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Representative Carfagna

Cosponsors: Representatives Arndt, Hambley, Hill, Lang, LaTourette, Patton, Schaffer, Seitz, Stein, Ginter, Anielski, Barnes, Blessing, Brenner, Brown, Craig, Dever, Duffey, Faber, Gavarone, Green, Henne, Holmes, Hoops, Hughes, Johnson, Keller, Landis, Leland, Lepore-Hagan, Manning, McClain, Miller, O'Brien, Patterson, Pelanda, Perales, Reineke, Riedel, Rogers, Ryan, Sheehy, West, Young, Speaker Smith

A BILL

To amend sections 303.21, 349.03, 505.01, 505.04, 1
505.482, 507.11, 513.07, 513.071, 517.30, 2
519.04, 519.07, 519.12, 519.13, 519.15, 519.21, 3
1509.07, 3375.121, 3501.021, 3709.03, 5541.04, 4
5553.04, 5705.121, 5705.19, 5709.73, and 5709.75 5
and to repeal sections 711.25, 711.26, and 6
711.27 of the Revised Code to make various 7
changes to township law. 8

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

Section 1. That sections 303.21, 349.03, 505.01, 505.04, 9
505.482, 507.11, 513.07, 513.071, 517.30, 519.04, 519.07, 10
519.12, 519.13, 519.15, 519.21, 1509.07, 3375.121, 3501.021, 11
3709.03, 5541.04, 5553.04, 5705.121, 5705.19, 5709.73, and 12
5709.75 of the Revised Code be amended to read as follows: 13

Sec. 303.21. (A) Except as otherwise provided in division 14
(B) of this section, sections 303.01 to 303.25 of the Revised 15

Code do not confer any power on any county rural zoning 16
commission, board of county commissioners, or board of zoning 17
appeals to prohibit the use of any land for agricultural 18
purposes or the construction or use of buildings or structures 19
incident to the use for agricultural purposes of the land on 20
which such buildings or structures are located, including 21
buildings or structures that are used primarily for vinting and 22
selling wine and that are located on land any part of which is 23
used for viticulture, and no zoning certificate shall be 24
required for any such building or structure. 25

(B) A county zoning resolution, or an amendment to such 26
resolution, may in any platted subdivision, including, but not 27
limited to those approved under section 711.05, 711.09, or 28
711.10 of the Revised Code, or in any area consisting of fifteen 29
or more lots approved under section 711.131 of the Revised Code 30
that are contiguous to one another, or some of which are 31
contiguous to one another and adjacent to one side of a 32
dedicated public road, and the balance of which are contiguous 33
to one another and adjacent to the opposite side of the same 34
dedicated public road regulate: 35

(1) Agriculture on lots of one acre or less; 36

(2) Buildings or structures incident to the use of land 37
for agricultural purposes on lots greater than one acre but not 38
greater than five acres by: set back building lines; height; and 39
size; 40

(3) Dairying and animal and poultry husbandry on lots 41
greater than one acre but not greater than five acres when at 42
least thirty-five per cent of the lots in the subdivision are 43
developed with at least one building, structure, or improvement 44
that is subject to real property taxation or that is subject to 45

the tax on manufactured and mobile homes under section 4503.06 46
of the Revised Code. After thirty-five per cent of the lots are 47
so developed, dairying and animal and poultry husbandry shall be 48
considered nonconforming use of land and buildings or structures 49
pursuant to section 303.19 of the Revised Code. 50

Division (B) of this section confers no power on any 51
county rural zoning commission, board of county commissioners, 52
or board of zoning appeals to regulate agriculture, buildings or 53
structures, and dairying and animal and poultry husbandry on 54
lots greater than five acres. 55

(C) Such sections confer no power on any board of county 56
commissioners, county rural zoning commission, or board of 57
zoning appeals to prohibit in a district zoned for agricultural, 58
industrial, residential, or commercial uses, the use of any land 59
for: 60

(1) A farm market where fifty per cent or more of the 61
gross income received from the market is derived from produce 62
raised on farms owned or operated by the market operator in a 63
normal crop year. However, a board of county commissioners, as 64
provided in section 303.02 of the Revised Code, may regulate 65
such factors pertaining to farm markets as size of the 66
structure, size of parking areas that may be required, set back 67
building lines, and egress or ingress, where such regulation is 68
necessary to protect the public health and safety. 69

(2) Biodiesel production, biomass energy production, or 70
electric or heat energy production if the land on which the 71
production facility is located qualifies as land devoted 72
exclusively to agricultural use under sections 5713.30 to 73
5713.37 of the Revised Code for real property tax purposes. As 74
used in division (C) (2) of this section, "biodiesel," "biomass 75

energy," and "electric or heat energy" have the same meanings as 76
in section 5713.30 of the Revised Code. 77

(3) Biologically derived methane gas production if the 78
land on which the production facility is located qualifies as 79
land devoted exclusively to agricultural use under sections 80
5713.30 to 5713.37 of the Revised Code for real property tax 81
purposes and if the facility that produces the biologically 82
derived methane gas does not produce more than seventeen million 83
sixty thousand seven hundred ten British thermal units, five 84
megawatts, or both. 85

(4) Agritourism. However, a board of county commissioners, 86
as provided in section 303.02 of the Revised Code, may regulate 87
such factors pertaining to agritourism, except farm markets as 88
described in division (C)(1) of this section, as size of a 89
structure used primarily for agritourism, size of parking areas 90
that may be required, setback building lines for structures used 91
primarily for agritourism, and egress or ingress where such 92
regulation is necessary to protect public health and safety. 93

Nothing in division (C)(4) of this section confers power 94
on a county zoning commission, board of county commissioners, or 95
board of zoning appeals to require any parking area to be 96
improved in any manner, including requirements governing 97
drainage, parking area base, parking area paving, or any other 98
improvement. 99

Nothing in division (C)(4) of this section confers power 100
on a county zoning commission, board of county commissioners, or 101
board of zoning appeals to prohibit the use of any land or the 102
construction or use of buildings or structures that are used 103
primarily for vinting and selling wine that are located on land 104
any part of which is used for viticulture as provided in 105

division (A) of this section. 106

(D) (1) As used in division (C) (3) of this section, 107
"biologically derived methane gas" has the same meaning as in 108
section 5713.30 of the Revised Code. 109

(2) As used in division (C) (4) of this section, 110
"agritourism" has the same meaning as in section 901.80 of the 111
Revised Code. 112

Sec. 349.03. (A) Proceedings for the organization of a new 113
community authority shall be initiated by a petition filed by 114
the developer in the office of the clerk of the organizational 115
board of commissioners. Such petition shall be signed by the 116
developer and may be signed by each proximate city. The 117
legislative authorities of each such proximate city shall act in 118
behalf of such city. Such petition shall contain: 119

(1) The name of the proposed new community authority; 120

(2) The address where the principal office of the 121
authority will be located or the manner in which the location 122
will be selected; 123

(3) A map and a full and accurate description of the 124
boundaries of the new community district together with a 125
description of the properties within such boundaries, if any, 126
which will not be included in the new community district. 127

The total acreage included in such district ~~shall not be~~ 128
~~less than one thousand acres, all of which acreage shall be~~ 129
owned by, or under the control through leases of at least 130
seventy-five years' duration, options, or contracts to purchase, 131
of the developer, if the developer is a private entity, unless 132
one of the following applies: 133

(a) The district is wholly contained within municipal corporations.	134 135
(b) More than one-half of the proposed district is, at the time of filing the petition under this section, contained within a joint economic development district created under sections 715.70 to 715.83 of the Revised Code.	136 137 138 139
(4) A statement setting forth the zoning regulations proposed for zoning the area within the boundaries of the new community district for comprehensive development as a new community, and if the area has been zoned for such development, a certified copy of the applicable zoning regulations therefor;	140 141 142 143 144
(5) A current plan indicating the proposed development program for the new community district, the land acquisition and land development activities, community facilities, services proposed to be undertaken by the new community authority under such program, the proposed method of financing such activities and services, including a description of the bases, timing, and manner of collecting any proposed community development charges, and the projected total residential population of, and employment within, the new community;	145 146 147 148 149 150 151 152 153
(6) A suggested number of members, consistent with section 349.04 of the Revised Code, for the board of trustees;	154 155
(7) A preliminary economic feasibility analysis, including the area development pattern and demand, location and proposed new community district size, present and future socio-economic conditions, public services provision, financial plan, and the developer's management capability;	156 157 158 159 160
(8) A statement that the development will comply with all applicable environmental laws and regulations.	161 162

Upon the filing of such petition, the organizational board 163
of commissioners shall determine whether such petition complies 164
with the requirements of this section as to form and substance. 165
The board in subsequent proceedings may at any time permit the 166
petition to be amended in form and substance to conform to the 167
facts by correcting any errors in the description of the 168
proposed new community district or in any other particular. 169

Upon the determination of the organizational board of 170
commissioners that a sufficient petition has been filed in 171
accordance with this section, the board shall fix the time and 172
place of a hearing on the petition for the establishment of the 173
proposed new community authority. Such hearing shall be held not 174
less than ninety-five nor more than one hundred fifteen days 175
after the petition filing date, except that if the petition has 176
been signed by all proximate cities or if the organizational 177
board of commissioners is the legislative authority of the only 178
proximate city for the proposed new community district, such 179
hearing shall be held not less than thirty nor more than forty- 180
five days after the petition filing date. The clerk of the 181
organizational board of commissioners with which the petition 182
was filed shall give notice thereof by publication once each 183
week for three consecutive weeks, or as provided in section 7.16 184
of the Revised Code, in a newspaper of general circulation in 185
any county of which a portion is within the proposed new 186
community district. Except where the organizational board of 187
commissioners is the legislative authority of the only proximate 188
city for the proposed new community district, such clerk shall 189
also give written notice of the date, time, and place of the 190
hearing and furnish a certified copy of the petition to the 191
clerk of the legislative authority of each proximate city which 192
has not signed such petition. Except where the organizational 193

board of commissioners is the legislative authority of the only 194
proximate city for the proposed new community district, in the 195
event that the legislative authority of a proximate city which 196
did not sign the petition does not approve by ordinance, 197
resolution, or motion the establishment of the proposed new 198
community authority and does not deliver such ordinance, 199
resolution, or motion to the clerk of the organizational board 200
of commissioners with which the petition was filed within ninety 201
days following the date of the first publication of the notice 202
of the public hearing, the organizational board of commissioners 203
shall cancel such public hearing and terminate the proceedings 204
for the establishment of the new community authority. 205

Upon the hearing, if the organizational board of 206
commissioners determines by resolution that the proposed new 207
community district will be conducive to the public health, 208
safety, convenience, and welfare, and is intended to result in 209
the development of a new community, the board shall by its 210
resolution, declare the new community authority to be organized 211
and a body politic and corporate with the corporate name 212
designated in the resolution, and define the boundary of the new 213
community district. In addition, the resolution shall provide 214
the method of selecting the board of trustees of the new 215
community authority and fix the surety for their bonds in 216
accordance with section 349.04 of the Revised Code. 217

If the organizational board of commissioners finds that 218
the establishment of the district will not be conducive to the 219
public health, safety, convenience, or welfare, or is not 220
intended to result in the development of a new community, it 221
shall reject the petition thereby terminating the proceedings 222
for the establishment of the new community authority. 223

(B) At any time after the creation of a new community 224
authority, the developer may file an application with the clerk 225
of the organizational board of commissioners with which the 226
original petition was filed, setting forth a general description 227
of territory it desires to add or to delete from such district, 228
that such change will be conducive to the public health, safety, 229
convenience, and welfare, and will be consistent with the 230
development of a new community and will not jeopardize the plan 231
of the new community. If the developer is not a municipal 232
corporation, port authority, or county, all of such an addition 233
to such a district shall be owned by, or under the control 234
through leases of at least seventy-five years' duration, 235
options, or contracts to purchase, of the developer. Upon the 236
filing of the application, the organizational board of 237
commissioners shall follow the same procedure as required by 238
this section in relation to the petition for the establishment 239
of the proposed new community. 240

(C) If all or any part of the new community district is 241
annexed to one or more existing municipal corporations, their 242
legislative authorities may appoint persons to replace any 243
appointed citizen member of the board of trustees. The number of 244
such trustees to be replaced by the municipal corporation shall 245
be the number, rounded to the lowest integer, bearing the 246
proportionate relationship to the number of existing appointed 247
citizen members as the acreage of the new community district 248
within such municipal corporation bears to the total acreage of 249
the new community district. If any such municipal corporation 250
chooses to replace an appointed citizen member, it shall do so 251
by ordinance, the term of the trustee being replaced shall 252
terminate thirty days from the date of passage of such 253
ordinance, and the trustee to be replaced shall be determined by 254

lot. Each newly appointed member shall assume the term of the 255
member's predecessor. 256

Sec. 505.01. In each township there shall be a board of 257
township trustees consisting of three members. Two of such 258
trustees shall be elected at the general election in nineteen 259
forty-nine and quadrennially thereafter, in each township, who 260
shall hold office for a term of four years, commencing on the 261
first day of January next after their election. The third 262
trustee shall be elected at the general election in nineteen 263
fifty-one and quadrennially thereafter, in each township, who 264
shall hold office for a term of four years, commencing on the 265
first day of January next after ~~his~~ the person's election. 266

At the first meeting of the board each calender year, the 267
board shall select one of its members to serve as chairperson 268
for a term of one year. If the position of chairperson becomes 269
vacant, the board shall select one of its members to preside. 270

Sec. 505.04. The board of township trustees shall make an 271
inventory on the second Monday of January, each year, of all the 272
materials, machinery, tools, and other township supplies in its 273
possession. The inventory shall be a public record and ~~shall be~~ 274
~~made in duplicate, one copy of which shall be filed with the~~ 275
~~fiscal officer of the board and one copy with the county~~ 276
~~engineer township.~~ 277

Sec. 505.482. (A) The boards of township trustees of any 278
two or more contiguous townships, or the boards of township 279
trustees of one or more contiguous townships and the legislative 280
authorities of one or more contiguous municipal corporations, 281
whether or not within the same county, by adoption of a joint 282
resolution by a majority favorable vote of each such board and 283
of the members of the legislative authority of each such 284

municipal corporation, may form themselves into a joint police 285
district comprising all or any part of the townships or 286
municipal corporations as are mutually agreed upon. The 287
governing body of the joint police district shall be a joint 288
police district board, which shall include either all of the 289
township trustees of each township and all of the members of the 290
legislative authority of each municipal corporation in the 291
district, as agreed to and established in the joint resolution 292
creating the joint police district; or an odd number of members 293
as agreed to and established in the joint resolution, as long as 294
the members are representatives from each board of township 295
trustees of each township and from the legislative authority of 296
each municipal corporation in the joint police district. 297

(B) The joint police district board shall organize within 298
thirty days after the favorable vote by the last board of 299
township trustees or the members of the legislative authority of 300
the last municipal corporation joining itself into the joint 301
police district board. The ~~president~~chairperson of the board of 302
township trustees of the most populous participating township or 303
the legislative authority of the most populous participating 304
municipal corporation shall give notice of the time and place of 305
organization to each pending member of the joint police district 306
board, as established in the joint resolution. Such notice shall 307
be signed and shall be sent by certified mail to each such 308
pending member of the board at least five days prior to the 309
organization meeting, which meeting shall be held in one of the 310
participating townships or municipal corporations. Two-thirds of 311
the joint police district board members constitutes a quorum. 312
The members of the joint police district board shall, at the 313
organization meeting, proceed with the election of a president, 314
a secretary, and a treasurer, and such other officers as they 315

consider necessary and proper, and shall transact such other 316
business as properly comes before the board. 317

(C) In the formation of a joint police district, such 318
action may be taken by or on behalf of part of a township, by 319
excluding that portion of the township lying within a municipal 320
corporation. The joint police district board may exercise the 321
same powers as are granted to a board of township trustees in 322
the operation of a township police district under sections 323
505.49 to 505.55 of the Revised Code, including, but not limited 324
to, the power to employ, train, and discipline personnel, to 325
acquire equipment and buildings, to levy a tax, to issue bonds 326
and notes, and to dissolve the district. 327

Sec. 507.11. (A) The board of township trustees may 328
authorize, by resolution, township officers and employees to 329
incur obligations of ~~two ten thousand five hundred~~ dollars or 330
less on behalf of the township, or it may authorize, by 331
resolution, the township administrator to so authorize township 332
officers and employees. The obligations incurred on behalf of 333
the township by a township officer or employee acting pursuant 334
to any such resolution shall be subsequently approved by the 335
adoption of a formal resolution of the board of township 336
trustees. 337

(B) (1) No money belonging to the township shall be paid 338
out, except upon an order signed by at least two of the township 339
trustees, and countersigned by the township fiscal officer. 340

(2) As provided in division (E) of section 9.37 of the 341
Revised Code, and notwithstanding division (B) (1) of this 342
section, a board of township trustees may adopt a resolution 343
authorizing the payment of lawful obligations of the township by 344
direct deposit of funds by electronic transfer in accordance 345

with section 9.37 of the Revised Code. 346

Sec. 513.07. The boards of township trustees of any two or 347
more contiguous townships, whether or not within the same 348
county, may, by a two-thirds favorable vote of each such board, 349
form themselves into a joint township district hospital board 350
for the purpose of establishing, constructing, and maintaining a 351
joint township district general hospital or other hospital 352
facilities as defined in section 140.01 of the Revised Code, and 353
such townships shall be a part of a joint township hospital 354
district. 355

Such joint township district hospital board shall organize 356
within thirty days after the favorable vote by the last board of 357
trustees joining itself into the joint township district 358
hospital board. The ~~president~~chairperson of the board of 359
township trustees of the most populous township participating 360
shall give notice of the time and place of organization to each 361
member of the board of township trustees of each township 362
comprising the district. Such notice shall be signed by the 363
~~president~~chairperson of the board of township trustees of the 364
most populous township comprising the district, and shall be 365
sent by registered mail to each member of the board of township 366
trustees of the townships affected, at least five days prior to 367
such organization meeting, which meeting shall be held in one of 368
the participating townships. All members of the board of 369
township trustees of the townships so participating shall 370
comprise the joint township district hospital board. Two-thirds 371
of all the township trustees of the townships constituting such 372
district constitutes a quorum. Such members of the boards of 373
township trustees shall, at the organization meeting of such 374
joint township district hospital board, proceed with the 375
election of a president, a secretary, and a treasurer, and such 376

other officers as they deem proper and necessary, and shall 377
transact such other business as properly comes before such 378
board. 379

In the formation of such a hospital district, such action 380
may be taken by or on behalf of part of a township, by excluding 381
that portion of the township lying within a municipal 382
corporation. 383

Sec. 513.071. A municipal corporation which is not at the 384
time part of a joint township hospital district may, by a two- 385
thirds favorable vote of its legislative authority, participate 386
in the formation of a joint township district hospital board 387
pursuant to section 513.07 of the Revised Code if it is 388
contiguous to another municipal corporation contemplated to be 389
included in the district, or contiguous to, or partly but not 390
wholly within, a township contemplated to be included in the 391
district, or may become a part of an established joint township 392
hospital district pursuant to sections 513.11 and 513.18 of the 393
Revised Code if it is contiguous to the district, or to a 394
township or municipal corporation contiguous to the district 395
which will at the same time become part of such district. So 396
long as such municipal corporation remains a part of such 397
district, it may not be included, as part of a township, in 398
another joint township hospital district, but the remainder of 399
such township may become part of a joint township hospital 400
district pursuant to section 513.07, 513.11, or 513.18 of the 401
Revised Code. Each such municipal corporation shall be 402
represented on the joint township district hospital board by the 403
presiding officer of its legislative authority, who shall act as 404
~~president~~ chairperson of a board of township trustees for the 405
purposes of section 513.07 of the Revised Code, and by two 406
members of such legislative authority to be appointed from time 407

to time by the legislative authority and to serve for such term 408
or terms as it prescribes. For the purpose of such 409
representation such presiding officer and members shall be 410
considered as a board of township trustees; but for all other 411
purposes of sections 513.07 to 513.18, inclusive, of the Revised 412
Code, the legislative authority shall be considered as the board 413
of township trustees and shall perform the duties imposed on 414
that board by such sections. 415

Any indebtedness incurred by a joint township hospital 416
district shall not constitute an indebtedness of any municipal 417
corporation or any township. 418

Where a municipal corporation as a part of a township is 419
territorially a part of a joint township hospital district and 420
thereafter its corporate limits are made identical with those of 421
a township, such municipal corporation shall as a township 422
remain a part of such joint township hospital district and shall 423
be bound by all agreements or obligations theretofore or 424
thereafter entered into or assumed, and the taxable property 425
therein shall be subject to all tax levies, including tax levies 426
for bonds of the joint township hospital district, theretofore 427
or thereafter imposed by the district pursuant to sections 428
513.07 to 513.18, inclusive, of the Revised Code. Such municipal 429
corporation shall be entitled, as a new and separate township, 430
to representation on the joint township district hospital board 431
in the same manner as is provided in this section when a joint 432
township district hospital board in the same manner as is 433
provided in this section when a joint township hospital district 434
is formed. 435

Sec. 517.30. A board of township trustees may erect a 436
suitable monument to commemorate the members of the armed forces 437

who died in the service of the United States or of this state. 438
The board, by a majority vote, may appropriate and expend not 439
more than ~~five~~fifty thousand dollars from township funds for 440
the purpose of erecting the monument, according to plans and 441
specifications furnished or approved by the board. 442

Sec. 519.04. (A) The board of township trustees of any 443
township proceeding under sections 519.01 to 519.99 of the 444
Revised Code, shall create and establish a township zoning 445
commission. The commission shall be composed of five members who 446
reside in the unincorporated area of the township, to be 447
appointed by the board. The board of township trustees may 448
appoint two alternate members to the township zoning commission, 449
for terms to be determined by the board of township trustees. An 450
alternate member shall take the place of an absent regular 451
member at any meeting of the township zoning commission, 452
according to procedures prescribed by resolution by the board of 453
township trustees. An alternate member shall meet the same 454
appointment criteria as a regular member. When attending a 455
meeting on behalf of an absent member, the alternate member may 456
vote on any matter on which the absent member is authorized to 457
vote. The terms of the regular members shall be of such length 458
and so arranged that the term of one member will expire each 459
year. Where there is a county or regional planning commission 460
the board may appoint qualified members of such commission to 461
serve on the township zoning commission. Each regular or 462
alternate member shall serve until the member's successor is 463
appointed and qualified. 464

(B) Members of the zoning commission shall be removable 465
for nonperformance of duty, misconduct in office, or other cause 466
by the board, upon written charges being filed with the board, 467
after a public hearing has been held regarding ~~such~~the charges, 468

and after a copy of the charges has been served upon the member 469
so charged at least ten days ~~prior to~~ before the hearing, either 470
personally, by registered mail, or by leaving ~~such the~~ copy at 471
the member's usual place of residence. The hearing shall occur 472
within sixty days after the charges are filed. The member shall 473
be given an opportunity to be heard and answer ~~such the~~ charges. 474
Upon the approval of a majority of the board of township 475
trustees, the member may be suspended from participating as a 476
member of the zoning commission during the period of up to sixty 477
days before the pending hearing on the removal. Vacancies shall 478
be filled by the board and shall be for the unexpired term. A 479
suspension authorized by this section is not a vacancy for 480
purposes of this section. 481

(C) The decision of the board of township trustees 482
regarding the suspension or removal may be appealed under 483
Chapter 2506. of the Revised Code. 484

Sec. 519.07. ~~Following~~ (A) Except as provided in division 485
(B) of this section, following the hearing provided for in 486
section 519.06 of the Revised Code the township zoning 487
commission shall submit the proposed zoning resolution, 488
including text and maps, to the county or regional planning 489
commission of the county or district in which the township is 490
located, if there is such a commission, for approval, 491
disapproval, or suggestions. 492

The approval of the planning commission shall be 493
conclusively presumed unless, within twenty days after receiving 494
the proposed zoning resolution, it notifies the zoning 495
commission to the contrary. 496

In the event the planning commission disapproves of the 497
proposed zoning resolution or suggests any material change, the 498

zoning commission shall hold a public hearing on the resolution, 499
due notice of which shall be given as provided in section 519.06 500
of the Revised Code. ~~When~~ 501

When the zoning commission has completed its 502
recommendations for a zoning plan it shall certify the plan to 503
the board of township trustees. 504

(B) The township zoning commission of a township that has 505
adopted a limited home rule government under Chapter 504. of the 506
Revised Code is not subject to division (A) of this section but 507
may choose to comply with division (A) of this section. 508

Sec. 519.12. (A) (1) Amendments to the zoning resolution 509
may be initiated by motion of the township zoning commission, by 510
the passage of a resolution by the board of township trustees, 511
or by the filing of an application by one or more of the owners 512
or lessees of property within the area proposed to be changed or 513
affected by the proposed amendment with the township zoning 514
commission. The board of township trustees may require that the 515
owner or lessee of property filing an application to amend the 516
zoning resolution pay a fee to defray the cost of advertising, 517
mailing, filing with the county recorder, and other expenses. If 518
the board of township trustees requires such a fee, it shall be 519
required generally, for each application. The board of township 520
trustees, upon the passage of such a resolution, shall certify 521
it to the township zoning commission. 522

(2) Upon the adoption of a motion by the township zoning 523
commission, the certification of a resolution by the board of 524
township trustees to the commission, or the filing of an 525
application by property owners or lessees as described in 526
division (A) (1) of this section with the commission, the 527
commission shall set a date for a public hearing, which date 528

shall not be less than twenty nor more than forty days from the 529
date of the certification of such a resolution, the date of 530
adoption of such a motion, or the date of the filing of such an 531
application. Notice of the hearing shall be given by the 532
commission by one publication in one or more newspapers of 533
general circulation in the township at least ten days before the 534
date of the hearing. 535

(B) If the proposed amendment intends to rezone or 536
redistrict ten or fewer parcels of land, as listed on the county 537
auditor's current tax list, written notice of the hearing shall 538
be mailed by the township zoning commission, by first class 539
mail, at least ten days before the date of the public hearing to 540
all owners of property within and contiguous to and directly 541
across the street from the area proposed to be rezoned or 542
redistricted to the addresses of those owners appearing on the 543
county auditor's current tax list. The failure of delivery of 544
that notice shall not invalidate any such amendment. 545

(C) If the proposed amendment intends to rezone or 546
redistrict ten or fewer parcels of land as listed on the county 547
auditor's current tax list, the published and mailed notices 548
shall set forth the time, date, and place of the public hearing 549
and include all of the following: 550

(1) The name of the township zoning commission that will 551
be conducting the hearing; 552

(2) A statement indicating that the motion, resolution, or 553
application is an amendment to the zoning resolution; 554

(3) A list of the addresses of all properties to be 555
rezoned or redistricted by the proposed amendment and of the 556
names of owners of those properties, as they appear on the 557

county auditor's current tax list;	558
(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;	559 560 561
(5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;	562 563 564 565
(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;	566 567 568
(7) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;	569 570 571
(8) Any other information requested by the commission.	572
(D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:	573 574 575 576 577
(1) The name of the township zoning commission that will be conducting the hearing on the proposed amendment;	578 579
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	580 581
(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;	582 583 584

(4) The name of the person responsible for giving notice 585
of the hearing by publication; 586

(5) A statement that, after the conclusion of the hearing, 587
the matter will be submitted to the board of township trustees 588
for its action; 589

(6) Any other information requested by the commission. 590

~~(E) Within (1) (a) Except as provided in division (E) (1) (b)~~ 591
of this section, within five days after the adoption of the 592
motion described in division (A) of this section, the 593
certification of the resolution described in division (A) of 594
this section, or the filing of the application described in 595
division (A) of this section, the township zoning commission 596
shall transmit a copy of it together with text and map 597
pertaining to it to the county or regional planning commission, 598
if there is such a commission, for approval, disapproval, or 599
suggestions. 600

The county or regional planning commission shall recommend 601
the approval or denial of the proposed amendment or the approval 602
of some modification of it and shall submit its recommendation 603
to the township zoning commission. The recommendation shall be 604
considered at the public hearing held by the township zoning 605
commission on the proposed amendment. 606

(b) The township zoning commission of a township that has 607
adopted a limited home rule government under Chapter 504. of the 608
Revised Code is not subject to division (E) (1) (a) of this 609
section but may choose to comply with division (E) (1) (a) of this 610
section. 611

(2) The township zoning commission, within thirty days 612
after the hearing, shall recommend the approval or denial of the 613

proposed amendment, or the approval of some modification of it, 614
and submit that recommendation together with the motion, 615
application, or resolution involved, the text and map pertaining 616
to the proposed amendment, and the recommendation of the county 617
or regional planning commission on it to the board of township 618
trustees. 619

(3) The board of township trustees, upon receipt of that 620
recommendation, shall set a time for a public hearing on the 621
proposed amendment, which date shall not be more than thirty 622
days from the date of the receipt of that recommendation. Notice 623
of the hearing shall be given by the board by one publication in 624
one or more newspapers of general circulation in the township, 625
at least ten days before the date of the hearing. 626

(F) If the proposed amendment intends to rezone or 627
redistrict ten or fewer parcels of land as listed on the county 628
auditor's current tax list, the published notice shall set forth 629
the time, date, and place of the public hearing and include all 630
of the following: 631

(1) The name of the board of township trustees that will 632
be conducting the hearing; 633

(2) A statement indicating that the motion, application, 634
or resolution is an amendment to the zoning resolution; 635

(3) A list of the addresses of all properties to be 636
rezoned or redistricted by the proposed amendment and of the 637
names of owners of those properties, as they appear on the 638
county auditor's current tax list; 639

(4) The present zoning classification of property named in 640
the proposed amendment and the proposed zoning classification of 641
that property; 642

(5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;

(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;

(7) Any other information requested by the board.

(G) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:

(1) The name of the board of township trustees that will be conducting the hearing on the proposed amendment;

(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;

(4) The name of the person responsible for giving notice of the hearing by publication;

(5) Any other information requested by the board.

(H) Within twenty days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission or adopt some modification of them. If the board denies or modifies the commission's recommendations, a majority vote of the board shall

be required. 671

The proposed amendment, if adopted by the board, shall 672
become effective in thirty days after the date of its adoption, 673
unless, within thirty days after the adoption, there is 674
presented to the board of township trustees a petition, signed 675
by a number of registered electors residing in the 676
unincorporated area of the township or part of that 677
unincorporated area included in the zoning plan equal to not 678
less than eight per cent of the total vote cast for all 679
candidates for governor in that area at the most recent general 680
election at which a governor was elected, requesting the board 681
of township trustees to submit the amendment to the electors of 682
that area for approval or rejection at a special election to be 683
held on the day of the next primary or general election that 684
occurs at least ninety days after the petition is filed. Each 685
part of this petition shall contain the number and the full and 686
correct title, if any, of the zoning amendment resolution, 687
motion, or application, furnishing the name by which the 688
amendment is known and a brief summary of its contents. In 689
addition to meeting the requirements of this section, each 690
petition shall be governed by the rules specified in section 691
3501.38 of the Revised Code. 692

The form of a petition calling for a zoning referendum and 693
the statement of the circulator shall be substantially as 694
follows: 695

"PETITION FOR ZONING REFERENDUM 696

(if the proposal is identified by a particular name or number, 697
or both, these should be inserted here) 698

A proposal to amend the zoning map of the unincorporated 699

area of Township, County, Ohio, 700
adopted(date)..... (followed by brief summary of the 701
proposal). 702

To the Board of Township Trustees of 703
Township, County, Ohio: 704

We, the undersigned, being electors residing in the 706
unincorporated area of Township, 707
included within the Township Zoning Plan, equal to 708
not less than eight per cent of the total vote cast for all 709
candidates for governor in the area at the preceding general 710
election at which a governor was elected, request the Board of 711
Township Trustees to submit this amendment of the zoning 712
resolution to the electors of Township 713
residing within the unincorporated area of the township included 714
in the Township Zoning Resolution, for 715
approval or rejection at a special election to be held on the 716
day of the primary or general election to be held on 717
(date)....., pursuant to section 519.12 of the Revised Code. 718

Street Address	Date of	719
Signature or R.F.D. Township Precinct County	Signing	720
.....		721
.....		722

STATEMENT OF CIRCULATOR 723

I,(name of circulator)....., declare under 724
penalty of election falsification that I am an elector of the 725
state of Ohio and reside at the address appearing below my 726
signature; that I am the circulator of the foregoing part 727

petition containing(number)..... signatures; that I 728
have witnessed the affixing of every signature; that all signers 729
were to the best of my knowledge and belief qualified to sign; 730
and that every signature is to the best of my knowledge and 731
belief the signature of the person whose signature it purports 732
to be or of an attorney in fact acting pursuant to section 733
3501.382 of the Revised Code. 734

..... 735

(Signature of circulator) 736

..... 737

(Address of circulator's permanent 738
residence in this state) 739

..... 740

(City, village, or township, 741
and zip code) 742

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 743
FELONY OF THE FIFTH DEGREE." 744

The petition shall be filed with the board of township 745
trustees and shall be accompanied by an appropriate map of the 746
area affected by the zoning proposal. Within two weeks after 747
receiving a petition filed under this section, the board of 748
township trustees shall certify the petition to the board of 749
elections. A petition filed under this section shall be 750
certified to the board of elections not less than ninety days 751
prior to the election at which the question is to be voted upon. 752

The board of elections shall determine the sufficiency and 753
validity of each petition certified to it by a board of township 754

trustees under this section. If the board of elections 755
determines that a petition is sufficient and valid, the question 756
shall be voted upon at a special election to be held on the day 757
of the next primary or general election that occurs at least 758
ninety days after the date the petition is filed with the board 759
of township trustees, regardless of whether any election will be 760
held to nominate or elect candidates on that day. 761

No amendment for which such a referendum vote has been 762
requested shall be put into effect unless a majority of the vote 763
cast on the issue is in favor of the amendment. Upon 764
certification by the board of elections that the amendment has 765
been approved by the voters, it shall take immediate effect. 766

Within five working days after an amendment's effective 767
date, the board of township trustees shall file the text and 768
maps of the amendment in the office of the county recorder and 769
with the county or regional planning commission, if one exists. 770

The failure to file any amendment, or any text and maps, 771
or duplicates of any of these documents, with the office of the 772
county recorder or the county or regional planning commission as 773
required by this section does not invalidate the amendment and 774
is not grounds for an appeal of any decision of the board of 775
zoning appeals. 776

Sec. 519.13. (A) In any township which adopts zoning 777
regulations the board of township trustees shall appoint a 778
township board of zoning appeals composed of five members who 779
shall be residents of the unincorporated territory in the 780
township included in the area zoned. The board of township 781
trustees may appoint two alternate members to the township board 782
of zoning appeals, for terms to be determined by the board of 783
township trustees. An alternate member shall take the place of 784

an absent regular member at any meeting of the board of zoning appeals, according to procedures prescribed by resolution by the board of township trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. The terms of all regular members shall be of such length and so arranged that the term of one member will expire each year. Each regular or alternate member shall serve until the member's successor is appointed and qualified.

(B) Members shall be removable for the same causes and in the same manner and may be suspended as provided by section 519.04 of the Revised Code. The decision of the board of township trustees regarding the suspension or removal may be appealed under Chapter 2506. of the Revised Code. Vacancies shall be filled by the board of township trustees and shall be for the unexpired term. A suspension authorized by section 519.04 of the Revised Code is not a vacancy for purposes of this section. The members may be allowed their expenses, or such compensation, or both, as the board of township trustees may approve and provide.

(C) The board of zoning appeals may, within the limits of the moneys appropriated by the board of township trustees for the purpose, employ such executive, professional, technical, and other assistants as it considers necessary.

Sec. 519.15. The township board of zoning appeals shall organize and adopt rules in accordance with the zoning resolution. Meetings of the board of zoning appeals shall be held at the call of the chairperson, and at such other times as the board determines. The chairperson, or in the chairperson's

absence the acting chairperson, may administer oaths, and the 815
board of zoning appeals may compel the attendance of witnesses. 816
All meetings of the board of zoning appeals shall be open to the 817
public. The board of zoning appeals shall keep minutes of its 818
proceedings showing the vote of each regular or alternate member 819
upon each question, or, if absent or failing to vote, indicating 820
such fact, and shall keep records of its examinations and other 821
official actions, all of which shall be immediately filed in the 822
office of the board of township trustees and be a public record. 823

Appeals to the board of zoning appeals may be taken by any 824
person aggrieved or by any officer of the township affected by 825
any decision of the administrative officer. Such appeal shall be 826
taken within twenty days after the decision by filing, with the 827
officer from whom the appeal is taken and with the board of 828
zoning appeals, a notice of appeal specifying the grounds. The 829
officer from whom the appeal is taken shall transmit to the 830
board of zoning appeals all the papers constituting the record 831
upon which the action appealed from was taken. 832

The board of zoning appeals shall fix a reasonable time 833
for the public hearing of the appeal, give at least ten days' 834
notice in writing to the parties in interest, give notice of 835
such public hearing by one publication in one or more newspapers 836
of general circulation in the county at least ten days before 837
the date of such hearing, and decide the appeal within a 838
reasonable time after it is submitted. Upon the hearing, any 839
person may appear in person or by attorney. 840

The board of township trustees may require a person making 841
an appeal to pay a fee to defray the cost of advertising, 842
mailing, and other expenses. 843

Sec. 519.21. (A) Except as otherwise provided in divisions 844

(B) and (D) of this section, sections 519.02 to 519.25 of the Revised Code confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure.

(B) A township zoning resolution, or an amendment to such resolution, may in any platted subdivision, including, but not limited to those approved under section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen or more lots approved under section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:

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

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

(3) Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five per cent of the lots in the subdivision are developed with at least one building, structure, or improvement

that is subject to real property taxation or that is subject to 875
the tax on manufactured and mobile homes under section 4503.06 876
of the Revised Code. After thirty-five per cent of the lots are 877
so developed, dairying and animal and poultry husbandry shall be 878
considered nonconforming use of land and buildings or structures 879
pursuant to section 519.19 of the Revised Code. 880

Division (B) of this section confers no power on any 881
township zoning commission, board of township trustees, or board 882
of zoning appeals to regulate agriculture, buildings or 883
structures, and dairying and animal and poultry husbandry on 884
lots greater than five acres. 885

(C) Such sections confer no power on any township zoning 886
commission, board of township trustees, or board of zoning 887
appeals to prohibit in a district zoned for agricultural, 888
industrial, residential, or commercial uses, the use of any land 889
for: 890

(1) A farm market where fifty per cent or more of the 891
gross income received from the market is derived from produce 892
raised on farms owned or operated by the market operator in a 893
normal crop year. However, a board of township trustees, as 894
provided in section 519.02 of the Revised Code, may regulate 895
such factors pertaining to farm markets as size of the 896
structure, size of parking areas that may be required, set back 897
building lines, and egress or ingress, where such regulation is 898
necessary to protect the public health and safety. 899

(2) Biodiesel production, biomass energy production, or 900
electric or heat energy production if the land on which the 901
production facility is located qualifies as land devoted 902
exclusively to agricultural use under sections 5713.30 to 903
5713.37 of the Revised Code for real property tax purposes. As 904

used in division (C) (2) of this section, "biodiesel," "biomass energy," and "electric or heat energy" have the same meanings as in section 5713.30 of the Revised Code. 905
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(3) Biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections 5713.30 to 5713.37 of the Revised Code for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten British thermal units, five megawatts, or both. 908
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(4) Agritourism. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to agritourism, except farm markets as described in division (C) (1) of this section, as size of a structure used primarily for agritourism, size of parking areas that may be required, setback building lines for structures used primarily for agritourism, and egress or ingress where such regulation is necessary to protect public health and safety. 916
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Nothing in division (C) (4) of this section confers power on a township zoning commission, board of township trustees, or board of zoning appeals to require any parking area to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement. 924
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Nothing in division (C) (4) of this section confers power on a township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land or the construction or use of buildings or structures that are used primarily for vinting and selling wine that are located on land 930
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any part of which is used for viticulture as provided in 935
division (A) of this section. 936

(D) Nothing in this section prohibits a township zoning 937
commission, board of township trustees, or board of zoning 938
appeals from regulating the location of medical marijuana 939
cultivators, processors, or retail dispensaries or from 940
prohibiting such cultivators, processors, or dispensaries from 941
being located in the unincorporated territory of the township. 942

~~(D)~~(E) (1) As used in division (C) (3) of this section, 943
"biologically derived methane gas" has the same meaning as in 944
section 5713.30 of the Revised Code. 945

(2) As used in division (C) (4) of this section, 946
"agritourism" has the same meaning as in section 901.80 of the 947
Revised Code. 948

Sec. 1509.07. (A) (1) (a) Except as provided in division (A) 949
(1) (b) or (A) (2) of this section, an owner of any well, except 950
an exempt Mississippian well or an exempt domestic well, shall 951
obtain liability insurance coverage from a company authorized or 952
approved to do business in this state in an amount of not less 953
than one million dollars bodily injury coverage and property 954
damage coverage to pay damages for injury to persons or damage 955
to property caused by the drilling, operation, or plugging of 956
all the owner's wells in this state. However, if any well is 957
located within an urbanized area, the owner shall obtain 958
liability insurance coverage in an amount of not less than three 959
million dollars for bodily injury coverage and property damage 960
coverage to pay damages for injury to persons or damage to 961
property caused by the drilling, operation, or plugging of all 962
of the owner's wells in this state. 963

(b) A board of county commissioners of a county that is an owner of a well or a board of township trustees of a township that is an owner of a well may elect to satisfy the liability coverage requirements specified in division (A)(1)(a) of this section by participating in a joint self-insurance pool in accordance with the requirements established under section 2744.081 of the Revised Code. Nothing in division (A)(1)(b) of this section shall be construed to allow an entity, other than a county or township, to participate in a joint self-insurance pool to satisfy the liability coverage requirements specified in division (A)(1)(a) of this section.

(2) An owner of a horizontal well shall obtain liability insurance coverage from an insurer authorized to write such insurance in this state or from an insurer approved to write such insurance in this state under section 3905.33 of the Revised Code in an amount of not less than five million dollars bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the production operations of all the owner's wells in this state. The insurance policy shall include a reasonable level of coverage available for an environmental endorsement.

(3) An owner shall maintain the coverage required under division (A)(1) or (2) of this section until all the owner's wells are plugged and abandoned or are transferred to an owner who has obtained insurance as required under this section and who is not under a notice of material and substantial violation or under a suspension order. The owner shall provide proof of liability insurance coverage to the chief of the division of oil and gas resources management upon request. Upon failure of the owner to provide that proof when requested, the chief may order the suspension of any outstanding permits and operations of the

owner until the owner provides proof of the required insurance 995
coverage. 996

(B) (1) Except as otherwise provided in this section, an 997
owner of any well, before being issued a permit under section 998
1509.06 of the Revised Code or before operating or producing 999
from a well, shall execute and file with the division of oil and 1000
gas resources management a surety bond conditioned on compliance 1001
with the restoration requirements of section 1509.072, the 1002
plugging requirements of section 1509.12, the permit provisions 1003
of section 1509.13 of the Revised Code, and all rules and orders 1004
of the chief relating thereto, in an amount set by rule of the 1005
chief. 1006

(2) The owner may deposit with the chief, instead of a 1007
surety bond, cash in an amount equal to the surety bond as 1008
prescribed pursuant to this section or negotiable certificates 1009
of deposit or irrevocable letters of credit, issued by any bank 1010
organized or transacting business in this state, having a cash 1011
value equal to or greater than the amount of the surety bond as 1012
prescribed pursuant to this section. Cash or certificates of 1013
deposit shall be deposited upon the same terms as those upon 1014
which surety bonds may be deposited. If certificates of deposit 1015
are deposited with the chief instead of a surety bond, the chief 1016
shall require the bank that issued any such certificate to 1017
pledge securities of a cash value equal to the amount of the 1018
certificate that is in excess of the amount insured by any of 1019
the agencies and instrumentalities created under the "Federal 1020
Deposit Insurance Act," 64 Stat. 873 (1950), 12 U.S.C. 1811, as 1021
amended, and regulations adopted under it, including at least 1022
the federal deposit insurance corporation. The securities shall 1023
be security for the repayment of the certificate of deposit. 1024

Immediately upon a deposit of cash, certificates of 1025
deposit, or letters of credit with the chief, the chief shall 1026
deliver them to the treasurer of state who shall hold them in 1027
trust for the purposes for which they have been deposited. 1028

(3) Instead of a surety bond, the chief may accept proof 1029
of financial responsibility consisting of a sworn financial 1030
statement showing a net financial worth within this state equal 1031
to twice the amount of the bond for which it substitutes and, as 1032
may be required by the chief, a list of producing properties of 1033
the owner within this state or other evidence showing ability 1034
and intent to comply with the law and rules concerning 1035
restoration and plugging that may be required by rule of the 1036
chief. The owner of an exempt Mississippian well is not required 1037
to file scheduled updates of the financial documents, but shall 1038
file updates of those documents if requested to do so by the 1039
chief. The owner of a nonexempt Mississippian well shall file 1040
updates of the financial documents in accordance with a schedule 1041
established by rule of the chief. The chief, upon determining 1042
that an owner for whom the chief has accepted proof of financial 1043
responsibility instead of bond cannot demonstrate financial 1044
responsibility, shall order that the owner execute and file a 1045
bond or deposit cash, certificates of deposit, or irrevocable 1046
letters of credit as required by this section for the wells 1047
specified in the order within ten days of receipt of the order. 1048
If the order is not complied with, all wells of the owner that 1049
are specified in the order and for which no bond is filed or 1050
cash, certificates of deposit, or letters of credit are 1051
deposited shall be plugged. No owner shall fail or refuse to 1052
plug such a well. Each day on which such a well remains 1053
unplugged thereafter constitutes a separate offense. 1054

(4) The surety bond provided for in this section shall be 1055

executed by a surety company authorized to do business in this 1056
state. 1057

The chief shall not approve any bond until it is 1058
personally signed and acknowledged by both principal and surety, 1059
or as to either by the principal's or surety's attorney in fact, 1060
with a certified copy of the power of attorney attached thereto. 1061
The chief shall not approve a bond unless there is attached a 1062
certificate of the superintendent of insurance that the company 1063
is authorized to transact a fidelity and surety business in this 1064
state. 1065

All bonds shall be given in a form to be prescribed by the 1066
chief and shall run to the state as obligee. 1067

(5) An owner of an exempt Mississippian well or an exempt 1068
domestic well, in lieu of filing a surety bond, cash in an 1069
amount equal to the surety bond, certificates of deposit, 1070
irrevocable letters of credit, or a sworn financial statement, 1071
may file a one-time fee of fifty dollars, which shall be 1072
deposited in the oil and gas well plugging fund created in 1073
section 1509.071 of the Revised Code. 1074

(C) An owner, operator, producer, or other person shall 1075
not operate a well or produce from a well at any time if the 1076
owner, operator, producer, or other person has not satisfied the 1077
requirements established in this section. 1078

Sec. 3375.121. (A) In any municipal corporation, not 1079
located in a county library district, that has a population of 1080
not less than twenty-five thousand, and within which there is 1081
not located a main library of a township, municipal, school 1082
district, association, or county free public library, a library 1083
district may be created by a resolution adopted by the 1084

legislative authority of that municipal corporation. No such 1085
resolution shall be adopted after one year from June 20, 1977. 1086
Upon the adoption of the resolution, any branches of an existing 1087
library that are located in that municipal corporation shall 1088
become the property of the municipal library district created. 1089

The municipal corporation and the board of trustees of the 1090
public library maintaining any existing branches in that 1091
municipal corporation shall forthwith take appropriate action 1092
transferring all title and interest in all real and personal 1093
property located in that municipal corporation in the name of 1094
the library district maintaining those branches in that 1095
municipal corporation to the municipal corporation adopting the 1096
appropriate resolution. Upon transfer of all title and interest 1097
in that property, the branches shall become a part of, and be 1098
operated by, the board of library trustees appointed by the 1099
legislative authority of the municipal corporation. 1100

(B) In any municipal corporation that has a population of 1101
less than twenty-five thousand and that has not less than one 1102
hundred thousand dollars available from a bequest for the 1103
establishment of a municipal library, the legislative authority 1104
of that municipal corporation may adopt, within one year after 1105
June 20, 1977, a resolution creating a library district. Upon 1106
the establishment of any such library district, the board of 1107
trustees of any library operating a branch library in that 1108
municipal corporation shall not be required to transfer any 1109
property to the newly established library. 1110

(C) The board of library trustees of any library district 1111
created under this section shall be composed of seven members. 1112
Those trustees shall be appointed by the legislative authority 1113
of the municipal corporation, to serve without compensation, for 1114

a term of four years, but the initial term of the seventh 1115
trustee may be for the number of years set by the legislative 1116
authority, not to exceed four years. Vacancies shall be filled 1117
by like appointment for the unexpired term. This section does 1118
not affect the term of any trustee appointed prior to January 1, 1119
2013. A library district created under this section shall be 1120
governed in accordance with and exercise the authority provided 1121
for in sections 3375.32 to 3375.41 of the Revised Code. 1122

Notwithstanding any contrary provision of section 3.24 of 1123
the Revised Code, the ~~president~~ chairperson of a board of 1124
township trustees may administer the oath of office to a person 1125
or persons representing the township on the board of library 1126
trustees of any library district created under this section, 1127
even if the geographical limits of the library district do not 1128
fall within the geographical limits of the township. 1129

(D) Any library district created under this section is 1130
eligible to participate in the proceeds of the county public 1131
library fund in accordance with section 5705.28 of the Revised 1132
Code. 1133

(E) A municipal corporation may establish and operate a 1134
free public library regardless of whether the municipal 1135
corporation is located in a county library district or school 1136
library district, if all of the following conditions are met: 1137

(1) The facility in which the library is principally 1138
located is transferred to the municipal corporation from the 1139
county library district or school library district in which it 1140
is located prior to January 1, 1996. 1141

(2) The population of the municipal corporation is less 1142
than five hundred when the library is transferred from the 1143

county library district or school library district to the 1144
municipal corporation. 1145

(3) The municipal corporation does not establish a 1146
municipal library district under this section. 1147

(4) The library does not receive any proceeds from the 1148
county public library fund under section 5747.48 of the Revised 1149
Code. 1150

Sec. 3501.021. Notwithstanding any provision of the 1151
Revised Code to the contrary, a political subdivision or other 1152
entity that certifies a question or issue to a board of 1153
elections for placement on the ballot ~~shall~~ may make that 1154
certification in electronic or paper form. ~~A board of elections~~ 1155
~~shall not accept such a certification in electronic form.~~ 1156

Sec. 3709.03. (A) There is hereby created in each general 1157
health district a district advisory council. A council shall 1158
consist of the president of the board of county commissioners, 1159
the chief executive of each municipal corporation not 1160
constituting a city health district, and the ~~president~~ 1161
chairperson of the board of township trustees of each township. 1162
The board of county commissioners, the legislative body of a 1163
municipal corporation, and the board of township trustees of a 1164
township may select an alternate from among themselves to serve 1165
if the president, the chief executive, or the ~~president of the~~ 1166
~~board of township trustees~~ chairperson is unable to attend any 1167
meeting of the district advisory council. When attending a 1168
meeting on behalf of a council member, the alternate may vote on 1169
any matter on which the member is authorized to vote. 1170

The council shall organize by selecting a chair and 1171
secretary from among its members. The council shall adopt bylaws 1172

governing its meetings, the transaction of business, and voting 1173
procedures. 1174

The council shall meet annually in March at a place 1175
determined by the chair and the health commissioner for the 1176
purpose of electing the chair and the secretary, making 1177
necessary appointments to the board of health, receiving and 1178
considering the annual or special reports from the board of 1179
health, and making recommendations to the board of health or to 1180
the department of health in regard to matters for the betterment 1181
of health and sanitation within the district or for needed 1182
legislation. The secretary of the council shall notify the 1183
district health commissioner and the director of health of the 1184
proceedings of such meeting. 1185

Special meetings of the council shall be held on the order 1186
of any of the following: 1187

(1) The director of health; 1188

(2) The board of health; 1189

(3) The lesser of five or a majority of district advisory 1190
council members. 1191

The district health commissioner shall attend all meetings 1192
of the council. 1193

(B) The district advisory council shall appoint five 1194
members of the board of health, unless the board of health has 1195
established a health district licensing council under section 1196
3709.41 of the Revised Code, in which case, the district 1197
advisory council shall appoint four members of the board of 1198
health, and the health district licensing council shall appoint 1199
one member of the board of health. At least one member of the 1200
board of health shall be a physician. Appointments shall be made 1201

with due regard to equal representation of all parts of the 1202
district. 1203

(C) If at an annual or special meeting at which a member 1204
of the board of health is to be appointed fewer than a majority 1205
of the members of the district council are present, the council, 1206
by the majority vote of council members present, may organize an 1207
executive committee to make the appointment. An executive 1208
committee shall consist of five council members, including the 1209
president of the board of county commissioners, the council 1210
chair, the council secretary, and two additional council members 1211
selected by majority affirmative vote of the council members 1212
present at the meeting. The additional members selected shall 1213
include one representative of municipal corporations in the 1214
district that are not city health districts and one 1215
representative of townships in the district. If an individual is 1216
eligible for more than one position on the executive committee 1217
due to holding a particular office, the individual shall fill 1218
one position on the committee and the other position shall be 1219
filled by a member selected by a majority affirmative vote of 1220
the council members present at the meeting. A council member's 1221
alternate for annual meetings may serve as the member's 1222
alternate at meetings of the executive committee. 1223

Not later than thirty days after an executive committee is 1224
organized, the committee shall meet and the council chair shall 1225
present to the committee the matter of appointing a member of 1226
the board of health. The committee shall appoint the board 1227
member by majority affirmative vote. In the case of a combined 1228
health district, the executive committee shall appoint only 1229
members of the board of health that are to be appointed by the 1230
district advisory council, unless the contract for 1231
administration of health affairs in the combined district 1232

provides otherwise. If a majority affirmative vote is not 1233
reached within thirty days after the executive committee is 1234
organized, the director of health shall appoint the member of 1235
the board of health under the authority conferred by section 1236
3709.03 of the Revised Code. 1237

If the council fails to meet or appoint a member of the 1238
board of health as required by this section or section 3709.02 1239
of the Revised Code, the director of health may appoint the 1240
member. 1241

Sec. 5541.04. (A) The board of county commissioners of any 1242
county, on its own motion or on petition by a person owning a 1243
lot in the unincorporated area of said county praying that the 1244
name of a county or township road in the immediate vicinity of 1245
such lot be changed, upon hearing, and upon being satisfied that 1246
there is good cause for such a change of name, that it will not 1247
be detrimental to the general interest, and that it should be 1248
made, may, by resolution declare the change of the name of such 1249
road. The board may include in one resolution the change of name 1250
of more than one road. 1251

A copy of such resolution shall be certified to the county 1252
engineer, the county recorder, and the county auditor, who shall 1253
all change their records accordingly, but still retain in some 1254
manner the old name of the road. 1255

(B) If, within sixty days after a petition is filed with a 1256
board of county commissioners to change the name of a township 1257
road, the board does not adopt a resolution either declaring the 1258
name of the road changed as requested in the petition or 1259
declaring that the name of the township road shall remain the 1260
same, the name of the township road is changed, as requested in 1261
the petition. 1262

The board of county commissioners shall submit notice that 1263
the name of the township road has changed pursuant to this 1264
division to the county engineer, the county recorder, and the 1265
county auditor, who shall all change their records accordingly, 1266
but still retain in some manner the old name of the road. 1267

Sec. 5553.04. ~~When~~ (A) Subject to division (B) of this 1268
section, the board of county commissioners is of the opinion 1269
that it will be for the public convenience or welfare to locate, 1270
establish, alter, widen, straighten, vacate, or change the 1271
direction of a public road, it shall so declare by resolution, 1272
which resolution shall set forth the general route and termini 1273
of the road, or part of the road, to be located, established, or 1274
vacated, or the general manner in which the road is to be 1275
altered, widened, or straightened, or the direction of the road 1276
is to be changed. 1277

~~When~~ Subject to division (B) of this section, when a 1278
petition, signed by at least twelve freeholders of the county 1279
residing in the vicinity of the proposed improvement, or signed 1280
by the owner of the right to mine coal lying under or adjacent 1281
to the proposed improvement, is presented to the board 1282
requesting the board to locate, establish, alter, widen, 1283
straighten, vacate, or change the direction of a public road, 1284
the board shall view the location of the proposed improvement, 1285
and, if it is of the opinion that it will be for the public 1286
convenience or welfare to make the improvement, it may proceed 1287
to make the improvement as provided in sections 5553.04 to 1288
5553.16 of the Revised Code. The petition shall set forth the 1289
general route and termini of the road, or part of the road, to 1290
be located, established, or vacated, or the general manner in 1291
which the road is to be altered, widened, or straightened, or 1292
the direction of the road is to be changed. When the board 1293

declares by resolution its intention to proceed with the 1294
improvement, it also may provide in the resolution for the 1295
establishment of an appropriate detour route or for the 1296
temporary closing of the road to be improved. When the petition 1297
presented to the board for a proposed improvement as provided in 1298
this section is a petition signed by the owner of the right to 1299
mine coal lying under or adjacent to the proposed improvement, 1300
that petitioner shall pay the costs and expenses incurred by the 1301
board in connection with the proceedings initiated by the 1302
petition, and the costs and expenses of making the improvement 1303
including compensation and damages, and including the cost of 1304
relocation of any conduits, cables, wires, towers, poles, or 1305
other equipment or appliances of any public utility or electric 1306
cooperative as defined in section 4928.01 of the Revised Code, 1307
located on, over, or under the portion of the road affected by 1308
the improvement, and, on demand by the board, shall give bond to 1309
the satisfaction of the board in the amount the board determines 1310
to secure the payment of all of those costs and expenses. 1311

(B) A board of county commissioners shall not adopt a 1312
resolution to vacate a public road that is a township road under 1313
division (A) of this section unless the applicable board of 1314
township trustees has adopted a resolution approving the 1315
vacation. 1316

Sec. 5705.121. A municipal corporation may establish in 1317
the manner provided by law a sanitary police pension fund, an 1318
urban redevelopment tax increment equivalent fund, or a cemetery 1319
fund. ~~A~~ 1320

A township may establish by law a cemetery fund. 1321

A subdivision that levies a tax for the purpose described 1322
in division (ZZ) or (AAA) of section 5705.19 of the Revised Code 1323

shall establish a general capital and infrastructure fund to 1324
which the proceeds from that levy shall be credited. By 1325
resolution or ordinance, the taxing authority may establish 1326
accounts within that fund for any of the several particular 1327
purposes for which such money may lawfully be spent, may 1328
eliminate such accounts when no longer necessary or desirable, 1329
and may transfer money between such accounts. Money in the fund 1330
may not be used to pay the compensation of officers or employees 1331
of the subdivision. 1332

Sec. 5705.19. This section does not apply to school 1333
districts, county school financing districts, or lake facilities 1334
authorities. 1335

The taxing authority of any subdivision at any time and in 1336
any year, by vote of two-thirds of all the members of the taxing 1337
authority, may declare by resolution and certify the resolution 1338
to the board of elections not less than ninety days before the 1339
election upon which it will be voted that the amount of taxes 1340
that may be raised within the ten-mill limitation will be 1341
insufficient to provide for the necessary requirements of the 1342
subdivision and that it is necessary to levy a tax in excess of 1343
that limitation for any of the following purposes: 1344

(A) For current expenses of the subdivision, except that 1345
the total levy for current expenses of a detention facility 1346
district or district organized under section 2151.65 of the 1347
Revised Code shall not exceed two mills and that the total levy 1348
for current expenses of a combined district organized under 1349
sections 2151.65 and 2152.41 of the Revised Code shall not 1350
exceed four mills; 1351

(B) For the payment of debt charges on certain described 1352
bonds, notes, or certificates of indebtedness of the subdivision 1353

issued subsequent to January 1, 1925;	1354
(C) For the debt charges on all bonds, notes, and	1355
certificates of indebtedness issued and authorized to be issued	1356
prior to January 1, 1925;	1357
(D) For a public library of, or supported by, the	1358
subdivision under whatever law organized or authorized to be	1359
supported;	1360
(E) For a municipal university, not to exceed two mills	1361
over the limitation of one mill prescribed in section 3349.13 of	1362
the Revised Code;	1363
(F) For the construction or acquisition of any specific	1364
permanent improvement or class of improvements that the taxing	1365
authority of the subdivision may include in a single bond issue;	1366
(G) For the general construction, reconstruction,	1367
resurfacing, and repair of streets, roads, and bridges in	1368
municipal corporations, counties, or townships;	1369
(H) For parks and recreational purposes;	1370
(I) For providing and maintaining fire apparatus,	1371
mechanical resuscitators, underwater rescue and recovery	1372
equipment, or other fire equipment and appliances, buildings and	1373
sites therefor, or sources of water supply and materials	1374
therefor, for the establishment and maintenance of lines of	1375
fire-alarm communications, for the payment of firefighting	1376
companies or permanent, part-time, or volunteer firefighting,	1377
emergency medical service, administrative, or communications	1378
personnel to operate the same, including the payment of any	1379
employer contributions required for such personnel under section	1380
145.48 or 742.34 of the Revised Code, for the purchase of	1381
ambulance equipment, for the provision of ambulance, paramedic,	1382

or other emergency medical services operated by a fire 1383
department or firefighting company, or for the payment of other 1384
related costs; 1385

(J) For providing and maintaining motor vehicles, 1386
communications, other equipment, buildings, and sites for such 1387
buildings used directly in the operation of a police department, 1388
for the payment of salaries of permanent or part-time police, 1389
communications, or administrative personnel to operate the same, 1390
including the payment of any employer contributions required for 1391
such personnel under section 145.48 or 742.33 of the Revised 1392
Code, for the payment of the costs incurred by townships as a 1393
result of contracts made with other political subdivisions in 1394
order to obtain police protection, for the provision of 1395
ambulance or emergency medical services operated by a police 1396
department, or for the payment of other related costs; 1397

(K) For the maintenance and operation of a county home or 1398
detention facility; 1399

(L) For community developmental disabilities programs and 1400
services pursuant to Chapter 5126. of the Revised Code, except 1401
that such levies shall be subject to the procedures and 1402
requirements of section 5705.222 of the Revised Code; 1403

(M) For regional planning; 1404

(N) For a county's share of the cost of maintaining and 1405
operating schools, district detention facilities, forestry 1406
camps, or other facilities, or any combination thereof, 1407
established under section 2151.65 or 2152.41 of the Revised Code 1408
or both of those sections; 1409

(O) For providing for flood defense, providing and 1410
maintaining a flood wall or pumps, and other purposes to prevent 1411

floods;	1412
(P) For maintaining and operating sewage disposal plants	1413
and facilities;	1414
(Q) For the purpose of purchasing, acquiring,	1415
constructing, enlarging, improving, equipping, repairing,	1416
maintaining, or operating, or any combination of the foregoing,	1417
a county transit system pursuant to sections 306.01 to 306.13 of	1418
the Revised Code, or of making any payment to a board of county	1419
commissioners operating a transit system or a county transit	1420
board pursuant to section 306.06 of the Revised Code;	1421
(R) For the subdivision's share of the cost of acquiring	1422
or constructing any schools, forestry camps, detention	1423
facilities, or other facilities, or any combination thereof,	1424
under section 2151.65 or 2152.41 of the Revised Code or both of	1425
those sections;	1426
(S) For the prevention, control, and abatement of air	1427
pollution;	1428
(T) For maintaining and operating cemeteries;	1429
(U) For providing ambulance service, emergency medical	1430
service, or both;	1431
(V) For providing for the collection and disposal of	1432
garbage or refuse, including yard waste;	1433
(W) For the payment of the police officer employers'	1434
contribution or the firefighter employers' contribution required	1435
under sections 742.33 and 742.34 of the Revised Code;	1436
(X) For the construction and maintenance of a drainage	1437
improvement pursuant to section 6131.52 of the Revised Code;	1438

(Y) For providing or maintaining senior citizens services	1439
or facilities as authorized by section 307.694, 307.85, 505.70,	1440
or 505.706 or division (EE) of section 717.01 of the Revised	1441
Code;	1442
(Z) For the provision and maintenance of zoological park	1443
services and facilities as authorized under section 307.76 of	1444
the Revised Code;	1445
(AA) For the maintenance and operation of a free public	1446
museum of art, science, or history;	1447
(BB) For the establishment and operation of a 9-1-1	1448
system, as defined in section 128.01 of the Revised Code;	1449
(CC) For the purpose of acquiring, rehabilitating, or	1450
developing rail property or rail service. As used in this	1451
division, "rail property" and "rail service" have the same	1452
meanings as in section 4981.01 of the Revised Code. This	1453
division applies only to a county, township, or municipal	1454
corporation.	1455
(DD) For the purpose of acquiring property for,	1456
constructing, operating, and maintaining community centers as	1457
provided for in section 755.16 of the Revised Code;	1458
(EE) For the creation and operation of an office or joint	1459
office of economic development, for any economic development	1460
purpose of the office, and to otherwise provide for the	1461
establishment and operation of a program of economic development	1462
pursuant to sections 307.07 and 307.64 of the Revised Code, or	1463
to the extent that the expenses of a county land reutilization	1464
corporation organized under Chapter 1724. of the Revised Code	1465
are found by the board of county commissioners to constitute the	1466
promotion of economic development, for the payment of such	1467

operations and expenses; 1468

(FF) For the purpose of acquiring, establishing, 1469
constructing, improving, equipping, maintaining, or operating, 1470
or any combination of the foregoing, a township airport, landing 1471
field, or other air navigation facility pursuant to section 1472
505.15 of the Revised Code; 1473

(GG) For the payment of costs incurred by a township as a 1474
result of a contract made with a county pursuant to section 1475
505.263 of the Revised Code in order to pay all or any part of 1476
the cost of constructing, maintaining, repairing, or operating a 1477
water supply improvement; 1478

(HH) For a board of township trustees to acquire, other 1479
than by appropriation, an ownership interest in land, water, or 1480
wetlands, or to restore or maintain land, water, or wetlands in 1481
which the board has an ownership interest, not for purposes of 1482
recreation, but for the purposes of protecting and preserving 1483
the natural, scenic, open, or wooded condition of the land, 1484
water, or wetlands against modification or encroachment 1485
resulting from occupation, development, or other use, which may 1486
be styled as protecting or preserving "greenspace" in the 1487
resolution, notice of election, or ballot form. Except as 1488
otherwise provided in this division, land is not acquired for 1489
purposes of recreation, even if the land is used for 1490
recreational purposes, so long as no building, structure, or 1491
fixture used for recreational purposes is permanently attached 1492
or affixed to the land. Except as otherwise provided in this 1493
division, land that previously has been acquired in a township 1494
for these greenspace purposes may subsequently be used for 1495
recreational purposes if the board of township trustees adopts a 1496
resolution approving that use and no building, structure, or 1497

fixture used for recreational purposes is permanently attached 1498
or affixed to the land. The authorization to use greenspace land 1499
for recreational use does not apply to land located in a 1500
township that had a population, at the time it passed its first 1501
greenspace levy, of more than thirty-eight thousand within a 1502
county that had a population, at that time, of at least eight 1503
hundred sixty thousand. 1504

(II) For the support by a county of a crime victim 1505
assistance program that is provided and maintained by a county 1506
agency or a private, nonprofit corporation or association under 1507
section 307.62 of the Revised Code; 1508

(JJ) For any or all of the purposes set forth in divisions 1509
(I) and (J) of this section. This division applies only to a 1510
township. 1511

(KK) For a countywide public safety communications system 1512
under section 307.63 of the Revised Code. This division applies 1513
only to counties. 1514

(LL) For the support by a county of criminal justice 1515
services under section 307.45 of the Revised Code; 1516

(MM) For the purpose of maintaining and operating a jail 1517
or other detention facility as defined in section 2921.01 of the 1518
Revised Code; 1519

(NN) For purchasing, maintaining, or improving, or any 1520
combination of the foregoing, real estate on which to hold, and 1521
the operating expenses of, agricultural fairs operated by a 1522
county agricultural society or independent agricultural society 1523
under Chapter 1711. of the Revised Code. This division applies 1524
only to a county. 1525

(OO) For constructing, rehabilitating, repairing, or 1526

maintaining sidewalks, walkways, trails, bicycle pathways, or	1527
similar improvements, or acquiring ownership interests in land	1528
necessary for the foregoing improvements;	1529
(PP) For both of the purposes set forth in divisions (G)	1530
and (OO) of this section.	1531
(QQ) For both of the purposes set forth in divisions (H)	1532
and (HH) of this section. This division applies only to a	1533
township.	1534
(RR) For the legislative authority of a municipal	1535
corporation, board of county commissioners of a county, or board	1536
of township trustees of a township to acquire agricultural	1537
easements, as defined in section 5301.67 of the Revised Code,	1538
and to supervise and enforce the easements.	1539
(SS) For both of the purposes set forth in divisions (BB)	1540
and (KK) of this section. This division applies only to a	1541
county.	1542
(TT) For the maintenance and operation of a facility that	1543
is organized in whole or in part to promote the sciences and	1544
natural history under section 307.761 of the Revised Code.	1545
(UU) For the creation and operation of a county land	1546
reutilization corporation and for any programs or activities of	1547
the corporation found by the board of directors of the	1548
corporation to be consistent with the purposes for which the	1549
corporation is organized;	1550
(VV) For construction and maintenance of improvements and	1551
expenses of soil and water conservation district programs under	1552
Chapter 940. of the Revised Code;	1553
(WW) For the OSU extension fund created under section	1554

3335.35 of the Revised Code for the purposes prescribed under 1555
section 3335.36 of the Revised Code for the benefit of the 1556
citizens of a county. This division applies only to a county. 1557

(XX) For a municipal corporation that withdraws or 1558
proposes by resolution to withdraw from a regional transit 1559
authority under section 306.55 of the Revised Code to provide 1560
transportation services for the movement of persons within, 1561
from, or to the municipal corporation; 1562

(YY) For any combination of the purposes specified in 1563
divisions (NN), (VV), and (WW) of this section. This division 1564
applies only to a county. 1565

(ZZ) For any combination of the following purposes: the 1566
acquisition, construction, improvement, or maintenance of 1567
buildings, equipment, and supplies for police, firefighting, or 1568
emergency medical services; the construction, reconstruction, 1569
resurfacing, or repair of streets, roads, and bridges; or for 1570
general infrastructure projects. This division applies only to a 1571
township or municipal corporation. 1572

(AAA) For any combination of the purposes specified in 1573
divisions (G), (K), (N), (O), (P), (X), (BB), and (MM) of this 1574
section, for the acquisition, construction or maintenance of 1575
county facilities, or for the acquisition of or improvements to 1576
land. This division applies only to a county. 1577

The resolution shall be confined to the purpose or 1578
purposes described in one division of this section, to which the 1579
revenue derived therefrom shall be applied. The existence in any 1580
other division of this section of authority to levy a tax for 1581
any part or all of the same purpose or purposes does not 1582
preclude the use of such revenues for any part of the purpose or 1583

purposes of the division under which the resolution is adopted. 1584

The resolution shall specify the amount of the increase in 1585
rate that it is necessary to levy, the purpose of that increase 1586
in rate, and the number of years during which the increase in 1587
rate shall be in effect, which may or may not include a levy 1588
upon the duplicate of the current year. The number of years may 1589
be any number not exceeding five, except as follows: 1590

(1) When the additional rate is for the payment of debt 1591
charges, the increased rate shall be for the life of the 1592
indebtedness. 1593

(2) When the additional rate is for any of the following, 1594
the increased rate shall be for a continuing period of time: 1595

(a) For the current expenses for a detention facility 1596
district, a district organized under section 2151.65 of the 1597
Revised Code, or a combined district organized under sections 1598
2151.65 and 2152.41 of the Revised Code; 1599

(b) For providing a county's share of the cost of 1600
maintaining and operating schools, district detention 1601
facilities, forestry camps, or other facilities, or any 1602
combination thereof, established under section 2151.65 or 1603
2152.41 of the Revised Code or under both of those sections. 1604

(3) When the additional rate is for either of the 1605
following, the increased rate may be for a continuing period of 1606
time: 1607

(a) For the purposes set forth in division (I), (J), (U), 1608
or (KK) of this section; 1609

(b) For the maintenance and operation of a joint 1610
recreation district. 1611

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

(5) When the increase is for the purpose set forth in division (ZZ) or (AAA) of this section, the tax levy may be for any number of years not exceeding ten.

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

A resolution of a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under both sections 2151.65 and 2152.41 of the Revised Code may include both current expenses and other purposes, provided that the resolution shall apportion the annual rate of levy between the current expenses and the other purpose or purposes. The apportionment need not be the same for each year of the levy, but the respective portions of the rate actually levied each year for the current expenses and the other purpose or purposes shall be limited by the apportionment.

Whenever a board of county commissioners, acting either as the taxing authority of its county or as the taxing authority of

a sewer district or subdistrict created under Chapter 6117. of 1642
the Revised Code, by resolution declares it necessary to levy a 1643
tax in excess of the ten-mill limitation for the purpose of 1644
constructing, improving, or extending sewage disposal plants or 1645
sewage systems, the tax may be in effect for any number of years 1646
not exceeding twenty, and the proceeds of the tax, 1647
notwithstanding the general provisions of this section, may be 1648
used to pay debt charges on any obligations issued and 1649
outstanding on behalf of the subdivision for the purposes 1650
enumerated in this paragraph, provided that any such obligations 1651
have been specifically described in the resolution. 1652

A resolution adopted by the legislative authority of a 1653
municipal corporation that is for the purpose in division (XX) 1654
of this section may be combined with the purpose provided in 1655
section 306.55 of the Revised Code, by vote of two-thirds of all 1656
members of the legislative authority. The legislative authority 1657
may certify the resolution to the board of elections as a 1658
combined question. The question appearing on the ballot shall be 1659
as provided in section 5705.252 of the Revised Code. 1660

A levy for the purpose set forth in division (BB) of this 1661
section may be imposed in all or a portion of the territory of a 1662
subdivision. If the 9-1-1 system to be established and operated 1663
with levy funds excludes territory located within the 1664
subdivision, the resolution adopted under this section, or a 1665
resolution proposing to renew such a levy that was imposed in 1666
all of the territory of the subdivision, may describe the area 1667
served or to be served by the system and specify that the 1668
proposed tax would be imposed only in the areas receiving or to 1669
receive the service. Upon passage of such a resolution, the 1670
board of elections shall submit the question of the tax levy 1671
only to those electors residing in the area or areas in which 1672

the tax would be imposed. If the 9-1-1 system would serve the 1673
entire subdivision, the resolution shall not exclude territory 1674
from the tax levy. 1675

The resolution shall go into immediate effect upon its 1676
passage, and no publication of the resolution is necessary other 1677
than that provided for in the notice of election 1678

When the electors of a subdivision or, in the case of a 1679
qualifying library levy for the support of a library association 1680
or private corporation, the electors of the association library 1681
district or, in the case of a 9-1-1 system levy serving only a 1682
portion of the territory of a subdivision, the electors of the 1683
portion of the subdivision in which the levy would be imposed 1684
have approved a tax levy under this section, the taxing 1685
authority of the subdivision may anticipate a fraction of the 1686
proceeds of the levy and issue anticipation notes in accordance 1687
with section 5705.191 or 5705.193 of the Revised Code. 1688

Sec. 5709.73. (A) As used in this section and section 1689
5709.74 of the Revised Code: 1690

(1) "Business day" means a day of the week excluding 1691
Saturday, Sunday, and a legal holiday as defined in section 1.14 1692
of the Revised Code. 1693

(2) "Further improvements" or "improvements" means the 1694
increase in the assessed value of real property that would first 1695
appear on the tax list and duplicate of real and public utility 1696
property after the effective date of a resolution adopted under 1697
this section were it not for the exemption granted by that 1698
resolution. For purposes of division (B) of this section, 1699
"improvements" do not include any property used or to be used 1700
for residential purposes. For this purpose, "property that is 1701

used or to be used for residential purposes" means property 1702
that, as improved, is used or to be used for purposes that would 1703
cause the tax commissioner to classify the property as 1704
residential property in accordance with rules adopted by the 1705
commissioner under section 5713.041 of the Revised Code. 1706

(3) "Housing renovation" means a project carried out for 1707
residential purposes. 1708

(4) "Incentive district" has the same meaning as in 1709
section 5709.40 of the Revised Code, except that a blighted area 1710
is in the unincorporated area of a township. 1711

(5) "Overlay" has the same meaning as in section 5709.40 1712
of the Revised Code, except that the overlay is delineated by 1713
the board of township trustees. 1714

(6) "Project" and "public infrastructure improvement" have 1715
the same meanings as in section 5709.40 of the Revised Code. 1716

(B) A board of township trustees may, by unanimous vote, 1717
adopt a resolution that declares to be a public purpose any 1718
public infrastructure improvements made that are necessary for 1719
the development of certain parcels of land located in the 1720
unincorporated area of the township. Except with the approval 1721
under division (D) of this section of the board of education of 1722
each city, local, or exempted village school district within 1723
which the improvements are located, the resolution may exempt 1724
from real property taxation not more than seventy-five per cent 1725
of further improvements to a parcel of land that directly 1726
benefits from the public infrastructure improvements, for a 1727
period of not more than ten years. The resolution shall specify 1728
the percentage of the further improvements to be exempted and 1729
the life of the exemption. 1730

(C) (1) A board of township trustees may adopt, by 1731
unanimous vote, a resolution creating an incentive district and 1732
declaring improvements to parcels within the district to be a 1733
public purpose and, except as provided in division (C) (2) of 1734
this section, exempt from taxation as provided in this section, 1735
but no board of township trustees of a township that has a 1736
population that exceeds twenty-five thousand, as shown by the 1737
most recent federal decennial census, shall adopt a resolution 1738
that creates an incentive district if the sum of the taxable 1739
value of real property in the proposed district for the 1740
preceding tax year and the taxable value of all real property in 1741
the township that would have been taxable in the preceding year 1742
were it not for the fact that the property was in an existing 1743
incentive district and therefore exempt from taxation exceeds 1744
twenty-five per cent of the taxable value of real property in 1745
the township for the preceding tax year. The district shall be 1746
located within the unincorporated area of the township and shall 1747
not include any territory that is included within a district 1748
created under division (B) of section 5709.78 of the Revised 1749
Code. The resolution shall delineate the boundary of the 1750
proposed district and specifically identify each parcel within 1751
the district. A proposed district may not include any parcel 1752
that is or has been exempted from taxation under division (B) of 1753
this section or that is or has been within another district 1754
created under this division. A resolution may create more than 1755
one such district, and more than one resolution may be adopted 1756
under division (C) (1) of this section. 1757

(2) (a) Not later than thirty days prior to adopting a 1758
resolution under division (C) (1) of this section, if the 1759
township intends to apply for exemptions from taxation under 1760
section 5709.911 of the Revised Code on behalf of owners of real 1761

property located within the proposed incentive district, the 1762
board shall conduct a public hearing on the proposed resolution. 1763
Not later than thirty days prior to the public hearing, the 1764
board shall give notice of the public hearing and the proposed 1765
resolution by first class mail to every real property owner 1766
whose property is located within the boundaries of the proposed 1767
incentive district that is the subject of the proposed 1768
resolution. The notice shall include a map of the proposed 1769
incentive district on which the board of township trustees shall 1770
have delineated an overlay. The notice shall inform the property 1771
owner of the owner's right to exclude the owner's property from 1772
the incentive district if both of the following conditions are 1773
met: 1774

(i) The owner's entire parcel of property will not be 1775
located within the overlay. 1776

(ii) The owner has submitted a statement to the board of 1777
county commissioners of the county in which the parcel is 1778
located indicating the owner's intent to seek a tax exemption 1779
for improvements to the owner's parcel under division (A) or (B) 1780
of section 5709.78 of the Revised Code within the next five 1781
years. 1782

When both of the preceding conditions are met, the owner 1783
may exclude the owner's property from the incentive district by 1784
submitting a written response in accordance with division (C)(2) 1785
(b) of this section. The notice also shall include information 1786
detailing the required contents of the response, the address to 1787
which the response may be mailed, and the deadline for 1788
submitting the response. 1789

(b) Any owner of real property located within the 1790
boundaries of an incentive district proposed under division (C) 1791

(1) of this section who meets the conditions specified in 1792
divisions (C) (2) (a) (i) and (ii) of this section may exclude the 1793
property from the proposed incentive district by submitting a 1794
written response to the board not later than forty-five days 1795
after the postmark date on the notice required under division 1796
(C) (2) (a) of this section. The response shall include a copy of 1797
the statement submitted under division (C) (2) (a) (ii) of this 1798
section. The response shall be sent by first class mail or 1799
delivered in person at a public hearing held by the board under 1800
division (C) (2) (a) of this section. The response shall conform 1801
to any content requirements that may be established by the board 1802
and included in the notice provided under division (C) (2) (a) of 1803
this section. In the response, property owners may identify a 1804
parcel by street address, by the manner in which it is 1805
identified in the resolution, or by other means allowing the 1806
identity of the parcel to be ascertained. 1807

(c) Before adopting a resolution under division (C) (1) of 1808
this section, the board shall amend the resolution to exclude 1809
any parcel for which a written response has been submitted under 1810
division (C) (2) (b) of this section. A township shall not apply 1811
for exemptions from taxation under section 5709.911 of the 1812
Revised Code for any such parcel, and service payments may not 1813
be required from the owner of the parcel. Improvements to a 1814
parcel excluded from an incentive district under this division 1815
may be exempted from taxation under division (B) of this section 1816
pursuant to a resolution adopted under that division or under 1817
any other section of the Revised Code under which the parcel 1818
qualifies. 1819

(3) (a) A resolution adopted under division (C) (1) of this 1820
section shall specify the life of the incentive district and the 1821
percentage of the improvements to be exempted, shall designate 1822

the public infrastructure improvements made, to be made, or in 1823
the process of being made, that benefit or serve, or, once made, 1824
will benefit or serve parcels in the district. The resolution 1825
also shall identify one or more specific projects being, or to 1826
be, undertaken in the district that place additional demand on 1827
the public infrastructure improvements designated in the 1828
resolution. The project identified may, but need not be, the 1829
project under division (C) (3) (b) of this section that places 1830
real property in use for commercial or industrial purposes. 1831

A resolution adopted under division (C) (1) of this section 1832
on or after March 30, 2006, shall not designate police or fire 1833
equipment as public infrastructure improvements, and, except as 1834
provided in division (F) of this section, no service payment 1835
provided for in section 5709.74 of the Revised Code and received 1836
by the township under the resolution shall be used for police or 1837
fire equipment. 1838

(b) A resolution adopted under division (C) (1) of this 1839
section may authorize the use of service payments provided for 1840
in section 5709.74 of the Revised Code for the purpose of 1841
housing renovations within the incentive district, provided that 1842
the resolution also designates public infrastructure 1843
improvements that benefit or serve the district, and that a 1844
project within the district places real property in use for 1845
commercial or industrial purposes. Service payments may be used 1846
to finance or support loans, deferred loans, and grants to 1847
persons for the purpose of housing renovations within the 1848
district. The resolution shall designate the parcels within the 1849
district that are eligible for housing renovations. The 1850
resolution shall state separately the amount or the percentages 1851
of the expected aggregate service payments that are designated 1852
for each public infrastructure improvement and for the purpose 1853

of housing renovations. 1854

(4) Except with the approval of the board of education of 1855
each city, local, or exempted village school district within the 1856
territory of which the incentive district is or will be located, 1857
and subject to division (E) of this section, the life of an 1858
incentive district shall not exceed ten years, and the 1859
percentage of improvements to be exempted shall not exceed 1860
seventy-five per cent. With approval of the board of education, 1861
the life of a district may be not more than thirty years, and 1862
the percentage of improvements to be exempted may be not more 1863
than one hundred per cent. The approval of a board of education 1864
shall be obtained in the manner provided in division (D) of this 1865
section. 1866

(D) Improvements with respect to a parcel may be exempted 1867
from taxation under division (B) of this section, and 1868
improvements to parcels within an incentive district may be 1869
exempted from taxation under division (C) of this section, for 1870
up to ten years or, with the approval of the board of education 1871
of the city, local, or exempted village school district within 1872
which the parcel or district is located, for up to thirty years. 1873
The percentage of the improvements exempted from taxation may, 1874
with such approval, exceed seventy-five per cent, but shall not 1875
exceed one hundred per cent. Not later than forty-five business 1876
days prior to adopting a resolution under this section declaring 1877
improvements to be a public purpose that is subject to approval 1878
by a board of education under this division, the board of 1879
township trustees shall deliver to the board of education a 1880
notice stating its intent to adopt a resolution making that 1881
declaration. The notice regarding improvements with respect to a 1882
parcel under division (B) of this section shall identify the 1883
parcels for which improvements are to be exempted from taxation, 1884

provide an estimate of the true value in money of the 1885
improvements, specify the period for which the improvements 1886
would be exempted from taxation and the percentage of the 1887
improvements that would be exempted, and indicate the date on 1888
which the board of township trustees intends to adopt the 1889
resolution. The notice regarding improvements made under 1890
division (C) of this section to parcels within an incentive 1891
district shall delineate the boundaries of the district, 1892
specifically identify each parcel within the district, identify 1893
each anticipated improvement in the district, provide an 1894
estimate of the true value in money of each such improvement, 1895
specify the life of the district and the percentage of 1896
improvements that would be exempted, and indicate the date on 1897
which the board of township trustees intends to adopt the 1898
resolution. The board of education, by resolution adopted by a 1899
majority of the board, may approve the exemption for the period 1900
or for the exemption percentage specified in the notice; may 1901
disapprove the exemption for the number of years in excess of 1902
ten, may disapprove the exemption for the percentage of the 1903
improvements to be exempted in excess of seventy-five per cent, 1904
or both; or may approve the exemption on the condition that the 1905
board of township trustees and the board of education negotiate 1906
an agreement providing for compensation to the school district 1907
equal in value to a percentage of the amount of taxes exempted 1908
in the eleventh and subsequent years of the exemption period or, 1909
in the case of exemption percentages in excess of seventy-five 1910
per cent, compensation equal in value to a percentage of the 1911
taxes that would be payable on the portion of the improvements 1912
in excess of seventy-five per cent were that portion to be 1913
subject to taxation, or other mutually agreeable compensation. 1914

The board of education shall certify its resolution to the 1915

board of township trustees not later than fourteen days prior to 1916
the date the board of township trustees intends to adopt the 1917
resolution as indicated in the notice. If the board of education 1918
and the board of township trustees negotiate a mutually 1919
acceptable compensation agreement, the resolution may declare 1920
the improvements a public purpose for the number of years 1921
specified in the resolution or, in the case of exemption 1922
percentages in excess of seventy-five per cent, for the 1923
exemption percentage specified in the resolution. In either 1924
case, if the board of education and the board of township 1925
trustees fail to negotiate a mutually acceptable compensation 1926
agreement, the resolution may declare the improvements a public 1927
purpose for not more than ten years, and shall not exempt more 1928
than seventy-five per cent of the improvements from taxation. If 1929
the board of education fails to certify a resolution to the 1930
board of township trustees within the time prescribed by this 1931
section, the board of township trustees thereupon may adopt the 1932
resolution and may declare the improvements a public purpose for 1933
up to thirty years or, in the case of exemption percentages 1934
proposed in excess of seventy-five per cent, for the exemption 1935
percentage specified in the resolution. The board of township 1936
trustees may adopt the resolution at any time after the board of 1937
education certifies its resolution approving the exemption to 1938
the board of township trustees, or, if the board of education 1939
approves the exemption on the condition that a mutually 1940
acceptable compensation agreement be negotiated, at any time 1941
after the compensation agreement is agreed to by the board of 1942
education and the board of township trustees. If a mutually 1943
acceptable compensation agreement is negotiated between the 1944
board of township trustees and the board of education, including 1945
agreements for payments in lieu of taxes under section 5709.74 1946
of the Revised Code, the board of township trustees shall 1947

compensate the joint vocational school district within which the 1948
parcel or district is located at the same rate and under the 1949
same terms received by the city, local, or exempted village 1950
school district. 1951

If a board of education has adopted a resolution waiving 1952
its right to approve exemptions from taxation under this section 1953
and the resolution remains in effect, approval of such 1954
exemptions by the board of education is not required under 1955
division (D) of this section. If a board of education has 1956
adopted a resolution allowing a board of township trustees to 1957
deliver the notice required under division (D) of this section 1958
fewer than forty-five business days prior to adoption of the 1959
resolution by the board of township trustees, the board of 1960
township trustees shall deliver the notice to the board of 1961
education not later than the number of days prior to the 1962
adoption as prescribed by the board of education in its 1963
resolution. If a board of education adopts a resolution waiving 1964
its right to approve exemptions or shortening the notification 1965
period, the board of education shall certify a copy of the 1966
resolution to the board of township trustees. If the board of 1967
education rescinds the resolution, it shall certify notice of 1968
the rescission to the board of township trustees. 1969

If the board of township trustees is not required by 1970
division (D) of this section to notify the board of education of 1971
the board of township trustees' intent to declare improvements 1972
to be a public purpose, the board of township trustees shall 1973
comply with the notice requirements imposed under section 1974
5709.83 of the Revised Code before taking formal action to adopt 1975
the resolution making that declaration, unless the board of 1976
education has adopted a resolution under that section waiving 1977
its right to receive the notice. 1978

(E) (1) If a proposed resolution under division (C) (1) of 1979
this section exempts improvements with respect to a parcel 1980
within an incentive district for more than ten years, or the 1981
percentage of the improvement exempted from taxation exceeds 1982
seventy-five per cent, not later than forty-five business days 1983
prior to adopting the resolution the board of township trustees 1984
shall deliver to the board of county commissioners of the county 1985
within which the incentive district is or will be located a 1986
notice that states its intent to adopt a resolution creating an 1987
incentive district. The notice shall include a copy of the 1988
proposed resolution, identify the parcels for which improvements 1989
are to be exempted from taxation, provide an estimate of the 1990
true value in money of the improvements, specify the period of 1991
time for which the improvements would be exempted from taxation, 1992
specify the percentage of the improvements that would be 1993
exempted from taxation, and indicate the date on which the board 1994
of township trustees intends to adopt the resolution. 1995

(2) The board of county commissioners, by resolution 1996
adopted by a majority of the board, may object to the exemption 1997
for the number of years in excess of ten, may object to the 1998
exemption for the percentage of the improvement to be exempted 1999
in excess of seventy-five per cent, or both. If the board of 2000
county commissioners objects, the board may negotiate a mutually 2001
acceptable compensation agreement with the board of township 2002
trustees. In no case shall the compensation provided to the 2003
board of county commissioners exceed the property taxes foregone 2004
due to the exemption. If the board of county commissioners 2005
objects, and the board of county commissioners and board of 2006
township trustees fail to negotiate a mutually acceptable 2007
compensation agreement, the resolution adopted under division 2008
(C) (1) of this section shall provide to the board of county 2009

commissioners compensation in the eleventh and subsequent years 2010
of the exemption period equal in value to not more than fifty 2011
per cent of the taxes that would be payable to the county or, if 2012
the board of county commissioner's objection includes an 2013
objection to an exemption percentage in excess of seventy-five 2014
per cent, compensation equal in value to not more than fifty per 2015
cent of the taxes that would be payable to the county, on the 2016
portion of the improvement in excess of seventy-five per cent, 2017
were that portion to be subject to taxation. The board of county 2018
commissioners shall certify its resolution to the board of 2019
township trustees not later than thirty days after receipt of 2020
the notice. 2021

(3) If the board of county commissioners does not object 2022
or fails to certify its resolution objecting to an exemption 2023
within thirty days after receipt of the notice, the board of 2024
township trustees may adopt its resolution, and no compensation 2025
shall be provided to the board of county commissioners. If the 2026
board of county commissioners timely certifies its resolution 2027
objecting to the trustees' resolution, the board of township 2028
trustees may adopt its resolution at any time after a mutually 2029
acceptable compensation agreement is agreed to by the board of 2030
county commissioners and the board of township trustees, or, if 2031
no compensation agreement is negotiated, at any time after the 2032
board of township trustees agrees in the proposed resolution to 2033
provide compensation to the board of county commissioners of 2034
fifty per cent of the taxes that would be payable to the county 2035
in the eleventh and subsequent years of the exemption period or 2036
on the portion of the improvement in excess of seventy-five per 2037
cent, were that portion to be subject to taxation. 2038

(F) Service payments in lieu of taxes that are 2039
attributable to any amount by which the effective tax rate of 2040

either a renewal levy with an increase or a replacement levy 2041
exceeds the effective tax rate of the levy renewed or replaced, 2042
or that are attributable to an additional levy, for a levy 2043
authorized by the voters for any of the following purposes on or 2044
after January 1, 2006, and which are provided pursuant to a 2045
resolution creating an incentive district under division (C)(1) 2046
of this section that is adopted on or after January 1, 2006, or 2047
a later date as specified in this division, shall be distributed 2048
to the appropriate taxing authority as required under division 2049
(C) of section 5709.74 of the Revised Code in an amount equal to 2050
the amount of taxes from that additional levy or from the 2051
increase in the effective tax rate of such renewal or 2052
replacement levy that would have been payable to that taxing 2053
authority from the following levies were it not for the 2054
exemption authorized under division (C) of this section: 2055

(1) A tax levied under division (L) of section 5705.19 or 2056
section 5705.191 or 5705.222 of the Revised Code for community 2057
developmental disabilities programs and services pursuant to 2058
Chapter 5126. of the Revised Code; 2059

(2) A tax levied under division (Y) of section 5705.19 of 2060
the Revised Code for providing or maintaining senior citizens 2061
services or facilities; 2062

(3) A tax levied under section 5705.22 of the Revised Code 2063
for county hospitals; 2064

(4) A tax levied by a joint-county district or by a county 2065
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 2066
for alcohol, drug addiction, and mental health services or 2067
families; 2068

(5) A tax levied under section 5705.23 of the Revised Code 2069

for library purposes;	2070
(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;	2071 2072 2073
(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;	2074 2075 2076 2077
(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;	2078 2079 2080
(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;	2081 2082 2083 2084
(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;	2085 2086
(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;	2087 2088 2089 2090 2091
(12) A tax levied under section 3709.29 of the Revised Code for a general health district program;	2092 2093
<u>(13) A tax levied by a township under section 505.39, 505.51, or division (I), (J), (U), or (JJ) of section 5705.19 of the Revised Code for the purpose of funding fire, police, emergency medical, or ambulance services as described in those</u>	2094 2095 2096 2097

sections. Division (F) (13) of this section applies only to 2098
incentive districts created by a resolution adopted on or after 2099
the effective date of the amendment of this section by ...B... 2100
of the 132nd general assembly, and only if that resolution 2101
specifies that division (F) of this section shall apply to such 2102
a tax. 2103

(G) An exemption from taxation granted under this section 2104
commences with the tax year specified in the resolution so long 2105
as the year specified in the resolution commences after the 2106
effective date of the resolution. If the resolution specifies a 2107
year commencing before the effective date of the resolution or 2108
specifies no year whatsoever, the exemption commences with the 2109
tax year in which an exempted improvement first appears on the 2110
tax list and duplicate of real and public utility property and 2111
that commences after the effective date of the resolution. In 2112
lieu of stating a specific year, the resolution may provide that 2113
the exemption commences in the tax year in which the value of an 2114
improvement exceeds a specified amount or in which the 2115
construction of one or more improvements is completed, provided 2116
that such tax year commences after the effective date of the 2117
resolution. With respect to the exemption of improvements to 2118
parcels under division (B) of this section, the resolution may 2119
allow for the exemption to commence in different tax years on a 2120
parcel-by-parcel basis, with a separate exemption term specified 2121
for each parcel. 2122

Except as otherwise provided in this division, the 2123
exemption ends on the date specified in the resolution as the 2124
date the improvement ceases to be a public purpose or the 2125
incentive district expires, or ends on the date on which the 2126
public infrastructure improvements and housing renovations are 2127
paid in full from the township public improvement tax increment 2128

equivalent fund established under section 5709.75 of the Revised Code, whichever occurs first. The exemption of an improvement with respect to a parcel or within an incentive district may end on a later date, as specified in the resolution, if the board of township trustees and the board of education of the city, local, or exempted village school district within which the parcel or district is located have entered into a compensation agreement under section 5709.82 of the Revised Code with respect to the improvement and the board of education has approved the term of the exemption under division (D) of this section, but in no case shall the improvement be exempted from taxation for more than thirty years. The board of township trustees may, by majority vote, adopt a resolution permitting the township to enter into such agreements as the board finds necessary or appropriate to provide for the construction or undertaking of public infrastructure improvements and housing renovations. Any exemption shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions. If an exemption status changes during a tax year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

(H) The board of township trustees may issue the notes of the township to finance all costs pertaining to the construction or undertaking of public infrastructure improvements and housing renovations made pursuant to this section. The notes shall be signed by the board and attested by the signature of the township fiscal officer, shall bear interest not to exceed the rate provided in section 9.95 of the Revised Code, and are not subject to Chapter 133. of the Revised Code. The resolution authorizing the issuance of the notes shall pledge the funds of

the township public improvement tax increment equivalent fund 2160
established pursuant to section 5709.75 of the Revised Code to 2161
pay the interest on and principal of the notes. The notes, which 2162
may contain a clause permitting prepayment at the option of the 2163
board, shall be offered for sale on the open market or given to 2164
the vendor or contractor if no sale is made. 2165

(I) The township, not later than fifteen days after the 2166
adoption of a resolution under this section, shall submit to the 2167
director of development services a copy of the resolution. On or 2168
before the thirty-first day of March of each year, the township 2169
shall submit a status report to the director of development 2170
services. The report shall indicate, in the manner prescribed by 2171
the director, the progress of the project during each year that 2172
the exemption remains in effect, including a summary of the 2173
receipts from service payments in lieu of taxes; expenditures of 2174
money from the fund created under section 5709.75 of the Revised 2175
Code; a description of the public infrastructure improvements 2176
and housing renovations financed with the expenditures; and a 2177
quantitative summary of changes in private investment resulting 2178
from each project. 2179

(J) Nothing in this section shall be construed to prohibit 2180
a board of township trustees from declaring to be a public 2181
purpose improvements with respect to more than one parcel. 2182

If a parcel is located in a new community district in 2183
which the new community authority imposes a community 2184
development charge on the basis of rentals received from leases 2185
of real property as described in division (L) (2) of section 2186
349.01 of the Revised Code, the parcel may not be exempted from 2187
taxation under this section. 2188

(K) A board of township trustees that adopted a resolution 2189

under this section prior to July 21, 1994, may amend that 2190
resolution to include any additional public infrastructure 2191
improvement. A board of township trustees that seeks by the 2192
amendment to utilize money from its township public improvement 2193
tax increment equivalent fund for land acquisition in aid of 2194
industry, commerce, distribution, or research, demolition on 2195
private property, or stormwater and flood remediation projects 2196
may do so provided that the board currently is a party to a 2197
hold-harmless agreement with the board of education of the city, 2198
local, or exempted village school district within the territory 2199
of which are located the parcels that are subject to an 2200
exemption. For the purposes of this division, a "hold-harmless 2201
agreement" means an agreement under which the board of township 2202
trustees agrees to compensate the school district for one 2203
hundred per cent of the tax revenue that the school district 2204
would have received from further improvements to parcels 2205
designated in the resolution were it not for the exemption 2206
granted by the resolution. 2207

(L) Notwithstanding the limitation prescribed by division 2208
(D) of this section on the number of years that improvements to 2209
a parcel or parcels may be exempted from taxation, a board of 2210
trustees of a township with a population of fifteen thousand or 2211
more may amend a resolution originally adopted under this 2212
section before December 31, 1994, to extend the exemption of 2213
improvements to the parcel or parcels included in such 2214
resolution for an additional period not to exceed fifteen years. 2215
The amendment shall not increase the percentage of improvements 2216
to the parcel or parcels exempted from taxation. Before adopting 2217
an amendment authorized under this division, the board of 2218
township trustees shall obtain the approval of each board of 2219
education of the city, local, or exempted village school 2220

district within which the exempted parcels are located in the 2221
manner required under division (D) of this section, except that 2222
(1) the board of education may approve the exemption on the 2223
condition that the board of township trustees and the board of 2224
education negotiate an agreement providing for compensation to 2225
the school district equal in value to the amount of taxes the 2226
district forgoes in each year the exemption is extended pursuant 2227
to this division or any other mutually agreeable compensation 2228
and (2) if the board of education fails to certify a resolution 2229
approving the amendment to the board of township trustees within 2230
the time prescribed by division (D) of this section, the board 2231
of township trustees shall not adopt the amendment authorized 2232
under this division. 2233

No approval under this division shall be required from a 2234
board of education that has adopted a resolution waiving its 2235
right to approve exemptions from taxation pursuant to division 2236
(D) of this section. If the board of education has adopted such 2237
a resolution, the board of township trustees shall comply with 2238
the notice requirements imposed under section 5709.83 of the 2239
Revised Code before taking formal action to adopt an amendment 2240
authorized under this division unless the board of education has 2241
adopted a resolution under that section waiving its right to 2242
receive the notice. Not later than fourteen days before adopting 2243
an amendment authorized under this division, the board of 2244
township trustees shall deliver a notice identical to a notice 2245
required under section 5709.83 of the Revised Code to the board 2246
of county commissioners of each county in which the exempted 2247
parcels are located. 2248

Sec. 5709.75. (A) Any township that receives service 2249
payments in lieu of taxes under section 5709.74 of the Revised 2250
Code shall establish a township public improvement tax increment 2251

equivalent fund into which those payments shall be deposited. If 2252
the board of township trustees has adopted a resolution under 2253
division (C) of section 5709.73 of the Revised Code, the 2254
township shall establish at least one account in that fund with 2255
respect to resolutions adopted under division (B) of that 2256
section, and one account with respect to each incentive district 2257
created by a resolution adopted under division (C) of that 2258
section. If a resolution adopted under division (C) of section 2259
5709.73 of the Revised Code also authorizes the use of service 2260
payments for housing renovations within the incentive district, 2261
the township shall establish separate accounts for the service 2262
payments designated for public infrastructure improvements and 2263
for the service payments authorized for the purpose of housing 2264
renovations. 2265

(B) Except as otherwise provided in division (C) or (D) of 2266
this section, money deposited in an account of the township 2267
public improvement tax increment equivalent fund shall be used 2268
by the township to pay the costs of public infrastructure 2269
improvements designated in or the housing renovations authorized 2270
by the resolution with respect to which the account is 2271
established, including any interest on and principal of the 2272
notes; in the case of an account established with respect to a 2273
resolution adopted under division (C) of that section, money in 2274
the account shall be used to finance the public infrastructure 2275
improvements designated, or the housing renovations authorized, 2276
for each incentive district created in the resolution. Money in 2277
an account shall not be used to finance or support housing 2278
renovations that take place after the incentive district has 2279
expired. 2280

(C) (1) (a) A township may distribute money in such an 2281
account to any school district in which the exempt property is 2282

located in an amount not to exceed the amount of real property 2283
taxes that such school district would have received from the 2284
improvement if it were not exempt from taxation. The resolution 2285
establishing the fund shall set forth the percentage of such 2286
maximum amount that will be distributed to any affected school 2287
district. 2288

(b) A township also may distribute money in such an 2289
account as follows: 2290

(i) To a board of county commissioners, in the amount that 2291
is owed to the board pursuant to division (E) of section 5709.73 2292
of the Revised Code; 2293

(ii) To a county in accordance with section 5709.913 of 2294
the Revised Code. 2295

(2) Money from an account in a township public improvement 2296
tax increment equivalent fund may be distributed under division 2297
(C) (1) (b) of this section, regardless of the date a resolution 2298
was adopted under section 5709.73 of the Revised Code that 2299
prompted the establishment of the account, even if the 2300
resolution was adopted prior to March 30, 2006. 2301

(D) A board of township trustees that adopted a resolution 2302
under section 5709.73 of the Revised Code and that, with respect 2303
to property exempted under such a resolution, is party to a 2304
hold-harmless or service agreement, may appropriate and expend 2305
unencumbered money in the fund to pay current public safety 2306
expenses of the township. A township appropriating and expending 2307
money under this division shall reimburse the fund for the sum 2308
so appropriated and expended not later than the day the 2309
exemption granted under the resolution expires. For the purposes 2310
of this division, a "hold-harmless agreement" is an agreement 2311

with the board of education of a city, local, or exempted 2312
village school district under which the board of township 2313
trustees agrees to compensate the school district for one 2314
hundred per cent of the tax revenue the school district would 2315
have received from improvements to parcels designated in the 2316
resolution were it not for the exemption granted by the 2317
resolution. 2318

(E) A board of township trustees that adopted a resolution 2319
under section 5709.73 of the Revised Code prior to July 21, 2320
1994, and that, with respect to property exempted under such 2321
resolution, is a party to a hold-harmless or service agreement 2322
with a board of education of a city, local, or exempted village 2323
school district, within the territory of which such property is 2324
located, may appropriate and expend unencumbered money in the 2325
fund to pay current expenses for the continued maintenance of 2326
public improvements or public infrastructure improvements 2327
designated in that resolution, as such resolution has been 2328
amended under division (K) of section 5709.73 of the Revised 2329
Code. 2330

(F) Any unencumbered money remaining in the township 2331
public improvement tax increment equivalent fund or an account 2332
of that fund upon dissolution of the account or fund shall be 2333
transferred to the general fund of the township. 2334

Section 2. That existing sections 303.21, 349.03, 505.01, 2335
505.04, 505.482, 507.11, 513.07, 513.071, 517.30, 519.04, 2336
519.07, 519.12, 519.13, 519.15, 519.21, 1509.07, 3375.121, 2337
3501.021, 3709.03, 5541.04, 5553.04, 5705.121, 5705.19, 5709.73, 2338
and 5709.75 and sections 711.25, 711.26, and 711.27 of the 2339
Revised Code are hereby repealed. 2340

Section 3. The General Assembly, applying the principle 2341

stated in division (B) of section 1.52 of the Revised Code that 2342
amendments are to be harmonized if reasonably capable of 2343
simultaneous operation, finds that the following sections, 2344
presented in this act as composites of the sections as amended 2345
by the acts indicated, are the resulting versions of the 2346
sections in effect before the effective date of the sections as 2347
presented in this act: 2348

Section 519.21 of the Revised Code as amended by both Sub. 2349
H.B. 523 and Sub. S.B. 75 of the 131st General Assembly. 2350

Section 5705.19 of the Revised Code as amended by Sub. 2351
H.B. 158, Am. Sub. H.B. 277, Sub. H.B. 413, and Am. Sub. H.B. 2352
483, all of the 131st General Assembly. 2353

Section 4. Section 3501.021 of the Revised Code, as 2354
amended by this act, shall take effect January 1, 2021. 2355