

H. B. No. 592
As Introduced

_____ moved to amend as follows:

In line 1 of the title, delete "707.02" and insert "707.05,"; delete 1
the first "and" and insert "707.06, 707.07, 707.22, 707.24, 707.28,"; 2
after "707.29" insert ", and 709.41; to amend, for the purpose of adopting 3
new section numbers as indicated in parentheses, sections 707.01 (707.02), 4
707.02 (707.03), and 707.03 (707.04); to enact sections 707.01 and 5
707.31;" 6

In line 4, delete "707.02" and insert "707.05,"; delete "and" and 7
insert "707.06, 707.07, 707.22, 707.24, 707.28,"; after "707.29" insert ", 8
and 709.41 be amended; sections 707.01 (707.02), 707.02 (707.03), and 9
707.03 (707.04) be amended for the purpose of adopting new section numbers 10
as indicated in parentheses; and sections 707.01 and 707.31" 11

In line 5, delete "amended" and insert "enacted" 12

After line 5, insert: 13

"Sec. 707.01. (A) Territory may be incorporated under this 14
chapter as follows: 15

(1) Villages may be incorporated upon petition and board 16



of county commissioners' approval in the manner provided in 17
sections 707.03 to 707.28 of the Revised Code. 18

(2) Cities may be incorporated upon petition and citizen 19
approval in the manner provided in sections 707.29 and 707.30 of 20
the Revised Code. 21

(3) The unincorporated territory of a township may be 22
incorporated as a village or city upon resolution of the board 23
of township trustees and citizen approval in the manner provided 24
in section 707.31 of the Revised Code." 25

Delete lines 6 through 38 26

After line 38, insert: 27

~~"Sec. 707.01 707.02. Villages may be incorporated in the~~ 28
~~manner provided in sections 707.01 to 707.28 of the Revised~~ 29
~~Code. Application for incorporation of a village shall be made~~ 30
~~by petition addressed to the board of county commissioners.~~ 31

No territory within the boundaries of a military base, 32
camp, or similar installation under the jurisdiction of a 33
military department of the United States government, that is 34
used for the housing of members of the armed forces of the 35
United States and is a center for military operations of the 36
department, shall be incorporated without the approval of the 37
secretary of defense of the United States, ~~his~~the secretary's 38
designee, or other person having authority under federal law to 39
give such approval. 40

Sec. 707.02 707.03. Application for incorporation of a 41
village shall be made by petition addressed to the board of 42
county commissioners. The petition required by section 707.01 of 43
the Revised Code shall be signed by fifty-one per cent of the 44

electors within the territory proposed to be incorporated, as 45
determined by the total number of votes cast within that 46
territory for the office of governor at the preceding general 47
election for that office, and shall contain or have attached 48
thereto: 49

(A) A full description and an accurate map of the 50
territory within the proposed municipal corporation; 51

(B) A statement signed by the county auditor as to the 52
total assessed valuation of the area proposed for incorporation; 53

(C) A statement that the area consists of not less than 54
two square miles, includes a population of not less than eight 55
hundred persons per square mile, and has an assessed valuation 56
of real, personal, and public utility property subject, except 57
as otherwise provided in this division, to general property 58
taxation of at least three thousand five hundred dollars per 59
capita. In determining per capita assessed valuation under this 60
division, the assessed valuation of any tangible personal 61
property, buildings, structures, improvements, and fixtures that 62
are exempt from taxation under division (B) of section 5709.081 63
of the Revised Code shall be added to the assessed valuation of 64
real, personal, and public utility property subject to general 65
property taxation. 66

(D) A statement by the secretary of state that the name 67
proposed in the petition is not being used by any other 68
municipal corporation in the state; 69

(E) The name of a person to act as agent for the 70
petitioners; 71

~~(F) A statement of whether or not the proposed municipal 72
corporation contains and includes territory within three miles 73~~

~~of any portion of the boundary of an existing municipal~~ 74
~~corporation.~~ 75

Sec. ~~707.03~~ 707.04. The petition required by section 76
~~707.02-707.03~~ of the Revised Code may be presented to the board 77
of county commissioners at any session of the board, after which 78
the board shall make it available for inspection of any 79
interested person. 80

Upon presentation of such a petition, the board of county 81
commissioners may charge a fee to the agent of the petitioners, 82
to cover the cost of verifying the signatures on the petition. 83

Sec. 707.05. The board shall fix, and communicate to the 84
agent of the petitioners, the time and place for hearing the 85
petition, which time shall be not less than forty nor more than 86
ninety days after the petition is presented to the board 87
pursuant to section ~~707.03-707.04~~ of the Revised Code. Thereupon 88
the agent for the petitioners shall cause a notice containing 89
the substance of the petition, and the time and place where it 90
will be heard, to be published in a newspaper published in, and 91
of general circulation in the county, for a period of three 92
consecutive weeks. 93

Sec. 707.06. The hearing provided for in section 707.05 94
of the Revised Code shall be public. Any person interested may 95
appear, in person or by attorney, and contest the granting of 96
the prayer of the petition provided for by section ~~707.02-707.03~~ 97
of the Revised Code, and affidavits presented in support of or 98
against the prayer of such petition shall be considered by the 99
board. The board of county commissioners may amend the petition 100
on its leave. If any amendment is permitted, whereby territory 101
not before embraced is added, the board shall appoint another 102
time for the hearing, of which notice shall be given as 103

specified in section 707.05 of the Revised Code. 104

Sec. 707.07. After the hearing on a petition to 105
incorporate, the board of county commissioners shall enter an 106
order on its journal allowing the incorporation if it finds 107
that: 108

(A) The petition contains all the matters required in 109
section ~~707.02~~707.03 of the Revised Code and the statements in 110
the petition are true. 111

(B) Notice has been published as is required by section 112
707.05 of the Revised Code. 113

(C) The number of valid signatures on the petition 114
constituted fifty-one per cent of the electors within the 115
territory proposed to be incorporated, as determined by the 116
total number of votes cast within that territory for the office 117
of governor at the preceding general election for that office. 118

(D) The territory included in the proposed municipal 119
corporation is compact and is not unreasonably large; municipal 120
services, such as police and fire protection, street 121
construction and maintenance, sanitary and storm sewers, 122
planning, zoning, and subdivision control, and parks and 123
recreational facilities are capable of being financed by the 124
proposed municipal corporation with a reasonable local tax, 125
using the current assessed valuation of properties as a basis of 126
calculation; and the general good of the community, including 127
both the proposed municipal corporation and the surrounding 128
area, will be served if the incorporation petition is granted. 129

Sec. 707.22. When electors residing in two or more 130
counties desire the organization of such territory into a 131
municipal corporation, the petition shall be made to the board 132

of county commissioners of the county in which the largest 133
number of qualified voters of the proposed municipal corporation 134
reside, and a statement to that effect shall be set forth in the 135
petition. The transcript of the proceedings of the board, if 136
required, and the other papers relating to the incorporation 137
shall be recorded in the county in which the petition is filed 138
in the manner provided by section 707.09 of the Revised Code. 139
Within ten days after such recording the county recorder shall 140
make a certified transcript of such record for each of the other 141
counties in which any portion of the territory is situated, and 142
shall forward such transcript to the recorders of such counties, 143
who shall record them in the manner required for original 144
papers. 145

In all other respects, the proceedings to establish such 146
municipal corporation, or review the action of the board, shall 147
be as provided in sections ~~707.01~~707.03 to 707.14 of the 148
Revised Code for villages and sections 707.29 and 707.30 of the 149
Revised Code for cities. 150

Sec. 707.24. Each municipal officer shall receive for the 151
services required of ~~him~~the officer under sections ~~707.01~~707.03 152
to 707.28, inclusive, of the Revised Code, the same fees ~~he~~the 153
officer would be entitled to for similar services in other 154
cases. Unless such fees are paid in advance for services under 155
sections 707.01 to 707.28, inclusive, of the Revised Code, by 156
the agent of the petitioners, of whom demand may be made, such 157
officer need not perform the service. 158

Sec. 707.28. (A) When a village or a city is incorporated 159
from a portion of a township, or portions of more than one 160
township, a proper division of the real and personal property of 161
the townships, and of the funds for township purposes which are 162

in the treasury, or in the process of collection, of the 163
townships from which the territory is taken, shall, upon 164
application of the village or city treasurer to the probate 165
court of the county in which the territory is situated, be 166
determined and ordered transferred to the village or city, in 167
the case of real or personal property, or, in the case of funds, 168
paid to the village or city treasurer. 169

In determining the portion of the real and personal 170
property and funds to which the village or city is entitled, the 171
indebtedness of each township shall be taken into consideration. 172
Ten days' notice of a hearing shall be given by the treasurer of 173
the applicant to the township fiscal officer of each township 174
whose property and funds are sought to be divided. The findings 175
and orders of the probate court under this section shall be 176
final. 177

(B) When a village or a city is incorporated from all of 178
the unincorporated territory of a township, all real and 179
personal property and indebtedness of the township transfers to 180
the village or city." 181

After line 71, insert: 182

"Sec. 707.31. (A) A board of township trustees, by a 183
unanimous vote, may adopt and certify to the board of elections 184
a resolution directing the board of elections to submit to the 185
electors of the unincorporated area of the township the question 186
of whether the area should incorporate as a city or village, as 187
applicable based on population. The resolution shall include a 188
proposed name for the city or village which shall not be the 189
same as any other municipal corporation in the state. 190

(B) The board of elections shall place the following 191

question on the ballot to be voted upon at a special election on 192
the day of the next primary election or on the day of the next 193
general election occurring at least ninety days after 194
certification of the resolution to the board of elections: 195

"Shall _____ (name of township) be incorporated into 196
a new village/city (based on population) to be known as 197
_____ (insert the name of the proposed new village/city)? 198

<u>For incorporation</u>	
<u>Against incorporation</u>	"

The board of elections shall certify this result to the 200
board of county commissioners. 201

(C) (1) If a majority of the voters vote in favor of 202
incorporation, the incorporation of the territory shall proceed 203
as provided for municipal corporations in sections 707.08, 204
707.09, 707.21 to 707.24, 707.27, and 707.28 of the Revised 205
Code. 206

(2) If a majority of the voters vote against 207
incorporation, no further resolutions shall be adopted proposing 208
the same incorporation for at least three years after the date 209
of that election. 210

(D) Incorporation under this section shall be of all 211
unincorporated territory of the township and no additional 212
territory. 213

Sec. 709.41. The owner of unplatted farm lands, annexed 214
to any municipal corporation after the incorporation thereof, 215
may file a petition in the court of common pleas of the county 216

in which the lands are situated, in which such owner shall be 217
named as plaintiff, and the municipal corporation shall be the 218
defendant, setting forth the reasons why the land should be 219
detached, and the relief prayed for. A summons shall issue on 220
such petition as in other actions, and the case shall proceed as 221
in other causes. 222

No such action shall be brought, or detachment ordered or 223
decreed, within five years from the time that such lands were 224
incorporated as or annexed by to any such municipal corporation 225
under sections 707.01 to ~~707.30~~707.31, inclusive, and sections 226
709.01 to 709.42, inclusive, of the Revised Code." 227

In line 72, after "sections" insert "707.01,"; after "707.02" insert 228
",,"; delete "and" and insert "707.03, 707.05, 707.06, 707.07, 707.22, 229
707.24, 707.28,"; after "707.29" insert ", and 709.41" 230

The motion was _____ agreed to.

SYNOPSIS 231

Incorporation via resolution 232

R.C. 707.31; conforming changes in various other sections 233

Allows a board of township trustees to adopt a resolution 234
placing the question of incorporation on the ballot. 235