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H.B. 639
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Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Deeter and Click

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SUMMARY

- Creates a complete defense to a civil action for nuisances involving a racing facility and racetrack arising on or after the bill's effective date if certain conditions are met.
- Prohibits a county or township from adopting or enforcing a resolution that conflicts with the bill.
- Provides that the bill is not to be construed to exempt a racing facility and racetrack from compliance with state or federal environmental laws or health and safety regulations, or from a claim based on physical damage or personal injury.

DETAILED ANALYSIS

Introduction

The bill modifies Ohio statutory law governing nuisances, which law classifies various types of activities and locations as nuisances and allows a civil action to be brought against the person maintaining the nuisance. The bill limits nuisance actions involving a racing facility and racetrack by creating a complete defense to such actions if certain conditions are met, and prohibits a county or township from adopting or enforcing a conflicting resolution.

Current law defines "nuisance" as: (1) that which is defined and declared by statutes to be a nuisance, (2) any place in which lewdness, assignation, or prostitution is conducted or permitted, or any place in which lewd, indecent, or obscene films, plates, or slides are shown or produced, (3) any place where beer or intoxicating liquor is produced, kept, or distributed in violation of law, or any place where such activities occur in a way that substantially interferes with public decency, sobriety, peace, and good order, or (4) any place in which a pattern of continuous or repeated violations of the prohibition against providing cigarettes and certain related products to a person under the age of 21 or without verifying proof of age has occurred.

“Person” under the nuisance law includes any individual, corporation, association, partnership, trustee, lessee, agent, or assignee.

The following terms are defined by the bill:

- “Area of the racing facility and racetrack” means an area that is located within a five-mile radius of the perimeter of the property or contiguous group of properties where a racing facility and racetrack is located.
- “Building” means any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or appurtenances.
- “Ordinary and anticipated activities” include noise, dust, traffic, lighting, and any other activities typically associated with the lawful operation of a racing facility and racetrack.
- “Racing facility and racetrack” means a designated area or facility where competitive vehicle and motorsport races are conducted, including the track, spectator areas, garages, and any associated grounds, buildings, or appurtenances used to operate the races.¹

Nuisance complete defense

The bill creates a complete defense to a civil action for nuisances involving a racing facility and racetrack arising on or after the bill’s effective date if all of the following are met:

- The nuisance action is brought by a person who owns real property within the area of the racing facility and racetrack;
- The person either purchased the real property or constructed a building on the real property after the date that the racing facility and racetrack completed construction;
- The racing facility and racetrack is lawfully operating;
- The nuisance claim is based on ordinary and anticipated activities of the racing facility and racetrack.

This complete defense applies regardless of any lawful changes to the size, scope, configuration, or technology of the racing facility and racetrack, or type of racing conducted at the racing facility and racetrack.²

County or township resolution prohibited

Counties and townships are prohibited from adopting or enforcing a resolution that conflicts with the bill.³

¹ R.C. 3767.52(A); R.C. 2927.02, 3767.01 to 3767.03, and 3781.06, not in the bill.

² R.C. 3767.52(B) and (C).

³ R.C. 3767.52(E).

No exemption from certain laws, regulations, or claims

The bill provides that it is not to be construed to exempt a racing facility and racetrack from: (1) compliance with state or federal environmental laws or health and safety regulations, or (2) a claim based on physical damage or personal injury.⁴

HISTORY

Action	Date
Introduced	01-05-26

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⁴ R.C. 3767.52(D).