

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 313

Senators Gavarone, Manning

A BILL

To amend sections 1506.01, 1506.02, 1506.06, 1
1506.07, 1506.08, 1506.09, 1506.11, 1506.40, 2
1506.41, 1506.42, and 1506.44; to enact sections 3
1506.401, 1506.402, 1506.403, and 1506.404; and 4
to repeal section 1506.021 of the Revised Code 5
to alter the law governing coastal management. 6

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

Section 1. That sections 1506.01, 1506.02, 1506.06, 7
1506.07, 1506.08, 1506.09, 1506.11, 1506.40, 1506.41, 1506.42, 8
and 1506.44 be amended and sections 1506.401, 1506.402, 9
1506.403, and 1506.404 of the Revised Code be enacted to read as 10
follows: 11

Sec. 1506.01. As used in this chapter: 12

(A) "Coastal area" means the waters of Lake Erie, the 13
islands in the lake, and the lands under and adjacent to the 14
lake, including transitional areas, wetlands, and beaches. The 15
coastal area extends in Lake Erie to the international boundary 16
line between the United States and Canada and landward only to 17
the extent necessary to include shorelands, the uses of which 18
have a direct and significant impact on coastal waters as 19

determined by the director of natural resources. 20

(B) "Coastal management program" means the comprehensive 21
action of the state and its political subdivisions cooperatively 22
to preserve, protect, develop, restore, or enhance the resources 23
of the coastal area and to ensure wise use of the land and water 24
resources of the coastal area, giving attention to natural, 25
cultural, historic, and aesthetic values; agricultural, 26
recreational, energy, and economic needs; and the national 27
interest. "Coastal management program" includes the 28
establishment of objectives, policies, standards, and criteria 29
concerning, without limitation, protection of air, water, 30
wildlife, rare and endangered species, wetlands and natural 31
areas, and other natural resources in the coastal area; 32
management of coastal development and redevelopment; 33
preservation and restoration of historic, cultural, and 34
aesthetic coastal features; and public access to the coastal 35
area for recreation purposes. 36

(C) "Coastal management program document" means a 37
comprehensive statement consisting of, without limitation, text, 38
maps, and illustrations that is adopted by the director in 39
accordance with this chapter, describes the objectives, 40
policies, standards, and criteria of the coastal management 41
program for guiding public and private uses of lands and waters 42
in the coastal area, lists the governmental agencies, including, 43
without limitation, state agencies, involved in implementing the 44
coastal management program, describes their applicable policies 45
and programs, and cites the statutes and rules under which they 46
may adopt and implement those policies and programs. 47

(D) "Person" means any agency of this state, any political 48
subdivision of this state or of the United States, and any legal 49

entity defined as a person under section 1.59 of the Revised Code. 50
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(E) "Director" means the director of natural resources or the director's designee. 52
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(F) "Permanent structure" means any residential, commercial, industrial, institutional, or agricultural building, any mobile home as defined in division (O) of section 4501.01 of the Revised Code, any manufactured home as defined in division (C) (4) of section 3781.06 of the Revised Code, and any septic system that receives sewage from a single-family, two-family, or three-family dwelling, but does not include any recreational vehicle as defined in section 4501.01 of the Revised Code. 54
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(G) "State agency" or "agency of the state" has the same meaning as "agency" as defined in section 111.15 of the Revised Code. 62
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(H) "Coastal flood hazard area" means any territory within the coastal area that has been identified as a flood hazard area under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 42 U.S.C.A. 4002, as amended. 65
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(I) "Coastal erosion area" means any territory included in Lake Erie coastal erosion areas identified by the director under section 1506.06 of the Revised Code. 69
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(J) "Conservancy district" means a conservancy district that is established under Chapter 6101. of the Revised Code. 72
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(K) "Park board" means the board of park commissioners of a park district that is created under Chapter 1545. of the Revised Code. 74
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(L) "Erosion control ~~structure~~measure" means a coastal 77

structure or coastal restoration that is designed ~~solely and~~ 78
~~specifically primarily~~ to reduce or control erosion of the shore 79
along or near Lake Erie, including, without limitation, beaches, 80
revetments, seawalls, bulkheads, certain breakwaters, and 81
similar ~~structures~~measures. 82

(M) "~~Shore Coastal structure~~" includes, but is not limited 83
to, ~~beaches; retaining walls; groins; revetments; bulkheads;~~ 84
~~seawalls; breakwaters; certain dikes designated by the chief of~~ 85
~~the division of water resources; piers; docks; jetties; wharves;~~ 86
marinas; boat ramps; any associated fill ~~or debris~~ used as part 87
of the construction of shore coastal structures that may affect 88
shore erosion, wave action, or inundation; and fill or debris 89
that is placed; boathouses; utilities; confined disposal 90
facilities; and existing fills along or near the shore, 91
~~including bluffs, banks, or beach ridges, for the purpose of~~ 92
stabilizing slopes of Lake Erie or within the waters of Lake 93
Erie. 94

(N) "Coastal restoration" includes, but is not limited to, 95
restoration or enhancement of lost natural coastal features such 96
as beaches, dunes, wetlands, and associated uplands, or creation 97
or enhancement of beneficial natural coastal features such as 98
beaches, nature based shorelines, wetlands, and other coastal 99
habitats. 100

(O) "Existing fill" means any artificially filled area 101
that replaced a natural Lake Erie aquatic area with dry land 102
prior to the effective date of this amendment. "Existing fill" 103
does not include coastal restoration of lost natural coastal 104
features. 105

(P) "Commercial" means profit-seeking or revenue-earning 106
production, buying, or selling of any good, service, or other 107

<u>product.</u>	108
<u>(Q) "Governmental" means any agency of the state or any</u>	109
<u>political subdivision of the state, including a county or</u>	110
<u>municipal corporation.</u>	111
<u>(R) "Natural shoreline" means the line at which the water</u>	112
<u>usually stands when free from disturbing causes.</u>	113
<u>(S) "Disturbing causes" means sudden, extraordinary,</u>	114
<u>dramatic or relatively short term actions or processes that are</u>	115
<u>perceptible when occurring, such as storms, storm surge, wind,</u>	116
<u>waves, seiche, artificial changes, avulsion, floods, droughts,</u>	117
<u>or periods of high or low water levels.</u>	118
<u>(T) "Nature based shoreline" means the strategic placement</u>	119
<u>of a combination of plants, sand, or other natural structural</u>	120
<u>and organic materials that has minimal adverse impacts on</u>	121
<u>natural coastal processes. "Nature based shoreline" does not</u>	122
<u>include revetments, groins, or breakwaters.</u>	123
Sec. 1506.02. (A) The department of natural resources is	124
hereby designated the lead agency for the development and	125
implementation of a coastal management program. The director of	126
natural resources:	127
(1) Shall develop and adopt the coastal management program	128
document. The director shall cooperate and coordinate with other	129
agencies of the state and its political subdivisions in the	130
development of the document. Before adopting the document, the	131
director shall hold four public hearings on it in the coastal	132
area, and may hold additional public meetings, to give the	133
public the opportunity to make comments and recommendations	134
concerning its terms. The director shall consider the public	135
comments and recommendations before adopting the document. The	136

director may amend the coastal management program document, 137
provided that, prior to making changes in it, the director 138
notifies ~~by mail those persons who submitted comments and~~ 139
~~recommendations concerning the original document and appropriate~~ 140
~~agencies of the state and its political subdivisions and~~ 141
organizations on the list maintained by the director under 142
division (A) (3) (a) of this section. The director may hold at 143
least one public hearing on the proposed changes. 144

(2) Shall administer the coastal management program in 145
accordance with the coastal management program document, this 146
chapter, and rules adopted under it; 147

(3) Shall adopt and may amend or rescind rules under 148
Chapter 119. of the Revised Code for the implementation, 149
administration, and enforcement of the coastal management 150
program and the other provisions of this chapter. Before the 151
adoption, amendment, or rescission of rules under division (A) 152
(3) of this section, the director shall do all of the following: 153

(a) Maintain a list of interested ~~public persons~~ and 154
~~private organizations~~ and ~~mail send~~ notice to those persons and 155
organizations of any proposed rule or amendment to or rescission 156
of a rule at least thirty days before any public hearing on the 157
proposal; 158

(b) ~~Mail Send~~ a copy of each proposed rule, amendment, or 159
rescission to any person who requests a copy within five days 160
after receipt of the request; 161

(c) Consult with appropriate statewide organizations and 162
units of local government that would be affected by the proposed 163
rule, amendment, or rescission. 164

Although the director is expected to discharge these 165

duties diligently, failure to mail any notice or copy or to so 166
consult with any person is not jurisdictional and shall not be 167
construed to invalidate any proceeding or action of the 168
director. 169

(4) Shall provide for consultation and coordination 170
between and among state agencies, political subdivisions of the 171
state, and interstate, regional, areawide, and federal agencies 172
in carrying out the purposes of the coastal management program 173
and the other provisions of this chapter; 174

(5) Shall, to the extent practicable and consistent with 175
the protection of coastal area resources, coordinate the rules 176
and policies of the department of natural resources with the 177
rules and policies of other state and federal agencies to 178
simplify and consolidate the regulation of activities along the 179
Lake Erie shoreline; 180

(6) May, to accomplish the purposes of the coastal 181
management program and the other provisions of this chapter, 182
contract with any person and may accept and expend gifts, 183
bequests, and grants of money or property from any person. 184

(B) Every agency of the state, upon request of the 185
director, shall cooperate with the department of natural 186
resources in the implementation of the coastal management 187
program. 188

(C) The director shall establish a coastal management 189
assistance grant program. Grants may be awarded from federal 190
funds received for that purpose and from such other funds as may 191
be provided by law to any municipal corporation, county, 192
township, park district created under section 511.18 or 1545.04 193
of the Revised Code, conservancy district established under 194

Chapter 6101. of the Revised Code, port authority, other	195
political subdivision, state agency, educational institution, or	196
nonprofit corporation to help implement, administer, or enforce	197
any aspect of the coastal management program. Grants may be used	198
for any of the following purposes:	199
(1) Feasibility studies and engineering reports for	200
projects that are consistent with the policies in the coastal	201
management program document;	202
(2) The protection and preservation of wetlands, beaches,	203
fish and wildlife habitats, minerals, natural areas, prime	204
agricultural land, endangered plant and animal species, or other	205
significant natural coastal resources;	206
(3) The management of shoreline development to prevent	207
loss of life and property in coastal flood hazard areas and	208
coastal erosion areas, to set prioities <u>priorities</u> for water-	209
dependent energy, commercial, industrial, agricultural, and	210
recreational uses, or to identify environmentally acceptable	211
sites for dredge spoil disposal;	212
(4) Increasing public access to Lake Erie and other public	213
places in the coastal area;	214
(5) The protection and preservation of historical,	215
cultural, or aesthetic coastal resources;	216
(6) Improving the predictability and efficiency of	217
governmental decision making related to coastal area management;	218
(7) Adopting, administering, and enforcing zoning	219
ordinances or resolutions relating to coastal flood hazard areas	220
or coastal erosion areas;	221
(8) The redevelopment of deteriorating and underutilized	222

waterfronts and ports; 223

(9) Other purposes approved by the director. 224

Sec. 1506.06. (A) The director of natural resources, using 225
the best available scientific records, data, and analyses of 226
shoreline recession, shall make a preliminary identification of 227
Lake Erie coastal erosion areas, which are the land areas 228
anticipated to be lost by Lake Erie-related erosion within a 229
thirty-year period if no additional approved erosion control 230
measures are completed within that time. The preliminary 231
identification shall state the bluff recession rates for the 232
coastal erosion areas and shall take into account areas where 233
substantial filling, protective measures, or naturally stable 234
land has significantly reduced recession. Prior to making the 235
preliminary identification, the director ~~shall~~ may consult with 236
the appropriate authority of each municipal corporation, county, 237
and township having territory within an area that the director 238
proposes to identify as a Lake Erie coastal erosion area. ~~Upon~~ 239

Upon making the preliminary identification, the director 240
shall notify by certified mail the appropriate authority of each 241
municipal corporation, county, and township having territory 242
within a Lake Erie coastal erosion area of the preliminary 243
identification. The notice shall delineate the portion of a Lake 244
Erie coastal erosion area within the jurisdiction of, and shall 245
be made available for public inspection by, the municipal 246
corporation, county, or township. The director also shall 247
~~publish a notice in a newspaper of general circulation in each~~ 248
~~affected locality stating that the preliminary identification~~ 249
~~has been made and stating where information delineating the Lake~~ 250
~~Erie coastal erosion areas may be inspected by the public and~~ 251
~~shall~~ notify each landowner of record in a coastal erosion area 252

of the preliminary identification. The notification shall be 253
sent by certified mail to the affected landowner at the address 254
indicated in the most recent tax duplicate. Within ~~sixty-thirty~~ 255
days after the notifications required by this division, the 256
director shall hold public ~~hearings~~ meetings in each of the 257
shoreline counties on the preliminary identification of the Lake 258
Erie coastal erosion areas. ~~Any~~ 259

Any affected municipal corporation, county, township, or 260
private landowner may file with the director a written objection 261
to the preliminary identification at any ~~of those hearings~~ such 262
public meeting or at any other time within ~~one hundred twenty~~ 263
ninety days from the date ~~indicated in~~ of the certified mail 264
notice, ~~which date shall be one week following the date of the~~ 265
~~notice~~. For any such objection, verifiable evidence or 266
documentation shall be submitted indicating that some portion of 267
a Lake Erie coastal erosion area should not have been included 268
in the areas defined by the preliminary identification. A 269
municipal corporation, county, or township may object only with 270
respect to territory within its jurisdiction or other territory 271
that it owns; a private landowner may object only with respect 272
to the landowner's land. 273

(B) The director shall review all objections filed under 274
division (A) of this section. ~~The director may then modify the~~ 275
~~preliminary identification of Lake Erie coastal erosion areas.~~ 276
~~Within the next ninety days, the director shall notify each~~ 277
~~objecting person of the director's decision regarding the~~ 278
~~objection. The director also shall notify, within that ninety-~~ 279
~~day period, any other owner for whom the director's decision~~ 280
~~results in a modification on that other owner's property.~~ 281

~~(C) Whenever the preliminary identification of a Lake Erie~~ 282

~~coastal erosion area is modified as a result of an objection,~~ 283
~~the director shall so notify the affected municipal corporation,~~ 284
~~county, or township and shall publish a notice of the~~ 285
~~modification in a newspaper of general circulation in the~~ 286
~~affected locality. Objections to modifications may be filed~~ 287
~~within sixty days of the newspaper notification required by this~~ 288
~~division or within sixty days of the date of the property~~ 289
~~owner's notification required by division (B) of this section,~~ 290
~~whichever is later, and shall be filed in the same manner as~~ 291
~~objections to the original preliminary identification. The~~ 292
~~director shall rule on each objection to a modification within~~ 293
~~sixty days after receiving it.~~ 294

~~(D) After~~ Within ninety days after the director has ruled 295
~~on each~~ received the last objection filed under division ~~(B) or~~ 296
~~(C)~~ (A) of this section, the director shall make a final 297
identification of the Lake Erie coastal erosion areas ~~and~~. The 298
director shall incorporate any modifications to the preliminary 299
identification resulting from the director's review of the 300
objections. The director shall notify by certified mail ~~the~~ 301
~~appropriate authority of each affected municipal corporation,~~ 302
county, ~~and township,~~ and private landowner of the final 303
identification. The final identification may be appealed under 304
section 1506.08 of the Revised Code. 305

~~(E)~~ (C) At least once every ten years, the director shall 306
review and may revise the identification of Lake Erie coastal 307
erosion areas, taking into account any recent natural or 308
artificially induced changes affecting anticipated recession. 309
The review and revision shall be done in the same manner as that 310
provided for original preliminary and final identification in 311
this section. 312

~~(F)~~-(D) Any person who has received written notice under 313
this section or section 5302.30 of the Revised Code that a 314
parcel or any portion of a parcel of real property that the 315
person owns has been included in a Lake Erie coastal erosion 316
area identified under this section shall not sell or transfer 317
any interest in that real property unless the person first 318
provides written notice to the purchaser or grantee that the 319
real property is included in a Lake Erie coastal erosion area. 320
The written notice shall be provided in accordance with section 321
5302.30 of the Revised Code. 322

~~(G)~~-(E) No state agency, county, township, or municipal 323
corporation, or any other political subdivision or special 324
district in this state established by law shall use the fact 325
that property has been identified as a Lake Erie coastal erosion 326
area as a basis for any of the following: 327

(1) Failing to enter into or renew a lease ~~or under~~ 328
section 1506.11 of the Revised Code or failing to issue or renew 329
obtain a coastal permit under required by section 1506.11 330
1506.40 of the Revised Code; 331

(2) Failing to issue or renew a permit required by law, 332
other than a permit issued under section 1506.07 of the Revised 333
Code; 334

(3) Taking private property for public use in the exercise 335
of the power of eminent domain; 336

(4) Determining what constitutes just compensation for a 337
taking of the property in the exercise of the power of eminent 338
domain. 339

Sec. 1506.07. (A) No later than December 31, 1994, the 340
director of natural resources shall adopt, and may subsequently 341

amend or rescind, rules in accordance with Chapter 119. of the 342
Revised Code governing the erection, construction, and 343
redevelopment of permanent structures in Lake Erie coastal 344
erosion areas identified under section 1506.06 of the Revised 345
Code and such other rules as are necessary to implement this 346
section. The rules shall include, without limitation, ~~a~~all of 347
the following: 348

(1) A requirement that any person who intends to erect, 349
construct, or redevelop any permanent structure in a Lake Erie 350
coastal erosion area obtain a permit to do so from the director 351
~~and requirements;~~ 352

(2) Requirements and procedures for the issuance of such 353
~~permits, including, without limitation, a;~~ 354

(3) A requirement that no later than ~~thirty-ninety~~ days 355
after receiving a complete permit application, the director 356
~~either shall~~ notify the applicant that the application is either 357
approved, conditionally approved, or denied ~~and, if. If an~~ 358
application is denied, the director shall include with the 359
notice a reason for the denial ~~or shall notify the applicant of.~~ 360
If the application is conditionally approved, the director shall 361
include with the notice any modification necessary to qualify 362
the application for approval ~~and a.~~ 363

(4) A requirement that each permit contain a reference to 364
the volume and page of the deed record by which the current 365
owner of the property to be improved obtained title to it. 366

(B) The rules adopted under this division (A) of this 367
section do not apply to the erection, construction, or 368
redevelopment of a permanent structure for which a permit was 369
issued or plan was approved by any state agency, political 370

subdivision of this state, or federal agency prior to any of the 371
following: 372

(1) The effective date of those rules; 373

(2) The date the director notifies each municipal 374
corporation, county, and township of the final identification of 375
the coastal erosion areas pursuant to section 1506.06 of the 376
Revised Code; 377

(3) The date the director adopts the coastal management 378
program document pursuant to section 1506.02 of the Revised 379
Code. 380

~~(B)~~ (C) No person shall erect, construct, or redevelop a 381
permanent structure on land within a Lake Erie coastal erosion 382
area without a permit issued in accordance with rules adopted 383
under division (A) of this section. The director shall grant a 384
permit under those rules if the proposed site is protected by an 385
effective erosion control measure approved by the director that 386
will protect the permanent structure or if both of the following 387
criteria are met: 388

(1) The structure will be movable or will be situated as 389
far landward as applicable zoning resolutions or ordinances 390
permit; 391

(2) The person seeking the authorization will suffer 392
exceptional hardship if the authorization is not given. 393

The approval of an effective erosion control measure by 394
the director for the purposes of this division does not create 395
liability on the part of the director, the department of natural 396
resources, or the state, municipal corporation, county, or 397
township regarding the future protection of the site for which 398
the measure was approved. 399

The director shall not require a permit for the erection, 400
construction, or redevelopment of a permanent structure on any 401
parcel of property within a Lake Erie coastal erosion area if 402
that property is not adjacent to Lake Erie. 403

~~(C)~~ (D) The director or ~~his~~ the director's authorized 404
representative may issue a stop work order whenever the director 405
finds, after inspection, that any erection, construction, or 406
redevelopment is being conducted within a Lake Erie coastal 407
erosion area in violation of division ~~(B)~~ (C) of this section. 408

~~(D)~~ (E) A permit granted by the director under ~~division~~ 409
~~(B)~~ of this section is not required within the territory of any 410
county or municipal corporation that has adopted and is 411
enforcing a Lake Erie coastal erosion area resolution or 412
ordinance within its zoning or building regulations if the 413
resolution or ordinance has been reviewed by the director under 414
this division and meets or exceeds the standards established 415
under division ~~(B)~~ (C) of this section. 416

No later than thirty days after adopting, amending, or 417
rescinding a Lake Erie coastal erosion area resolution or 418
ordinance under this division, the legislative authority of the 419
county or municipal corporation shall submit it to the director 420
for review and comment. No later than thirty days after 421
receiving the resolution or ordinance, the director shall notify 422
the legislative authority that the resolution or ordinance does 423
or does not meet or exceed the standards established under 424
division ~~(B)~~ (C) of this section. If it does, the director's 425
notice also shall indicate that a permit granted by the director 426
under division ~~(B)~~ (C) of this section is not required within 427
the territory of that county or municipal corporation. If the 428
resolution or ordinance does not meet those standards, the 429

legislative authority may submit a revised resolution or 430
ordinance under this division until the director notifies the 431
legislative authority that the resolution or ordinance meets 432
those standards. 433

Beginning on the thirty-first day of January following the 434
director's notice that the resolution or ordinance meets or 435
exceeds the standards established under division ~~(B)~~ (C) of this 436
section, and every two years thereafter, the legislative 437
authority shall submit to the director, on a form created by the 438
department, a report of the county's or municipal corporation's 439
relevant administrative and enforcement activities during the 440
previous two calendar years. 441

If the director determines at any time that a Lake Erie 442
coastal erosion area resolution or ordinance that the director 443
has determined under this division meets or exceeds the 444
standards established under division ~~(B)~~ (C) of this section is 445
being inadequately enforced, the director shall so notify the 446
legislative authority that adopted it ~~and~~. The director also 447
shall notify the legislative authority that it may respond to 448
the director's determination in accordance with the procedure 449
for doing so established by rules adopted under this section. If 450
after considering the legislative authority's response the 451
director determines that the resolution or ordinance still is 452
being inadequately enforced, the director shall reinstate the 453
permit requirement of division ~~(B)~~ (C) of this section within 454
the territory of the affected county or municipal corporation. 455

Sec. 1506.08. Any ~~(A)~~ Subject to division (B) of this 456
section, a person who is adversely affected by ~~the~~ any of the 457
following may initiate an appeal in accordance with Chapter 119. 458
of the Revised Code: 459

(1) The final identification of a Lake Erie coastal 460
erosion area under division ~~(D)~~ (B) of section 1506.06 of the 461
Revised Code ~~or any other final administrative act of the~~ 462
~~director of natural resources under this chapter or who~~ 463
~~receives;~~ 464

(2) The denial of a permit application under rules adopted 465
under division (A) of section 1506.07 of the Revised Code ~~;~~ 466

(3) Any other final administrative act of the director of 467
natural resources under this chapter. 468

(B) A person shall initiate an appeal under division (A) 469
of this section within thirty days after the identification, 470
~~act, or denial, may appeal it in accordance with Chapter 119. of~~ 471
~~the Revised Code, or act.~~ 472

Sec. 1506.09. (A) (1) No person shall violate or fail to 473
comply with any provision of this chapter, any rule or order 474
adopted or issued under it, or any condition of a permit issued 475
in accordance with rules, resolutions, or ordinances adopted 476
under it. 477

(2) The attorney general, upon written request of the 478
director of natural resources, shall bring an action for an 479
injunction against any person who has violated, is violating, or 480
is threatening to violate division (A) (1) of this section. 481

(3) Any person who violates any provision of this chapter, 482
any rule or order adopted or issued under it, or any condition 483
of a permit issued in accordance with rules adopted under 484
division (A) of section 1506.07 of the Revised Code shall, in 485
addition to any fine that may be assessed under section 1506.99 486
of the Revised Code, be assessed a civil penalty of not more 487
than five thousand dollars for each offense to be paid into the 488

state treasury to the credit of the general revenue fund. Upon 489
written request of the director, the attorney general shall 490
commence an action against any such violator. Any action under 491
this division is a civil action, governed by the Rules of Civil 492
Procedure and other rules of practice and procedure applicable 493
to civil actions. 494

(B) The prosecuting attorney of a county or the city 495
director of law of a municipal corporation that has adopted a 496
resolution or ordinance in accordance with division ~~(D)~~(E) of 497
section 1506.07 of the Revised Code may, on behalf of that 498
county or municipal corporation, respectively, bring a civil 499
action against any person who violates that resolution or 500
ordinance within the territory of that county or municipal 501
corporation in the court of common pleas in the county in which 502
the violation occurred. Any such violator may, in addition to 503
any fine that may be assessed under section 1506.99 of the 504
Revised Code, be assessed a civil penalty of not more than five 505
thousand dollars for each offense together with court costs. Any 506
moneys recovered under this division shall be paid into the 507
treasury of the appropriate county or municipal corporation. Any 508
action under this division shall be governed by the Rules of 509
Civil Procedure and other rules of practice and procedure 510
applicable to civil actions. 511

Sec. 1506.11. (A) ~~"Territory," as~~ As used in this 512
section: 513

(1) "Territory" means the waters and the lands presently 514
underlying the waters of Lake Erie and the lands formerly 515
underlying the waters of Lake Erie and now artificially filled, 516
between the natural shoreline and the international boundary 517
line with Canada. 518

~~(B) Whenever the state, acting through the director of~~ 519
~~natural resources, upon application of any~~ (2) "Local authority" 520
means: 521

(a) A board of county commissioners with jurisdiction over 522
territory sought to be leased, unless a municipal corporation or 523
port authority has such jurisdiction; 524

(b) The legislative authority of a municipal corporation 525
with jurisdiction over territory sought to be leased, unless a 526
port authority has such jurisdiction; 527

(c) A board of directors of a port authority with 528
jurisdiction over territory sought to be leased. 529

(B) (1) No person who wants to shall develop or improve 530
part of the territory, and after notice that the for commercial 531
or governmental use without obtaining, upon application, a lease 532
from the director of natural resources under this section. 533

(2) A lease is not required for the development or 534
improvement of part of the territory for a use that is not 535
commercial or governmental. However, a person seeking to develop 536
or improve part of the territory for such a use may obtain, upon 537
application, a lease from the director under this section. 538

(C) The director, at the director's discretion, may give 539
as provided in this section, may enter into a lease with an 540
applicant under this section if both of the following apply: 541

(1) The director determines that any part of the territory 542
can be developed and improved, or the waters thereof used, as 543
specified in the application without impairment of the public 544
right of navigation, water commerce, and fishery, a lease of all 545
or any part of the state's interest therein may be entered into 546
with the applicant, or a permit may be issued for that purpose, 547

~~subject to the powers of the United States government and in~~ 548
~~accordance with rules adopted by the director in accordance with~~ 549
~~Chapter 119. of the Revised Code, and without prejudice to the~~ 550
~~littoral rights of any owner of land fronting on Lake Erie,~~ 551
~~provided that the legislative authority of the municipal~~ 552
~~corporation within which any such part of the territory is~~ 553
~~located, if the municipal corporation is not within the~~ 554
~~jurisdiction of a port authority, or the county commissioners of~~ 555
~~the county within which such part of the territory is located,~~ 556
~~excluding any territory within a municipal corporation or under~~ 557
~~the jurisdiction of a port authority, or the board of directors~~ 558
~~of a port authority with respect to such part of the territory~~ 559
~~included in the jurisdiction of the port authority, and in~~ 560
~~compliance with this chapter;~~ 561

(2) The appropriate local authority has enacted an 562
ordinance or resolution finding and determining ~~that such both~~ 563
of the following: 564

(a) The part of the territory, described by metes and 565
~~bounds or by an alternate description referenced to the~~ 566
~~applicant's upland property description that is considered~~ 567
~~adequate by the director, plat of survey, is not necessary or~~ 568
required for the construction, maintenance, or operation by the 569
~~municipal corporation, county, or port local authority of~~ 570
breakwaters, piers, docks, wharves, bulkheads, connecting ways, 571
water terminal facilities, and improvements and marginal 572
highways in aid of navigation and water commerce ~~and that the.~~ 573

(b) The land uses specified in the application comply with 574
regulation of permissible land use under a waterfront plan of 575
the local authority. 576

~~(c) Upon the filing of the application with the director,~~ 577

~~the director may hold a public hearing thereon and may cause-~~ 578
~~written notice of the filing to be given to any municipal-~~ 579
~~corporation, county, or port authority, as the case may be, in-~~ 580
~~which such part of the territory is located and also shall cause-~~ 581
~~public notice of the filing to be given by advertisement in a-~~ 582
~~newspaper of general circulation within the locality where such-~~ 583
~~part of the territory is located. If a hearing is to be held,-~~ 584
~~public notice of the filing may be combined with public notice-~~ 585
~~of the hearing and shall be given once a week for four-~~ 586
~~consecutive weeks prior to the date of the initial hearing. All-~~ 587
~~hearings shall be before the director and shall be open to the-~~ 588
~~public, and a record shall be made of the proceeding. Parties-~~ 589
~~thereto are entitled to be heard and to be represented by-~~ 590
~~counsel. The findings and order of the director shall be in-~~ 591
~~writing. All costs of the hearings, including publication costs,-~~ 592
~~shall be paid by the applicant. The director also may hold-~~ 593
~~public meetings on the filing of an application.~~ 594

(D) The director shall suspend the review of an 595
application under this section if the director finds that a 596
dispute exists concerning a lease application regarding any of 597
the following: 598

(1) The rights of the state; 599

(2) The littoral rights of any owner of land fronting on 600
Lake Erie; 601

(3) The ownership of any development or improvement. 602

The director shall not grant the lease until the dispute 603
is resolved by either an agreement of the parties or by a court 604
of competent jurisdiction. 605

(E) If the director enters into a lease under this 606

section, the director shall do so in accordance with rules 607
adopted under Chapter 119. of the Revised Code. A lease entered 608
into under this section is subject to the powers of the United 609
States government. 610

(F) If the director finds that a lease may properly be 611
entered into with the applicant ~~or a permit may properly be~~ 612
~~issued to the applicant,~~ the director shall determine the 613
consideration to be paid by the applicant, ~~which.~~ The 614
consideration shall exclude the value of the littoral rights of 615
the owner of land fronting on Lake Erie and improvements made or 616
paid for by the owner of land fronting on Lake Erie or that 617
owner's predecessors in title. The lease ~~or permit~~ may be for 618
such periods of time as the director determines. The rentals 619
received under the terms of such a lease ~~or permit~~ shall be paid 620
into the state treasury to the credit of the Lake Erie submerged 621
lands fund, which is hereby created, and shall be distributed 622
from that fund as follows: 623

(1) Fifty per cent of each rental shall be paid to the 624
department of natural resources for the administration of this 625
section and section 1506.10 of the Revised Code and for the 626
coastal management assistance grant program required to be 627
established under division (C) of section 1506.02 of the Revised 628
Code; 629

(2) Fifty per cent of each rental shall be paid to the 630
municipal corporation, county, or port authority making the 631
finding provided for in this section. 632

~~All leases and permits~~ (G) A lease shall be executed in 633
the manner provided by section ~~5501.01~~ 1501.01 of the Revised 634
Code ~~and.~~ The lease shall contain, in addition to the provisions 635
required in this section, a reservation to the state of all 636

mineral rights and a provision that the removal of any minerals 637
shall be conducted in such manner as not to damage any 638
improvements placed by the littoral owner, ~~or lessee, or permit~~ 639
~~holder on the lands~~. No lease ~~or permit~~ of the lands defined in 640
this section shall express or imply any control of fisheries or 641
aquatic wildlife now vested in the division of wildlife of the 642
department. 643

~~(D)~~ (H) Upland owners who, prior to October 13, 1955, have 644
erected, developed, or maintained structures, facilities, 645
buildings, or improvements or made use of waters in the part of 646
the territory in front of those uplands shall be granted a lease 647
~~or permit~~ by the state upon the presentation of a certification 648
by the chief executive of a municipal corporation, resolution of 649
the board of county commissioners, or resolution of the board of 650
directors of the port authority establishing that the 651
structures, facilities, buildings, improvements, or uses do not 652
constitute an unlawful encroachment on navigation and water 653
commerce. The lease ~~or permit~~ shall specifically enumerate the 654
structures, facilities, buildings, improvements, or uses so 655
included. 656

~~(E)~~ (I) Persons having secured a lease ~~or permit~~ under 657
this section are entitled to just compensation for the taking, 658
whether for navigation, water commerce, or otherwise, by any 659
governmental authority having the power of eminent domain, of 660
structures, facilities, buildings, improvements, or uses erected 661
or placed upon the territory pursuant to the lease ~~or permit~~ or 662
the littoral rights of the person and for the taking of the 663
leasehold and the littoral rights of the person pursuant to the 664
procedure provided in Chapter 163. of the Revised Code. The 665
compensation shall not include any compensation for the site in 666
the territory except to the extent of any interest in the site 667

theretofore acquired by the person under this section or by 668
prior acts of the general assembly or grants from the United 669
States government. The failure of any person to apply for or 670
obtain a lease ~~or permit~~ under this section does not prejudice 671
any right the person may have to compensation for a taking of 672
littoral rights or of improvements made in accordance with a 673
lease, ~~a permit,~~ or littoral rights. 674

~~(F)~~ (J) If any taxes or assessments are levied or assessed 675
upon property that is the subject of a lease ~~or permit~~ under 676
this section or a coastal permit issued under section 1506.402 677
of the Revised Code, the taxes or assessments are the obligation 678
of the lessee or coastal permit holder. 679

~~(G)~~ (K) If a lease ~~or permit~~ secured under this section 680
requires the lessee ~~or permit holder~~ to obtain the approval of 681
the department or any of its divisions for any changes in 682
structures, facilities, or buildings, for any improvements, or 683
for any changes or expansion in uses, no lessee ~~or permit holder~~ 684
shall change any structures, facilities, or buildings, make any 685
improvements, or expand or change any uses unless the director 686
first determines that the proposed action will not adversely 687
affect ~~any current or prospective exercise of the public right~~ 688
~~of recreation in the territory and in the state's reversionary~~ 689
interest in any territory leased ~~or permitted~~ under this 690
section. 691

~~Proposed changes or improvements shall be deemed to~~ 692
~~"adversely affect" the public right of recreation if the changes~~ 693
~~or improvements cause or will cause any significant demonstrable~~ 694
~~negative impact upon any present or prospective recreational use~~ 695
~~of the territory by the public during the term of the lease or~~ 696
~~permit or any renewals and of any public recreational use of the~~ 697

~~leased or permitted premises in which the state has a~~ 698
~~reversionary interest.~~ 699

Sec. 1506.40. ~~No~~ (A) Beginning on the effective date of 700
this amendment, no person shall construct a beach, groin, or 701
other coastal structure to control erosion, wave action, or 702
inundation perform coastal restoration along or near the Ohio 703
shoreline of Lake Erie or within the waters of Lake Erie, 704
including related islands, bays, and inlets, without first 705
obtaining a shore structure the appropriate coastal permit from 706
the director of natural resources. 707

~~The~~ (B) (1) Prior to submitting an application for a 708
coastal permit, an applicant shall complete and submit a 709
description of the proposed coastal structure or coastal 710
restoration to the director. The applicant shall submit the 711
description on a form prescribed by the director. The applicant 712
shall ensure that the description is sufficient for the director 713
to make a determination as to whether a tier 1, tier 2, or tier 714
3 coastal permit is required. 715

(2) Upon receipt of the form, the director shall make a 716
determination as to whether a tier 1, tier 2, or tier 3 coastal 717
permit is required. The director shall make the determination 718
based on the descriptions specified in division (C) of this 719
section. 720

(C) The director shall use the following descriptions when 721
making the determination required under division (B) of this 722
section: 723

(1) A tier 1 coastal permit is required for a coastal 724
structure or coastal restoration that is unlikely to endanger 725
life, health, property, or the resources of Lake Erie as 726

proposed, and may include coastal structures and coastal 727
restoration such as retaining walls less than or equal to three 728
feet in height, floating or pile-supported docks for seasonal 729
use, nature-based shorelines, beaches, dunes, wetlands, and 730
associated uplands. 731

(2) A tier 2 coastal permit is required for a coastal 732
structure or coastal restoration that could endanger life, 733
health, property, or the resources of Lake Erie if not properly 734
designed or constructed, and may include coastal structures and 735
coastal restoration such as retaining walls greater than three 736
feet in height, revetments, bulkheads, seawalls, dikes, and 737
certain piers, docks, uplands, and existing fills. 738

(3) A tier 3 coastal permit is required for a coastal 739
structure or coastal restoration that could significantly 740
endanger life, health, property, or the resources of Lake Erie 741
if not properly designed or constructed, and may include coastal 742
structures and coastal restoration such as groins, breakwaters, 743
jetties, wharves, marinas, boat ramps, boat houses, utilities, 744
confined disposal facilities, and certain piers, docks, uplands, 745
and existing fills. 746

After making the determination, the director shall notify 747
the applicant of the determination. 748

(D) After receipt of the notice under division (C) of this 749
section, a person may apply for a coastal permit. An applicant 750
for a coastal permit shall include all of the following in the 751
application ~~for a permit shall include detailed, as applicable:~~ 752

(1) Detailed plans and specifications prepared by a 753
professional engineer registered under Chapter 4733. of the 754
Revised Code. ~~An applicant shall provide appropriate, unless the~~ 755

application is for a tier 1 coastal permit; 756

(2) Appropriate evidence of compliance with any applicable 757
provisions of this chapter and Chapters 1505. and 1521. of the 758
Revised Code, as determined by the director. 759

~~A temporary shore structure permit may be issued by the~~ 760
~~director if it is determined necessary to safeguard life,~~ 761
~~health, or property.~~ 762

~~Each application or reapplication for a permit under this~~ 763
~~section shall be accompanied by a non-refundable fee as the~~ 764
~~director shall prescribe by rule.~~ 765

~~If the application is approved, the director shall issue a~~ 766
~~permit to the applicant authorizing construction of the project.~~ 767
~~If requested in writing by the applicant within thirty days of~~ 768
~~issuance of a notice of disapproval of the application, the~~ 769
~~director shall conduct an adjudication hearing under Chapter~~ 770
~~119. of the Revised Code, except sections 119.12 and 119.121 of~~ 771
~~the Revised Code. After reviewing the record of the hearing, the~~ 772
~~director shall issue a final order approving the application,~~ 773
~~disapproving it, or approving it conditioned on the making of~~ 774
~~specified revisions in the plans and specifications.~~ 775

~~The director, by rule, shall limit the period during which~~ 776
~~a construction permit issued under this section is valid and~~ 777
~~shall establish reapplication requirements governing a~~ 778
~~construction permit that expires before construction is~~ 779
~~completed.~~ 780

~~In accordance with Chapter 119. of the Revised Code, the~~ 781
~~director shall adopt, and may amend or rescind, such rules as~~ 782
~~are necessary for the administration, implementation, and~~ 783
~~enforcement of this section.;~~ 784

<u>(3) Appropriate evidence that the coastal structure or</u>	785
<u>coastal restoration will not do any of the following:</u>	786
<u>(a) Be of improper or inadequate design;</u>	787
<u>(b) Adversely affect any public rights of navigation,</u>	788
<u>water commerce, recreation, or fishing. For purposes of division</u>	789
<u>(D) (3) (b) of this section, a coastal structure or coastal</u>	790
<u>restoration adversely affects any such public rights if it will</u>	791
<u>cause any significant demonstrable negative impact on any</u>	792
<u>present rights of the public.</u>	793
<u>(c) Prejudice the littoral rights of any owner of land</u>	794
<u>fronting Lake Erie;</u>	795
<u>(d) Endanger life, health, property, or the resources of</u>	796
<u>Lake Erie.</u>	797
<u>(4) Appropriate evidence of upland interest or littoral</u>	798
<u>rights in the area where the coastal structure or coastal</u>	799
<u>restoration is proposed;</u>	800
<u>(5) For a tier 2 or 3 coastal permit application, a</u>	801
<u>stability analysis for the proposed coastal structure or coastal</u>	802
<u>restoration;</u>	803
<u>(6) For a tier 3 coastal permit application, a sediment</u>	804
<u>impact analysis, a long-term sand monitoring and bypassing plan,</u>	805
<u>performance or surety bond, and any other studies or analyses</u>	806
<u>the director determines necessary for evaluation of the coastal</u>	807
<u>structure or coastal restoration.</u>	808
<u>(7) A nonrefundable fee, as prescribed by the director in</u>	809
<u>rules.</u>	810
<u>Sec. 1506.401. (A) Upon the receipt of a complete</u>	811
<u>application for a coastal permit, the director of natural</u>	812

resources may provide public notice of the application by 813
advertisement in a newspaper of general circulation within the 814
locality where the project is proposed to be located. The 815
director may hold public meetings or a public hearing on the 816
application. 817

(B) (1) If a public hearing is to be held, the director 818
shall provide public notice of the hearing once a week for four 819
consecutive weeks prior to the date of the hearing in a manner 820
determined appropriate by the director. 821

(2) The director shall ensure that the hearing is held 822
before the director and is open to the public. The director 823
shall make a record of the hearing. Parties to the hearing are 824
entitled to be heard and represented by counsel. The director 825
shall make all findings and any order resulting from the hearing 826
in writing. The applicant for the coastal permit shall pay all 827
costs of the hearing, including any publication costs. 828

Sec. 1506.402. (A) If an application for a coastal permit 829
is approved, the director of natural resources shall issue a 830
coastal permit to the applicant authorizing construction of the 831
coastal structure or performance of the coastal restoration. If 832
requested in writing by the applicant within thirty days of 833
issuance of a notice of disapproval or conditional approval of 834
the application, the director shall conduct an adjudication 835
hearing under Chapter 119. of the Revised Code. Sections 119.12 836
and 119.121 of the Revised Code do not apply to the adjudication 837
hearing. 838

After reviewing the record of the hearing, the director 839
shall issue a final order approving the application, 840
disapproving it, or approving it conditioned on the making of 841
specified revisions in the plans and specifications. 842

(B) However, if the director finds that a dispute exists 843
concerning an application for a coastal permit or for a 844
registration under division (E) of this section regarding the 845
rights of the state, rights of the public, the littoral rights 846
or other property rights of any upland owner, or the ownership 847
of any coastal structure or coastal restoration, the director 848
shall suspend review of the application or registration. The 849
director shall not issue the coastal permit or accept the 850
registration until the dispute is resolved by agreement of the 851
parties or by a court of competent jurisdiction. 852

(C) The director, by rule, shall limit the period of time 853
under a coastal permit during which a construction or 854
restoration must be completed. The director also shall 855
establish, by rule, reapplication requirements for a coastal 856
permit under which the construction or restoration period 857
expires before construction or restoration is completed. 858

(D) The director of natural resources may issue a 859
temporary emergency coastal permit if the director determines it 860
is necessary to safeguard life, health, or property. 861

(E) A person who owns a coastal structure or coastal 862
restoration along or near the Ohio shoreline of Lake Erie or 863
within the waters of Lake Erie that was constructed prior to the 864
effective date of this section without a coastal permit may 865
apply for a coastal permit. In lieu of applying for a coastal 866
permit, the person may register the coastal structure or coastal 867
restoration at no charge in the manner and on a form prescribed 868
by the director. 869

(F) A coastal permit or registration is valid for the life 870
of the coastal structure or coastal restoration. The director 871
shall include in a coastal permit or registration a condition 872

requiring the coastal permit holder or registrant to notify the 873
director in writing of any change in ownership of the coastal 874
structure or coastal restoration. Upon receipt of the written 875
notice, the director shall transfer the coastal permit or 876
registration to the new owner. 877

(G) The holder of a coastal permit may conduct 878
rehabilitation of a coastal structure or coastal restoration for 879
which that coastal permit was issued without issuance of a new 880
coastal permit, provided that the purpose of the rehabilitation 881
is to return the structure or restoration to the condition 882
authorized by the permit. However, a registrant under division 883
(E) of this section shall obtain a coastal permit prior to 884
rehabilitating a coastal structure or coastal restoration. 885

Sec. 1506.403. (A) The director of natural resources may 886
order work to cease on any coastal structure or coastal 887
restoration that commenced without or in violation of a coastal 888
permit. The director may order the removal or correction of any 889
coastal restoration or coastal structure that was constructed 890
without or in violation of a coastal permit. Such an order may 891
be appealed in accordance with Chapter 119. of the Revised Code. 892

(B) The director may order the immediate correction or 893
removal of any coastal structure, coastal restoration, or 894
unconsolidated rubble or debris along or near the shore of Lake 895
Erie or within the waters of Lake Erie that the director 896
determines is endangering life, health, or property. An order of 897
the director issued under this division is subject to appeal in 898
accordance with Chapter 119. of the Revised Code. 899

If the director determines that the coastal structure, 900
coastal restoration, or unconsolidated rubble or debris is so 901
threatening to life, health, or property as to not allow time 902

for the issuance and enforcement of such an order, the director 903
may immediately correct or remove that coastal structure, 904
coastal restoration, or unconsolidated rubble or debris. In that 905
circumstance, the director may recover the costs of the removal 906
or correction from the owner, contractor, or other person 907
responsible for the coastal structure, coastal restoration, or 908
unconsolidated rubble or debris by initiating an appropriate 909
action in a court of competent jurisdiction. 910

(C) The director or the director's duly authorized 911
representative may enter at reasonable times upon any property 912
to inspect any coastal structure or coastal restoration in order 913
to determine if it complies with a coastal permit, sections 914
1506.40 to 1506.404 of the Revised Code, and rules adopted under 915
those sections. If entry is prevented or hindered, the director 916
or the director's authorized representative may apply for, and 917
the court of common pleas having appropriate jurisdiction may 918
issue, an appropriate inspection warrant necessary to achieve 919
the purposes of sections 1506.40 to 1506.404 of the Revised Code 920
and rules adopted under those sections. 921

Sec. 1506.404. In accordance with Chapter 119. of the 922
Revised Code, the director of natural resources shall adopt, and 923
may amend or rescind, such rules as are necessary for the 924
administration, implementation, and enforcement of sections 925
1506.40 to 1506.403 of the Revised Code. 926

Sec. 1506.41. All moneys derived from the granting of 927
permits and leases under section 1505.07 of the Revised Code for 928
the removal of sand, gravel, stone, gas, oil, and other minerals 929
and substances from and under the bed of Lake Erie and from 930
applications for ~~shore structure~~ coastal permits submitted under 931
section 1506.40 of the Revised Code shall be paid into the state 932

treasury to the credit of the permit and lease fund, which is 933
hereby created. Notwithstanding any section of the Revised Code 934
relating to the distribution or crediting of fines for 935
violations of the Revised Code, all fines imposed under division 936
(A) of section 1505.99 of the Revised Code and under division 937
(C) of section 1506.99 of the Revised Code shall be paid into 938
that fund. The fund shall be administered by the department of 939
natural resources for the protection and restoration of Lake 940
Erie shores and waters; investigation and control of erosion; 941
the planning, development, and construction of facilities for 942
recreational use of Lake Erie; implementation of ~~section~~ 943
sections 1506.40 to 1506.404 of the Revised Code; preparation of 944
the state shore erosion plan under section 1506.47 of the 945
Revised Code; and state administration of Lake Erie coastal 946
erosion areas under sections 1506.06 and 1506.07 of the Revised 947
Code. 948

Sec. 1506.42. The state, acting through the director of 949
natural resources, subject to section 1506.46 of the Revised 950
Code, may enter into agreements with counties, townships, 951
municipal corporations, park boards, and conservancy districts, 952
other political subdivisions, or any state departments or 953
divisions for the purpose of constructing and maintaining 954
projects to control erosion along the Ohio shoreline of Lake 955
Erie and in any rivers and bays that are connected with Lake 956
Erie and any other watercourses that flow into Lake Erie. Such 957
projects also may be constructed on any Lake Erie island that is 958
situated within the boundaries of the state. 959

The cost of such shore erosion projects that are for the 960
benefit of public littoral property shall be prorated on the 961
basis of two-thirds of the total cost to the state through 962
appropriations made to the department of natural resources and 963

one-third of the cost to the counties, townships, municipal 964
corporations, park boards, conservancy districts, or other 965
political subdivisions. 966

If a shore erosion emergency is declared by the governor, 967
the state, acting through the director, may spend whatever state 968
funds are available to alleviate shore erosion, without 969
participation by any political subdivision, regardless of 970
whether the project will benefit public or private littoral 971
property. 972

A board of county commissioners, acting for the county 973
over which it has jurisdiction, may enter into and carry out 974
agreements with the director for the construction and 975
maintenance of projects to control shore erosion. In providing 976
the funds for the county's proportionate share of the cost of 977
constructing and maintaining the projects referred to in this 978
section, the board shall be governed by and may issue and refund 979
bonds in accordance with Chapter 133. of the Revised Code. 980

A municipal corporation or a township, acting through the 981
legislative authority or the board of township trustees, may 982
enter into and carry out agreements with the director for the 983
purpose of constructing and maintaining projects to control 984
shore erosion. In providing the funds for the municipal 985
corporation's or township's proportionate share of the cost of 986
constructing and maintaining the projects referred to in this 987
section, a municipal corporation or township may issue and 988
refund bonds in accordance with Chapter 133. of the Revised 989
Code. The contract shall be executed on behalf of the municipal 990
corporation or township by the mayor, city manager, or other 991
chief executive officer who has the authority to act for the 992
municipal corporation or township. 993

Conservancy districts may enter into and carry out 994
agreements with the director, in accordance with the intent of 995
this section, under the powers conferred upon conservancy 996
districts under Chapter 6101. of the Revised Code. 997

Park boards may enter into and carry out agreements with 998
the director, in accordance with the intent of this section, and 999
issue bonds for that purpose under the powers conferred upon 1000
park districts under Chapter 1545. of the Revised Code. 1001

The director shall approve and supervise all projects that 1002
are to be constructed in accordance with this section. The 1003
director shall not proceed with the construction of any project 1004
until all funds that are to be paid by the county, township, 1005
municipal corporation, park board, or conservancy district, in 1006
accordance with the terms of the agreement entered into between 1007
the director and the county, township, municipal corporation, 1008
park board, or conservancy district, are in the director's 1009
possession and deposited in the shore erosion fund, which is 1010
hereby created in the state treasury. If the director finds it 1011
to be in the best interests of the state to construct projects 1012
as set forth in this section by the state itself, without the 1013
financial contribution of counties, townships, municipal 1014
corporations, park boards, or conservancy districts, the 1015
director may construct the projects. 1016

In deciding whether to assist a county or municipal 1017
corporation in constructing and maintaining a project under this 1018
section, the state, acting through the director, shall consider, 1019
among other factors, whether the county or municipal corporation 1020
has adopted or is in the process of adopting a Lake Erie coastal 1021
erosion area resolution or ordinance under division ~~(D)~~(E) of 1022
section 1506.07 of the Revised Code. 1023

All projects constructed by the state in conformity with 1024
sections 1506.38 to 1506.46 of the Revised Code shall be 1025
constructed subject to sections 153.01 to 153.20 of the Revised 1026
Code, except that the Ohio facilities construction commission is 1027
not required to prepare the plans and specifications for those 1028
projects. 1029

Sec. 1506.44. (A) A board of county commissioners may use 1030
a loan obtained under division (C) of this section to provide 1031
financial assistance to any person who owns real property in a 1032
coastal erosion area and who has received a permit under section 1033
~~1506.40~~1506.402 of the Revised Code to construct an erosion 1034
control ~~structure~~measure in that coastal erosion area. The 1035
board shall enter into an agreement with the person that 1036
complies with all of the following requirements: 1037

(1) The agreement shall identify the person's real 1038
property for which the erosion control ~~structure~~measure is 1039
being constructed and shall include a legal description of that 1040
property and a reference to the volume and page of the deed 1041
record in which the title of that person to that property is 1042
recorded. 1043

(2) In accordance with rules adopted by the Ohio water 1044
development authority under division (V) of section 6121.04 of 1045
the Revised Code for the purposes of division (C) of this 1046
section and pursuant to an agreement between the board and the 1047
authority under that division, the board shall agree to cause 1048
payments to be made by the authority to the contractor hired by 1049
the person to construct an erosion control ~~structure~~measure in 1050
amounts not to exceed the total amount specified in the 1051
agreement between the board and the person. 1052

(3) The person shall agree to pay to the board, or to the 1053

authority as the assignee pursuant to division (C) of this 1054
section, the total amount of the payments plus administrative or 1055
other costs of the board or the authority at times, in 1056
installments, and bearing interest as specified in the 1057
agreement. 1058

The agreement may contain additional provisions that the 1059
board determines necessary to safeguard the interests of the 1060
county or to comply with an agreement entered into under 1061
division (C) of this section. 1062

(B) Upon entering into an agreement under division (A) of 1063
this section, the board shall do all of the following: 1064

(1) Cause the agreement to be recorded in the county deed 1065
records in the office of the county recorder of the county in 1066
which the real property is situated. Failure to record the 1067
agreement does not affect the validity of the agreement or the 1068
collection of any amounts due under the agreement. 1069

(2) Establish by resolution an erosion control repayment 1070
fund into which shall be deposited all amounts collected under 1071
division (B)(3) of this section. Moneys in that fund shall be 1072
used by the board for the repayment of the loan and for 1073
administrative or other costs of the board or the authority as 1074
specified in an agreement entered into under division (C) of 1075
this section. If the amount of money in the fund is inadequate 1076
to repay the loan when due, the board of county commissioners, 1077
by resolution, may advance money from any other fund in order to 1078
repay the loan if that use of the money from the other fund is 1079
not in conflict with law. If the board so advances money in 1080
order to repay the loan, the board subsequently shall reimburse 1081
each fund from which the board advances money with moneys from 1082
the erosion control repayment fund. 1083

(3) Bill and collect all amounts when due under the 1084
agreement entered into under division (A) of this section. The 1085
board shall certify amounts not paid when due to the county 1086
auditor, who shall enter the amounts on the real property tax 1087
list and duplicate against the property identified under 1088
division (A)(1) of this section. The amounts not paid when due 1089
shall be a lien on that property from the date on which the 1090
amounts are placed on the tax list and duplicate and shall be 1091
collected in the same manner as other taxes. 1092

(C) A board may apply to the authority for a loan for the 1093
purpose of entering into agreements under division (A) of this 1094
section. The loan shall be for an amount and on the terms 1095
established in an agreement between the board and the authority. 1096
The board may assign any agreements entered into under division 1097
(A) of this section to the authority in order to provide for the 1098
repayment of the loan and may pledge any lawfully available 1099
revenues to the repayment of the loan, provided that no moneys 1100
raised by taxation shall be obligated or pledged by the board 1101
for the repayment of the loan. Any agreement with the authority 1102
pursuant to this division is not subject to Chapter 133. of the 1103
Revised Code or any requirements or limitations established in 1104
that chapter. 1105

(D) The authority, as assignee of any agreement pursuant 1106
to division (C) of this section, may enforce and compel the 1107
board and the county auditor by mandamus pursuant to Chapter 1108
2731. of the Revised Code to comply with division (B) of this 1109
section in a timely manner. 1110

(E) The construction of an erosion control ~~structure~~ 1111
measure by a contractor hired by an individual homeowner, group 1112
of individual homeowners, or homeowners association that enters 1113

into an agreement with a board under division (A) of this 1114
section is not a public improvement, as defined in section 1115
4115.03 of the Revised Code, and is not subject to competitive 1116
bidding or public bond laws. 1117

Section 2. That existing sections 1506.01, 1506.02, 1118
1506.06, 1506.07, 1506.08, 1506.09, 1506.11, 1506.40, 1506.41, 1119
1506.42, and 1506.44 of the Revised Code are hereby repealed. 1120

Section 3. That section 1506.021 of the Revised Code is 1121
hereby repealed. 1122

Section 4. (A) As used in this section: 1123

(1) "Territory" has the same meaning as in section 1506.11 1124
of the Revised Code. 1125

(2) "Commercial" has the same meaning as in section 1126
1506.01 of the Revised Code. 1127

(3) "Governmental" has the same meaning as in section 1128
1506.01 of the Revised Code. 1129

(B) Not later than one hundred twenty days after the 1130
effective date of this section, the director of natural 1131
resources shall provide notice by certified mail to each lessee 1132
who entered into a lease with the state under section 1506.11 of 1133
the Revised Code, as it existed prior to its amendment by this 1134
act, of the right to make a request to terminate or modify that 1135
lease if all or part of the land leased was one or more of the 1136
following: 1137

(1) Not part of the territory; 1138

(2) For a purpose other than commercial or governmental 1139
use. 1140

(C) (1) Not later than one hundred twenty days after 1141
receipt of the notification under division (B) of this section, 1142
a lessee may request the state to terminate or modify a lease 1143
described in division (B) (1) of this section. If the lessee 1144
provides documentation to the director demonstrating that all or 1145
part of the lands for which the lease was entered into was not 1146
part of the territory, the lease shall be terminated or modified 1147
in accordance with that documentation as of May 21, 2015. 1148

(2) Not later than one hundred twenty days after receipt 1149
of the notification under division (B) of this section, a lessee 1150
may request the state to terminate a lease described in division 1151
(B) (2) of this section. If the lessee provides documentation to 1152
the director demonstrating that the use of the land for which 1153
the lease was entered into was for a purpose other than 1154
commercial or governmental use, the lease shall be terminated in 1155
accordance with that documentation as of May 21, 2015. 1156

(D) The director shall return any rentals collected from 1157
May 21, 2015, to the effective date of this section under any 1158
lease terminated or modified under this section to the persons 1159
who were the lessees under the lease during that time period and 1160
prorate the rentals accordingly. Any lease modified under 1161
division (C) (1) of this section is valid and continues in full 1162
force and effect. 1163

(E) If a lessee does not make a request to terminate or 1164
modify a lease within the one-hundred-twenty-day period 1165
specified in divisions (C) (1) and (2) of this section, the lease 1166
is valid and continues in full force and effect. 1167

(F) Any permit that was issued under section 1506.40 of 1168
the Revised Code or any equivalent permit issued under Chapter 1169
1506. of the Revised Code prior to the effective date of this 1170

section remains in effect.

1171