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Representative Brinkman

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

Senator Uecker

A BILL

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

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

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

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

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

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

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

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

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

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

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

(1) A grand jury; 91

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

court determines both of the following: 308

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) The Ohio public works commission shall: 410

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Notwithstanding any provision of law to the contrary, a 516

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

September 21, 2000; 1260

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

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

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

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

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

pursuant to section 755.16 of the Revised Code. 1289

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

necessary to protect travelers on the highway; 1501

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) For parks and recreational purposes; 1572

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

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

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

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

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

(M) For regional planning; 1607

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

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

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

- (Q) For the purpose of purchasing, acquiring, 1618
constructing, enlarging, improving, equipping, repairing, 1619
maintaining, or operating, or any combination of the foregoing, 1620
a county transit system pursuant to sections 306.01 to 306.13 of 1621
the Revised Code, or of making any payment to a board of county 1622
commissioners operating a transit system or a county transit 1623
board pursuant to section 306.06 of the Revised Code; 1624
- (R) For the subdivision's share of the cost of acquiring 1625
or constructing any schools, forestry camps, detention 1626
facilities, or other facilities, or any combination thereof, 1627
under section 2151.65 or 2152.41 of the Revised Code or both of 1628
those sections; 1629
- (S) For the prevention, control, and abatement of air 1630
pollution; 1631
- (T) For maintaining and operating cemeteries; 1632
- (U) For providing ambulance service, emergency medical 1633
service, or both; 1634
- (V) For providing for the collection and disposal of 1635
garbage or refuse, including yard waste; 1636
- (W) For the payment of the police officer employers' 1637
contribution or the firefighter employers' contribution required 1638
under sections 742.33 and 742.34 of the Revised Code; 1639
- (X) For the construction and maintenance of a drainage 1640
improvement pursuant to section 6131.52 of the Revised Code; 1641
- (Y) For providing or maintaining senior citizens services 1642
or facilities as authorized by section 307.694, 307.85, 505.70, 1643
or 505.706 or division (EE) of section 717.01 of the Revised 1644
Code; 1645

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

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

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

(CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this division, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code. This division applies only to a county, township, or municipal corporation. 1653
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(DD) For the purpose of acquiring property for, constructing, operating, and maintaining community centers as provided for in section 755.16 of the Revised Code; 1659
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(EE) For the creation and operation of an office or joint office of economic development, for any economic development purpose of the office, and to otherwise provide for the establishment and operation of a program of economic development pursuant to sections 307.07 and 307.64 of the Revised Code, or to the extent that the expenses of a county land reutilization corporation organized under Chapter 1724. of the Revised Code are found by the board of county commissioners to constitute the promotion of economic development, for the payment of such operations and expenses; 1662
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(FF) For the purpose of acquiring, establishing, constructing, improving, equipping, maintaining, or operating, or any combination of the foregoing, a township airport, landing 1672
1673
1674

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

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

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

county that had a population, at that time, of at least eight hundred sixty thousand.	1706 1707
(II) For the support by a county of a crime victim assistance program that is provided and maintained by a county agency or a private, nonprofit corporation or association under section 307.62 of the Revised Code;	1708 1709 1710 1711
(JJ) For any or all of the purposes set forth in divisions (I) and (J) of this section. This division applies only to a township.	1712 1713 1714
(KK) For a countywide public safety communications system under section 307.63 of the Revised Code. This division applies only to counties.	1715 1716 1717
(LL) For the support by a county of criminal justice services under section 307.45 of the Revised Code;	1718 1719
(MM) For the purpose of maintaining and operating a jail or other detention facility as defined in section 2921.01 of the Revised Code;	1720 1721 1722
(NN) For purchasing, maintaining, or improving, or any combination of the foregoing, real estate on which to hold, and the operating expenses of, agricultural fairs operated by a county agricultural society or independent agricultural society under Chapter 1711. of the Revised Code. This division applies only to a county.	1723 1724 1725 1726 1727 1728
(OO) For constructing, rehabilitating, repairing, or maintaining sidewalks, walkways, trails, bicycle pathways, or similar improvements, or acquiring ownership interests in land necessary for the foregoing improvements;	1729 1730 1731 1732
(PP) For both of the purposes set forth in divisions (G)	1733

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The resolution shall go into immediate effect upon its 1849

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

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

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

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

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

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

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

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

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

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

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

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

(d) The district is a blighted area. 1908

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) Additional municipal financing of public 2336

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

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

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

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

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

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

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

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