member's term. 890

Members of the board shall serve without compensation, but 891  
shall be reimbursed for actual and necessary expenses incurred 892  
in the performance of their official duties, as defined by rules 893  
of the department of mental health and addiction services. 894

(H) As used in this section, "internet identifier of 895  
record" has the same meaning as in section 9.312 of the Revised 896  
Code. 897

**Sec. 343.01.** (A) In order to comply with division (B) of 898  
section 3734.52 of the Revised Code, the board of county 899  
commissioners of each county shall do one of the following: 900

(1) Establish, by resolution, and maintain a county solid 901  
waste management district under this chapter that consists of 902  
all the incorporated and unincorporated territory within the 903  
county except as otherwise provided in division (A) of this 904  
section; 905

(2) With the boards of county commissioners of one or more 906  
other counties establish, by agreement, and maintain a joint 907  
solid waste management district under this chapter that consists 908  
of all the incorporated and unincorporated territory within the 909

counties forming the joint district except as otherwise provided 910  
in division (A) of this section. 911

If a municipal corporation is located in more than one 912  
solid waste management district, the entire municipal 913  
corporation shall be considered to be included in and shall be 914  
under the jurisdiction of the district in which a majority of 915  
the population of the municipal corporation resides. 916

A county and joint district established to comply with 917  
division (B) of section 3734.52 of the Revised Code shall have a 918  
population of not less than one hundred twenty thousand unless, 919  
in the instance of a county district, the board of county 920  
commissioners has obtained an exemption from that requirement 921  
under division (C) (1) or (2) of that section. Each joint 922  
district established to comply with an order issued under 923  
division (D) of that section shall have a population of at least 924  
one hundred twenty thousand. 925

(B) The boards of county commissioners of the counties 926  
establishing a joint district constitute, collectively, the 927  
board of directors of the joint district, except that if a 928  
county with a form of legislative authority other than a board 929  
of county commissioners participates, it shall be represented on 930  
the board of directors by three persons appointed by the 931  
legislative authority. 932

The agreement to establish and maintain a joint district 933  
shall be ratified by resolution of the board of county 934  
commissioners of each participating county. Upon ratification, 935  
the board of directors shall take control of and manage the 936  
joint district subject to this chapter, except that, in the case 937  
of a joint district formed pursuant to division (C), (D), or (E) 938  
of section 343.012 of the Revised Code, the board of directors 939



shall take control of and manage the district when the formation 940  
of the district becomes final under the applicable division. A 941  
majority of the board of directors constitutes a quorum, and a 942  
majority vote is required for the board to act. 943

A county participating in a joint district may contribute 944  
lands or rights or interests therein, money, other personal 945  
property or rights or interests therein, or services to the 946  
district. The agreement shall specify any contributions of 947  
participating counties and the rights of the participating 948  
counties in lands or personal property, or rights or interests 949  
therein, contributed to or otherwise acquired by the joint 950  
district. The agreement may be amended or added to by a majority 951  
vote of the board of directors, but no amendment or addition 952  
shall divest a participating county of any right or interest in 953  
lands or personal property without its consent. 954

The board of directors may appoint and fix the 955  
compensation of employees of, accept gifts, devises, and 956  
bequests for, and take other actions necessary to control and 957  
manage the joint district. Employees of the district shall be 958  
considered county employees for the purposes of Chapter 124. of 959  
the Revised Code and other provisions of state law applicable to 960  
employees. Instead of or in addition to appointing employees of 961  
the district, the board of directors may agree to use employees 962  
of one or more of the participating counties in the service of 963  
the joint district and to share in their compensation in any 964  
manner that may be agreed upon. 965

The board of directors shall do one of the following: 966

(1) Designate the county auditor, including any other 967  
official acting in a capacity similar to a county auditor under 968  
a county charter, of a county participating in the joint 969

district as the fiscal officer of the district, and the county 970  
treasurer, or other official acting in a capacity similar to a 971  
county treasurer under a county charter, of that county as the 972  
treasurer of the district. The designated county officials shall 973  
perform any applicable duties for the district as each typically 974  
performs for the county of which the individual is an official, 975  
except as otherwise may be provided in any bylaws or resolutions 976  
adopted by the board of directors. The board of directors may 977  
pay to that county any amount agreed upon by the board of 978  
directors and the board of county commissioners of that county 979  
to reimburse that county for the cost properly allocable to the 980  
service of its officials as fiscal officer and treasurer of the 981  
joint district. 982

(2) Appoint one individual who is neither a county auditor 983  
nor a county treasurer, and who may be an employee of the 984  
district, to serve as both the treasurer of the district and its 985  
fiscal officer. That individual shall act as custodian of the 986  
funds of the board and the district and shall maintain all 987  
accounts of the district. Any reference in this chapter or 988  
Chapter 3734. of the Revised Code to a county auditor or county 989  
treasurer serving as fiscal officer of a district or custodian 990  
of any funds of a board or district is deemed to refer to an 991  
individual appointed under division (B)(2) of this section. 992

The fiscal officer of a district shall establish a general 993  
fund and any other necessary funds for the district. 994

(C) A board of county commissioners of a county district 995  
or board of directors of a joint district may acquire, by 996  
purchase or lease, construct, improve, enlarge, replace, 997  
maintain, and operate such solid waste collection systems within 998  
their respective districts and such solid waste facilities 999

within or outside their respective districts as are necessary 1000  
for the protection of the public health. A board of county 1001  
commissioners may acquire within its county real property or any 1002  
estate, interest, or right therein, by appropriation or any 1003  
other method, for use by a county or joint district in 1004  
connection with such facilities. Appropriation proceedings shall 1005  
be conducted in accordance with sections 163.01 to 163.22 of the 1006  
Revised Code. 1007

(D) The sanitary engineer or sanitary engineering 1008  
department of a county maintaining a district and any sanitary 1009  
engineer or sanitary engineering department of a county in a 1010  
joint district, as determined by the board of directors, in 1011  
addition to other duties assigned to that engineer or 1012  
department, shall assist the board of county commissioners or 1013  
directors in the performance of their duties under this chapter 1014  
and sections 3734.52 to 3734.575 of the Revised Code and shall 1015  
be charged with any other duties and services in relation 1016  
thereto that the board prescribes. A board may employ registered 1017  
professional engineers to assist the sanitary engineer in those 1018  
duties and also may employ financial advisers and any other 1019  
professional services it considers necessary to assist it in the 1020  
construction, financing, and maintenance of solid waste 1021  
collection or other solid waste facilities. Such contracts of 1022  
employment shall not require the certificate provided in section 1023  
5705.41 of the Revised Code. Payment for such services may be 1024  
made from the general fund or any other fund legally available 1025  
for that use at times that are agreed upon or as determined by 1026  
the board of county commissioners or directors, and the funds 1027  
may be reimbursed from the proceeds of bonds or notes issued to 1028  
pay the cost of any improvement to which the services related. 1029

(E) (1) The prosecuting attorney of the county shall serve 1030

as the legal advisor of a county district and shall provide such 1031  
services to the board of county commissioners of the district as 1032  
are required or authorized to be provided to other county boards 1033  
under Chapter 309. of the Revised Code, except that, if the 1034  
board considers it to be necessary or appropriate, the board, on 1035  
its own initiative, may employ an attorney or other legal 1036  
counsel on an annual basis to serve as the legal advisor of the 1037  
district in place of the prosecuting attorney. When the 1038  
prosecuting attorney is serving as the district's legal advisor 1039  
and the board considers it to be necessary or appropriate, the 1040  
board, on its own initiative, may employ an attorney or other 1041  
legal counsel to represent or advise the board regarding a 1042  
particular matter in place of the prosecuting attorney. The 1043  
employment of an attorney or other legal counsel on an annual 1044  
basis or in a particular matter is not subject to or governed by 1045  
sections 305.14 and 309.09 of the Revised Code. 1046

Notwithstanding the employment of an attorney or other 1047  
legal counsel on an annual basis to serve as the district's 1048  
legal advisor, the board may require written opinions or 1049  
instructions from the prosecuting attorney under section 309.09 1050  
of the Revised Code in matters connected with its official 1051  
duties as though the prosecuting attorney were serving as the 1052  
legal advisor of the district. 1053

(2) The board of directors of a joint district may 1054  
designate the prosecuting attorney of one of the counties 1055  
forming the district to serve as the legal advisor of the 1056  
district. When so designated, the prosecuting attorney shall 1057  
provide such services to the joint district as are required or 1058  
authorized to be provided to county boards under Chapter 309. of 1059  
the Revised Code. The board of directors may pay to that county 1060  
any amount agreed upon by the board of directors and the board 1061

of county commissioners of that county to reimburse that county 1062  
for the cost properly allocable to the services of its 1063  
prosecuting attorney as the legal advisor of the joint district. 1064  
When that prosecuting attorney is so serving and the board 1065  
considers it to be necessary or appropriate, the board, on its 1066  
own initiative, may employ an attorney or other legal counsel to 1067  
represent or advise the board regarding a particular matter in 1068  
place of the prosecuting attorney. 1069

Instead of designating the prosecuting attorney of one of 1070  
the counties forming the district to be the legal advisor of the 1071  
district, the board of directors may employ on an annual basis 1072  
an attorney or other legal counsel to serve as the district's 1073  
legal advisor. Notwithstanding the employment of an attorney or 1074  
other legal counsel as the district's legal advisor, the board 1075  
of directors may require written opinions or instructions from 1076  
the prosecuting attorney of any of the counties forming the 1077  
district in matters connected with the board's official duties, 1078  
and the prosecuting attorney shall provide the written opinion 1079  
or instructions as though the prosecuting attorney had been 1080  
designated to serve as the district's legal advisor under 1081  
division (E) (2) of this section. 1082

(F) A board of county commissioners may issue bonds or 1083  
bond anticipation notes of the county to pay the cost of 1084  
preparing general and detailed plans and other data required for 1085  
the construction of solid waste facilities in connection with a 1086  
county or joint district. A board of directors of a joint solid 1087  
waste management district may issue bonds or bond anticipation 1088  
notes of the joint solid waste management district to pay the 1089  
cost of preparing general and detailed plans and other data 1090  
required for the construction of solid waste facilities in 1091  
connection with a joint district. The bonds and notes shall be 1092

issued in accordance with Chapter 133. of the Revised Code, 1093  
except that the maximum maturity of bonds issued for that 1094  
purpose shall not exceed ten years. Bond anticipation notes may 1095  
be paid from the proceeds of bonds issued either to pay the cost 1096  
of the solid waste facilities or to pay the cost of the plans 1097  
and other data. 1098

(G) To the extent authorized by the solid waste management 1099  
plan of the district approved under section 3734.521 or 3734.55 1100  
of the Revised Code or subsequent amended plans of the district 1101  
approved under section 3734.521 or 3734.56 of the Revised Code, 1102  
the board of county commissioners of a county district or board 1103  
of directors of a joint district may adopt, publish, and enforce 1104  
rules doing any of the following: 1105

(1) Prohibiting or limiting the receipt of solid wastes 1106  
generated outside the district or outside a service area 1107  
prescribed in the solid waste management plan or amended plan, 1108  
at facilities located within the solid waste management 1109  
district, consistent with the projections contained in the plan 1110  
or amended plan under divisions (A) (6) and (7) of section 1111  
3734.53 of the Revised Code. However, rules adopted by a board 1112  
under division (G) (1) of this section may be adopted and 1113  
enforced with respect to solid waste disposal facilities in the 1114  
solid waste management district that are not owned by a county 1115  
or the solid waste management district only if the board submits 1116  
an application to the director of environmental protection that 1117  
demonstrates that there is insufficient capacity to dispose of 1118  
all solid wastes that are generated within the district at the 1119  
solid waste disposal facilities located within the district and 1120  
the director approves the application. The demonstration in the 1121  
application shall be based on projections contained in the plan 1122  
or amended plan of the district. The director shall establish 1123

the form of the application. The approval or disapproval of such 1124  
an application by the director is an action that is appealable 1125  
under section 3745.04 of the Revised Code. 1126

In addition, the director of environmental protection may 1127  
issue an order modifying a rule adopted under division (G)(1) of 1128  
this section to allow the disposal in the district of solid 1129  
wastes from another county or joint solid waste management 1130  
district if all of the following apply: 1131

(a) The district in which the wastes were generated does 1132  
not have sufficient capacity to dispose of solid wastes 1133  
generated within it for six months following the date of the 1134  
director's order. 1135

(b) No new solid waste facilities will begin operation 1136  
during those six months in the district in which the wastes were 1137  
generated and, despite good faith efforts to do so, it is 1138  
impossible to site new solid waste facilities within the 1139  
district because of its high population density. 1140

(c) The district in which the wastes were generated has 1141  
made good faith efforts to negotiate with other districts to 1142  
incorporate its disposal needs within those districts' solid 1143  
waste management plans, including efforts to develop joint 1144  
facilities authorized under section 343.02 of the Revised Code, 1145  
and the efforts have been unsuccessful. 1146

(d) The district in which the wastes were generated has 1147  
located a facility willing to accept the district's solid wastes 1148  
for disposal within the receiving district. 1149

(e) The district in which the wastes were generated has 1150  
demonstrated to the director that the conditions specified in 1151  
divisions (G)(1)(a) to (d) of this section have been met. 1152

(f) The director finds that the issuance of the order will 1153  
be consistent with the state solid waste management plan and 1154  
that receipt of the out-of-district wastes will not limit the 1155  
capacity of the receiving district to dispose of its in-district 1156  
wastes to less than eight years. 1157

Any order issued under division (G) (1) of this section 1158  
shall not become final until thirty days after it has been 1159  
served ~~by certified mail~~ upon the county or joint solid waste 1160  
management district that will receive the out-of-district wastes 1161  
either by certified mail or, if the director has record of an 1162  
internet identifier of record associated with the district, by 1163  
ordinary mail and by that internet identifier of record. 1164

(2) Governing the maintenance, protection, and use of 1165  
solid waste collection or other solid waste facilities located 1166  
within its district. The rules adopted under division (G) (2) of 1167  
this section shall not establish design standards for solid 1168  
waste facilities and shall be consistent with the solid waste 1169  
provisions of Chapter 3734. of the Revised Code and the rules 1170  
adopted under those provisions. The rules adopted under division 1171  
(G) (2) of this section may prohibit any person, municipal 1172  
corporation, township, or other political subdivision from 1173  
constructing, enlarging, or modifying any solid waste facility 1174  
until general plans and specifications for the proposed 1175  
improvement have been submitted to and approved by the board of 1176  
county commissioners or board of directors as complying with the 1177  
solid waste management plan or amended plan of the district. The 1178  
construction of such a facility shall be done under the 1179  
supervision of the county sanitary engineer or, in the case of a 1180  
joint district, a county sanitary engineer designated by the 1181  
board of directors, and any person, municipal corporation, 1182  
township, or other political subdivision proposing or 1183



constructing such improvements shall pay to the county or joint 1184  
district all expenses incurred by the board in connection 1185  
therewith. The sanitary engineer may enter upon any public or 1186  
private property for the purpose of making surveys or 1187  
examinations necessary for designing solid waste facilities or 1188  
for supervising the construction, enlargement, modification, or 1189  
operation of any such facilities. No person, municipal 1190  
corporation, township, or other political subdivision shall 1191  
forbid or interfere with the sanitary engineer or the sanitary 1192  
engineer's authorized assistants entering upon such property for 1193  
that purpose. If actual damage is done to property by the making 1194  
of the surveys and examinations, a board shall pay the 1195  
reasonable value of that damage to the owner of the property 1196  
damaged, and the cost shall be included in the financing of the 1197  
improvement for which the surveys and examinations are made. 1198

(3) Governing the development and implementation of a 1199  
program for the inspection of solid wastes generated outside the 1200  
boundaries of this state that are disposed of at solid waste 1201  
facilities included in the district's solid waste management 1202  
plan or amended plan. A board of county commissioners or board 1203  
of directors or its authorized representative may enter upon the 1204  
premises of any solid waste facility included in the district's 1205  
solid waste management plan or amended plan for the purpose of 1206  
conducting the inspections required or authorized by the rules 1207  
adopted under division (G) (3) of this section. No person, 1208  
municipal corporation, township, or other political subdivision 1209  
shall forbid or interfere with a board of county commissioners 1210  
or directors or its authorized representative entering upon the 1211  
premises of any such solid waste facility for that purpose. 1212

(4) Exempting the owner or operator of any existing or 1213  
proposed solid waste facility provided for in the plan or 1214

amended plan from compliance with any amendment to a township 1215  
zoning resolution adopted under section 519.12 of the Revised 1216  
Code or to a county rural zoning resolution adopted under 1217  
section 303.12 of the Revised Code that rezoned or redistricted 1218  
the parcel or parcels upon which the facility is to be 1219  
constructed or modified and that became effective within two 1220  
years prior to the filing of an application for a permit 1221  
required under division (A)(2)(a) of section 3734.05 of the 1222  
Revised Code to open a new or modify an existing solid waste 1223  
facility. 1224

(H) A board of county commissioners or board of directors 1225  
may enter into a contract with any person, municipal 1226  
corporation, township, or other political subdivision for the 1227  
operation and maintenance of any solid waste facilities 1228  
regardless of whether the facilities are owned or leased by the 1229  
county or joint district or the contractor. 1230

(I)(1) No person, municipal corporation, township, or 1231  
other political subdivision shall tamper with or damage any 1232  
solid waste facility constructed under this chapter or any 1233  
apparatus or accessory connected therewith or pertaining 1234  
thereto, fail or refuse to comply with the applicable rules 1235  
adopted by a board of county commissioners or directors under 1236  
division (G)(1), (2), (3), or (4) of this section, refuse to 1237  
permit an inspection or examination by a sanitary engineer as 1238  
authorized under division (G)(2) of this section, or refuse to 1239  
permit an inspection by a board of county commissioners or 1240  
directors or its authorized representative as required or 1241  
authorized by rules adopted under division (G)(3) of this 1242  
section. 1243

(2) If the board of county commissioners of a county 1244

district or board of directors of a joint district has 1245  
established facility designations under section 343.013, 1246  
343.014, or 343.015 of the Revised Code, or the director has 1247  
established facility designations in the initial or amended plan 1248  
of the district prepared and ordered to be implemented under 1249  
section 3734.521, 3734.55, or 3734.56 of the Revised Code, no 1250  
person, municipal corporation, township, or other political 1251  
subdivision shall deliver, or cause the delivery of, any solid 1252  
wastes generated within a county or joint district to any solid 1253  
waste facility other than the facility designated under section 1254  
343.013, 343.014, or 343.015 of the Revised Code, or in the 1255  
initial or amended plan of the district prepared and ordered to 1256  
be implemented under section 3734.521, 3734.55, or 3734.56 of 1257  
the Revised Code, as applicable, except that source separated 1258  
recyclable materials may be taken to any legitimate recycling 1259  
facility. Upon the request of a person or the legislative 1260  
authority of a municipal corporation or township, the board of 1261  
county commissioners of a county district or board of directors 1262  
of a joint district may grant a waiver authorizing the delivery 1263  
of all or any portion of the solid wastes generated in a 1264  
municipal corporation or township to a solid waste facility 1265  
other than the facility designated under section 343.013, 1266  
343.014, or 343.015 of the Revised Code, or in the initial or 1267  
amended plan of the district prepared and ordered to be 1268  
implemented under section 3734.521, 3734.55, or 3734.56 of the 1269  
Revised Code, as applicable, regardless of whether the other 1270  
facility is located within or outside of the district, if the 1271  
board finds that delivery of those solid wastes to the other 1272  
facility is not inconsistent with the projections contained in 1273  
the district's initial or amended plan under divisions (A) (6) 1274  
and (7) of section 3734.53 of the Revised Code as approved or 1275  
ordered to be implemented and will not adversely affect the 1276

implementation and financing of the district's initial or 1277  
amended plan pursuant to the implementation schedule contained 1278  
in it under divisions (A) (12) (a) to (d) of that section. The 1279  
board shall act on a request for such a waiver within ninety 1280  
days after receiving the request. Upon granting such a waiver, 1281  
the board shall send notice of that fact to the director. The 1282  
notice shall indicate to whom the waiver was granted. Any waiver 1283  
or authorization granted by a board on or before October 29, 1284  
1993, shall continue in force until the board takes action 1285  
concerning the same entity under this division or until action 1286  
is taken under division (G) of section 343.014 of the Revised 1287  
Code. 1288

(J) Divisions (G) (1) to (4) and (I) (2) of this section do 1289  
not apply to the construction, operation, use, repair, 1290  
enlargement, or modification of either of the following: 1291

(1) A solid waste facility owned by a generator of solid 1292  
wastes when the solid waste facility exclusively disposes of 1293  
solid wastes generated at one or more premises owned by the 1294  
generator regardless of whether the facility is located on a 1295  
premises where the wastes are generated; 1296

(2) A facility that exclusively disposes of wastes that 1297  
are generated from the combustion of coal, or from the 1298  
combustion of primarily coal in combination with scrap tires, 1299  
that is not combined in any way with garbage at one or more 1300  
premises owned by the generator. 1301

(K) (1) A member of the board of county commissioners of a 1302  
county solid waste management district, member of the board of 1303  
directors of a joint solid waste management district, member of 1304  
the board of trustees of a regional solid waste management 1305  
authority managing a county or joint solid waste management 1306

district, or officer or employee of any solid waste management 1307  
district, for the purposes of sections 102.03, 102.04, 2921.41, 1308  
and 2921.42 of the Revised Code, shall not be considered to be 1309  
directly or indirectly interested in, or improperly influenced 1310  
by, any of the following: 1311

(a) A contract entered into under this chapter or section 1312  
307.15 or sections 3734.52 to 3734.575 of the Revised Code 1313  
between the district and any county forming the district, 1314  
municipal corporation or township located within the district, 1315  
or health district having territorial jurisdiction within the 1316  
district, of which that member, officer, or employee also is an 1317  
officer or employee, but only to the extent that any interest or 1318  
influence could arise from holding public office or employment 1319  
with the political subdivision or health district; 1320

(b) A contract entered into under this chapter or section 1321  
307.15 or sections 3734.52 to 3734.575 of the Revised Code 1322  
between the district and a county planning commission organized 1323  
under section 713.22 of the Revised Code, or regional planning 1324  
commission created under section 713.21 of the Revised Code, 1325  
having territorial jurisdiction within the district, of which 1326  
that member also is a member, officer, or employee, but only to 1327  
the extent that any interest or influence could arise from 1328  
holding public office or employment with the commission; 1329

(c) An expenditure of money made by the district for the 1330  
benefit of any county forming the district, municipal 1331  
corporation or township located within the district, or health 1332  
district or county or regional planning commission having 1333  
territorial jurisdiction within the district, of which that 1334  
member also is a member, officer, or employee, but only to the 1335  
extent that any interest or influence could arise from holding 1336

public office or employment with the political subdivision, 1337  
health district, or commission; 1338

(d) An expenditure of money made for the benefit of the 1339  
district by any county forming the district, municipal 1340  
corporation or township located within the district, or health 1341  
district or county or regional planning commission having 1342  
territorial jurisdiction within the district, of which that 1343  
member also is a member, officer, or employee, but only to the 1344  
extent that any interest or influence could arise from holding 1345  
public office or employment with the political subdivision, 1346  
health district, or commission. 1347

(2) A solid waste management district, county, municipal 1348  
corporation, township, health district, or planning commission 1349  
described or referred to in divisions (K) (1) (a) to (d) of this 1350  
section shall not be construed to be the business associate of a 1351  
person who is concurrently a member of the board of county 1352  
commissioners, directors, or trustees, or an officer or 1353  
employee, of the district and an officer or employee of that 1354  
municipal corporation, county, township, health district, or 1355  
planning commission for the purposes of sections 102.03, 1356  
2921.42, and 2921.43 of the Revised Code. Any person who is 1357  
concurrently a member of the board of county commissioners, 1358  
directors, or trustees, or an officer or employee, of a solid 1359  
waste management district so described or referred to and an 1360  
officer or employee of a county, municipal corporation, 1361  
township, health district, or planning commission so described 1362  
or referred to may participate fully in deliberations concerning 1363  
and vote on or otherwise participate in the approval or 1364  
disapproval of any contract or expenditure of funds described in 1365  
those divisions as a member of the board of county commissioners 1366  
or directors, or an officer or employee, of a county or joint 1367

solid waste management district; member of the board of 1368  
trustees, or an officer or employee, of a regional solid waste 1369  
management authority managing a county or joint solid waste 1370  
management district; member of the legislative authority, or an 1371  
officer or employee, of a county forming the district; member of 1372  
the legislative authority, or an officer or employee, of a 1373  
municipal corporation or township located within the district; 1374  
member of the board of health, or an officer or employee, of a 1375  
health district having territorial jurisdiction within the 1376  
district; or member of the planning commission, or an officer or 1377  
employee of a county or regional planning commission having 1378  
territorial jurisdiction within the district. 1379

(3) Nothing in division (K) (1) or (2) of this section 1380  
shall be construed to exempt any member of the board of county 1381  
commissioners, directors, or trustees, or an officer or 1382  
employee, of a solid waste management district from a conflict 1383  
of interest arising because of a personal or private business 1384  
interest. 1385

(4) A member of the board of county commissioners of a 1386  
county solid waste management district, board of directors of a 1387  
joint solid waste management district, or board of trustees of a 1388  
regional solid waste management authority managing a county or 1389  
joint solid waste management district, or an officer or 1390  
employee, of any such solid waste management district, neither 1391  
shall be disqualified from holding any other public office or 1392  
position of employment nor be required to forfeit any other 1393  
public office or position of employment by reason of serving as 1394  
a member of the board of county commissioners, directors, or 1395  
trustees, or as an officer or employee, of the district, 1396  
notwithstanding any requirement to the contrary under the common 1397  
law of this state or the Revised Code. 1398

(L) As used in this chapter:	1399
(1) "Board of health," "disposal," "health district,"	1400
"scrap tires," and "solid waste transfer facility" have the same	1401
meanings as in section 3734.01 of the Revised Code.	1402
(2) "Change in district composition" and "change" have the	1403
same meaning as in section 3734.521 of the Revised Code.	1404
(3) (a) Except as provided in division (L) (3) (b) or (c),	1405
and (d), of this section, "solid wastes" has the same meaning as	1406
in section 3734.01 of the Revised Code.	1407
(b) If the solid waste management district is not one that	1408
resulted from proceedings for a change in district composition	1409
under sections 343.012 and 3734.521 of the Revised Code, until	1410
such time as an amended solid waste management plan is approved	1411
under section 3734.56 of the Revised Code, "solid wastes" need	1412
not include scrap tires unless the solid waste management policy	1413
committee established under section 3734.54 of the Revised Code	1414
for the district chooses to include the management of scrap	1415
tires in the district's initial solid waste management plan	1416
prepared under sections 3734.54 and 3734.55 of the Revised Code.	1417
(c) If the solid waste management district is one	1418
resulting from proceedings for a change in district composition	1419
under sections 343.012 and 3734.521 of the Revised Code and if	1420
the change involves an existing district that is operating under	1421
either an initial solid waste management plan approved or	1422
prepared and ordered to be implemented under section 3734.55 of	1423
the Revised Code or an initial or amended plan approved or	1424
prepared and ordered to be implemented under section 3734.521 of	1425
the Revised Code that does not provide for the management of	1426
scrap tires and scrap tire facilities, until such time as the	1427



amended plan of the district resulting from the change is 1428  
approved under section 3734.56 of the Revised Code, "solid 1429  
wastes" need not include scrap tires unless the solid waste 1430  
management policy committee established under division (C) of 1431  
section 3734.521 of the Revised Code for the district chooses to 1432  
include the management of scrap tires in the district's initial 1433  
or amended solid waste management plan prepared under section 1434  
3734.521 of the Revised Code in connection with the change 1435  
proceedings. 1436

(d) If the policy committee chooses to include the 1437  
management of scrap tires in an initial plan prepared under 1438  
sections 3734.54 and 3734.55 of the Revised Code or in an 1439  
initial or amended plan prepared under section 3734.521 of the 1440  
Revised Code, the board of county commissioners or directors 1441  
shall execute all of the duties imposed and may exercise any or 1442  
all of the rights granted under this section for the purpose of 1443  
managing solid wastes that consist of scrap tires. 1444

(4) (a) Except as provided in division (L) (4) (b) or (c), 1445  
and (d) of this section, "facility" has the same meaning as in 1446  
section 3734.01 of the Revised Code and also includes any solid 1447  
waste transfer, recycling, or resource recovery facility. 1448

(b) If the solid waste management district is not one that 1449  
resulted from proceedings for a change in district composition 1450  
under sections 343.012 and 3734.521 of the Revised Code, until 1451  
such time as an amended solid waste management plan is approved 1452  
under section 3734.56 of the Revised Code, "facility" need not 1453  
include any scrap tire collection, storage, monocell, monofill, 1454  
or recovery facility unless the solid waste management policy 1455  
committee established under section 3734.54 of the Revised Code 1456  
for the district chooses to include the management of scrap tire 1457

facilities in the district's initial solid waste management plan 1458  
prepared under sections 3734.54 and 3734.55 of the Revised Code. 1459

(c) If the solid waste management district is one 1460  
resulting from proceedings for a change in district composition 1461  
under sections 343.012 and 3734.521 of the Revised Code and if 1462  
the change involves an existing district that is operating under 1463  
either an initial solid waste management plan approved under 1464  
section 3734.55 of the Revised Code or an initial or amended 1465  
plan approved or prepared and ordered to be implemented under 1466  
section 3734.521 of the Revised Code that does not provide for 1467  
the management of scrap tires and scrap tire facilities, until 1468  
such time as the amended plan of the district resulting from the 1469  
change is approved under section 3734.56 of the Revised Code, 1470  
"facility" need not include scrap tires unless the solid waste 1471  
management policy committee established under division (C) of 1472  
section 3734.521 of the Revised Code for the district chooses to 1473  
include the management of scrap tires in the district's initial 1474  
or amended solid waste management plan prepared under section 1475  
3734.521 of the Revised Code in connection with the change 1476  
proceedings. 1477

(d) If the policy committee chooses to include the 1478  
management of scrap tires in an initial plan prepared under 1479  
sections 3734.54 and 3734.55 of the Revised Code or in an 1480  
initial or amended plan prepared under section 3734.521 of the 1481  
Revised Code, the board of county commissioners or directors 1482  
shall execute all of the duties imposed and may exercise any or 1483  
all of the rights granted under this section for the purpose of 1484  
managing solid waste facilities that are scrap tire collection, 1485  
storage, monocell, monofill, or recovery facilities. 1486

(M) As used in this section: 1487

(1) "Source separated recyclable materials" means 1488  
materials that are separated from other solid wastes at the 1489  
location where the materials are generated for the purpose of 1490  
recycling the materials at a legitimate recycling facility. 1491

(2) "Legitimate recycling facility" has the same meaning 1492  
as in rule 3745-27-01 of the Administrative Code. 1493

(3) "Internet identifier of record" has the same meaning 1494  
as in section 9.312 of the Revised Code. 1495

**Sec. 505.109.** Upon the sale of any unclaimed property as 1496  
provided in section 505.108 of the Revised Code, if any of the 1497  
unclaimed property was ordered removed to a place of storage or 1498  
stored, or both, by or under the direction of the head of the 1499  
organized police department of the township, township police 1500  
district, joint police district, or office of a township 1501  
constable, any expenses or charges for the removal or storage, 1502  
or both, and costs of sale, provided they are approved by the 1503  
head of the department, district, or office, shall first be paid 1504  
from the proceeds of the sale. Notice shall be given ~~by~~ 1505  
~~certified mail,~~ thirty days before the date of the sale, to the 1506  
owner and mortgagee, or other lienholder either by certified 1507  
mail or, if the department, district, or office has record of an 1508  
internet identifier of record associated with the owner, 1509  
mortgagee, or lienholder, by ordinary mail and by that internet 1510  
identifier of record. Mail shall be delivered at ~~their~~ the 1511  
owner's, mortgagee's, or lienholder's last known ~~addresses~~ 1512  
address. As used in this section, "internet identifier of 1513  
record" has the same meaning as in section 9.312 of the Revised 1514  
Code. 1515

**Sec. 505.266.** (A) As used in this section: 1516

(1) "Concentrated animal feeding facility" and "major concentrated animal feeding facility" have the same meanings as in section 903.01 of the Revised Code. 1517  
1518  
1519

(2) "Facility" means a proposed new or expanded major concentrated animal feeding facility. 1520  
1521

(3) "Improvement" means the construction, modification, or both of township infrastructure. 1522  
1523

(B) A person who proposes to do any of the following shall provide written notification as required under division (C) of this section to the board of township trustees of the township in which a facility is or is to be located: 1524  
1525  
1526  
1527

(1) Establish a new major concentrated animal feeding facility; 1528  
1529

(2) Increase the design capacity of an existing major concentrated animal feeding facility by ten per cent or more in excess of the design capacity set forth in the current permit for construction or modification of the facility or for installation or modification of the disposal system for manure at the facility issued under section 903.02 or division (J) of section 6111.03 of the Revised Code, as applicable; 1530  
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(3) Increase the design capacity of an existing concentrated animal feeding facility by ten per cent or more in excess of the design capacity set forth in the current permit for construction or modification of the facility or for installation or modification of the disposal system for manure at the facility issued under section 903.02 or division (J) of section 6111.03 of the Revised Code, as applicable, and to a design capacity of more than ten times the number of animals specified in any of the categories in division (M) of section 1537  
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903.01 of the Revised Code. 1546

(C) The person shall notify the board in writing by 1547  
certified mail of the proposed construction or expansion of the 1548  
facility and include the following information: 1549

(1) The anticipated travel routes of motor vehicles to and 1550  
from the facility; 1551

(2) The anticipated number and weights of motor vehicles 1552  
traveling to and from the facility. 1553

(D) At the request of the board, the county engineer may 1554  
review the written notification and advise the board on both of 1555  
the following: 1556

(1) Improvements and maintenance of improvements that are 1557  
reasonably needed in order to accommodate the impact on township 1558  
infrastructure that is anticipated as a result of the facility, 1559  
including increased travel or the types of vehicles on township 1560  
roads; 1561

(2) The projected costs of the improvements and 1562  
maintenance. 1563

Not later than ten days after receiving the written 1564  
notification, the board may request the person to provide 1565  
additional reasonable and relevant information regarding the 1566  
impact of the facility on township infrastructure. The person 1567  
shall provide the information not later than ten days after the 1568  
request is made. 1569

(E) (1) Not later than thirty days after the initial 1570  
written notification is received by the board, the board shall 1571  
submit to the person its recommendations, if any, concerning the 1572  
improvements that will be needed as a result of the facility and 1573

the cost of those improvements. 1574

(2) Not later than fifteen days after receipt of the 1575  
board's recommendations, the person shall notify the board 1576  
either that the person agrees with the recommendations and will 1577  
implement them or that the person is submitting reasonable 1578  
alternative recommendations or modifications to the board. If 1579  
the person agrees with the recommendations, they shall be 1580  
considered to be the board's final recommendations. 1581

(3) If the board receives alternative recommendations or 1582  
modifications under division (E) (2) of this section, the board 1583  
shall select final recommendations and submit them to the person 1584  
not later than thirty days after the receipt of the alternative 1585  
recommendations or modifications. 1586

(F) (1) The board shall prepare a written, dated statement 1587  
certifying that the written notification required under this 1588  
section was submitted and that final recommendations were 1589  
selected regarding needed improvements and the costs of those 1590  
improvements. The board shall provide the person with the 1591  
original of the statement so that the person can include it with 1592  
the application for a permit to install for the facility as 1593  
required under division (C) (5) of section 903.02 of the Revised 1594  
Code. The board shall retain a copy of the statement for its 1595  
records. 1596

(2) If the board fails to prepare a written, dated 1597  
statement in accordance with division (F) (1) of this section 1598  
within seventy-five days of receiving the initial written 1599  
notification by certified mail from the person, the person 1600  
instead shall file with the application for a permit to install 1601  
for the facility a notarized affidavit declaring that the person 1602  
has met the criteria established in this section and that a 1603

written, dated statement was not received by the person from the board. 1604  
1605

(G) If the person receives a written, dated statement from the board as provided in division (F)(1) of this section, the person shall construct, modify, and maintain or finance the construction, modification, and maintenance of improvements as provided in the board's final recommendations and with the approval and oversight of the county engineer. If the person fails to do so, the board shall notify the person either by certified mail or, if the board has record of an internet identifier of record associated with the person, by ordinary mail and by that internet identifier of record that the board intends to initiate mediation with the person if the person remains out of compliance with the final recommendations. 1606  
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The board shall allow sufficient time for the person to apply for and proceed to obtain, for the purpose of financing the construction, modification, or maintenance of the improvements, exemptions from taxation under sections 5709.63, 5709.632, 5709.73, and 5709.78 of the Revised Code or state or federal grants that may be available. 1618  
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If the person remains out of compliance with the final recommendations, the board may initiate mediation with the person in order to resolve the differences between them. If mediation fails to resolve the differences, the board and the person first shall attempt to resolve the differences through any legal remedies before seeking redress through a court of common pleas. 1624  
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(H) If the person subsequently submits an application under section 903.02 of the Revised Code for a permit to modify the facility, or if the routes of travel to or from the facility 1631  
1632  
1633

change for any reason other than road construction conducted by 1634  
the township, the board or the person may request that 1635  
additional information be provided in writing and shall proceed 1636  
as provided in this section for the notification and 1637  
recommendation proceedings. 1638

(I) As used in this section, "internet identifier of 1639  
record" has the same meaning as in section 9.312 of the Revised 1640  
Code. 1641

**Sec. 505.391.** (A) If, after the fire department of a 1642  
township, township fire district, or joint fire district, or a 1643  
private fire company with which the fire department of a 1644  
township, township fire district, or joint fire district 1645  
contracts for fire protection, responds to a false alarm from an 1646  
automatic fire alarm system at a commercial establishment or 1647  
residential building, the board of township trustees gives 1648  
written notice either by certified mail or, if the board has 1649  
record of an internet identifier of record associated with the 1650  
building's owner, by ordinary mail and by that internet 1651  
identifier of record that ~~it~~ the board may assess a charge of up 1652  
to three hundred dollars for each subsequent false alarm 1653  
occurring after three false alarms by that system within the 1654  
same calendar year, the board of township trustees may assess 1655  
that charge. This notice shall be mailed to the owner and the 1656  
lessee, if any, of the building in which the system is 1657  
installed. After the board gives this notice, the board need not 1658  
give any additional written notices before assessing a charge 1659  
for a false alarm as provided by this section. 1660

(B) If payment of the bill assessing a charge for a false 1661  
alarm is not received within thirty days, the township fiscal 1662  
officer shall send a notice ~~by certified mail~~ to the manager and 1663



to the owner, if different, of the real estate of which the 1664  
commercial establishment is a part, or to the occupant, lessee, 1665  
agent, or tenant and to the owner, if different, of the real 1666  
estate of which the residential building is a part, by either 1667  
certified mail or, if the fiscal officer has record of an 1668  
internet identifier of record associated with such a person, by 1669  
ordinary mail and by that internet identifier of record 1670  
indicating that failure to pay the bill within thirty days, or 1671  
to show just cause why the bill should not be paid within thirty 1672  
days, will result in the assessment of a lien upon the real 1673  
estate in the amount of the bill. If payment is not received or 1674  
just cause for nonpayment is not shown within those thirty days, 1675  
the amount of the bill shall be entered upon the tax duplicate, 1676  
shall be a lien upon the real estate from the date of the entry, 1677  
and shall be collected as other taxes and returned to the 1678  
township treasury to be earmarked for use for fire services. 1679

(C) As used in this section, ~~"commercial"~~ 1680

(1) "Commercial establishment" means a building or 1681  
buildings in an area used primarily for nonresidential, 1682  
commercial purposes. 1683

(2) "Internet identifier of record" has the same meaning 1684  
as in section 9.312 of the Revised Code. 1685

**Sec. 505.511.** (A) A board of township trustees that 1686  
operates a township police department, the board of township 1687  
trustees of a township police district, or a joint police 1688  
district board may, after police constables, the township 1689  
police, a law enforcement agency with which the township 1690  
contracts for police services, the joint police district police, 1691  
and the county sheriff or the sheriff's deputy have answered a 1692  
combined total of three false alarms from the same commercial or 1693

residential security alarm system within the township in the 1694  
same calendar year, cause the township fiscal officer to mail 1695  
the manager of the commercial establishment or the occupant, 1696  
lessee, agent, or tenant of the residence a bill for each 1697  
subsequent false alarm from the same alarm system during that 1698  
year, to defray the costs incurred. The bill's amount shall be 1699  
as follows: 1700

(1) For the fourth false alarm of that year ..... \$50.00; 1701

(2) For the fifth false alarm of that year ..... \$100.00; 1702

(3) For all false alarms in that year occurring after the 1703  
fifth false alarm ..... \$150.00. 1704

If payment of the bill is not received within thirty days, 1705  
the township fiscal officer or joint police district treasurer 1706  
shall send a notice ~~by certified mail~~ to the manager and to the 1707  
owner, if different, of the real estate of which the commercial 1708  
establishment is a part, or to the occupant, lessee, agent, or 1709  
tenant and to the owner, if different, of the real estate of 1710  
which the residence is a part, by either certified mail or, if 1711  
the fiscal officer has record of an internet identifier of 1712  
record associated with such a person, by ordinary mail and by 1713  
that internet identifier of record indicating that failure to 1714  
pay the bill within thirty days, or to show just cause why the 1715  
bill should not be paid, will result in the assessment of a lien 1716  
upon the real estate in the amount of the bill. If payment is 1717  
not received within those thirty days or if just cause is not 1718  
shown, the amount of the bill shall be entered upon the tax 1719  
duplicate, shall be a lien upon the real estate from the date of 1720  
the entry, and shall be collected as other taxes and returned to 1721  
the township treasury to be earmarked for use for police 1722  
services. 1723

The board of township trustees shall not cause the township fiscal officer, or the joint police district board shall not cause the joint police district treasurer, to send a bill pursuant to this division if a bill has already been sent pursuant to division (B) of this section for the same false alarm.

(B) The county sheriff may, after the county sheriff or the sheriff's deputy, police constables, the township police, the joint police district police, and a law enforcement agency with which the township contracts for police services have answered a combined total of three false alarms from the same commercial or residential security alarm system within the unincorporated area of the county in the same calendar year, mail the manager of the commercial establishment or the occupant, lessee, agent, or tenant of the residence a bill for each subsequent false alarm from the same alarm system during that year, to defray the costs incurred. The bill's amount shall be as follows:

- (1) For the fourth false alarm of that year ..... \$50.00;
- (2) For the fifth false alarm of that year ..... \$100.00;
- (3) For all false alarms in that year occurring after the fifth false alarm ..... \$150.00.

If payment of the bill is not received within thirty days, the sheriff shall send a notice ~~by certified mail~~ to the manager and to the owner, if different, of the real estate of which the commercial establishment is a part, or to the occupant, lessee, agent, or tenant and to the owner, if different, of the real estate of which the residence is a part, by either certified mail or, if the sheriff has record of an internet identifier of

record associated with such a person, by ordinary mail and by 1753  
that internet identifier of record indicating that failure to 1754  
pay the bill within thirty days, or to show just cause why the 1755  
bill should not be paid, will result in the assessment of a lien 1756  
upon the real estate in the amount of the bill. If payment is 1757  
not received within those thirty days or if just cause is not 1758  
shown, the amount of the bill shall be entered upon the tax 1759  
duplicate, shall be a lien upon the real estate from the date of 1760  
the entry, and shall be collected as other taxes and returned to 1761  
the county treasury. 1762

The sheriff shall not send a bill pursuant to this 1763  
division if a bill has already been sent pursuant to division 1764  
(A) of this section for the same false alarm. 1765

(C) As used in this section, "commercial establishment" 1766  
~~has and "internet identifier of record" have the same meaning-~~ 1767  
meanings as in section 505.391 of the Revised Code. 1768

**Sec. 519.14.** The township board of zoning appeals may: 1769

(A) Hear and decide appeals where it is alleged there is 1770  
error in any order, requirement, decision, or determination made 1771  
by an administrative official in the enforcement of sections 1772  
519.02 to 519.25 of the Revised Code, or of any resolution 1773  
adopted pursuant thereto; 1774

(B) Authorize, upon appeal, in specific cases, such 1775  
variance from the terms of the zoning resolution as will not be 1776  
contrary to the public interest, where, owing to special 1777  
conditions, a literal enforcement of the resolution will result 1778  
in unnecessary hardship, and so that the spirit of the 1779  
resolution shall be observed and substantial justice done; 1780

(C) Grant conditional zoning certificates for the use of 1781

land, buildings, or other structures if such certificates for 1782  
specific uses are provided for in the zoning resolution. If the 1783  
board considers conditional zoning certificates for activities 1784  
that are permitted and regulated under Chapter 1514. of the 1785  
Revised Code or activities that are related to making finished 1786  
aggregate products, the board shall proceed in accordance with 1787  
section 519.141 of the Revised Code. 1788

(D) Revoke an authorized variance or conditional zoning 1789  
certificate granted for the extraction of minerals, if any 1790  
condition of the variance or certificate is violated. 1791

The board shall notify the holder of the variance or 1792  
certificate either by certified mail or, if the board has record 1793  
of an internet identifier of record associated with the holder, 1794  
by ordinary mail and by that internet identifier of record of 1795  
its intent to revoke the variance or certificate under division 1796  
(D) of this section and of the holder's right to a hearing 1797  
before the board, within thirty days of the mailing of the 1798  
notice, if the holder so requests. If the holder requests a 1799  
hearing, the board shall set a time and place for the hearing 1800  
and notify the holder. At the hearing, the holder may appear in 1801  
person, by the holder's attorney, or by other representative, or 1802  
the holder may present the holder's position in writing. The 1803  
holder may present evidence and examine witnesses appearing for 1804  
or against the holder. If no hearing is requested, the board may 1805  
revoke the variance or certificate without a hearing. The 1806  
authority to revoke a variance or certificate is in addition to 1807  
any other means of zoning enforcement provided by law. 1808

In exercising the above-mentioned powers, the board may, 1809  
in conformity with such sections, reverse or affirm, wholly or 1810  
partly, or may modify the order, requirement, decision, or 1811

determination appealed from, and may make such order, 1812  
requirement, decision, or determination as ought to be made, and 1813  
to that end has all powers of the officer from whom the appeal 1814  
is taken. 1815

As used in this section, "internet identifier of record" 1816  
has the same meaning as in section 9.312 of the Revised Code. 1817

**Sec. 902.04.** (A) An issuer may from time to time issue 1818  
bonds to carry out the lawful purposes set forth in this chapter 1819  
including, but not limited to, the purchase of loans or other 1820  
evidence of debt from and the making of loans to or through 1821  
lending institutions, the payment of the costs of insurance, 1822  
letters of credit, certificates of deposit, and purchase 1823  
agreements related to the bonds or loans, underwriting, legal, 1824  
accounting, financial consulting, rating, printing, and other 1825  
services relating to the issuance and sale of the bonds, fees of 1826  
any trustee, paying agent, bond registrar, depository, transfer 1827  
agent, and authenticating agent, interest on the bonds, 1828  
establishment of reserve funds securing the bonds, and any other 1829  
costs reasonably related to the issuance, sale, marketing, 1830  
servicing, insuring, guaranteeing, and otherwise securing of the 1831  
bonds. Any issuer may from time to time, whenever it considers 1832  
refunding to be expedient, issue bonds to refund any bonds 1833  
issued under this chapter whether the bonds to be refunded have 1834  
or have not matured, and may issue bonds partly to refund bonds 1835  
then outstanding and partly for any other authorized purpose. 1836  
The terms of the issuance and sale of refunding bonds shall be 1837  
as provided in this chapter for an original issue of bonds. 1838

(B) Bonds, and the issuance of bonds, pursuant to this 1839  
chapter need not comply with any other law applicable to the 1840  
issuance of bonds. The deposit, application, safeguarding, and 1841

investment of funds of an issuer received or held under bond 1842  
proceedings of the issuer shall not be subject to Chapters 131. 1843  
and 135. of the Revised Code. 1844

(C) (1) Bonds issued pursuant to this chapter do not 1845  
constitute a debt, or the pledge of the faith and credit, of the 1846  
state or any political subdivision thereof, and the holders or 1847  
owners of such bonds have no right to have taxes levied by the 1848  
general assembly or taxing authority of any political 1849  
subdivision for the payment of the principal thereof or interest 1850  
thereon. Moneys raised by taxation shall not be obligated or 1851  
pledged for the payment of principal of or interest on such 1852  
bonds, but such bonds shall be payable solely from the revenues 1853  
and security interests pledged for their payment as authorized 1854  
by this chapter, unless bonds are issued in anticipation of the 1855  
issuance of or are refunded by refunding bonds issued pursuant 1856  
to this chapter, which refunding bonds shall be payable solely 1857  
from revenues and security interests pledged for their payment 1858  
as authorized by this chapter. Bond anticipation notes may be 1859  
secured solely or additionally by a covenant of the issuer that 1860  
it will do all things necessary for the issuance of the bonds 1861  
anticipated or renewal notes in appropriate amount and either 1862  
exchange such bonds or renewal notes for such notes or apply the 1863  
proceeds therefrom to the extent necessary to make full payment 1864  
of the principal of and interest on such notes. 1865

(2) Any pledge of revenues to the payment of bonds is 1866  
valid and binding from the time the pledge is made and the 1867  
revenues so pledged and thereafter received by the issuer are 1868  
immediately subject to the lien of such pledge without any 1869  
separation or physical delivery thereof, or further act, and the 1870  
lien of any such pledge is valid and binding as against all 1871  
parties having claims of any kind in tort, contract, or 1872

otherwise against the issuer, irrespective of whether such 1873  
parties have notice thereof, and creates a perfected security 1874  
interest for all purposes of Chapter 1309. of the Revised Code. 1875  
Neither the resolution or ordinance nor any trust agreement or 1876  
indenture by which a pledge is created need be filed or recorded 1877  
except in the records of the issuer. 1878

(3) All bonds shall contain on the face thereof a 1879  
statement to the effect that the bonds, as to both principal and 1880  
interest, are not debts of the state or any political 1881  
subdivision thereof, but are payable solely from the revenues 1882  
and security interests pledged for their payment. 1883

(D) (1) The bonds shall be authorized by one or more 1884  
resolutions or ordinances of the issuing authority, shall bear 1885  
such date or dates, and shall mature at such time or times, not 1886  
exceeding forty years from the date of issue, and have such 1887  
redemption and purchase provisions as are authorized by or 1888  
pursuant to such resolutions or ordinances. The bonds shall bear 1889  
interest at such rate or rates, or at a variable rate or rates, 1890  
as provided in or authorized by or pursuant to such resolutions 1891  
or ordinances. The bonds shall be in such denominations, be in 1892  
such form, either coupon, registered or book entry, carry such 1893  
registration privileges, be payable in such medium of payment, 1894  
at such place or places, and be subject to such terms of 1895  
redemption as the issuing authority may authorize. The bonds may 1896  
be sold by the issuing authority at public or private sale, at 1897  
not less than such price or prices as the issuer determines. 1898  
Notwithstanding any other provision of this chapter or Chapter 1899  
165., 761., or 1724. of the Revised Code, the commission shall 1900  
have exclusive power to authorize the issuance and sale of bonds 1901  
for agricultural purposes under a composite financing 1902  
arrangement in excess of five hundred thousand dollars; provided 1903



that other issuers may issue bonds under composite financing 1904  
arrangements in such greater amounts and at such times as shall 1905  
be approved by the commission. 1906

(2) Bonds issued by the agricultural financing commission 1907  
shall be executed by the ~~chairman~~ chairperson or ~~vice-chairman~~ 1908  
vice-chairperson of the commission, manually or by a facsimile 1909  
signature. The official seal of the commission or a facsimile 1910  
thereof shall be affixed thereto or printed thereon, and any 1911  
coupons attached thereto shall bear the signature or facsimile 1912  
signature of the ~~chairman~~ chairperson or ~~vice-chairman~~ vice- 1913  
chairperson of the commission. Bonds and coupons issued by any 1914  
other issuer shall be executed by such officers, in manual or 1915  
facsimile form, and bear such official seal or a facsimile 1916  
thereof, as shall be provided in the bond ~~proceedings~~ proceedings 1917  
for the bonds. In case any officer whose signature or a 1918  
facsimile of whose signature, appears on any bonds or coupons 1919  
ceases to be such officer before delivery of bonds, such 1920  
signature or facsimile is nevertheless sufficient for all 1921  
purposes the same as if ~~he~~ the officer had remained in office 1922  
until such delivery, and in case the seal has been changed after 1923  
a facsimile has been imprinted on such bonds, such facsimile 1924  
seal will continue to be sufficient for all purposes. The bonds 1925  
may also be issued and executed in book entry form in such 1926  
manner as is appropriate to that form. Neither the members of 1927  
the issuing authority nor any person executing the bonds is 1928  
liable personally on the bonds or subject to any personal 1929  
liability by reason of the issuance thereof. 1930

(E) If the issuer is a county or municipal corporation, 1931  
then prior to the delivery of bonds issued under authority of 1932  
this section, the issuing authority shall send written notice ~~by~~ 1933  
~~certified mail~~ to the director of agriculture and the director 1934

of development either by certified mail or, if the issuing 1935  
authority has record of an internet identifier of record 1936  
associated with the director, by ordinary mail and by that 1937  
internet identifier of record advising of the proposed delivery 1938  
of the bonds, the amount thereof, the proposed lessee of the 1939  
project or person to whom the proceeds of the bonds will be 1940  
loaned, and a general description of the project or projects to 1941  
be financed. 1942

(F) All bonds issued under authority of this chapter, 1943  
regardless of form or terms and regardless of any other law to 1944  
the contrary, shall have all qualities and incidents of 1945  
negotiable instruments, subject to provisions for registration, 1946  
and may be issued in coupon, fully registered, or other form, or 1947  
any combination thereof, as the issuing authority determines. 1948  
Provision may be made for the registration of any coupon bonds 1949  
as to principal alone or as to both principal and interest, and 1950  
for the conversion into coupon bonds of any fully registered 1951  
bonds or bonds registered as to both principal and interest. 1952

(G) As used in this section, "internet identifier of 1953  
record" has the same meaning as in section 9.312 of the Revised 1954  
Code. 1955

**Sec. 931.03.** (A) (1) Not later than sixty days after 1956  
receipt of an application submitted under section 931.02 of the 1957  
Revised Code, the board of township trustees of each township in 1958  
which the land that is proposed for enrollment in an 1959  
agricultural security area is located and the board of county 1960  
commissioners of each county in which the land is located shall 1961  
hear the application at the next regularly scheduled meeting of 1962  
the board. A board, not later than thirty days prior to the time 1963  
of the meeting, shall cause a notice containing the time and 1964

place of the meeting to be published in a newspaper of general 1965  
circulation in the township or county, as applicable, and to be 1966  
sent to the superintendent of each school district within the 1967  
proposed agricultural security area, the county engineer of each 1968  
county in which the proposed area would be located, the 1969  
legislative authority of each municipal corporation that is 1970  
located within one-half mile of the boundaries of the proposed 1971  
area if the municipal corporation has requested notice of such a 1972  
meeting, and the director of transportation. 1973

As part of the hearing on an application, a board shall 1974  
review any information that it possesses concerning improvements 1975  
that are planned to be made during the subsequent ten years to 1976  
existing or proposed roads that are located or are to be located 1977  
within the area that is proposed for enrollment in an 1978  
agricultural security area. As used in division (A)(1) of this 1979  
section, "proposed road" means any future roadway project that 1980  
is on a new alignment or relocation of an existing alignment and 1981  
for which state or federal funding has been allocated for, but 1982  
not limited to, a planning level roadway improvement study, an 1983  
interchange justification or bypass study, environmental review, 1984  
design, right-of-way acquisition, or construction, and 1985  
"improvement" includes any action taken with respect to an 1986  
existing or proposed road that would cause the road to cover a 1987  
portion of land that it does not cover or is not proposed to 1988  
cover at the time of the hearing. Any portion of land that would 1989  
be covered by a planned improvement shall not be eligible for 1990  
enrollment in an agricultural security area. 1991

As part of the hearing on an application, a board also may 1992  
consider any comprehensive plan that is in place for the county 1993  
or township, as applicable, and may choose to approve or reject 1994  
the application on the basis of the proposed agricultural 1995

security area's compliance with the comprehensive plan. 1996

(2) The board of township trustees of each township and 1997  
the board of county commissioners of each county that is 1998  
required to hear an application under division (A) (1) of this 1999  
section may conduct a joint meeting in lieu of meeting 2000  
separately not later than forty-five days after receipt of an 2001  
application under section 931.02 of the Revised Code. A single 2002  
public notice concerning the meeting shall be provided in the 2003  
manner prescribed in division (A) (1) of this section in each 2004  
township and county participating in the meeting. The cost of 2005  
the public notice shall be shared equally by all townships and 2006  
counties participating in the joint meeting. 2007

For purposes of such a joint meeting, the clerk of the 2008  
board of county commissioners of the county that includes the 2009  
most land that is located or is to be located within the 2010  
agricultural security area shall serve as the clerk on behalf of 2011  
all boards of county commissioners and boards of township 2012  
trustees participating in the joint meeting. The clerk's duties 2013  
shall include providing the public notice that is required under 2014  
this section together with maintaining minutes and a record of 2015  
proceedings for the joint meeting. 2016

(3) Not later than forty-five days after a board of 2017  
township trustees hears the application and not later than sixty 2018  
days after a board of county commissioners hears the 2019  
application, each respective board shall adopt a resolution 2020  
either approving or rejecting the application. However, if a 2021  
board determines that the information in the application is 2022  
incorrect or the application is incomplete, the board shall 2023  
return the application to the applicant, either by certified 2024  
mail or, if the board has record of an internet identifier of 2025

record associated with the applicant, by ordinary mail and by 2026  
that internet identifier of record, with an enumeration of the 2027  
items that are incorrect or incomplete. 2028

Upon receipt of the returned application, the applicant 2029  
may amend the application. Not later than fifteen days after 2030  
receipt of the returned application, the applicant may submit an 2031  
amended application to each board of township trustees and each 2032  
board of county commissioners to whom the original application 2033  
was submitted. 2034

Not later than thirty days after receipt of an amended 2035  
application, a board shall adopt a resolution either approving 2036  
or rejecting the amended application. Not later than five days 2037  
after adoption of the resolution, the board shall notify the 2038  
applicant, either by certified mail or, if the board has record 2039  
of an internet identifier of record associated with the 2040  
applicant, by ordinary mail and by that internet identifier of 2041  
record, of the board's decision to approve or reject the 2042  
application. 2043

(4) Any person may submit comments to any board of county 2044  
commissioners or board of township trustees to which an 2045  
application or amended application has been submitted under this 2046  
chapter at any time prior to and at any public meeting at which 2047  
the application or amended application is heard. 2048

(B) (1) An agricultural security area is established, and 2049  
the land that is proposed for inclusion in the area is enrolled 2050  
in the area, upon the adoption of a resolution by each of the 2051  
affected boards of township trustees and boards of county 2052  
commissioners approving the same version of the application or 2053  
applications requesting the establishment of the area. 2054

(2) Not later than thirty days after a board adopts a resolution approving the establishment of an agricultural security area, the board shall send a copy of the resolution to the director of agriculture, the director of transportation, the superintendent of each school district within the area, the county engineer, and the county auditor.

(C) A resolution approving the establishment of an agricultural security area shall include all of the following:

(1) A statement that the board of township trustees or board of county commissioners, as applicable, commits not to initiate, approve, or finance any development for residential, commercial, or industrial purposes, including construction of new roads and water and sewer lines, within the area for a period of ten years. For purposes of division (C)(1) of this section, "development" does not include any of the following:

(a) The improvement of existing roads, provided that the county engineer of each county in which the portion of the area affected by the improvement is located determines that the improvement is necessary for traffic safety, and provided that the improvement is as consistent as possible with the agricultural use of land in the area;

(b) The construction, modification, or operation of transmission or distribution lines for electricity, gas, or oil or of any gathering or production lines for oil or gas, provided that the construction, modification, or operation of the lines does not cause the land to become ineligible for valuation and assessment for real property tax purposes in accordance with its current agricultural use value under sections 5713.30 to 5713.38 of the Revised Code;

(c) The construction, modification, or operation of water lines or sewer lines, provided that an official or employee of the environmental protection agency orders the construction, modification, or operation for the purpose of enabling water and sewer service areas that are outside of the agricultural security area to be connected to each other, and provided that the lines do not provide service connections to land within the agricultural security area.

(2) A requirement that the owner or owners of the land in the area use best management practices;

(3) A statement that describes the agreement that was reached with other boards, if applicable, under section 5709.28 of the Revised Code concerning the percentage of the taxable value of qualifying agricultural real property in the agricultural security area that is to be exempted from taxation under that section and the number of years that the tax exemption established under that section will apply to that property.

(D) An agricultural security area may continue in existence for ten years unless either of the following occurs:

(1) The sole owner of land enrolled in the area withdraws under section 931.07 of the Revised Code.

(2) Unless division (C) of section 931.07 of the Revised Code applies, land in the area fails to satisfy any of the criteria specified in divisions (B)(1) to (3) of section 931.02 of the Revised Code.

(E) The approval or disapproval of an application under this section is not a final order, adjudication, or decision under section 2506.01 of the Revised Code and is not appealable

under Chapter 2506. of the Revised Code. 2113

(F) As used in this section, "internet identifier of record" has the same meaning as in section 9.312 of the Revised Code. 2114  
2115  
2116

**Sec. 940.20.** As soon as the supervisors of a soil and 2117  
water conservation district have established the dates, times, 2118  
and locations of the view and the hearing concerning a proposed 2119  
improvement, they shall send, at least twenty days prior to the 2120  
date established for the view, a written notice of the view and 2121  
the hearing to the landowners within the area to be benefited by 2122  
the proposed improvement and to the board of county 2123  
commissioners and the county engineer. The supervisors shall 2124  
notify all landowners that are adjacent to the proposed 2125  
improvement either by certified mail or, if the supervisors have 2126  
record of an internet identifier of record associated with such 2127  
a landowner, by ordinary mail and by that internet identifier of 2128  
record, and shall notify all others by certified mail or first 2129  
class mailings. Any such written notice shall have the words 2130  
"Legal Notice" printed in plain view on the face of the envelope 2131  
or, in the case of service by an internet identifier of record, 2132  
in conspicuous typeface at the top of the notice. In addition, 2133  
the supervisors shall invite to the view and the hearing the 2134  
staff of the soil and water conservation district and the staff 2135  
of the natural resources conservation service in the United 2136  
States department of agriculture that is involved with the 2137  
district together with any other people that the supervisors 2138  
consider to be necessary to the proceedings. 2139

As used in this section, "internet identifier of record" 2140  
has the same meaning as in section 9.312 of the Revised Code. 2141

**Sec. 3517.01.** (A) (1) A political party within the meaning 2142



of Title XXXV of the Revised Code is any group of voters that 2143  
meets either of the following requirements: 2144

(a) Except as otherwise provided in this division, at the 2145  
most recent regular state election, the group polled for its 2146  
candidate for governor in the state or nominees for presidential 2147  
electors at least three per cent of the entire vote cast for 2148  
that office. A group that meets the requirements of this 2149  
division remains a political party for a period of four years 2150  
after meeting those requirements. 2151

(b) The group filed with the secretary of state, 2152  
subsequent to its failure to meet the requirements of division 2153  
(A) (1) (a) of this section, a party formation petition that meets 2154  
all of the following requirements: 2155

(i) The petition is signed by qualified electors equal in 2156  
number to at least one per cent of the total vote for governor 2157  
or nominees for presidential electors at the most recent 2158  
election for such office. 2159

(ii) The petition is signed by not fewer than five hundred 2160  
qualified electors from each of at least a minimum of one-half 2161  
of the congressional districts in this state. If an odd number 2162  
of congressional districts exists in this state, the number of 2163  
districts that results from dividing the number of congressional 2164  
districts by two shall be rounded up to the next whole number. 2165

(iii) The petition declares the petitioners' intention of 2166  
organizing a political party, the name of which shall be stated 2167  
in the declaration, and of participating in the succeeding 2168  
general election, held in even-numbered years, that occurs more 2169  
than one hundred twenty-five days after the date of filing. 2170

(iv) The petition designates a committee of not less than 2171

three nor more than five individuals of the petitioners, who 2172  
shall represent the petitioners in all matters relating to the 2173  
petition. Notice of all matters or proceedings pertaining to the 2174  
petition may be served on the committee, or any of them, either 2175  
personally or by registered mail, or by leaving such notice at 2176  
the usual place of residence of each of them. 2177

(2) No such group of electors shall assume a name or 2178  
designation that is similar, in the opinion of the secretary of 2179  
state, to that of an existing political party as to confuse or 2180  
mislead the voters at an election. 2181

(B) A campaign committee shall be legally liable for any 2182  
debts, contracts, or expenditures incurred or executed in its 2183  
name. 2184

(C) Notwithstanding the definitions found in section 2185  
3501.01 of the Revised Code, as used in this section and 2186  
sections 3517.08 to 3517.14, 3517.99, and 3517.992 of the 2187  
Revised Code: 2188

(1) "Campaign committee" means a candidate or a 2189  
combination of two or more persons authorized by a candidate 2190  
under section 3517.081 of the Revised Code to receive 2191  
contributions and make expenditures. 2192

(2) "Campaign treasurer" means an individual appointed by 2193  
a candidate under section 3517.081 of the Revised Code. 2194

(3) "Candidate" has the same meaning as in division (H) of 2195  
section 3501.01 of the Revised Code and also includes any person 2196  
who, at any time before or after an election, receives 2197  
contributions or makes expenditures or other use of 2198  
contributions, has given consent for another to receive 2199  
contributions or make expenditures or other use of 2200

contributions, or appoints a campaign treasurer, for the purpose 2201  
of bringing about the person's nomination or election to public 2202  
office. When two persons jointly seek the offices of governor 2203  
and lieutenant governor, "candidate" means the pair of 2204  
candidates jointly. "Candidate" does not include candidates for 2205  
election to the offices of member of a county or state central 2206  
committee, presidential elector, and delegate to a national 2207  
convention or conference of a political party. 2208

(4) "Continuing association" means an association, other 2209  
than a campaign committee, political party, legislative campaign 2210  
fund, political contributing entity, or labor organization, that 2211  
is intended to be a permanent organization that has a primary 2212  
purpose other than supporting or opposing specific candidates, 2213  
political parties, or ballot issues, and that functions on a 2214  
regular basis throughout the year. "Continuing association" 2215  
includes organizations that are determined to be not organized 2216  
for profit under subsection 501 and that are described in 2217  
subsection 501(c) (3), 501(c) (4), or 501(c) (6) of the Internal 2218  
Revenue Code. 2219

(5) "Contribution" means a loan, gift, deposit, 2220  
forgiveness of indebtedness, donation, advance, payment, or 2221  
transfer of funds or anything of value, including a transfer of 2222  
funds from an inter vivos or testamentary trust or decedent's 2223  
estate, and the payment by any person other than the person to 2224  
whom the services are rendered for the personal services of 2225  
another person, which contribution is made, received, or used 2226  
for the purpose of influencing the results of an election. Any 2227  
loan, gift, deposit, forgiveness of indebtedness, donation, 2228  
advance, payment, or transfer of funds or of anything of value, 2229  
including a transfer of funds from an inter vivos or 2230  
testamentary trust or decedent's estate, and the payment by any 2231

campaign committee, political action committee, legislative 2232  
campaign fund, political party, political contributing entity, 2233  
or person other than the person to whom the services are 2234  
rendered for the personal services of another person, that is 2235  
made, received, or used by a state or county political party, 2236  
other than moneys a state or county political party receives 2237  
from the Ohio political party fund pursuant to section 3517.17 2238  
of the Revised Code and the moneys an entity may receive under 2239  
sections 3517.101, 3517.1012, and 3517.1013 of the Revised Code, 2240  
shall be considered to be a "contribution" for the purpose of 2241  
section 3517.10 of the Revised Code and shall be included on a 2242  
statement of contributions filed under that section. 2243

"Contribution" does not include any of the following: 2244

(a) Services provided without compensation by individuals 2245  
volunteering a portion or all of their time on behalf of a 2246  
person; 2247

(b) Ordinary home hospitality; 2248

(c) The personal expenses of a volunteer paid for by that 2249  
volunteer campaign worker; 2250

(d) Any gift given to an entity pursuant to section 2251  
3517.101 of the Revised Code; 2252

(e) Any contribution as defined in section 3517.1011 of 2253  
the Revised Code that is made, received, or used to pay the 2254  
direct costs of producing or airing an electioneering 2255  
communication; 2256

(f) Any gift given to a state or county political party 2257  
for the party's restricted fund under division (A) (2) of section 2258  
3517.1012 of the Revised Code; 2259

(g) Any gift given to a state political party for deposit 2260  
in a Levin account pursuant to section 3517.1013 of the Revised 2261  
Code. As used in this division, "Levin account" has the same 2262  
meaning as in that section. 2263

(h) Any donation given to a transition fund under section 2264  
3517.1014 of the Revised Code. 2265

(6) "Expenditure" means the disbursement or use of a 2266  
contribution for the purpose of influencing the results of an 2267  
election or of making a charitable donation under division (G) 2268  
of section 3517.08 of the Revised Code. Any disbursement or use 2269  
of a contribution by a state or county political party is an 2270  
expenditure and shall be considered either to be made for the 2271  
purpose of influencing the results of an election or to be made 2272  
as a charitable donation under division (G) of section 3517.08 2273  
of the Revised Code and shall be reported on a statement of 2274  
expenditures filed under section 3517.10 of the Revised Code. 2275  
During the thirty days preceding a primary or general election, 2276  
any disbursement to pay the direct costs of producing or airing 2277  
a broadcast, cable, or satellite communication that refers to a 2278  
clearly identified candidate shall be considered to be made for 2279  
the purpose of influencing the results of that election and 2280  
shall be reported as an expenditure or as an independent 2281  
expenditure under section 3517.10 or 3517.105 of the Revised 2282  
Code, as applicable, except that the information required to be 2283  
reported regarding contributors for those expenditures or 2284  
independent expenditures shall be the same as the information 2285  
required to be reported under divisions (D) (1) and (2) of 2286  
section 3517.1011 of the Revised Code. 2287

As used in this division, "broadcast, cable, or satellite 2288  
communication" and "refers to a clearly identified candidate" 2289

have the same meanings as in section 3517.1011 of the Revised Code. 2290  
2291

(7) "Personal expenses" includes, but is not limited to, 2292  
ordinary expenses for accommodations, clothing, food, personal 2293  
motor vehicle or airplane, and home telephone. 2294

(8) "Political action committee" means a combination of 2295  
two or more persons, the primary or major purpose of which is to 2296  
support or oppose any candidate, political party, or issue, or 2297  
to influence the result of any election through express 2298  
advocacy, and that is not a political party, a campaign 2299  
committee, a political contributing entity, or a legislative 2300  
campaign fund. "Political action committee" does not include 2301  
either of the following: 2302

(a) A continuing association that makes disbursements for 2303  
the direct costs of producing or airing electioneering 2304  
communications and that does not engage in express advocacy; 2305

(b) A political club that is formed primarily for social 2306  
purposes and that consists of one hundred members or less, has 2307  
officers and periodic meetings, has less than two thousand five 2308  
hundred dollars in its treasury at all times, and makes an 2309  
aggregate total contribution of one thousand dollars or less per 2310  
calendar year. 2311

(9) "Public office" means any state, county, municipal, 2312  
township, or district office, except an office of a political 2313  
party, that is filled by an election and the offices of United 2314  
States senator and representative. 2315

(10) "Anything of value" has the same meaning as in 2316  
section 1.03 of the Revised Code. 2317

(11) "Beneficiary of a campaign fund" means a candidate, a 2318

public official or employee for whose benefit a campaign fund 2319  
exists, and any other person who has ever been a candidate or 2320  
public official or employee and for whose benefit a campaign 2321  
fund exists. 2322

(12) "Campaign fund" means money or other property, 2323  
including contributions. 2324

(13) "Public official or employee" has the same meaning as 2325  
in section 102.01 of the Revised Code. 2326

(14) "Caucus" means all of the members of the house of 2327  
representatives or all of the members of the senate of the 2328  
general assembly who are members of the same political party. 2329

(15) "Legislative campaign fund" means a fund that is 2330  
established as an auxiliary of a state political party and 2331  
associated with one of the houses of the general assembly. 2332

(16) "In-kind contribution" means anything of value other 2333  
than money that is used to influence the results of an election 2334  
or is transferred to or used in support of or in opposition to a 2335  
candidate, campaign committee, legislative campaign fund, 2336  
political party, political action committee, or political 2337  
contributing entity and that is made with the consent of, in 2338  
coordination, cooperation, or consultation with, or at the 2339  
request or suggestion of the benefited candidate, committee, 2340  
fund, party, or entity. The financing of the dissemination, 2341  
distribution, or republication, in whole or part, of any 2342  
broadcast or of any written, graphic, or other form of campaign 2343  
materials prepared by the candidate, the candidate's campaign 2344  
committee, or their authorized agents is an in-kind contribution 2345  
to the candidate and an expenditure by the candidate. 2346

(17) "Independent expenditure" means an expenditure by a 2347

person advocating the election or defeat of an identified 2348  
candidate or candidates, that is not made with the consent of, 2349  
in coordination, cooperation, or consultation with, or at the 2350  
request or suggestion of any candidate or candidates or of the 2351  
campaign committee or agent of the candidate or candidates. As 2352  
used in division (C)(17) of this section: 2353

(a) "Person" means an individual, partnership, 2354  
unincorporated business organization or association, political 2355  
action committee, political contributing entity, separate 2356  
segregated fund, association, or other organization or group of 2357  
persons, but not a labor organization or a corporation unless 2358  
the labor organization or corporation is a political 2359  
contributing entity. 2360

(b) "Advocating" means any communication containing a 2361  
message advocating election or defeat. 2362

(c) "Identified candidate" means that the name of the 2363  
candidate appears, a photograph or drawing of the candidate 2364  
appears, or the identity of the candidate is otherwise apparent 2365  
by unambiguous reference. 2366

(d) "Made in coordination, cooperation, or consultation 2367  
with, or at the request or suggestion of, any candidate or the 2368  
campaign committee or agent of the candidate" means made 2369  
pursuant to any arrangement, coordination, or direction by the 2370  
candidate, the candidate's campaign committee, or the 2371  
candidate's agent prior to the publication, distribution, 2372  
display, or broadcast of the communication. An expenditure is 2373  
presumed to be so made when it is any of the following: 2374

(i) Based on information about the candidate's plans, 2375  
projects, or needs provided to the person making the expenditure 2376



by the candidate, or by the candidate's campaign committee or 2377  
agent, with a view toward having an expenditure made; 2378

(ii) Made by or through any person who is, or has been, 2379  
authorized to raise or expend funds, who is, or has been, an 2380  
officer of the candidate's campaign committee, or who is, or has 2381  
been, receiving any form of compensation or reimbursement from 2382  
the candidate or the candidate's campaign committee or agent; 2383

(iii) Except as otherwise provided in division (D) of 2384  
section 3517.105 of the Revised Code, made by a political party 2385  
in support of a candidate, unless the expenditure is made by a 2386  
political party to conduct voter registration or voter education 2387  
efforts. 2388

(e) "Agent" means any person who has actual oral or 2389  
written authority, either express or implied, to make or to 2390  
authorize the making of expenditures on behalf of a candidate, 2391  
or means any person who has been placed in a position with the 2392  
candidate's campaign committee or organization such that it 2393  
would reasonably appear that in the ordinary course of campaign- 2394  
related activities the person may authorize expenditures. 2395

(18) "Labor organization" means a labor union; an employee 2396  
organization; a federation of labor unions, groups, locals, or 2397  
other employee organizations; an auxiliary of a labor union, 2398  
employee organization, or federation of labor unions, groups, 2399  
locals, or other employee organizations; or any other bona fide 2400  
organization in which employees participate and that exists for 2401  
the purpose, in whole or in part, of dealing with employers 2402  
concerning grievances, labor disputes, wages, hours, and other 2403  
terms and conditions of employment. 2404

(19) "Separate segregated fund" means a separate 2405

segregated fund established pursuant to the Federal Election Campaign Act.	2406 2407
(20) "Federal Election Campaign Act" means the "Federal Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et seq., as amended.	2408 2409 2410
(21) "Restricted fund" means the fund a state or county political party must establish under division (A)(1) of section 3517.1012 of the Revised Code.	2411 2412 2413
(22) "Electioneering communication" has the same meaning as in section 3517.1011 of the Revised Code.	2414 2415
(23) "Express advocacy" means a communication that contains express words advocating the nomination, election, or defeat of a candidate or that contains express words advocating the adoption or defeat of a question or issue, as determined by a final judgment of a court of competent jurisdiction.	2416 2417 2418 2419 2420
(24) "Political committee" has the same meaning as in section 3517.1011 of the Revised Code.	2421 2422
(25) "Political contributing entity" means any entity, including a corporation or labor organization, that may lawfully make contributions and expenditures and that is not an individual or a political action committee, continuing association, campaign committee, political party, legislative campaign fund, designated state campaign committee, or state candidate fund. For purposes of this division, "lawfully" means not prohibited by any section of the Revised Code, or authorized by a final judgment of a court of competent jurisdiction.	2423 2424 2425 2426 2427 2428 2429 2430 2431
<u>(26) "Internet identifier of record" has the same meaning as in section 9.312 of the Revised Code.</u>	2432 2433

**Sec. 3517.11.** (A) (1) Campaign committees of candidates for 2434  
statewide office or the state board of education, political 2435  
action committees or political contributing entities that make 2436  
contributions to campaign committees of candidates that are 2437  
required to file the statements prescribed by section 3517.10 of 2438  
the Revised Code with the secretary of state, political action 2439  
committees or political contributing entities that make 2440  
contributions to campaign committees of candidates for member of 2441  
the general assembly, political action committees or political 2442  
contributing entities that make contributions to state and 2443  
national political parties and to legislative campaign funds, 2444  
political action committees or political contributing entities 2445  
that receive contributions or make expenditures in connection 2446  
with a statewide ballot issue, political action committees or 2447  
political contributing entities that make contributions to other 2448  
political action committees or political contributing entities, 2449  
political parties, and campaign committees, except as set forth 2450  
in division (A) (3) of this section, legislative campaign funds, 2451  
and state and national political parties shall file the 2452  
statements prescribed by section 3517.10 of the Revised Code 2453  
with the secretary of state. 2454

(2) (a) Except as otherwise provided in division (F) of 2455  
section 3517.106 of the Revised Code, campaign committees of 2456  
candidates for all other offices shall file the statements 2457  
prescribed by section 3517.10 of the Revised Code with the board 2458  
of elections where their candidates are required to file their 2459  
petitions or other papers for nomination or election. 2460

(b) A campaign committee of a candidate for office of 2461  
member of the general assembly or a campaign committee of a 2462  
candidate for the office of judge of a court of appeals shall 2463  
file two copies of the printed version of any statement, 2464

addendum, or amended statement if the committee does not file 2465  
pursuant to division (F) (1) or (L) of section 3517.106 of the 2466  
Revised Code but files by printed version only with the 2467  
appropriate board of elections. The board of elections shall 2468  
send one of those copies by certified mail or an electronic copy 2469  
to the secretary of state before the close of business on the 2470  
day the board of elections receives the statement, addendum, or 2471  
amended statement. 2472

(3) Political action committees or political contributing 2473  
entities that only contribute to a county political party, 2474  
contribute to campaign committees of candidates whose nomination 2475  
or election is to be submitted only to electors within a county, 2476  
subdivision, or district, excluding candidates for member of the 2477  
general assembly, and receive contributions or make expenditures 2478  
in connection with ballot questions or issues to be submitted 2479  
only to electors within a county, subdivision, or district shall 2480  
file the statements prescribed by section 3517.10 of the Revised 2481  
Code with the board of elections in that county or in the county 2482  
contained in whole or part within the subdivision or district 2483  
having a population greater than that of any other county 2484  
contained in whole or part within that subdivision or district, 2485  
as the case may be. 2486

(4) Except as otherwise provided in division (E) (3) of 2487  
section 3517.106 of the Revised Code with respect to state 2488  
candidate funds, county political parties shall file the 2489  
statements prescribed by section 3517.10 of the Revised Code 2490  
with the board of elections of their respective counties. 2491

(B) (1) The official with whom petitions and other papers 2492  
for nomination or election to public office are filed shall 2493  
furnish each candidate at the time of that filing a copy of 2494

sections 3517.01, 3517.08 to 3517.11, 3517.13 to 3517.993, 2495  
3599.03, and 3599.031 of the Revised Code and any other 2496  
materials that the secretary of state may require. Each 2497  
candidate receiving the materials shall acknowledge their 2498  
receipt in writing. 2499

(2) On or before the tenth day before the dates on which 2500  
statements are required to be filed by section 3517.10 of the 2501  
Revised Code, the secretary of state shall notify every 2502  
candidate subject to the provisions of this section and sections 2503  
3517.10 and 3517.106 of the Revised Code ~~shall be notified of~~ 2504  
the requirements and applicable penalties of those sections. The 2505  
secretary of state, ~~by certified mail, return receipt requested,~~ 2506  
shall notify all candidates required to file those statements 2507  
with the secretary of state's office either by certified mail, 2508  
or, if the secretary of state has record of an internet 2509  
identifier of record associated with the candidate, by ordinary 2510  
mail and by that internet identifier of record. The board of 2511  
elections of every county shall notify by first class mail any 2512  
candidate who has personally appeared at the office of the board 2513  
on or before the tenth day before the statements are required to 2514  
be filed and signed a form, to be provided by the secretary of 2515  
state, attesting that the candidate has been notified of the 2516  
candidate's obligations under the campaign finance law. The 2517  
board shall forward the completed form to the secretary of 2518  
state. The board shall ~~use certified mail, return receipt~~ 2519  
~~requested, to~~ notify all other candidates required to file those 2520  
statements with it either by certified mail, or, if the 2521  
secretary of state has record of an internet identifier of 2522  
record associated with the candidate, by ordinary mail and by 2523  
that internet identifier of record. 2524

(3) (a) Any statement required to be filed under sections 2525

3517.081 to 3517.17 of the Revised Code that is found to be 2526  
incomplete or inaccurate by the officer to whom it is submitted 2527  
shall be accepted on a conditional basis, and the person who 2528  
filed it shall be notified by certified mail as to the 2529  
incomplete or inaccurate nature of the statement. The secretary 2530  
of state may examine statements filed for candidates for the 2531  
office of member of the general assembly and candidates for the 2532  
office of judge of a court of appeals for completeness and 2533  
accuracy. The secretary of state shall examine for completeness 2534  
and accuracy statements that campaign committees of candidates 2535  
for the office of member of the general assembly and campaign 2536  
committees of candidates for the office of judge of a court of 2537  
appeals file pursuant to division (F) or (L) of section 3517.106 2538  
of the Revised Code. If an officer at the board of elections 2539  
where a statement filed for a candidate for the office of member 2540  
of the general assembly or for a candidate for the office of 2541  
judge of a court of appeals was submitted finds the statement to 2542  
be incomplete or inaccurate, the officer shall immediately 2543  
notify the secretary of state of its incomplete or inaccurate 2544  
nature. If either an officer at the board of elections or the 2545  
secretary of state finds a statement filed for a candidate for 2546  
the office of member of the general assembly or for a candidate 2547  
for the office of judge of a court of appeals to be incomplete 2548  
or inaccurate, only the secretary of state shall send the 2549  
notification as to the incomplete or inaccurate nature of the 2550  
statement. 2551

Within twenty-one days after receipt of the notice, in the 2552  
case of a pre-election statement, a postelection statement, a 2553  
monthly statement, an annual statement, or a semiannual 2554  
statement prescribed by section 3517.10, an annual statement 2555  
prescribed by section 3517.101, or a statement prescribed by 2556

division (B) (2) (b) or (C) (2) (b) of section 3517.105 or section 2557  
3517.107 of the Revised Code, the recipient shall file an 2558  
addendum, amendment, or other correction to the statement 2559  
providing the information necessary to complete or correct the 2560  
statement. The secretary of state may require that, in lieu of 2561  
filing an addendum, amendment, or other correction to a 2562  
statement that is filed by electronic means of transmission to 2563  
the office of the secretary of state pursuant to section 2564  
3517.106 of the Revised Code, the recipient of the notice 2565  
described in this division file by electronic means of 2566  
transmission an amended statement that incorporates the 2567  
information necessary to complete or correct the statement. 2568

The secretary of state shall determine by rule when an 2569  
addendum, amendment, or other correction to any of the following 2570  
or when an amended statement of any of the following shall be 2571  
filed: 2572

(i) A two-business-day statement prescribed by section 2573  
3517.10 of the Revised Code; 2574

(ii) A disclosure of electioneering communications 2575  
statement prescribed by division (D) of section 3517.1011 of the 2576  
Revised Code; 2577

(iii) A deposit and disbursement statement prescribed 2578  
under division (B) of section 3517.1012 of the Revised Code; 2579

(iv) A gift and disbursement statement prescribed under 2580  
section 3517.1013 of the Revised Code; 2581

(v) A donation and disbursement statement prescribed under 2582  
section 3517.1014 of the Revised Code. 2583

An addendum, amendment, or other correction to a statement 2584  
that is filed by electronic means of transmission pursuant to 2585

section 3517.106 of the Revised Code shall be filed in the same 2586  
manner as the statement. 2587

The provisions of sections 3517.10, 3517.106, 3517.1011, 2588  
3517.1012, 3517.1013, and 3517.1014 of the Revised Code 2589  
pertaining to the filing of statements of contributions and 2590  
expenditures, statements of independent expenditures, disclosure 2591  
of electioneering communications statements, deposit and 2592  
disbursement statements, gift and disbursement statements, and 2593  
donation and disbursement statements by electronic means of 2594  
transmission apply to the filing of addenda, amendments, or 2595  
other corrections to those statements by electronic means of 2596  
transmission and the filing of amended statements by electronic 2597  
means of transmission. 2598

(b) Within five business days after the secretary of state 2599  
receives, by electronic or other means of transmission, an 2600  
addendum, amendment, or other correction to a statement or an 2601  
amended statement under division (B) (3) (a) of this section, the 2602  
secretary of state, pursuant to divisions (E), (F), (G), and (I) 2603  
of section 3517.106 or division (D) of section 3517.1011 of the 2604  
Revised Code, shall make the contribution and expenditure, 2605  
contribution and disbursement, deposit and disbursement, gift 2606  
and disbursement, or donation and disbursement information in 2607  
that addendum, amendment, correction, or amended statement 2608  
available online to the public through the internet. 2609

(4) (a) The secretary of state or the board of elections 2610  
shall examine all statements for compliance with sections 2611  
3517.08 to 3517.17 of the Revised Code. 2612

(b) The secretary of state may contract with an individual 2613  
or entity not associated with the secretary of state and 2614  
experienced in interpreting the campaign finance law of this 2615



state to conduct examinations of statements filed by any 2616  
statewide candidate, as defined in section 3517.103 of the 2617  
Revised Code. 2618

(c) The examination shall be conducted by a person or 2619  
entity qualified to conduct it. The results of the examination 2620  
shall be available to the public, and, when the examination is 2621  
conducted by an individual or entity not associated with the 2622  
secretary of state, the results of the examination shall be 2623  
reported to the secretary of state. 2624

(C) (1) In the event of a failure to file or a late filing 2625  
of a statement required to be filed under sections 3517.081 to 2626  
3517.17 of the Revised Code, or if a filed statement or any 2627  
addendum, amendment, or other correction to a statement or any 2628  
amended statement, if an addendum, amendment, or other 2629  
correction or an amended statement is required to be filed, is 2630  
incomplete or inaccurate or appears to disclose a failure to 2631  
comply with or a violation of law, the official whose duty it is 2632  
to examine the statement shall promptly file a complaint with 2633  
the Ohio elections commission under section 3517.153 of the 2634  
Revised Code if the law is one over which the commission has 2635  
jurisdiction to hear complaints, or the official shall promptly 2636  
report the failure or violation to the board of elections and 2637  
the board shall promptly report it to the prosecuting attorney 2638  
in accordance with division (J) of section 3501.11 of the 2639  
Revised Code. If the official files a complaint with the 2640  
commission, the commission shall proceed in accordance with 2641  
sections 3517.154 to 3517.157 of the Revised Code. 2642

(2) For purposes of division (C) (1) of this section, a 2643  
statement or an addendum, amendment, or other correction to a 2644  
statement or an amended statement required to be filed under 2645

sections 3517.081 to 3517.17 of the Revised Code is incomplete 2646  
or inaccurate under this section if the statement, addendum, 2647  
amendment, other correction, or amended statement fails to 2648  
disclose substantially all contributions, gifts, or donations 2649  
that are received or deposits that are made that are required to 2650  
be reported under sections 3517.10, 3517.107, 3517.108, 2651  
3517.1011, 3517.1012, 3517.1013, and 3517.1014 of the Revised 2652  
Code or if the statement, addendum, amendment, other correction, 2653  
or amended statement fails to disclose at least ninety per cent 2654  
of the total contributions, gifts, or donations received or 2655  
deposits made or of the total expenditures or disbursements made 2656  
during the reporting period. 2657

(D) No certificate of nomination or election shall be 2658  
issued to a person, and no person elected to an office shall 2659  
enter upon the performance of the duties of that office, until 2660  
that person or that person's campaign committee, as appropriate, 2661  
has fully complied with this section and sections 3517.08, 2662  
3517.081, 3517.10, and 3517.13 of the Revised Code. 2663

**Sec. 3791.12.** (A) As used in this section and section 2664  
3791.13 of the Revised Code: 2665

(1) "Service station" means any facility designed and 2666  
constructed primarily for use in the retail sale of gasoline, 2667  
other petroleum products, and related accessories; except that 2668  
"service station" does not include any such facility that has 2669  
been converted for use for another bona fide business purpose, 2670  
on and after the date of commencement of such other use. 2671

(2) "Abandoned service station" means any service station 2672  
that has not been used for the retail sale of gasoline, other 2673  
petroleum products, and related accessories for a continuous 2674  
period of six months, whenever failure to reasonably secure 2675

station buildings from ready access by unauthorized persons and 2676  
to reasonably maintain the station's premises has resulted in 2677  
conditions that endanger the public health, welfare, safety, or 2678  
morals; provided, that such conditions include, but are not 2679  
limited to, the presence of defective or deteriorated electrical 2680  
wiring, heating apparatus, and gas connections, or of 2681  
unprotected gasoline storage tanks, piping, and valves, or any 2682  
combination of the foregoing; and provided further that the 2683  
casual and intermittent use of a service station for the retail 2684  
sale of any item described in division (A) (1) of this section 2685  
during such six-month period shall not be held to prevent the 2686  
station from being determined an abandoned service station if it 2687  
meets the other qualifications of this division. 2688

(3) "Internet identifier of record" has the same meaning 2689  
as in section 9.312 of the Revised Code. 2690

(B) The executive authority of each municipal corporation 2691  
and the board of county commissioners of each county shall 2692  
designate a suitable person to make inspections, within their 2693  
respective territorial jurisdictions, of any service stations 2694  
that are, or appear to be, no longer in use for the purposes 2695  
described in division (A) (1) of this section, or for any other 2696  
bona fide business purpose. Inspections of service stations 2697  
under this section shall be made at the order of the executive 2698  
authority or board, or upon the complaint of any person claiming 2699  
to be adversely affected by the condition of a service station. 2700  
Any inspector designated under this section shall have the right 2701  
to enter upon and inspect any service station that is, or 2702  
appears to be, no longer in use as described in this section. No 2703  
inspector, while in the lawful pursuit of official duties for 2704  
such purpose, shall be subject to arrest for trespass while so 2705  
engaged or for such cause thereafter. 2706

(C) Whenever an inspector, upon inspecting a service station as provided in this section, has reasonable cause to believe that it qualifies as an abandoned service station, the inspector shall prepare a written report of the condition of the station's buildings and premises. The report shall be filed immediately with the executive authority or board. Upon receipt of the report, the executive authority or board shall fix a place and time, not less than thirty days nor more than sixty days after receipt of the report, for a hearing to determine whether the service station is an abandoned service station. The executive authority or board shall send written notice of the place and date of the hearing, together with a copy of the inspector's report and information that the service station may be ordered repaired or removed if determined to be abandoned, to all persons listed in the records of the county recorder as an owner of the affected property, and to all persons listed in the records of the county recorder or county clerk of courts as holding a lien on the affected property. Such notice shall be sent either by certified mail to the address shown on such records or, if the executive authority or board has record of a person's internet identifier of record, by ordinary mail to the address shown on such records and by that internet identifier of record.

(D) In hearing the matter and deciding the issue, the executive authority or board shall consider the testimony of any persons appearing pursuant to the notice or their authorized representatives, the testimony of any witnesses appearing on behalf of such persons, the inspector's report or testimony, or both, and any other evidence pertinent to the matter. If the executive authority or board thereupon determines that the service station is an abandoned service station in such

condition as to constitute a danger to the public health, 2738  
welfare, safety, or morals, it shall order the satisfactory 2739  
repair, or removal, of the service station and its 2740  
appurtenances, and restoration of the property, within such 2741  
period of time, not less than thirty days, as the executive 2742  
authority or board thereupon determines reasonable. Notice of 2743  
the findings and order shall be sent to all persons required to 2744  
be notified by division (C) of this section in the same manner 2745  
as provided in that division. 2746

(E) If an abandoned service station is not satisfactorily 2747  
repaired or removed within the period of time provided in an 2748  
order made under division (D) of this section, the municipal 2749  
corporation or county may enter the land and complete the 2750  
repair, if repair was ordered, or remove the service station and 2751  
its appurtenances, if removal was ordered, and restore the 2752  
property. 2753

(F) Any person aggrieved by an order of an executive 2754  
authority or board made under division (D) of this section, may 2755  
appeal as provided in Chapter 2506. of the Revised Code within 2756  
thirty days of the mailing of notice of the order. 2757

(G) In the event that no persons notified as provided in 2758  
division (C) of this section, or their authorized 2759  
representatives, appear at the hearing, respond to an order of 2760  
the executive authority or board, or appeal within thirty days 2761  
of the mailing of notice of the order as provided in division 2762  
(F) of this section, the municipal corporation or county may 2763  
proceed as provided in division (E) of this section. 2764

**Sec. 4301.39.** (A) When the board of elections of any 2765  
county determines that a petition for a local option election 2766  
presented pursuant to section 4301.33, 4301.331, 4301.332, 2767

4301.333, 4303.29, or 4305.14 of the Revised Code is sufficient, 2768  
it shall forthwith, by mail, notify the division of liquor 2769  
control of the fact that the petition has been filed and 2770  
approved by it. Upon the determination of the results of any 2771  
such election, the board shall forthwith notify the division by 2772  
mail of the result and shall forward with the notice a plat of 2773  
the precinct in which the election was held and, if applicable, 2774  
shall separately identify the portion of the precinct affected 2775  
by the election. 2776

(B) On the plat of a precinct forwarded with the results 2777  
of an election that was held under section 4301.35, 4301.351, 2778  
4301.353, 4301.354, or 4303.29 of the Revised Code, the board 2779  
shall show and designate all of the streets and highways in the 2780  
precinct or relevant portion of the precinct. 2781

(C) On the plat of a precinct forwarded with the results 2782  
of an election that was held under section 4301.352 of the 2783  
Revised Code, the board shall show and designate all of the 2784  
following: 2785

(1) All of the streets and highways in the precinct; 2786

(2) The permit premises designated in the petition that 2787  
was filed under section 4301.331 of the Revised Code; 2788

(3) A class C or D permit holder's personal or corporate 2789  
name and, if it is different from the permit holder's personal 2790  
or corporate name, the name of the business conducted by the 2791  
permit holder on the designated premises; 2792

(4) The address of the designated premises. 2793

(D) On the plat of a precinct forwarded with the results 2794  
of an election that was held under section 4301.355 of the 2795  
Revised Code, the board shall show and designate all of the 2796

following: 2797

(1) All streets and highways in the precinct; 2798

(2) The address of the particular location within the 2799  
precinct to which the election results will apply as designated 2800  
in the petition that was filed under section 4301.333 of the 2801  
Revised Code; 2802

(3) The name of the applicant for the issuance or transfer 2803  
of the liquor permit, of the holder of the liquor permit, or of 2804  
the liquor agency store, including any trade or fictitious names 2805  
under which the applicant, holder, or operator intends to, or 2806  
does, do business at the particular location, as designated in 2807  
the petition that was filed under section 4301.333 of the 2808  
Revised Code. 2809

(E) With the results of an election that was held under 2810  
section 4301.356 of the Revised Code, the board shall designate 2811  
both of the following: 2812

(1) Each permit premises designated in the petition; 2813

(2) Each class C or D permit holder's personal or 2814  
corporate name and, if it is different from the personal or 2815  
corporate name, the name of the business conducted by the permit 2816  
holder on the designated premises. 2817

(F) If an application for recount is filed with the board 2818  
pursuant to section 3515.02 of the Revised Code or if an 2819  
election contest is commenced pursuant to section 3515.09 of the 2820  
Revised Code, the board shall send written notice of the recount 2821  
or contest, ~~by certified mail,~~ to the superintendent of liquor 2822  
control within two days from the date of the filing of the 2823  
application for recount or the commencement of an election 2824  
contest either by certified mail or, if the board has record of 2825

an internet identifier of record associated with the 2826  
superintendent, by ordinary mail and by that internet identifier 2827  
of record. Upon the final determination of an election recount 2828  
or contest, the board shall send notice of the final 2829  
determination, ~~by certified mail,~~ to the superintendent and the 2830  
liquor control commission either by certified mail or, if the 2831  
board has record of an internet identifier of record associated 2832  
with the superintendent or commission, by ordinary mail and an 2833  
internet identifier of record associated with the superintendent 2834  
or commission. 2835

(G) If, as the result of a local option election held 2836  
pursuant to section 4301.35, 4301.351, 4301.353, 4301.354, 2837  
4303.29, or 4305.14 of the Revised Code, the use of a permit is 2838  
made partially unlawful, the division shall, within thirty days 2839  
after receipt of the final notice of the result of the election, 2840  
pick up the permit, amend it by inserting appropriate 2841  
restrictions on it, and forthwith reissue it without charge or 2842  
refund to the permit holder, unless, prior to thirty days after 2843  
receipt of the final notice of the result of the election, both 2844  
of the following occur: 2845

(1) A petition is filed with the board pursuant to section 2846  
4301.333 of the Revised Code; 2847

(2) A copy of the petition filed with the board pursuant 2848  
to section 4301.333 of the Revised Code, bearing the file stamp 2849  
of the board, is filed with the superintendent of liquor 2850  
control. 2851

If both of those conditions are met, the results of the 2852  
election held pursuant to section 4301.35, 4301.351, 4301.353, 2853  
4301.354, 4303.29, or 4305.14 of the Revised Code shall not take 2854  
effect as to the liquor permit holder specified in the petition 2855



filed pursuant to section 4301.333 of the Revised Code until the 2856  
earlier of a determination by the board and receipt of 2857  
notification by the superintendent of liquor control of notice 2858  
that the petition is invalid or receipt by the superintendent of 2859  
final notice of the result of an election held pursuant to 2860  
section 4301.355 of the Revised Code concerning the holder of 2861  
the liquor permit that resulted in a majority "no" vote. 2862

(H) If, as the result of a local option election, except a 2863  
local option election held pursuant to section 4301.352 of the 2864  
Revised Code, the use of a permit is made wholly unlawful, the 2865  
permit holder may, within thirty days after the certification of 2866  
that final result by the board to the division, deliver the 2867  
permit holder's permit to the division for safekeeping as 2868  
provided in section 4303.272 of the Revised Code, or the permit 2869  
holder may avail itself of the remedy set forth in divisions (G) 2870  
(1) and (2) of this section. In such event, the results of the 2871  
election shall not take effect as to the liquor permit holder 2872  
specified in the petition pursuant to section 4301.333 of the 2873  
Revised Code until the earlier of a determination by the board 2874  
and receipt by the superintendent of liquor control of notice 2875  
that the petition is invalid or receipt by the superintendent of 2876  
the final notice of the result of an election held pursuant to 2877  
section 4301.355 of the Revised Code concerning the holder of 2878  
the liquor permit that resulted in a majority "no" vote. 2879

(I) As used in this section, "internet identifier of 2880  
record" has the same meaning as in section 9.312 of the Revised 2881  
Code. 2882

**Sec. 5713.082.** (A) Whenever the county auditor reenters an 2883  
item of property to the tax list as provided in section 5713.08 2884  
of the Revised Code and there has been no conveyance of the 2885

property between separate entities, the auditor shall send 2886  
notice ~~by certified mail~~ to the owner of the property either by 2887  
certified mail or, if the auditor has record of an internet 2888  
identifier of record associated with the owner, by ordinary mail 2889  
and by that internet identifier of record as defined in section 2890  
9.312 of the Revised Code that it is now subject to property 2891  
taxation as a result of such action. The auditor shall send the 2892  
notice at the same time the auditor certifies the real property 2893  
tax duplicate to the county treasurer. The notice shall describe 2894  
the property and indicate that the owner may reapply for tax 2895  
exemption by filing an application for exemption as provided in 2896  
section 5715.27 of the Revised Code, and that failure to file 2897  
such an application within the proper time period will result in 2898  
the owner having to pay the taxes even if the property continued 2899  
to be used for an exempt purpose. 2900

(B) If the auditor failed to send the notice required by 2901  
this section, and if the owner of the property subsequently 2902  
files an application for tax exemption for the property for the 2903  
current tax year, the tax commissioner or county auditor may 2904  
grant exemption to the property, and the commissioner or auditor 2905  
shall remit all taxes and penalties for each prior year since 2906  
the property was reentered on the tax list, notwithstanding 2907  
division (A) of section 5713.081 of the Revised Code. 2908

**Sec. 5715.12.** The county board of revision shall not 2909  
increase any valuation without giving notice to the person in 2910  
whose name the property affected thereby is listed and affording 2911  
him the person an opportunity to be heard. Such notice shall 2912  
describe the real property, the tax value of which is to be 2913  
acted upon, by the description thereof as carried on the tax 2914  
list of the current year, and shall state the name in which it 2915  
is listed; such notice shall be served by delivering a copy 2916

thereof to the person interested, by leaving a copy at the usual 2917  
place of residence or business of such person, ~~or~~ by sending the 2918  
same by registered letter mailed to the address of such person, 2919  
or, if the board has record of an internet identifier of record 2920  
associated with the person, by ordinary mail and by that 2921  
internet identifier of record as defined in section 9.312 of the 2922  
Revised Code. If no such place of residence or business is found 2923  
in the county, then such copies shall be delivered or mailed to 2924  
the agent in charge of such property. If no such agent is found 2925  
in the county, such notice shall be served by an advertisement 2926  
thereof inserted once in a newspaper of general circulation in 2927  
the county in which the property is situated. Notices to the 2928  
respective persons interested in different properties may be 2929  
united in one advertisement under the same general heading. 2930  
Notices served in accordance with this section shall be 2931  
sufficient. 2932

**Sec. 5715.19.** (A) As used in this section, "member" has 2933  
the same meaning as in section 1705.01 of the Revised Code, and 2934  
"internet identifier of record" has the same meaning as in 2935  
section 9.312 of the Revised Code. 2936

(1) Subject to division (A)(2) of this section, a 2937  
complaint against any of the following determinations for the 2938  
current tax year shall be filed with the county auditor on or 2939  
before the thirty-first day of March of the ensuing tax year or 2940  
the date of closing of the collection for the first half of real 2941  
and public utility property taxes for the current tax year, 2942  
whichever is later: 2943

(a) Any classification made under section 5713.041 of the 2944  
Revised Code; 2945

(b) Any determination made under section 5713.32 or 2946

5713.35 of the Revised Code; 2947

(c) Any recoupment charge levied under section 5713.35 of 2948  
the Revised Code; 2949

(d) The determination of the total valuation or assessment 2950  
of any parcel that appears on the tax list, except parcels 2951  
assessed by the tax commissioner pursuant to section 5727.06 of 2952  
the Revised Code; 2953

(e) The determination of the total valuation of any parcel 2954  
that appears on the agricultural land tax list, except parcels 2955  
assessed by the tax commissioner pursuant to section 5727.06 of 2956  
the Revised Code; 2957

(f) Any determination made under division (A) of section 2958  
319.302 of the Revised Code. 2959

If such a complaint is filed by mail or certified mail, 2960  
the date of the United States postmark placed on the envelope or 2961  
sender's receipt by the postal service shall be treated as the 2962  
date of filing. A private meter postmark on an envelope is not a 2963  
valid postmark for purposes of establishing the filing date. 2964

Any person owning taxable real property in the county or 2965  
in a taxing district with territory in the county; such a 2966  
person's spouse; an individual who is retained by such a person 2967  
and who holds a designation from a professional assessment 2968  
organization, such as the institute for professionals in 2969  
taxation, the national council of property taxation, or the 2970  
international association of assessing officers; a public 2971  
accountant who holds a permit under section 4701.10 of the 2972  
Revised Code, a general or residential real estate appraiser 2973  
licensed or certified under Chapter 4763. of the Revised Code, 2974  
or a real estate broker licensed under Chapter 4735. of the 2975

Revised Code, who is retained by such a person; if the person is 2976  
a firm, company, association, partnership, limited liability 2977  
company, or corporation, an officer, a salaried employee, a 2978  
partner, or a member of that person; if the person is a trust, a 2979  
trustee of the trust; the board of county commissioners; the 2980  
prosecuting attorney or treasurer of the county; the board of 2981  
township trustees of any township with territory within the 2982  
county; the board of education of any school district with any 2983  
territory in the county; or the mayor or legislative authority 2984  
of any municipal corporation with any territory in the county 2985  
may file such a complaint regarding any such determination 2986  
affecting any real property in the county, except that a person 2987  
owning taxable real property in another county may file such a 2988  
complaint only with regard to any such determination affecting 2989  
real property in the county that is located in the same taxing 2990  
district as that person's real property is located. The county 2991  
auditor shall present to the county board of revision all 2992  
complaints filed with the auditor. 2993

(2) As used in division (A) (2) of this section, "interim 2994  
period" means, for each county, the tax year to which section 2995  
5715.24 of the Revised Code applies and each subsequent tax year 2996  
until the tax year in which that section applies again. 2997

No person, board, or officer shall file a complaint 2998  
against the valuation or assessment of any parcel that appears 2999  
on the tax list if it filed a complaint against the valuation or 3000  
assessment of that parcel for any prior tax year in the same 3001  
interim period, unless the person, board, or officer alleges 3002  
that the valuation or assessment should be changed due to one or 3003  
more of the following circumstances that occurred after the tax 3004  
lien date for the tax year for which the prior complaint was 3005  
filed and that the circumstances were not taken into 3006

consideration with respect to the prior complaint: 3007

(a) The property was sold in an arm's length transaction, 3008  
as described in section 5713.03 of the Revised Code; 3009

(b) The property lost value due to some casualty; 3010

(c) Substantial improvement was added to the property; 3011

(d) An increase or decrease of at least fifteen per cent 3012  
in the property's occupancy has had a substantial economic 3013  
impact on the property. 3014

(3) If a county board of revision, the board of tax 3015  
appeals, or any court dismisses a complaint filed under this 3016  
section or section 5715.13 of the Revised Code for the reason 3017  
that the act of filing the complaint was the unauthorized 3018  
practice of law or the person filing the complaint was engaged 3019  
in the unauthorized practice of law, the party affected by a 3020  
decrease in valuation or the party's agent, or the person owning 3021  
taxable real property in the county or in a taxing district with 3022  
territory in the county, may refile the complaint, 3023  
notwithstanding division (A) (2) of this section. 3024

(4) Notwithstanding division (A) (2) of this section, a 3025  
person, board, or officer may file a complaint against the 3026  
valuation or assessment of any parcel that appears on the tax 3027  
list if it filed a complaint against the valuation or assessment 3028  
of that parcel for any prior tax year in the same interim period 3029  
if the person, board, or officer withdrew the complaint before 3030  
the complaint was heard by the board. 3031

(B) Within thirty days after the last date such complaints 3032  
may be filed, the auditor shall give notice of each complaint in 3033  
which the stated amount of overvaluation, undervaluation, 3034  
discriminatory valuation, illegal valuation, or incorrect 3035

determination is at least seventeen thousand five hundred 3036  
dollars to each property owner whose property is the subject of 3037  
the complaint, if the complaint was not filed by the owner or 3038  
the owner's spouse, and to each board of education whose school 3039  
district may be affected by the complaint. Within thirty days 3040  
after receiving such notice, a board of education; a property 3041  
owner; the owner's spouse; an individual who is retained by such 3042  
an owner and who holds a designation from a professional 3043  
assessment organization, such as the institute for professionals 3044  
in taxation, the national council of property taxation, or the 3045  
international association of assessing officers; a public 3046  
accountant who holds a permit under section 4701.10 of the 3047  
Revised Code, a general or residential real estate appraiser 3048  
licensed or certified under Chapter 4763. of the Revised Code, 3049  
or a real estate broker licensed under Chapter 4735. of the 3050  
Revised Code, who is retained by such a person; or, if the 3051  
property owner is a firm, company, association, partnership, 3052  
limited liability company, corporation, or trust, an officer, a 3053  
salaried employee, a partner, a member, or trustee of that 3054  
property owner, may file a complaint in support of or objecting 3055  
to the amount of alleged overvaluation, undervaluation, 3056  
discriminatory valuation, illegal valuation, or incorrect 3057  
determination stated in a previously filed complaint or 3058  
objecting to the current valuation. Upon the filing of a 3059  
complaint under this division, the board of education or the 3060  
property owner shall be made a party to the action. 3061

(C) Each board of revision shall notify any complainant 3062  
and also the property owner, if the property owner's address is 3063  
known, when a complaint is filed by one other than the property 3064  
owner, ~~by certified mail,~~ not less than ten days prior to the 3065  
hearing, by either certified mail or, if the board has record of 3066

an internet identifier of record associated with the owner, by 3067  
ordinary mail and by that internet identifier of record of the 3068  
time and place the same will be heard. The board of revision 3069  
shall hear and render its decision on a complaint within ninety 3070  
days after the filing thereof with the board, except that if a 3071  
complaint is filed within thirty days after receiving notice 3072  
from the auditor as provided in division (B) of this section, 3073  
the board shall hear and render its decision within ninety days 3074  
after such filing. 3075

(D) The determination of any such complaint shall relate 3076  
back to the date when the lien for taxes or recoupment charges 3077  
for the current year attached or the date as of which liability 3078  
for such year was determined. Liability for taxes and recoupment 3079  
charges for such year and each succeeding year until the 3080  
complaint is finally determined and for any penalty and interest 3081  
for nonpayment thereof within the time required by law shall be 3082  
based upon the determination, valuation, or assessment as 3083  
finally determined. Each complaint shall state the amount of 3084  
overvaluation, undervaluation, discriminatory valuation, illegal 3085  
valuation, or incorrect classification or determination upon 3086  
which the complaint is based. The treasurer shall accept any 3087  
amount tendered as taxes or recoupment charge upon property 3088  
concerning which a complaint is then pending, computed upon the 3089  
claimed valuation as set forth in the complaint. If a complaint 3090  
filed under this section for the current year is not determined 3091  
by the board within the time prescribed for such determination, 3092  
the complaint and any proceedings in relation thereto shall be 3093  
continued by the board as a valid complaint for any ensuing year 3094  
until such complaint is finally determined by the board or upon 3095  
any appeal from a decision of the board. In such case, the 3096  
original complaint shall continue in effect without further 3097



filing by the original taxpayer, the original taxpayer's 3098  
assignee, or any other person or entity authorized to file a 3099  
complaint under this section. 3100

(E) If a taxpayer files a complaint as to the 3101  
classification, valuation, assessment, or any determination 3102  
affecting the taxpayer's own property and tenders less than the 3103  
full amount of taxes or recoupment charges as finally 3104  
determined, an interest charge shall accrue as follows: 3105

(1) If the amount finally determined is less than the 3106  
amount billed but more than the amount tendered, the taxpayer 3107  
shall pay interest at the rate per annum prescribed by section 3108  
5703.47 of the Revised Code, computed from the date that the 3109  
taxes were due on the difference between the amount finally 3110  
determined and the amount tendered. This interest charge shall 3111  
be in lieu of any penalty or interest charge under section 3112  
323.121 of the Revised Code unless the taxpayer failed to file a 3113  
complaint and tender an amount as taxes or recoupment charges 3114  
within the time required by this section, in which case section 3115  
323.121 of the Revised Code applies. 3116

(2) If the amount of taxes finally determined is equal to 3117  
or greater than the amount billed and more than the amount 3118  
tendered, the taxpayer shall pay interest at the rate prescribed 3119  
by section 5703.47 of the Revised Code from the date the taxes 3120  
were due on the difference between the amount finally determined 3121  
and the amount tendered, such interest to be in lieu of any 3122  
interest charge but in addition to any penalty prescribed by 3123  
section 323.121 of the Revised Code. 3124

(F) Upon request of a complainant, the tax commissioner 3125  
shall determine the common level of assessment of real property 3126  
in the county for the year stated in the request that is not 3127

valued under section 5713.31 of the Revised Code, which common 3128  
level of assessment shall be expressed as a percentage of true 3129  
value and the common level of assessment of lands valued under 3130  
such section, which common level of assessment shall also be 3131  
expressed as a percentage of the current agricultural use value 3132  
of such lands. Such determination shall be made on the basis of 3133  
the most recent available sales ratio studies of the 3134  
commissioner and such other factual data as the commissioner 3135  
deems pertinent. 3136

(G) A complainant shall provide to the board of revision 3137  
all information or evidence within the complainant's knowledge 3138  
or possession that affects the real property that is the subject 3139  
of the complaint. A complainant who fails to provide such 3140  
information or evidence is precluded from introducing it on 3141  
appeal to the board of tax appeals or the court of common pleas, 3142  
except that the board of tax appeals or court may admit and 3143  
consider the evidence if the complainant shows good cause for 3144  
the complainant's failure to provide the information or evidence 3145  
to the board of revision. 3146

(H) In case of the pendency of any proceeding in court 3147  
based upon an alleged excessive, discriminatory, or illegal 3148  
valuation or incorrect classification or determination, the 3149  
taxpayer may tender to the treasurer an amount as taxes upon 3150  
property computed upon the claimed valuation as set forth in the 3151  
complaint to the court. The treasurer may accept the tender. If 3152  
the tender is not accepted, no penalty shall be assessed because 3153  
of the nonpayment of the full taxes assessed. 3154

**Sec. 5715.20.** (A) Whenever a county board of revision 3155  
renders a decision on a complaint filed under section 5715.19 of 3156  
the Revised Code, it shall ~~certify~~ give notice of its action by 3157

~~certified mail~~ to the person in whose name the property is 3158  
listed or sought to be listed and to the complainant if the 3159  
complainant is not the person in whose name the property is 3160  
listed or sought to be listed. The notice shall be given by 3161  
certified mail or, if the board has record of an internet 3162  
identifier of record associated with a person, by ordinary mail 3163  
and by that internet identifier of record as defined in section 3164  
9.312 of the Revised Code. A person's time to file an appeal 3165  
under section 5717.01 of the Revised Code commences with the 3166  
mailing of notice of the decision to that person as provided in 3167  
this section. The tax commissioner's time to file an appeal 3168  
under section 5717.01 of the Revised Code commences with the 3169  
last mailing to a person required to be mailed notice of the 3170  
decision as provided in this division. 3171

(B) The tax commissioner may order the county auditor to 3172  
send to the commissioner the decisions of the board of revision 3173  
rendered on complaints filed under section 5715.19 of the 3174  
Revised Code in the manner and for the time period that the 3175  
commissioner prescribes. Nothing in this division extends the 3176  
commissioner's time to file an appeal under section 5717.01 of 3177  
the Revised Code. 3178

**Sec. 5717.01.** An appeal from a decision of a county board 3179  
of revision may be taken to the board of tax appeals within 3180  
thirty days after notice of the decision of the county board of 3181  
revision is mailed as provided in division (A) of section 3182  
5715.20 of the Revised Code. Such an appeal may be taken by the 3183  
county auditor, the tax commissioner, or any board, legislative 3184  
authority, public official, or taxpayer authorized by section 3185  
5715.19 of the Revised Code to file complaints against 3186  
valuations or assessments with the auditor. Such appeal shall be 3187  
taken by the filing of a notice of appeal, in person or by 3188

certified mail, express mail, facsimile transmission, electronic 3189  
transmission, or by authorized delivery service, with the board 3190  
of tax appeals and with the county board of revision. If notice 3191  
of appeal is filed by certified mail, express mail, or 3192  
authorized delivery service as provided in section 5703.056 of 3193  
the Revised Code, the date of the United States postmark placed 3194  
on the sender's receipt by the postal service or the date of 3195  
receipt recorded by the authorized delivery service shall be 3196  
treated as the date of filing. If notice of appeal is filed by 3197  
facsimile transmission or electronic transmission, the date and 3198  
time the notice is received by the board shall be the date and 3199  
time reflected on a timestamp provided by the board's electronic 3200  
system, and the appeal shall be considered filed with the board 3201  
on the date reflected on that timestamp. Any timestamp provided 3202  
by another computer system or electronic submission device shall 3203  
not affect the time and date the notice is received by the 3204  
board. Upon receipt of such notice of appeal such county board 3205  
of revision shall ~~by certified mail~~ notify all persons thereof 3206  
who were parties to the proceeding before such county board of 3207  
revision by either certified mail or, if the board has record of 3208  
an internet identifier of record associated with such a person, 3209  
by ordinary mail and by that internet identifier of record, and 3210  
shall file proof of such notice or, in the case of ordinary 3211  
mail, an affidavit attesting that the board sent the notice with 3212  
the board of tax appeals. The county board of revision shall 3213  
thereupon certify to the board of tax appeals a transcript of 3214  
the record of the proceedings of the county board of revision 3215  
pertaining to the original complaint, and all evidence offered 3216  
in connection therewith. Such appeal may be heard by the board 3217  
of tax appeals at its offices in Columbus or in the county where 3218  
the property is listed for taxation, or the board of tax appeals 3219  
may cause its examiners to conduct such hearing and to report to 3220

it their findings for affirmation or rejection. An appeal may 3221  
proceed pursuant to section 5703.021 of the Revised Code on the 3222  
small claims docket if the appeal qualifies under that section. 3223

The board of tax appeals may order the appeal to be heard 3224  
on the record and the evidence certified to it by the county 3225  
board of revision, or it may order the hearing of additional 3226  
evidence, and it may make such investigation concerning the 3227  
appeal as it deems proper. 3228

As used in this section, "internet identifier of record" 3229  
has the same meaning as in section 9.312 of the Revised Code. 3230

**Sec. 5721.30.** As used in sections 5721.30 to 5721.43 of 3231  
the Revised Code: 3232

(A) "Tax certificate," "certificate," or "duplicate 3233  
certificate" means a document that may be issued as a physical 3234  
certificate, in book-entry form, or through an electronic 3235  
medium, at the discretion of the county treasurer. Such document 3236  
shall contain the information required by section 5721.31 of the 3237  
Revised Code and shall be prepared, transferred, or redeemed in 3238  
the manner prescribed by sections 5721.30 to 5721.43 of the 3239  
Revised Code. As used in those sections, "tax certificate," 3240  
"certificate," and "duplicate certificate" do not refer to the 3241  
delinquent land tax certificate or the delinquent vacant land 3242  
tax certificate issued under section 5721.13 of the Revised 3243  
Code. 3244

(B) "Certificate parcel" means the parcel of delinquent 3245  
land that is the subject of and is described in a tax 3246  
certificate. 3247

(C) "Certificate holder" means a person, including a 3248  
county land reutilization corporation, that purchases or 3249

otherwise acquires a tax certificate under section 5721.32, 3250  
5721.33, or 5721.42 of the Revised Code, or a person to whom a 3251  
tax certificate has been transferred pursuant to section 5721.36 3252  
of the Revised Code. 3253

(D) "Certificate purchase price" means, with respect to 3254  
the sale of tax certificates under sections 5721.32, 5721.33, 3255  
and 5721.42 of the Revised Code, the amount equal to delinquent 3256  
taxes charged against a certificate parcel at the time the tax 3257  
certificate respecting that parcel is sold or transferred, not 3258  
including any delinquent taxes the lien for which has been 3259  
conveyed to a certificate holder through a prior sale of a tax 3260  
certificate respecting that parcel. Payment of the certificate 3261  
purchase price in a sale under section 5721.33 of the Revised 3262  
Code may be made wholly in cash or partially in cash and 3263  
partially by noncash consideration acceptable to the county 3264  
treasurer from the purchaser, and, in the case of a county land 3265  
reutilization corporation, with notes. In the event that any 3266  
such noncash consideration is delivered to pay a portion of the 3267  
certificate purchase price, such noncash consideration may be 3268  
subordinate to the rights of the holders of other obligations 3269  
whose proceeds paid the cash portion of the certificate purchase 3270  
price. 3271

"Certificate purchase price" also includes the amount of 3272  
the fee charged by the county treasurer to the purchaser of the 3273  
certificate under division (H) of section 5721.32 of the Revised 3274  
Code. 3275

(E) (1) With respect to a sale of tax certificates under 3276  
section 5721.32 of the Revised Code, and except as provided in 3277  
division (E) (2) of this section, "certificate redemption price" 3278  
means the certificate purchase price plus the greater of the 3279

following:	3280
(a) Simple interest, at the certificate rate of interest,	3281
accruing during the certificate interest period on the	3282
certificate purchase price, calculated in accordance with	3283
section 5721.41 of the Revised Code;	3284
(b) Six per cent of the certificate purchase price.	3285
(2) If the certificate rate of interest equals zero, the	3286
certificate redemption price equals the certificate purchase	3287
price plus the fee charged by the county treasurer to the	3288
purchaser of the certificate under division (H) of section	3289
5721.32 of the Revised Code.	3290
(F) With respect to a sale or transfer of tax certificates	3291
under section 5721.33 of the Revised Code, "certificate	3292
redemption price" means the amount equal to the sum of the	3293
following:	3294
(1) The certificate purchase price;	3295
(2) Interest accrued on the certificate purchase price at	3296
the certificate rate of interest from the date on which a tax	3297
certificate is delivered through and including the day	3298
immediately preceding the day on which the certificate	3299
redemption price is paid;	3300
(3) The fee, if any, charged by the county treasurer to	3301
the purchaser of the certificate under division (J) of section	3302
5721.33 of the Revised Code;	3303
(4) Any other fees charged by any county office in	3304
connection with the recording of tax certificates.	3305
(G) "Certificate rate of interest" means the rate of	3306
simple interest per year bid by the winning bidder in an auction	3307

of a tax certificate held under section 5721.32 of the Revised Code, or the rate of simple interest per year not to exceed eighteen per cent per year fixed pursuant to section 5721.42 of the Revised Code or by the county treasurer with respect to any tax certificate sold or transferred pursuant to a negotiated sale under section 5721.33 of the Revised Code. The certificate rate of interest shall not be less than zero per cent per year.

(H) "Cash" means United States currency, certified checks, money orders, bank drafts, electronic transfer of funds, or other forms of payment authorized by the county treasurer, and excludes any other form of payment not so authorized.

(I) "The date on which a tax certificate is sold or transferred," "the date the certificate was sold or transferred," "the date the certificate is purchased," and any other phrase of similar content mean, with respect to a sale pursuant to an auction under section 5721.32 of the Revised Code, the date designated by the county treasurer for the submission of bids and, with respect to a negotiated sale or transfer under section 5721.33 of the Revised Code, the date of delivery of the tax certificates to the purchasers thereof pursuant to a tax certificate sale/purchase agreement.

(J) "Certificate interest period" means, with respect to a tax certificate sold under section 5721.32 or 5721.42 of the Revised Code and for the purpose of accruing interest under section 5721.41 of the Revised Code, the period beginning on the date on which the certificate is purchased and, with respect to a tax certificate sold or transferred under section 5721.33 of the Revised Code, the period beginning on the date of delivery of the tax certificate, and in either case ending on one of the following dates:



(1) The date the certificate holder files a request for 3338  
foreclosure or notice of intent to foreclose under division (A) 3339  
of section 5721.37 of the Revised Code and submits the payment 3340  
required under division (B) of that section; 3341

(2) The date the owner of record of the certificate 3342  
parcel, or any other person entitled to redeem that parcel, 3343  
redeems the certificate parcel under division (A) or (C) of 3344  
section 5721.38 of the Revised Code or redeems the certificate 3345  
under section 5721.381 of the Revised Code. 3346

(K) "Qualified trustee" means a trust company within the 3347  
state or a bank having the power of a trust company within the 3348  
state with a combined capital stock, surplus, and undivided 3349  
profits of at least one hundred million dollars. 3350

(L) "Tax certificate sale/purchase agreement" means the 3351  
purchase and sale agreement described in division (C) of section 3352  
5721.33 of the Revised Code setting forth the certificate 3353  
purchase price, plus any applicable premium or less any 3354  
applicable discount, including, without limitation, the amount 3355  
to be paid in cash and the amount and nature of any noncash 3356  
consideration, the date of delivery of the tax certificates, and 3357  
the other terms and conditions of the sale, including, without 3358  
limitation, the rate of interest that the tax certificates shall 3359  
bear. 3360

(M) "Noncash consideration" means any form of 3361  
consideration other than cash, including, but not limited to, 3362  
promissory notes whether subordinate or otherwise. 3363

(N) "Private attorney" means any attorney licensed to 3364  
practice law in this state whose license has not been revoked 3365  
and is not currently suspended, and who is retained to bring 3366

foreclosure proceedings pursuant to section 5721.37 of the Revised Code on behalf of a certificate holder.

(O) "Related certificate parcel" means, with respect to a certificate holder, the certificate parcel with respect to which the certificate holder has purchased and holds a tax certificate pursuant to sections 5721.30 to 5721.43 of the Revised Code and, with respect to a tax certificate, the certificate parcel against which the tax certificate has been sold pursuant to those sections.

(P) "Delinquent taxes" means delinquent taxes as defined in section 323.01 of the Revised Code and includes assessments and charges, and penalties and interest computed under section 323.121 of the Revised Code.

(Q) "Certificate period" means the period of time after the sale or delivery of a tax certificate within which a certificate holder must initiate an action to foreclose the tax lien represented by the certificate as specified under division (A) of section 5721.32 of the Revised Code or as negotiated under section 5721.33 of the Revised Code.

(R) "Internet identifier of record" has the same meaning as in section 9.312 of the Revised Code.

**Sec. 5721.31.** (A) (1) After receipt of a duplicate of the delinquent land list compiled under section 5721.011 of the Revised Code, or a delinquent land list compiled previously under that section, the county treasurer may select from the list parcels of delinquent land the lien against which the county treasurer may attempt to transfer by the sale of tax certificates under sections 5721.30 to 5721.43 of the Revised Code. None of the following parcels may be selected for a tax

certificate sale: 3396

(a) A parcel for which the full amount of taxes, 3397  
assessments, penalties, interest, and charges have been paid; 3398

(b) A parcel for which a valid contract under section 3399  
323.122, 323.31, or 5713.20 of the Revised Code is in force; 3400

(c) A parcel the owner of which has filed a petition in 3401  
bankruptcy, so long as the parcel is property of the bankruptcy 3402  
estate. 3403

(2) The county treasurer shall compile a separate list of 3404  
parcels selected for tax certificate sales, including the same 3405  
information as is required to be included in the delinquent land 3406  
list. 3407

Upon compiling the list of parcels selected for tax 3408  
certificate sales, the county treasurer may conduct a title 3409  
search for any parcel on the list. 3410

(B) (1) Except as otherwise provided in division (B) (3) of 3411  
this section, when tax certificates are to be sold under section 3412  
5721.32 of the Revised Code with respect to parcels, the county 3413  
treasurer shall send written notice ~~by certified mail~~ to either 3414  
the owner of record or all interested parties discoverable 3415  
through a title search, or both, of each parcel on the list 3416  
either by certified mail or, if the treasurer has record of an 3417  
internet identifier of record associated with the owner or 3418  
interested party, by ordinary mail and by that internet 3419  
identifier of record. A mailed notice to an owner shall be sent 3420  
to the owner's last known tax-mailing address. The notice shall 3421  
inform the owner or interested parties that a tax certificate 3422  
will be offered for sale on the parcel, and that the owner or 3423  
interested parties may incur additional expenses as a result of 3424

the sale. 3425

(2) Except as otherwise provided in division (B) (3) of 3426  
this section, when tax certificates are to be sold or 3427  
transferred under section 5721.33 of the Revised Code with 3428  
respect to parcels, the county treasurer, at least thirty days 3429  
prior to the date of sale or transfer of such tax certificates, 3430  
shall send written notice of the sale or transfer by certified 3431  
mail to the last known tax-mailing address of the record owner 3432  
of the property or parcel and may send such notice to all 3433  
parties with an interest in the property that has been recorded 3434  
in the property records of the county pursuant to section 317.08 3435  
of the Revised Code. The notice shall state that a tax 3436  
certificate will be offered for sale or transfer on the parcel, 3437  
and that the owner or interested parties may incur additional 3438  
expenses as a result of the sale or transfer. 3439

(3) The county treasurer is not required to send a notice 3440  
under division (B) (1) or (B) (2) of this section if the treasurer 3441  
previously has attempted to send such notice to the owner of the 3442  
parcel and the notice has been returned by the post office as 3443  
undeliverable. The absence of a valid tax-mailing address for 3444  
the owner of a parcel does not preclude the county treasurer 3445  
from selling or transferring a tax certificate for the parcel. 3446

(C) The county treasurer shall advertise the sale of tax 3447  
certificates under section 5721.32 of the Revised Code in a 3448  
newspaper of general circulation in the county once a week for 3449  
two consecutive weeks. The newspaper shall meet the requirements 3450  
of section 7.12 of the Revised Code. The advertisement shall 3451  
include the date, the time, and the place of the public auction, 3452  
abbreviated legal descriptions of the parcels, and the names of 3453  
the owners of record of the parcels. The advertisement also 3454

shall include the certificate purchase prices of the parcels or 3455  
the total purchase price of tax certificates for sale in blocks 3456  
of tax certificates. 3457

(D) After the county treasurer has compiled the list of 3458  
parcels selected for tax certificate sales but before a tax 3459  
certificate respecting a parcel is sold or transferred, if the 3460  
owner of record of the parcel pays to the county treasurer in 3461  
cash the delinquent taxes respecting the parcel or otherwise 3462  
acts so that any condition in division (A) (1) (a), (b), or (c) of 3463  
this section applies to the parcel, the owner of record of the 3464  
parcel also shall pay a fee in an amount prescribed by the 3465  
treasurer to cover the administrative costs of the treasurer 3466  
under this section respecting the parcel. The fee shall be 3467  
deposited in the county treasury to the credit of the tax 3468  
certificate administration fund. 3469

(E) A tax certificate administration fund shall be created 3470  
in the county treasury of each county selling tax certificates 3471  
under sections 5721.30 to 5721.43 of the Revised Code. The fund 3472  
shall be administered by the county treasurer, and used solely 3473  
for the purposes of sections 5721.30 to 5721.43 of the Revised 3474  
Code or as otherwise permitted in this division. Any fee 3475  
received by the treasurer under sections 5721.30 to 5721.43 of 3476  
the Revised Code shall be credited to the fund, except the 3477  
bidder registration fee under division (B) of section 5721.32 of 3478  
the Revised Code and the county prosecuting attorney's fee under 3479  
division (B) (3) of section 5721.37 of the Revised Code. To the 3480  
extent there is a surplus in the fund from time to time, the 3481  
surplus may, with the approval of the county treasurer, be 3482  
utilized for the purposes of a county land reutilization 3483  
corporation operating in the county. 3484

(F) The county treasurers of more than one county may 3485  
jointly conduct a regional sale of tax certificates under 3486  
section 5721.32 of the Revised Code. A regional sale shall be 3487  
held at a single location in one county, where the tax 3488  
certificates from each of the participating counties shall be 3489  
offered for sale at public auction. Before the regional sale, 3490  
each county treasurer shall advertise the sale for the parcels 3491  
in the treasurer's county as required by division (C) of this 3492  
section. At the regional sale, tax certificates shall be sold on 3493  
parcels from one county at a time, with all of the certificates 3494  
for one county offered for sale before any certificates for the 3495  
next county are offered for sale. 3496

(G) The tax commissioner shall prescribe the form of the 3497  
tax certificate under this section, and county treasurers shall 3498  
use the form so prescribed. 3499

**Sec. 5721.32.** (A) The sale of tax certificates by public 3500  
auction may be conducted at any time after completion of the 3501  
advertising of the sale under section 5721.31 of the Revised 3502  
Code, on the date and at the time and place designated in the 3503  
advertisements, and may be continued from time to time as the 3504  
county treasurer directs. The county treasurer may offer the tax 3505  
certificates for sale in blocks of tax certificates, consisting 3506  
of any number of tax certificates as determined by the county 3507  
treasurer, and may specify a certificate period of not less than 3508  
three years and not more than six years. 3509

(B) (1) The sale of tax certificates under this section 3510  
shall be conducted at a public auction by the county treasurer 3511  
or a designee of the county treasurer. 3512

(2) No person shall be permitted to bid without completing 3513  
a bidder registration form, in the form prescribed by the tax 3514

commissioner, and without filing the form with the county 3515  
treasurer prior to the start of the auction, together with 3516  
remittance of a registration fee, in cash, of five hundred 3517  
dollars. The bidder registration form shall include a tax 3518  
identification number of the registrant. The registration fee is 3519  
refundable at the end of bidding on the day of the auction, 3520  
unless the registrant is the winning bidder for one or more tax 3521  
certificates or one or more blocks of tax certificates, in which 3522  
case the fee may be applied toward the deposit required by this 3523  
section. 3524

(3) The county treasurer may require a person who wishes 3525  
to bid on one or more parcels to submit a letter from a 3526  
financial institution stating that the bidder has sufficient 3527  
funds available to pay the purchase price of the parcels and a 3528  
written authorization for the treasurer to verify such 3529  
information with the financial institution. The county treasurer 3530  
may require submission of the letter and authorization 3531  
sufficiently in advance of the auction to allow for 3532  
verification. No person who fails to submit the required letter 3533  
and authorization, or whose financial institution fails to 3534  
provide the requested verification, shall be permitted to bid. 3535

(C) At the public auction, the county treasurer or the 3536  
treasurer's designee or agent shall begin the bidding at 3537  
eighteen per cent per year simple interest, and accept lower 3538  
bids in even increments of one-fourth of one per cent to the 3539  
rate of zero per cent. The county treasurer, designee, or agent 3540  
shall award the tax certificate to the person bidding the lowest 3541  
certificate rate of interest. The county treasurer shall decide 3542  
which person is the winning bidder in the event of a tie for the 3543  
lowest bid offered, or if a person contests the lowest bid 3544  
offered. The county treasurer's decision is not appealable. 3545

(D) (1) The winning bidder shall pay the county treasurer a cash deposit of at least ten per cent of the certificate purchase price not later than the close of business on the day of the sale. The winning bidder shall pay the balance and the fee required under division (H) of this section not later than five business days after the day on which the certificate is sold. Except as provided under division (D) (2) of this section, if the winning bidder fails to pay the balance and fee within the prescribed time, the bidder forfeits the deposit, and the county treasurer shall retain the tax certificate and may attempt to sell it at any auction conducted at a later date.

(2) At the request of a winning bidder, the county treasurer may release the bidder from the bidder's tax certificate purchase obligation. The county treasurer may retain all or any portion of the deposit of a bidder granted a release. After granting a release under this division, the county treasurer may award the tax certificate to the person that submitted the second lowest bid at the auction.

(3) The county treasurer shall deposit the deposit forfeited or retained under ~~divisions~~division (D) (1) or (2) of this section in the county treasury to the credit of the tax certificate administration fund.

(E) Upon receipt of the full payment of the certificate purchase price from the purchaser, the county treasurer shall issue the tax certificate and record the tax certificate sale by entering into a tax certificate register the certificate purchase price, the certificate rate of interest, the date the certificate was sold, the certificate period, the name and address of the certificate holder, and any other information the county treasurer considers necessary. The county treasurer may



keep the tax certificate register in a hard-copy format or in an 3576  
electronic format. The name and address of the certificate 3577  
holder may be, upon receipt of instructions from the purchaser, 3578  
that of the secured party of the actual purchaser, or an agent 3579  
or custodian for the purchaser or secured party. The county 3580  
treasurer also shall transfer the tax certificate to the 3581  
certificate holder. The county treasurer shall apportion the 3582  
part of the proceeds from the sale representing taxes, 3583  
penalties, and interest among the several taxing districts in 3584  
the same proportion that the amount of taxes levied by each 3585  
district against the certificate parcel in the preceding tax 3586  
year bears to the taxes levied by all such districts against the 3587  
certificate parcel in the preceding tax year, and credit the 3588  
part of the proceeds representing assessments and other charges 3589  
to the items of assessments and charges in the order in which 3590  
those items became due. Upon issuing a tax certificate, the 3591  
delinquent taxes that make up the certificate purchase price are 3592  
transferred, and the superior lien of the state and its taxing 3593  
districts for those delinquent taxes is conveyed intact to the 3594  
certificate holder. 3595

(F) If a tax certificate is offered for sale under this 3596  
section but is not sold, the county treasurer may sell the 3597  
certificate in a negotiated sale authorized under section 3598  
5721.33 of the Revised Code, or may strike the corresponding 3599  
certificate parcel from the list of parcels selected for tax 3600  
certificate sales. The lien for taxes, assessments, charges, 3601  
penalties, and interest against a parcel stricken from the list 3602  
thereafter may be foreclosed in the manner prescribed by section 3603  
323.25, sections 323.65 to 323.79, or section 5721.14 or 5721.18 3604  
of the Revised Code unless, prior to the institution of such 3605  
proceedings against the parcel, the county treasurer restores 3606

the parcel to the list of parcels selected for tax certificate sales. 3607  
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(G) A certificate holder shall not be liable for damages arising from a violation of sections 3737.87 to 3737.891 or Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6109., or 6111. of the Revised Code, or a rule adopted or order, permit, license, variance, or plan approval issued under any of those chapters, that is or was committed by another person in connection with the parcel for which the tax certificate is held. 3609  
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(H) When selling a tax certificate under this section, the county treasurer shall charge a fee to the purchaser of the certificate. The county treasurer shall set the fee at a reasonable amount that covers the treasurer's costs of administering the sale of the tax certificate. The county treasurer shall deposit the fee in the county treasury to the credit of the tax certificate administration fund. 3617  
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(I) After selling a tax certificate under this section, the county treasurer shall send written notice ~~by certified mail~~ to the owner of the certificate parcel ~~at~~ by certified mail or, if the treasurer has record of an internet identifier of record associated with the owner, by ordinary mail and by that internet identifier of record. A mailed notice shall be sent to the owner's last known tax-mailing address. The notice shall inform the owner that the tax certificate was sold, shall describe the owner's options to redeem the parcel, including entering into a redemption payment plan under division (C)(1) of section 5721.38 of the Revised Code, and shall name the certificate holder and its secured party, if any. However, the county treasurer is not required to send a notice under this division if the treasurer 3624  
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previously has attempted to send a notice to the owner of the 3637  
parcel at the owner's last known tax-mailing address, and the 3638  
postal service has returned the notice as undeliverable. 3639

(J) A tax certificate shall not be sold to the owner of 3640  
the certificate parcel. 3641

**Sec. 5721.33.** (A) A county treasurer may, in the 3642  
treasurer's discretion, negotiate the sale or transfer of any 3643  
number of tax certificates with one or more persons, including a 3644  
county land reutilization corporation. Terms that may be 3645  
negotiated include, without limitation, any of the following: 3646

(1) A premium to be added to or discount to be subtracted 3647  
from the certificate purchase price for the tax certificates; 3648

(2) Different time frames under which the certificate 3649  
holder may initiate a foreclosure action than are otherwise 3650  
allowed under sections 5721.30 to 5721.43 of the Revised Code, 3651  
not to exceed six years after the date the tax certificate was 3652  
sold or transferred; 3653

(3) The amount to be paid in private attorney's fees 3654  
related to tax certificate foreclosures, subject to section 3655  
5721.371 of the Revised Code; 3656

(4) Any other terms of the sale or transfer that the 3657  
county treasurer, in the treasurer's discretion, determines 3658  
appropriate or necessary for the sale or transfer. 3659

(B) The sale or transfer of tax certificates under this 3660  
section shall be governed by the criteria established by the 3661  
county treasurer pursuant to division (E) of this section. 3662

(C) The county treasurer may execute a tax certificate 3663  
sale/purchase agreement and other necessary agreements with a 3664

designated purchaser or purchasers to complete a negotiated sale 3665  
or transfer of tax certificates. 3666

(D) The tax certificate may be sold at a premium to or 3667  
discount from the certificate purchase price. The county 3668  
treasurer may establish as one of the terms of the negotiated 3669  
sale the portion of the certificate purchase price, plus any 3670  
applicable premium or less any applicable discount, that the 3671  
purchaser or purchasers shall pay in cash on the date the tax 3672  
certificates are sold and the portion, if any, of the 3673  
certificate purchase price, plus any applicable premium or less 3674  
any applicable discount, that the purchaser or purchasers shall 3675  
pay in noncash consideration and the nature of that 3676  
consideration. 3677

The county treasurer shall sell such tax certificates at a 3678  
certificate purchase price, plus any applicable premium and less 3679  
any applicable discount, and at a certificate rate of interest 3680  
that, in the treasurer's determination, are in the best 3681  
interests of the county. 3682

(E) (1) The county treasurer shall adopt rules governing 3683  
the eligibility of persons to purchase tax certificates or to 3684  
otherwise participate in a negotiated sale under this section. 3685  
The rules may provide for precertification of such persons, 3686  
including a requirement for disclosure of income, assets, and 3687  
any other financial information the county treasurer determines 3688  
appropriate. The rules also may prohibit any person that is 3689  
delinquent in the payment of any tax to the county or to the 3690  
state, or that is in default in or on any other obligation to 3691  
the county or to the state, from purchasing a tax certificate or 3692  
otherwise participating in a negotiated sale of tax certificates 3693  
under this section. The rules may also authorize the purchase of 3694

certificates by a county land reutilization corporation, and 3695  
authorize the county treasurer to receive notes in lieu of cash, 3696  
with such notes being payable to the treasurer upon the receipt 3697  
or enforcement of such taxes, assessments, charges, costs, 3698  
penalties, and interest, and as otherwise further agreed between 3699  
the corporation and the treasurer. The eligibility information 3700  
required shall include the tax identification number of the 3701  
purchaser and may include the tax identification number of the 3702  
participant. The county treasurer, upon request, shall provide a 3703  
copy of the rules adopted under this section. 3704

(2) Any person that intends to purchase a tax certificate 3705  
in a negotiated sale shall submit an affidavit to the county 3706  
treasurer that establishes compliance with the applicable 3707  
eligibility criteria and includes any other information required 3708  
by the treasurer. Any person that fails to submit such an 3709  
affidavit is ineligible to purchase a tax certificate. Any 3710  
person that knowingly submits a false or misleading affidavit 3711  
shall forfeit any tax certificate or certificates purchased by 3712  
the person at a sale for which the affidavit was submitted, 3713  
shall be liable for payment of the full certificate purchase 3714  
price, plus any applicable premium and less any applicable 3715  
discount, of the tax certificate or certificates, and shall be 3716  
disqualified from participating in any tax certificate sale 3717  
conducted in the county during the next five years. 3718

(3) A tax certificate shall not be sold to the owner of 3719  
the certificate parcel or to any corporation, partnership, or 3720  
association in which such owner has an interest. No person that 3721  
purchases a tax certificate in a negotiated sale shall assign or 3722  
transfer the tax certificate to the owner of the certificate 3723  
parcel or to any corporation, partnership, or association in 3724  
which the owner has an interest. Any person that knowingly or 3725

negligently transfers or assigns a tax certificate to the owner 3726  
of the certificate parcel or to any corporation, partnership, or 3727  
association in which such owner has an interest shall be liable 3728  
for payment of the full certificate purchase price, plus any 3729  
applicable premium and less any applicable discount, and shall 3730  
not be entitled to a refund of any amount paid. Such tax 3731  
certificate shall be deemed void and the tax lien sold under the 3732  
tax certificate shall revert to the county as if no sale of the 3733  
tax certificate had occurred. 3734

(F) The purchaser in a negotiated sale under this section 3735  
shall deliver the certificate purchase price or other 3736  
consideration, plus any applicable premium and less any 3737  
applicable discount and including any noncash consideration, to 3738  
the county treasurer not later than the close of business on the 3739  
date the tax certificates are delivered to the purchaser. The 3740  
certificate purchase price, less any applicable discount, or 3741  
portion of the price, that is paid in cash shall be deposited in 3742  
the county's general fund to the credit of the account to which 3743  
ad valorem real property taxes are credited and further credited 3744  
as provided in division (G) of this section. Any applicable 3745  
premium that is paid shall be, at the discretion of the county 3746  
treasurer, apportioned to and deposited in any authorized county 3747  
fund. The purchaser also shall pay on the date the tax 3748  
certificates are delivered to the purchaser the fee, if any, 3749  
negotiated under division (J) of this section. If the purchaser 3750  
fails to pay the certificate purchase price, plus any applicable 3751  
premium and less any applicable discount, and any such fee, 3752  
within the time periods required by this section, the county 3753  
treasurer shall retain the tax certificate and may attempt to 3754  
sell it at any auction or negotiated sale conducted at a later 3755  
date. 3756

(G) Upon receipt of the full payment from the purchaser of 3757  
the certificate purchase price or other agreed-upon 3758  
consideration, plus any applicable premium and less any 3759  
applicable discount, and the negotiated fee, if any, the county 3760  
treasurer, or a qualified trustee whom the treasurer has engaged 3761  
for such purpose, shall issue the tax certificate and record the 3762  
tax certificate sale by entering into a tax certificate register 3763  
the certificate purchase price, any premium paid or discount 3764  
taken, the certificate rate of interest, the date the 3765  
certificates were sold, the name and address of the certificate 3766  
holder or, in the case of issuance of the tax certificates in a 3767  
book-entry system, the name and address of the nominee, and any 3768  
other information the county treasurer considers necessary. The 3769  
county treasurer may keep the tax certificate register in a 3770  
hard-copy format or an electronic format. The name and address 3771  
of the certificate holder or nominee may be, upon receipt of 3772  
instructions from the purchaser, that of the secured party of 3773  
the actual purchaser, or an agent or custodian for the purchaser 3774  
or secured party. The county treasurer also shall transfer the 3775  
tax certificates to the certificate holder. The county treasurer 3776  
shall apportion the part of the cash proceeds from the sale 3777  
representing taxes, penalties, and interest among the several 3778  
taxing districts in the same proportion that the amount of taxes 3779  
levied by each district against the certificate parcels in the 3780  
preceding tax year bears to the taxes levied by all such 3781  
districts against the certificate parcels in the preceding tax 3782  
year, and credit the part of the proceeds representing 3783  
assessments and other charges to the items of assessments and 3784  
charges in the order in which those items became due. If the 3785  
cash proceeds from the sale are not sufficient to fully satisfy 3786  
the items of taxes, assessments, penalties, interest, and 3787  
charges on the certificate parcels against which tax 3788

certificates were sold, the county treasurer shall credit the 3789  
cash proceeds to such items pro rata based upon the proportion 3790  
that each item of taxes, assessments, penalties, interest, and 3791  
charges bears to the aggregate of all such items, or by any 3792  
other method that the county treasurer, in the treasurer's sole 3793  
discretion, determines is equitable. Upon issuing the tax 3794  
certificates, the delinquent taxes that make up the certificate 3795  
purchase price are transferred, and the superior lien of the 3796  
state and its taxing districts for those delinquent taxes is 3797  
conveyed intact to the certificate holder or holders. 3798

(H) If a tax certificate is offered for sale under this 3799  
section but is not sold, the county treasurer may strike the 3800  
corresponding certificate parcel from the list of parcels 3801  
selected for tax certificate sales. The lien for taxes, 3802  
assessments, charges, penalties, and interest against a parcel 3803  
stricken from the list thereafter may be foreclosed in the 3804  
manner prescribed by section 323.25, 5721.14, or 5721.18 of the 3805  
Revised Code unless, prior to the institution of such 3806  
proceedings against the parcel, the county treasurer restores 3807  
the parcel to the list of parcels selected for tax certificate 3808  
sales. 3809

(I) Neither a certificate holder nor its secured party, if 3810  
any, shall be liable for damages arising from a violation of 3811  
sections 3737.87 to 3737.891 or Chapter 3704., 3734., 3745., 3812  
3746., 3750., 3751., 3752., 6109., or 6111. of the Revised Code, 3813  
or a rule adopted or order, permit, license, variance, or plan 3814  
approval issued under any of those chapters, that is or was 3815  
committed by another person in connection with the parcel for 3816  
which the tax certificate is held. 3817

(J) When selling or transferring a tax certificate under 3818



this section, the county treasurer may negotiate with the 3819  
purchaser of the certificate for fees paid by the purchaser to 3820  
the county treasurer to reimburse the treasurer for any part or 3821  
all of the treasurer's costs of preparing for and administering 3822  
the sale of the tax certificate and any fees set forth by the 3823  
county treasurer in the tax certificate sale/purchase agreement. 3824  
Such fees, if any, shall be added to the certificate purchase 3825  
price and shall be paid by the purchaser on the date of delivery 3826  
of the tax certificate. The county treasurer shall deposit the 3827  
fees in the county treasury to the credit of the tax certificate 3828  
administration fund. 3829

(K) After selling tax certificates under this section, the 3830  
county treasurer shall send written notice ~~by certified mail to~~ 3831  
~~the last known tax mailing address of the~~ owner of the 3832  
certificate parcel by either certified mail or, if the treasurer 3833  
has record of an internet identifier of record associated with 3834  
the owner, by ordinary mail and by that internet identifier of 3835  
record. A mailed notice shall be sent to the owner's last known 3836  
tax-mailing address. The notice shall inform the owner that a 3837  
tax certificate with respect to such owner's parcel was sold or 3838  
transferred and shall describe the owner's options to redeem the 3839  
parcel, including entering into a redemption payment plan under 3840  
division (C) (2) of section 5721.38 of the Revised Code. However, 3841  
the county treasurer is not required to send a notice under this 3842  
division if the treasurer previously has attempted to send a 3843  
notice to the owner of the parcel at the owner's last known tax- 3844  
mailing address and the postal service has returned the notice 3845  
as undeliverable. 3846

**Sec. 5727.75.** (A) For purposes of this section: 3847

(1) "Qualified energy project" means an energy project 3848

certified by the director of development services pursuant to 3849  
this section. 3850

(2) "Energy project" means a project to provide electric 3851  
power through the construction, installation, and use of an 3852  
energy facility. 3853

(3) "Alternative energy zone" means a county declared as 3854  
such by the board of county commissioners under division (E) (1) 3855  
(b) or (c) of this section. 3856

(4) "Full-time equivalent employee" means the total number 3857  
of employee-hours for which compensation was paid to individuals 3858  
employed at a qualified energy project for services performed at 3859  
the project during the calendar year divided by two thousand 3860  
eighty hours. 3861

(5) "Solar energy project" means an energy project 3862  
composed of an energy facility using solar panels to generate 3863  
electricity. 3864

(6) "Internet identifier of record" has the same meaning 3865  
as in section 9.312 of the Revised Code. 3866

(B) (1) Tangible personal property of a qualified energy 3867  
project using renewable energy resources is exempt from taxation 3868  
for tax years 2011 through 2021 if all of the following 3869  
conditions are satisfied: 3870

(a) On or before December 31, 2020, the owner or a lessee 3871  
pursuant to a sale and leaseback transaction of the project 3872  
submits an application to the power siting board for a 3873  
certificate under section 4906.20 of the Revised Code, or if 3874  
that section does not apply, submits an application for any 3875  
approval, consent, permit, or certificate or satisfies any 3876  
condition required by a public agency or political subdivision 3877

of this state for the construction or initial operation of an 3878  
energy project. 3879

(b) Construction or installation of the energy facility 3880  
begins on or after January 1, 2009, and before January 1, 2021. 3881  
For the purposes of this division, construction begins on the 3882  
earlier of the date of application for a certificate or other 3883  
approval or permit described in division (B)(1)(a) of this 3884  
section, or the date the contract for the construction or 3885  
installation of the energy facility is entered into. 3886

(c) For a qualified energy project with a nameplate 3887  
capacity of five megawatts or greater, a board of county 3888  
commissioners of a county in which property of the project is 3889  
located has adopted a resolution under division (E)(1)(b) or (c) 3890  
of this section to approve the application submitted under 3891  
division (E) of this section to exempt the property located in 3892  
that county from taxation. A board's adoption of a resolution 3893  
rejecting an application or its failure to adopt a resolution 3894  
approving the application does not affect the tax-exempt status 3895  
of the qualified energy project's property that is located in 3896  
another county. 3897

(2) If tangible personal property of a qualified energy 3898  
project using renewable energy resources was exempt from 3899  
taxation under this section beginning in any of tax years 2011 3900  
through 2021, and the certification under division (E)(2) of 3901  
this section has not been revoked, the tangible personal 3902  
property of the qualified energy project is exempt from taxation 3903  
for tax year 2022 and all ensuing tax years if the property was 3904  
placed into service before January 1, 2022, as certified in the 3905  
construction progress report required under division (F)(2) of 3906  
this section. Tangible personal property that has not been 3907

placed into service before that date is taxable property subject 3908  
to taxation. An energy project for which certification has been 3909  
revoked is ineligible for further exemption under this section. 3910  
Revocation does not affect the tax-exempt status of the 3911  
project's tangible personal property for the tax year in which 3912  
revocation occurs or any prior tax year. 3913

(C) Tangible personal property of a qualified energy 3914  
project using clean coal technology, advanced nuclear 3915  
technology, or cogeneration technology is exempt from taxation 3916  
for the first tax year that the property would be listed for 3917  
taxation and all subsequent years if all of the following 3918  
circumstances are met: 3919

(1) The property was placed into service before January 1, 3920  
2021. Tangible personal property that has not been placed into 3921  
service before that date is taxable property subject to 3922  
taxation. 3923

(2) For such a qualified energy project with a nameplate 3924  
capacity of five megawatts or greater, a board of county 3925  
commissioners of a county in which property of the qualified 3926  
energy project is located has adopted a resolution under 3927  
division (E) (1) (b) or (c) of this section to approve the 3928  
application submitted under division (E) of this section to 3929  
exempt the property located in that county from taxation. A 3930  
board's adoption of a resolution rejecting the application or 3931  
its failure to adopt a resolution approving the application does 3932  
not affect the tax-exempt status of the qualified energy 3933  
project's property that is located in another county. 3934

(3) The certification for the qualified energy project 3935  
issued under division (E) (2) of this section has not been 3936  
revoked. An energy project for which certification has been 3937

revoked is ineligible for exemption under this section. 3938  
Revocation does not affect the tax-exempt status of the 3939  
project's tangible personal property for the tax year in which 3940  
revocation occurs or any prior tax year. 3941

(D) Except as otherwise provided in this section, real 3942  
property of a qualified energy project is exempt from taxation 3943  
for any tax year for which the tangible personal property of the 3944  
qualified energy project is exempted under this section. 3945

(E) (1) (a) A person may apply to the director of 3946  
development services for certification of an energy project as a 3947  
qualified energy project on or before the following dates: 3948

(i) December 31, 2020, for an energy project using 3949  
renewable energy resources; 3950

(ii) December 31, 2017, for an energy project using clean 3951  
coal technology, advanced nuclear technology, or cogeneration 3952  
technology. 3953

(b) The director shall forward a copy of each application 3954  
for certification of an energy project with a nameplate capacity 3955  
of five megawatts or greater to the board of county 3956  
commissioners of each county in which the project is located and 3957  
to each taxing unit with territory located in each of the 3958  
affected counties. Any board that receives from the director a 3959  
copy of an application submitted under this division shall adopt 3960  
a resolution approving or rejecting the application unless it 3961  
has adopted a resolution under division (E) (1) (c) of this 3962  
section. A resolution adopted under division (E) (1) (b) or (c) of 3963  
this section may require an annual service payment to be made in 3964  
addition to the service payment required under division (G) of 3965  
this section. The sum of the service payment required in the 3966

resolution and the service payment required under division (G) 3967  
of this section shall not exceed nine thousand dollars per 3968  
megawatt of nameplate capacity located in the county. The 3969  
resolution shall specify the time and manner in which the 3970  
payments required by the resolution shall be paid to the county 3971  
treasurer. The county treasurer shall deposit the payment to the 3972  
credit of the county's general fund to be used for any purpose 3973  
for which money credited to that fund may be used. 3974

The board shall send copies of the resolution ~~by certified~~ 3975  
~~mail~~ to the owner of the facility and the director by certified 3976  
mail or, if the board has record of an internet identifier of 3977  
record associated with the owner or director, by ordinary mail 3978  
and by that internet identifier of record. The board shall send 3979  
such notice within thirty days after receipt of the application, 3980  
or a longer period of time if authorized by the director. 3981

(c) A board of county commissioners may adopt a resolution 3982  
declaring the county to be an alternative energy zone and 3983  
declaring all applications submitted to the director of 3984  
development services under this division after the adoption of 3985  
the resolution, and prior to its repeal, to be approved by the 3986  
board. 3987

All tangible personal property and real property of an 3988  
energy project with a nameplate capacity of five megawatts or 3989  
greater is taxable if it is located in a county in which the 3990  
board of county commissioners adopted a resolution rejecting the 3991  
application submitted under this division or failed to adopt a 3992  
resolution approving the application under division (E) (1) (b) or 3993  
(c) of this section. 3994

(2) The director shall certify an energy project if all of 3995  
the following circumstances exist: 3996

(a) The application was timely submitted. 3997

(b) For an energy project with a nameplate capacity of 3998  
five megawatts or greater, a board of county commissioners of at 3999  
least one county in which the project is located has adopted a 4000  
resolution approving the application under division (E) (1) (b) or 4001  
(c) of this section. 4002

(c) No portion of the project's facility was used to 4003  
supply electricity before December 31, 2009. 4004

(3) The director shall deny a certification application if 4005  
the director determines the person has failed to comply with any 4006  
requirement under this section. The director may revoke a 4007  
certification if the director determines the person, or 4008  
subsequent owner or lessee pursuant to a sale and leaseback 4009  
transaction of the qualified energy project, has failed to 4010  
comply with any requirement under this section. Upon 4011  
certification or revocation, the director shall notify the 4012  
person, owner, or lessee, the tax commissioner, and the county 4013  
auditor of a county in which the project is located of the 4014  
certification or revocation. Notice shall be provided in a 4015  
manner convenient to the director. 4016

(F) The owner or a lessee pursuant to a sale and leaseback 4017  
transaction of a qualified energy project shall do each of the 4018  
following: 4019

(1) Comply with all applicable regulations; 4020

(2) File with the director of development services a 4021  
certified construction progress report before the first day of 4022  
March of each year during the energy facility's construction or 4023  
installation indicating the percentage of the project completed, 4024  
and the project's nameplate capacity, as of the preceding 4025

thirty-first day of December. Unless otherwise instructed by the 4026  
director of development services, the owner or lessee of an 4027  
energy project shall file a report with the director on or 4028  
before the first day of March each year after completion of the 4029  
energy facility's construction or installation indicating the 4030  
project's nameplate capacity as of the preceding thirty-first 4031  
day of December. Not later than sixty days after June 17, 2010, 4032  
the owner or lessee of an energy project, the construction of 4033  
which was completed before June 17, 2010, shall file a 4034  
certificate indicating the project's nameplate capacity. 4035

(3) File with the director of development services, in a 4036  
manner prescribed by the director, a report of the total number 4037  
of full-time equivalent employees, and the total number of full- 4038  
time equivalent employees domiciled in Ohio, who are employed in 4039  
the construction or installation of the energy facility; 4040

(4) For energy projects with a nameplate capacity of five 4041  
megawatts or greater, repair all roads, bridges, and culverts 4042  
affected by construction as reasonably required to restore them 4043  
to their preconstruction condition, as determined by the county 4044  
engineer in consultation with the local jurisdiction responsible 4045  
for the roads, bridges, and culverts. In the event that the 4046  
county engineer deems any road, bridge, or culvert to be 4047  
inadequate to support the construction or decommissioning of the 4048  
energy facility, the road, bridge, or culvert shall be rebuilt 4049  
or reinforced to the specifications established by the county 4050  
engineer prior to the construction or decommissioning of the 4051  
facility. The owner or lessee of the facility shall post a bond 4052  
in an amount established by the county engineer and to be held 4053  
by the board of county commissioners to ensure funding for 4054  
repairs of roads, bridges, and culverts affected during the 4055  
construction. The bond shall be released by the board not later 4056



than one year after the date the repairs are completed. The 4057  
energy facility owner or lessee pursuant to a sale and leaseback 4058  
transaction shall post a bond, as may be required by the Ohio 4059  
power siting board in the certificate authorizing commencement 4060  
of construction issued pursuant to section 4906.10 of the 4061  
Revised Code, to ensure funding for repairs to roads, bridges, 4062  
and culverts resulting from decommissioning of the facility. The 4063  
energy facility owner or lessee and the county engineer may 4064  
enter into an agreement regarding specific transportation plans, 4065  
reinforcements, modifications, use and repair of roads, 4066  
financial security to be provided, and any other relevant issue. 4067

(5) Provide or facilitate training for fire and emergency 4068  
responders for response to emergency situations related to the 4069  
energy project and, for energy projects with a nameplate 4070  
capacity of five megawatts or greater, at the person's expense, 4071  
equip the fire and emergency responders with proper equipment as 4072  
reasonably required to enable them to respond to such emergency 4073  
situations; 4074

(6) Maintain a ratio of Ohio-domiciled full-time 4075  
equivalent employees employed in the construction or 4076  
installation of the energy project to total full-time equivalent 4077  
employees employed in the construction or installation of the 4078  
energy project of not less than eighty per cent in the case of a 4079  
solar energy project, and not less than fifty per cent in the 4080  
case of any other energy project. In the case of an energy 4081  
project for which certification from the power siting board is 4082  
required under section 4906.20 of the Revised Code, the number 4083  
of full-time equivalent employees employed in the construction 4084  
or installation of the energy project equals the number actually 4085  
employed or the number projected to be employed in the 4086  
certificate application, if such projection is required under 4087

regulations adopted pursuant to section 4906.03 of the Revised Code, whichever is greater. For all other energy projects, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed by the director of development services, whichever is greater. To estimate the number of employees to be employed in the construction or installation of an energy project, the director shall use a generally accepted job-estimating model in use for renewable energy projects, including but not limited to the job and economic development impact model. The director may adjust an estimate produced by a model to account for variables not accounted for by the model.

(7) For energy projects with a nameplate capacity in excess of two megawatts, establish a relationship with a member of the university system of Ohio as defined in section 3345.011 of the Revised Code or with a person offering an apprenticeship program registered with the employment and training administration within the United States department of labor or with the apprenticeship council created by section 4139.02 of the Revised Code, to educate and train individuals for careers in the wind or solar energy industry. The relationship may include endowments, cooperative programs, internships, apprenticeships, research and development projects, and curriculum development.

(8) Offer to sell power or renewable energy credits from the energy project to electric distribution utilities or electric service companies subject to renewable energy resource requirements under section 4928.64 of the Revised Code that have issued requests for proposal for such power or renewable energy credits. If no electric distribution utility or electric service

company issues a request for proposal on or before December 31, 4119  
2010, or accepts an offer for power or renewable energy credits 4120  
within forty-five days after the offer is submitted, power or 4121  
renewable energy credits from the energy project may be sold to 4122  
other persons. Division (F)(8) of this section does not apply 4123  
if: 4124

(a) The owner or lessee is a rural electric company or a 4125  
municipal power agency as defined in section 3734.058 of the 4126  
Revised Code. 4127

(b) The owner or lessee is a person that, before 4128  
completion of the energy project, contracted for the sale of 4129  
power or renewable energy credits with a rural electric company 4130  
or a municipal power agency. 4131

(c) The owner or lessee contracts for the sale of power or 4132  
renewable energy credits from the energy project before June 17, 4133  
2010. 4134

(9) Make annual service payments as required by division 4135  
(G) of this section and as may be required in a resolution 4136  
adopted by a board of county commissioners under division (E) of 4137  
this section. 4138

(G) The owner or a lessee pursuant to a sale and leaseback 4139  
transaction of a qualified energy project shall make annual 4140  
service payments in lieu of taxes to the county treasurer on or 4141  
before the final dates for payments of taxes on public utility 4142  
personal property on the real and public utility personal 4143  
property tax list for each tax year for which property of the 4144  
energy project is exempt from taxation under this section. The 4145  
county treasurer shall allocate the payment on the basis of the 4146  
project's physical location. Upon receipt of a payment, or if 4147

timely payment has not been received, the county treasurer shall 4148  
certify such receipt or non-receipt to the director of 4149  
development services and tax commissioner in a form determined 4150  
by the director and commissioner, respectively. Each payment 4151  
shall be in the following amount: 4152

(1) In the case of a solar energy project, seven thousand 4153  
dollars per megawatt of nameplate capacity located in the county 4154  
as of December 31, 2010, for tax year 2011, as of December 31, 4155  
2011, for tax year 2012, as of December 31, 2012, for tax year 4156  
2013, as of December 31, 2013, for tax year 2014, as of December 4157  
31, 2014, for tax year 2015, as of December 31, 2015, for tax 4158  
year 2016, and as of December 31, 2016, for tax year 2017 and 4159  
each tax year thereafter; 4160

(2) In the case of any other energy project using 4161  
renewable energy resources, the following: 4162

(a) If the project maintains during the construction or 4163  
installation of the energy facility a ratio of Ohio-domiciled 4164  
full-time equivalent employees to total full-time equivalent 4165  
employees of not less than seventy-five per cent, six thousand 4166  
dollars per megawatt of nameplate capacity located in the county 4167  
as of the thirty-first day of December of the preceding tax 4168  
year; 4169

(b) If the project maintains during the construction or 4170  
installation of the energy facility a ratio of Ohio-domiciled 4171  
full-time equivalent employees to total full-time equivalent 4172  
employees of less than seventy-five per cent but not less than 4173  
sixty per cent, seven thousand dollars per megawatt of nameplate 4174  
capacity located in the county as of the thirty-first day of 4175  
December of the preceding tax year; 4176

(c) If the project maintains during the construction or 4177  
installation of the energy facility a ratio of Ohio-domiciled 4178  
full-time equivalent employees to total full-time equivalent 4179  
employees of less than sixty per cent but not less than fifty 4180  
per cent, eight thousand dollars per megawatt of nameplate 4181  
capacity located in the county as of the thirty-first day of 4182  
December of the preceding tax year. 4183

(3) In the case of an energy project using clean coal 4184  
technology, advanced nuclear technology, or cogeneration 4185  
technology, the following: 4186

(a) If the project maintains during the construction or 4187  
installation of the energy facility a ratio of Ohio-domiciled 4188  
full-time equivalent employees to total full-time equivalent 4189  
employees of not less than seventy-five per cent, six thousand 4190  
dollars per megawatt of nameplate capacity located in the county 4191  
as of the thirty-first day of December of the preceding tax 4192  
year; 4193

(b) If the project maintains during the construction or 4194  
installation of the energy facility a ratio of Ohio-domiciled 4195  
full-time equivalent employees to total full-time equivalent 4196  
employees of less than seventy-five per cent but not less than 4197  
sixty per cent, seven thousand dollars per megawatt of nameplate 4198  
capacity located in the county as of the thirty-first day of 4199  
December of the preceding tax year; 4200

(c) If the project maintains during the construction or 4201  
installation of the energy facility a ratio of Ohio-domiciled 4202  
full-time equivalent employees to total full-time equivalent 4203  
employees of less than sixty per cent but not less than fifty 4204  
per cent, eight thousand dollars per megawatt of nameplate 4205  
capacity located in the county as of the thirty-first day of 4206

December of the preceding tax year. 4207

(H) The director of development services in consultation 4208  
with the tax commissioner shall adopt rules pursuant to Chapter 4209  
119. of the Revised Code to implement and enforce this section. 4210

**Section 2.** That existing sections 9.312, 124.327, 128.07, 4211  
149.30, 303.14, 307.204, 307.699, 340.02, 343.01, 505.109, 4212  
505.266, 505.391, 505.511, 519.14, 902.04, 931.03, 940.20, 4213  
3517.01, 3517.11, 3791.12, 4301.39, 5713.082, 5715.12, 5715.19, 4214  
5715.20, 5717.01, 5721.30, 5721.31, 5721.32, 5721.33, and 4215  
5727.75 of the Revised Code are hereby repealed. 4216