(122nd General Assembly)
(Substitute House Bill Number 653)

AN ACT

To amend sections 5543.10 and 5543.14 of the Revised Code to authorize counties and townships under certain conditions to remove or trim trees, shrubs, and other vegetation located in or encroaching on sidewalk easements, to specify that counties and townships may remove or trim trees, shrubs, and other vegetation located in or encroaching on road rights-of-way without the consent of abutting landowners, and to authorize counties and townships to repair driveways within a sidewalk easement as part of a sidewalk construction or repair project.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5543.10 and 5543.14 of the Revised Code be amended to read as follows:

Sec. 5543.10. (A) The county engineer, upon the order of the board of county commissioners or board of township trustees, shall construct sidewalks of suitable materials, along or connecting the public highways, outside any municipal corporation, upon the petition of a majority of the abutting property owners, and the expense of construction of such sidewalks may be paid by the county or township, or by the county or township and abutting property owners in such proportion as determined by the board of county commissioners or board of township trustees. The board of county commissioners or board of township trustees may assess part or all of the cost of such sidewalks against the abutting property owners, in proportion to benefits accruing to such property.

The board of county commissioners or board of township trustees may, by unanimous vote, order the construction, repair, or maintenance of sidewalks along or connecting the public highways, outside a municipal corporation, without a petition therefor, and may assess none, all, or any part of the cost against abutting property owners, provided that notice is given by

publication for three successive weeks in a newspaper of general circulation within the county, stating the intention of the board of county commissioners or board of township trustees to construct, repair, or maintain such sidewalks, and fixing a date for hearing on the improvement. As part of these sidewalk improvements, the board may include the repair or reconstruction of a driveway within the sidewalk easement.

Notice to all abutting property owners shall be given by two publications in a newspaper of general circulation in such county, at least ten days prior to the date fixed in the notice for the making of such assessments. Such notice shall state the time and place when abutting property owners will be given an opportunity to be heard with reference to assessments, and the board of county commissioners or board of township trustees shall determine whether such assessments shall be paid in one or more installments.

(B) The county engineer may trim or remove any and all trees, shrubs, and other vegetation growing in or encroaching onto the right-of-way of the easement of a public sidewalk along or connecting the public highways and maintained by the county, and the board of township trustees may trim or remove any and all trees, shrubs, and other vegetation growing in or encroaching onto the right-of-way of the easement of a public sidewalk along or connecting the public highways and maintained by the township, as is necessary in the engineer's or board's judgment to facilitate the right of the public to improvement and maintenance of, and uninterrupted travel on, public sidewalks in the county or township.

Sec. 5543.14. ~~With the consent of the abutting landowner, the~~ The county engineer ~~shall have control of~~ may trim or remove any and all trees ~~and~~, shrubs ~~in~~, and other vegetation growing in or encroaching onto the right-of-way of the county roads of ~~his~~ the engineer's county, and the board of township trustees ~~shall have control of~~ may trim or remove any and all trees ~~and~~, shrubs ~~in~~, and other vegetation growing in or encroaching onto the right-of-way of the township roads of its township, as is necessary in the engineer's or board's judgment to facilitate the right of the public to improvement and maintenance of, and uninterrupted travel on, county and township roads. The engineer or board is not required to compensate the abutting landowner for trimming or removing such trees, shrubs, and other vegetation as is necessary to facilitate these rights. The department of agriculture or other proper department may, with the consent of the proper authorities ~~and abutting landowner~~, take charge of the care of such trees to facilitate these rights. Such department may, with the consent of the proper authorities of the township, county, or state, plant trees along the public

highway and may use any funds available for the development of forestry in the state to pay the expense of the planting and care of such trees. The ownership of all trees, so planted, shall remain in the public.

SECTION 2. That existing sections 5543.10 and 5543.14 of the Revised Code are hereby repealed.

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Speaker _____ *of the House of Representatives.*

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President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

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Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

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Secretary of State.

File No. _____ Effective Date _____