

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 500

Representative Carfagna

**Cosponsors: Representatives Arndt, Hambley, Hill, Lang, LaTourette, Patton,
Schaffer, Seitz, Stein, Ginter**

A BILL

To amend sections 303.21, 349.03, 505.01, 505.04, 1
505.38, 505.482, 507.11, 513.07, 513.071, 2
517.30, 519.04, 519.07, 519.12, 519.13, 519.15, 3
519.21, 1509.07, 3375.121, 3501.021, 3709.03, 4
5541.04, 5553.04, 5705.121, 5705.19, 5709.73, 5
and 5709.75, to enact section 503.58, and to 6
repeal sections 711.25, 711.26, and 711.27 of 7
the Revised Code to make various changes to 8
township law. 9

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

Section 1. That sections 303.21, 349.03, 505.01, 505.04, 10
505.38, 505.482, 507.11, 513.07, 513.071, 517.30, 519.04, 11
519.07, 519.12, 519.13, 519.15, 519.21, 1509.07, 3375.121, 12
3501.021, 3709.03, 5541.04, 5553.04, 5705.121, 5705.19, 5709.73, 13
and 5709.75 be amended and section 503.58 of the Revised Code be 14
enacted to read as follows: 15

Sec. 303.21. (A) Except as otherwise provided in division 16
(B) of this section, sections 303.01 to 303.25 of the Revised 17
Code do not confer any power on any county rural zoning 18

commission, board of county commissioners, or board of zoning 19
appeals to prohibit the use of any land for agricultural 20
purposes or the construction or use of buildings or structures 21
incident to the use for agricultural purposes of the land on 22
which such buildings or structures are located, including 23
buildings or structures that are used primarily for vinting and 24
selling wine and that are located on land any part of which is 25
used for viticulture, and no zoning certificate shall be 26
required for any such building or structure. 27

(B) A county zoning resolution, or an amendment to such 28
resolution, may in any platted subdivision, including, but not 29
limited to those approved under section 711.05, 711.09, or 30
711.10 of the Revised Code, or in any area consisting of fifteen 31
or more lots approved under section 711.131 of the Revised Code 32
that are contiguous to one another, or some of which are 33
contiguous to one another and adjacent to one side of a 34
dedicated public road, and the balance of which are contiguous 35
to one another and adjacent to the opposite side of the same 36
dedicated public road regulate: 37

(1) Agriculture on lots of one acre or less; 38

(2) Buildings or structures incident to the use of land 39
for agricultural purposes on lots greater than one acre but not 40
greater than five acres by: set back building lines; height; and 41
size; 42

(3) Dairying and animal and poultry husbandry on lots 43
greater than one acre but not greater than five acres when at 44
least thirty-five per cent of the lots in the subdivision are 45
developed with at least one building, structure, or improvement 46
that is subject to real property taxation or that is subject to 47
the tax on manufactured and mobile homes under section 4503.06 48

of the Revised Code. After thirty-five per cent of the lots are 49
so developed, dairying and animal and poultry husbandry shall be 50
considered nonconforming use of land and buildings or structures 51
pursuant to section 303.19 of the Revised Code. 52

Division (B) of this section confers no power on any 53
county rural zoning commission, board of county commissioners, 54
or board of zoning appeals to regulate agriculture, buildings or 55
structures, and dairying and animal and poultry husbandry on 56
lots greater than five acres. 57

(C) Such sections confer no power on any board of county 58
commissioners, county rural zoning commission, or board of 59
zoning appeals to prohibit in a district zoned for agricultural, 60
industrial, residential, or commercial uses, the use of any land 61
for: 62

(1) A farm market where fifty per cent or more of the 63
gross income received from the market is derived from produce 64
raised on farms owned or operated by the market operator in a 65
normal crop year. However, a board of county commissioners, as 66
provided in section 303.02 of the Revised Code, may regulate 67
such factors pertaining to farm markets as size of the 68
structure, size of parking areas that may be required, set back 69
building lines, and egress or ingress, where such regulation is 70
necessary to protect the public health and safety. 71

(2) Biodiesel production, biomass energy production, or 72
electric or heat energy production if the land on which the 73
production facility is located qualifies as land devoted 74
exclusively to agricultural use under sections 5713.30 to 75
5713.37 of the Revised Code for real property tax purposes. As 76
used in division (C)(2) of this section, "biodiesel," "biomass 77
energy," and "electric or heat energy" have the same meanings as 78

in section 5713.30 of the Revised Code. 79

(3) Biologically derived methane gas production if the 80
land on which the production facility is located qualifies as 81
land devoted exclusively to agricultural use under sections 82
5713.30 to 5713.37 of the Revised Code for real property tax 83
purposes and if the facility that produces the biologically 84
derived methane gas does not produce more than seventeen million 85
sixty thousand seven hundred ten British thermal units, five 86
megawatts, or both. 87

(4) Agritourism. However, a board of county commissioners, 88
as provided in section 303.02 of the Revised Code, may regulate 89
such factors pertaining to agritourism, except farm markets as 90
described in division (C) (1) of this section, as size of a 91
structure used primarily for agritourism, size of parking areas 92
that may be required, setback building lines for structures used 93
primarily for agritourism, and egress or ingress where such 94
regulation is necessary to protect public health and safety. 95

Nothing in division (C) (4) of this section confers power 96
on a county zoning commission, board of county commissioners, or 97
board of zoning appeals to require any parking area to be 98
improved in any manner, including requirements governing 99
drainage, parking area base, parking area paving, or any other 100
improvement. 101

Nothing in division (C) (4) of this section confers power 102
on a county zoning commission, board of county commissioners, or 103
board of zoning appeals to prohibit the use of any land or the 104
construction or use of buildings or structures that are used 105
primarily for vinting and selling wine that are located on land 106
any part of which is used for viticulture as provided in 107
division (A) of this section. 108

(D) (1) As used in division (C) (3) of this section, 109
"biologically derived methane gas" has the same meaning as in 110
section 5713.30 of the Revised Code. 111

(2) As used in division (C) (4) of this section, 112
"agritourism" has the same meaning as in section 901.80 of the 113
Revised Code. 114

Sec. 349.03. (A) Proceedings for the organization of a new 115
community authority shall be initiated by a petition filed by 116
the developer in the office of the clerk of the organizational 117
board of commissioners. Such petition shall be signed by the 118
developer and may be signed by each proximate city. The 119
legislative authorities of each such proximate city shall act in 120
behalf of such city. Such petition shall contain: 121

(1) The name of the proposed new community authority; 122

(2) The address where the principal office of the 123
authority will be located or the manner in which the location 124
will be selected; 125

(3) A map and a full and accurate description of the 126
boundaries of the new community district together with a 127
description of the properties within such boundaries, if any, 128
which will not be included in the new community district. 129

The total acreage included in such district ~~shall not be~~ 130
~~less than one thousand acres, all of which acreage~~ shall be 131
owned by, or under the control through leases of at least 132
seventy-five years' duration, options, or contracts to purchase, 133
of the developer, if the developer is a private entity, unless 134
one of the following applies: 135

(a) The district is wholly contained within municipal 136
corporations. 137

(b) More than one-half of the proposed district is, at the 138
time of filing the petition under this section, contained within 139
a joint economic development district created under sections 140
715.70 to 715.83 of the Revised Code. 141

(4) A statement setting forth the zoning regulations 142
proposed for zoning the area within the boundaries of the new 143
community district for comprehensive development as a new 144
community, and if the area has been zoned for such development, 145
a certified copy of the applicable zoning regulations therefor; 146

(5) A current plan indicating the proposed development 147
program for the new community district, the land acquisition and 148
land development activities, community facilities, services 149
proposed to be undertaken by the new community authority under 150
such program, the proposed method of financing such activities 151
and services, including a description of the bases, timing, and 152
manner of collecting any proposed community development charges, 153
and the projected total residential population of, and 154
employment within, the new community; 155

(6) A suggested number of members, consistent with section 156
349.04 of the Revised Code, for the board of trustees; 157

(7) A preliminary economic feasibility analysis, including 158
the area development pattern and demand, location and proposed 159
new community district size, present and future socio-economic 160
conditions, public services provision, financial plan, and the 161
developer's management capability; 162

(8) A statement that the development will comply with all 163
applicable environmental laws and regulations. 164

Upon the filing of such petition, the organizational board 165
of commissioners shall determine whether such petition complies 166

with the requirements of this section as to form and substance. 167
The board in subsequent proceedings may at any time permit the 168
petition to be amended in form and substance to conform to the 169
facts by correcting any errors in the description of the 170
proposed new community district or in any other particular. 171

Upon the determination of the organizational board of 172
commissioners that a sufficient petition has been filed in 173
accordance with this section, the board shall fix the time and 174
place of a hearing on the petition for the establishment of the 175
proposed new community authority. Such hearing shall be held not 176
less than ninety-five nor more than one hundred fifteen days 177
after the petition filing date, except that if the petition has 178
been signed by all proximate cities or if the organizational 179
board of commissioners is the legislative authority of the only 180
proximate city for the proposed new community district, such 181
hearing shall be held not less than thirty nor more than forty- 182
five days after the petition filing date. The clerk of the 183
organizational board of commissioners with which the petition 184
was filed shall give notice thereof by publication once each 185
week for three consecutive weeks, or as provided in section 7.16 186
of the Revised Code, in a newspaper of general circulation in 187
any county of which a portion is within the proposed new 188
community district. Except where the organizational board of 189
commissioners is the legislative authority of the only proximate 190
city for the proposed new community district, such clerk shall 191
also give written notice of the date, time, and place of the 192
hearing and furnish a certified copy of the petition to the 193
clerk of the legislative authority of each proximate city which 194
has not signed such petition. Except where the organizational 195
board of commissioners is the legislative authority of the only 196
proximate city for the proposed new community district, in the 197

event that the legislative authority of a proximate city which 198
did not sign the petition does not approve by ordinance, 199
resolution, or motion the establishment of the proposed new 200
community authority and does not deliver such ordinance, 201
resolution, or motion to the clerk of the organizational board 202
of commissioners with which the petition was filed within ninety 203
days following the date of the first publication of the notice 204
of the public hearing, the organizational board of commissioners 205
shall cancel such public hearing and terminate the proceedings 206
for the establishment of the new community authority. 207

Upon the hearing, if the organizational board of 208
commissioners determines by resolution that the proposed new 209
community district will be conducive to the public health, 210
safety, convenience, and welfare, and is intended to result in 211
the development of a new community, the board shall by its 212
resolution, declare the new community authority to be organized 213
and a body politic and corporate with the corporate name 214
designated in the resolution, and define the boundary of the new 215
community district. In addition, the resolution shall provide 216
the method of selecting the board of trustees of the new 217
community authority and fix the surety for their bonds in 218
accordance with section 349.04 of the Revised Code. 219

If the organizational board of commissioners finds that 220
the establishment of the district will not be conducive to the 221
public health, safety, convenience, or welfare, or is not 222
intended to result in the development of a new community, it 223
shall reject the petition thereby terminating the proceedings 224
for the establishment of the new community authority. 225

(B) At any time after the creation of a new community 226
authority, the developer may file an application with the clerk 227

of the organizational board of commissioners with which the 228
original petition was filed, setting forth a general description 229
of territory it desires to add or to delete from such district, 230
that such change will be conducive to the public health, safety, 231
convenience, and welfare, and will be consistent with the 232
development of a new community and will not jeopardize the plan 233
of the new community. If the developer is not a municipal 234
corporation, port authority, or county, all of such an addition 235
to such a district shall be owned by, or under the control 236
through leases of at least seventy-five years' duration, 237
options, or contracts to purchase, of the developer. Upon the 238
filing of the application, the organizational board of 239
commissioners shall follow the same procedure as required by 240
this section in relation to the petition for the establishment 241
of the proposed new community. 242

(C) If all or any part of the new community district is 243
annexed to one or more existing municipal corporations, their 244
legislative authorities may appoint persons to replace any 245
appointed citizen member of the board of trustees. The number of 246
such trustees to be replaced by the municipal corporation shall 247
be the number, rounded to the lowest integer, bearing the 248
proportionate relationship to the number of existing appointed 249
citizen members as the acreage of the new community district 250
within such municipal corporation bears to the total acreage of 251
the new community district. If any such municipal corporation 252
chooses to replace an appointed citizen member, it shall do so 253
by ordinance, the term of the trustee being replaced shall 254
terminate thirty days from the date of passage of such 255
ordinance, and the trustee to be replaced shall be determined by 256
lot. Each newly appointed member shall assume the term of the 257
member's predecessor. 258

<u>Sec. 503.58. (A) As used in this section, "admission"</u>	259
<u>means the right or privilege to enter into any place.</u>	260
<u>(B) For the purpose of providing revenue for general</u>	261
<u>township operations, capital improvements, and other expenses of</u>	262
<u>the township, a board of township trustees may, by resolution,</u>	263
<u>levy a tax upon all of the following:</u>	264
<u>(1) Amounts paid for admission to any place, including</u>	265
<u>parking lots and facilities, located in the township;</u>	266
<u>(2) Amounts paid for tickets or cards of admission to</u>	267
<u>theaters, operas, and other places of amusement located in the</u>	268
<u>township, sold at places other than the ticket offices of such</u>	269
<u>places, over and above the amounts representing the established</u>	270
<u>price therefor at such ticket offices;</u>	271
<u>(3) Amounts paid for admission to any public performance</u>	272
<u>at any roof garden, cabaret, or other similar entertainment</u>	273
<u>venue located in the township, in which the charge for admission</u>	274
<u>is a service or cover charge.</u>	275
<u>(C) The resolution shall state the purpose for which the</u>	276
<u>tax is levied and that the tax shall not apply to amounts paid</u>	277
<u>for admission to any of the following:</u>	278
<u>(1) A county fairground;</u>	279
<u>(2) Events or activities sponsored by a nonprofit</u>	280
<u>organization that is exempt from federal income taxation under</u>	281
<u>section 501(a) and described in section 501(c) (3) of the</u>	282
<u>Internal Revenue Code, provided that all receipts from the event</u>	283
<u>or activity are devoted exclusively for the use of the</u>	284
<u>organization;</u>	285
<u>(3) Events or activities sponsored by the state or a</u>	286

political subdivision, unless the state or political subdivision 287
agrees that the tax shall apply to the event or activity. 288

(D) The rate of a tax levied under this section shall not 289
exceed five per cent of the admission charge. Every person 290
receiving any payment on which a tax is levied under this 291
section shall collect the amount of the tax from the person 292
making the admission payment and remit the tax to the township 293
in the manner and at the times prescribed by the regulations 294
adopted by the board of township trustees. 295

(E) Before adopting any resolution under this section, the 296
board of township trustees shall conduct two public hearings on 297
the resolution, the second hearing to be not less than three nor 298
more than ten days after the first. Notice of the date, time, 299
and place of such hearings shall be given by publication in a 300
newspaper of general circulation in the township or as provided 301
in section 7.16 of the Revised Code once a week on the same day 302
of the week for two consecutive weeks, the second publication 303
being not less than ten nor more than thirty days before the 304
first hearing. 305

No resolution under this section shall become effective 306
sooner than thirty days following its adoption, and such 307
resolution is subject to a referendum in the same manner, except 308
as to the form of the petition, as provided in division (H) of 309
section 519.12 of the Revised Code for a proposed amendment to a 310
township zoning resolution. In addition, a petition under this 311
section shall be governed by the rules specified in section 312
3501.38 of the Revised Code. No resolution levying a tax under 313
this section for which a referendum vote has been requested 314
shall go into effect unless approved by a majority of those 315
voting upon it. 316

(F) The legislative authority of a township levying a tax 317
pursuant to this section shall establish all regulations 318
necessary to provide for the administration of the tax. The 319
regulations may prescribe the time for payment of the tax, and 320
may provide for the imposition of a penalty or interest, or 321
both, for late payments, provided that the penalty does not 322
exceed ten per cent of the amount of tax due, and the rate at 323
which interest accrues does not exceed the rate per annum 324
prescribed pursuant to section 5703.47 of the Revised Code. 325

(G) A tax levied pursuant to this section shall continue 326
in effect until repealed by resolution adopted by the board of 327
township trustees. 328

Sec. 505.01. In each township there shall be a board of 329
township trustees consisting of three members. Two of such 330
trustees shall be elected at the general election in nineteen 331
forty-nine and quadrennially thereafter, in each township, who 332
shall hold office for a term of four years, commencing on the 333
first day of January next after their election. The third 334
trustee shall be elected at the general election in nineteen 335
fifty-one and quadrennially thereafter, in each township, who 336
shall hold office for a term of four years, commencing on the 337
first day of January next after ~~his~~ the person's election. 338

At the first meeting of the board each calender year, the 339
board shall select one of its members to serve as chairperson 340
for a term of one year. If the position of chairperson becomes 341
vacant, the board shall select one of its members to preside. 342

Sec. 505.04. The board of township trustees shall make an 343
inventory on the second Monday of January, each year, of all the 344
materials, machinery, tools, and other township supplies in its 345
possession. The inventory shall be a public record and ~~shall be~~ 346

~~made in duplicate, one copy of which shall be filed with the~~ 347
~~fiscal officer of the board and one copy with the county~~ 348
~~engineer township.~~ 349

Sec. 505.38. (A) In each township or fire district that 350
has a fire department, the head of the department shall be a 351
fire chief, appointed by the board of township trustees, except 352
that, in a joint fire district, the fire chief shall be 353
appointed by the board of fire district trustees. Neither this 354
section nor any other section of the Revised Code requires, or 355
shall be construed to require, that the fire chief be a resident 356
of the township or fire district. 357

The board shall provide for the employment of firefighters 358
as it considers best and shall fix their compensation. No person 359
shall be appointed as a permanent full-time paid member, whose 360
duties include fire fighting, of the fire department of any 361
township or fire district unless that person has received a 362
certificate issued under former section 3303.07 or section 363
4765.55 of the Revised Code evidencing satisfactory completion 364
of a firefighter training program. Those appointees shall 365
continue in office until removed from office as provided by 366
sections 733.35 to 733.39 of the Revised Code. To initiate 367
removal proceedings, and for that purpose, the board shall 368
designate the fire chief or a ~~private citizen~~ legal counsel to 369
investigate the conduct and prepare the necessary charges in 370
conformity with those sections. 371

In case of the removal of a fire chief or any member of 372
the fire department of a township or fire district, an appeal 373
may be had from the decision of the board to the court of common 374
pleas of the county in which the township or fire district fire 375
department is situated to determine the sufficiency of the cause 376

of removal. The appeal from the findings of the board shall be 377
taken within ten days. 378

No person who is appointed as a volunteer firefighter of 379
the fire department of any township or fire district shall 380
remain in that position unless either of the following applies: 381

(1) Within one year of the appointment, the person has 382
received a certificate issued under former section 3303.07 of 383
the Revised Code or section 4765.55 of the Revised Code 384
evidencing satisfactory completion of a firefighter training 385
program. 386

(2) The person began serving as a permanent full-time paid 387
firefighter with the fire department of a city or village prior 388
to July 2, 1970, or as a volunteer firefighter with the fire 389
department of a city, village, or other township or fire 390
district prior to July 2, 1979, and receives a certificate 391
issued under division (C) (3) of section 4765.55 of the Revised 392
Code. 393

No person shall receive an appointment under this section, 394
in the case of a volunteer firefighter, unless the person has, 395
not more than sixty days prior to receiving the appointment, 396
passed a physical examination, given by a licensed physician, a 397
physician assistant, a clinical nurse specialist, a certified 398
nurse practitioner, or a certified nurse-midwife, showing that 399
the person meets the physical requirements necessary to perform 400
the duties of the position to which the person is appointed as 401
established by the board of township trustees having 402
jurisdiction over the appointment. The appointing authority, 403
prior to making an appointment, shall file with the Ohio police 404
and fire pension fund or the local volunteer fire fighters' 405
dependents fund board a copy of the report or findings of that 406

licensed physician, physician assistant, clinical nurse 407
specialist, certified nurse practitioner, or certified nurse- 408
midwife. The professional fee for the physical examination shall 409
be paid for by the board of township trustees. 410

(B) In each township not having a fire department, the 411
board of township trustees shall appoint a fire prevention 412
officer who shall exercise all of the duties of a fire chief 413
except those involving the maintenance and operation of fire 414
apparatus. The board may appoint one or more deputy fire 415
prevention officers who shall exercise the duties assigned by 416
the fire prevention officer. 417

The board may fix the compensation for the fire prevention 418
officer and the fire prevention officer's deputies as it 419
considers best. The board shall appoint each fire prevention 420
officer and deputy for a one-year term. An appointee may be 421
reappointed at the end of a term to another one-year term. Any 422
appointee may be removed from office during a term as provided 423
by sections 733.35 to 733.39 of the Revised Code. Section 505.45 424
of the Revised Code extends to those officers. 425

(C) (1) Division (A) of this section does not apply to any 426
township that has a population of ten thousand or more persons 427
residing within the township and outside of any municipal 428
corporation, that has its own fire department employing ten or 429
more full-time paid employees, and that has a civil service 430
commission established under division (B) of section 124.40 of 431
the Revised Code. The township shall comply with the procedures 432
for the employment, promotion, and discharge of firefighters 433
provided by Chapter 124. of the Revised Code, except as 434
otherwise provided in divisions (C) (2) and (3) of this section. 435

(2) The board of township trustees of the township may 436

appoint the fire chief, and any person so appointed shall be in 437
the unclassified service under section 124.11 of the Revised 438
Code and shall serve at the pleasure of the board. Neither this 439
section nor any other section of the Revised Code requires, or 440
shall be construed to require, that the fire chief be a resident 441
of the township. A person who is appointed fire chief under 442
these conditions and who is removed by the board or resigns from 443
the position is entitled to return to the classified service in 444
the township fire department in the position held just prior to 445
the appointment as fire chief. 446

(3) The appointing authority of an urban township, as 447
defined in section 504.01 of the Revised Code, may appoint to a 448
vacant position any one of the three highest scorers on the 449
eligible list for a promotional examination. 450

(4) The board of township trustees shall determine the 451
number of personnel required and establish salary schedules and 452
conditions of employment not in conflict with Chapter 124. of 453
the Revised Code. 454

(5) No person shall receive an original appointment as a 455
permanent full-time paid member of the fire department of the 456
township described in this division unless the person has 457
received a certificate issued under former section 3303.07 or 458
section 4765.55 of the Revised Code evidencing the satisfactory 459
completion of a firefighter training program. 460

(6) Persons employed as firefighters in the township 461
described in this division on the date a civil service 462
commission is appointed pursuant to division (B) of section 463
124.40 of the Revised Code, without being required to pass a 464
competitive examination or a firefighter training program, shall 465
retain their employment and any rank previously granted them by 466

action of the board of township trustees or otherwise, but those 467
persons are eligible for promotion only by compliance with 468
Chapter 124. of the Revised Code. 469

Sec. 505.482. (A) The boards of township trustees of any 470
two or more contiguous townships, or the boards of township 471
trustees of one or more contiguous townships and the legislative 472
authorities of one or more contiguous municipal corporations, 473
whether or not within the same county, by adoption of a joint 474
resolution by a majority favorable vote of each such board and 475
of the members of the legislative authority of each such 476
municipal corporation, may form themselves into a joint police 477
district comprising all or any part of the townships or 478
municipal corporations as are mutually agreed upon. The 479
governing body of the joint police district shall be a joint 480
police district board, which shall include either all of the 481
township trustees of each township and all of the members of the 482
legislative authority of each municipal corporation in the 483
district, as agreed to and established in the joint resolution 484
creating the joint police district; or an odd number of members 485
as agreed to and established in the joint resolution, as long as 486
the members are representatives from each board of township 487
trustees of each township and from the legislative authority of 488
each municipal corporation in the joint police district. 489

(B) The joint police district board shall organize within 490
thirty days after the favorable vote by the last board of 491
township trustees or the members of the legislative authority of 492
the last municipal corporation joining itself into the joint 493
police district board. The ~~president~~chairperson of the board of 494
township trustees of the most populous participating township or 495
the legislative authority of the most populous participating 496
municipal corporation shall give notice of the time and place of 497

organization to each pending member of the joint police district 498
board, as established in the joint resolution. Such notice shall 499
be signed and shall be sent by certified mail to each such 500
pending member of the board at least five days prior to the 501
organization meeting, which meeting shall be held in one of the 502
participating townships or municipal corporations. Two-thirds of 503
the joint police district board members constitutes a quorum. 504
The members of the joint police district board shall, at the 505
organization meeting, proceed with the election of a president, 506
a secretary, and a treasurer, and such other officers as they 507
consider necessary and proper, and shall transact such other 508
business as properly comes before the board. 509

(C) In the formation of a joint police district, such 510
action may be taken by or on behalf of part of a township, by 511
excluding that portion of the township lying within a municipal 512
corporation. The joint police district board may exercise the 513
same powers as are granted to a board of township trustees in 514
the operation of a township police district under sections 515
505.49 to 505.55 of the Revised Code, including, but not limited 516
to, the power to employ, train, and discipline personnel, to 517
acquire equipment and buildings, to levy a tax, to issue bonds 518
and notes, and to dissolve the district. 519

Sec. 507.11. (A) The board of township trustees may 520
authorize, by resolution, township officers and employees to 521
incur obligations of ~~two ten thousand five hundred~~ dollars or 522
less on behalf of the township, or it may authorize, by 523
resolution, the township administrator to so authorize township 524
officers and employees. The obligations incurred on behalf of 525
the township by a township officer or employee acting pursuant 526
to any such resolution shall be subsequently approved by the 527
adoption of a formal resolution of the board of township 528

trustees. 529

(B) (1) No money belonging to the township shall be paid 530
out, except upon an order signed by at least two of the township 531
trustees, and countersigned by the township fiscal officer. 532

(2) As provided in division (E) of section 9.37 of the 533
Revised Code, and notwithstanding division (B) (1) of this 534
section, a board of township trustees may adopt a resolution 535
authorizing the payment of lawful obligations of the township by 536
direct deposit of funds by electronic transfer in accordance 537
with section 9.37 of the Revised Code. 538

Sec. 513.07. The boards of township trustees of any two or 539
more contiguous townships, whether or not within the same 540
county, may, by a two-thirds favorable vote of each such board, 541
form themselves into a joint township district hospital board 542
for the purpose of establishing, constructing, and maintaining a 543
joint township district general hospital or other hospital 544
facilities as defined in section 140.01 of the Revised Code, and 545
such townships shall be a part of a joint township hospital 546
district. 547

Such joint township district hospital board shall organize 548
within thirty days after the favorable vote by the last board of 549
trustees joining itself into the joint township district 550
hospital board. The ~~president~~ chairperson of the board of 551
township trustees of the most populous township participating 552
shall give notice of the time and place of organization to each 553
member of the board of township trustees of each township 554
comprising the district. Such notice shall be signed by the 555
~~president~~ chairperson of the board of township trustees of the 556
most populous township comprising the district, and shall be 557
sent by registered mail to each member of the board of township 558

trustees of the townships affected, at least five days prior to 559
such organization meeting, which meeting shall be held in one of 560
the participating townships. All members of the board of 561
township trustees of the townships so participating shall 562
comprise the joint township district hospital board. Two-thirds 563
of all the township trustees of the townships constituting such 564
district constitutes a quorum. Such members of the boards of 565
township trustees shall, at the organization meeting of such 566
joint township district hospital board, proceed with the 567
election of a president, a secretary, and a treasurer, and such 568
other officers as they deem proper and necessary, and shall 569
transact such other business as properly comes before such 570
board. 571

In the formation of such a hospital district, such action 572
may be taken by or on behalf of part of a township, by excluding 573
that portion of the township lying within a municipal 574
corporation. 575

Sec. 513.071. A municipal corporation which is not at the 576
time part of a joint township hospital district may, by a two- 577
thirds favorable vote of its legislative authority, participate 578
in the formation of a joint township district hospital board 579
pursuant to section 513.07 of the Revised Code if it is 580
contiguous to another municipal corporation contemplated to be 581
included in the district, or contiguous to, or partly but not 582
wholly within, a township contemplated to be included in the 583
district, or may become a part of an established joint township 584
hospital district pursuant to sections 513.11 and 513.18 of the 585
Revised Code if it is contiguous to the district, or to a 586
township or municipal corporation contiguous to the district 587
which will at the same time become part of such district. So 588
long as such municipal corporation remains a part of such 589

district, it may not be included, as part of a township, in 590
another joint township hospital district, but the remainder of 591
such township may become part of a joint township hospital 592
district pursuant to section 513.07, 513.11, or 513.18 of the 593
Revised Code. Each such municipal corporation shall be 594
represented on the joint township district hospital board by the 595
presiding officer of its legislative authority, who shall act as 596
~~president~~ chairperson of a board of township trustees for the 597
purposes of section 513.07 of the Revised Code, and by two 598
members of such legislative authority to be appointed from time 599
to time by the legislative authority and to serve for such term 600
or terms as it prescribes. For the purpose of such 601
representation such presiding officer and members shall be 602
considered as a board of township trustees; but for all other 603
purposes of sections 513.07 to 513.18, inclusive, of the Revised 604
Code, the legislative authority shall be considered as the board 605
of township trustees and shall perform the duties imposed on 606
that board by such sections. 607

Any indebtedness incurred by a joint township hospital 608
district shall not constitute an indebtedness of any municipal 609
corporation or any township. 610

Where a municipal corporation as a part of a township is 611
territorially a part of a joint township hospital district and 612
thereafter its corporate limits are made identical with those of 613
a township, such municipal corporation shall as a township 614
remain a part of such joint township hospital district and shall 615
be bound by all agreements or obligations theretofore or 616
thereafter entered into or assumed, and the taxable property 617
therein shall be subject to all tax levies, including tax levies 618
for bonds of the joint township hospital district, theretofore 619
or thereafter imposed by the district pursuant to sections 620

513.07 to 513.18, inclusive, of the Revised Code. Such municipal 621
corporation shall be entitled, as a new and separate township, 622
to representation on the joint township district hospital board 623
in the same manner as is provided in this section when a joint 624
township district hospital board in the same manner as is 625
provided in this section when a joint township hospital district 626
is formed. 627

Sec. 517.30. A board of township trustees may erect a 628
suitable monument to commemorate the members of the armed forces 629
who died in the service of the United States or of this state. 630
The board, by a majority vote, may appropriate and expend not 631
more than ~~five~~fifty thousand dollars from township funds for 632
the purpose of erecting the monument, according to plans and 633
specifications furnished or approved by the board. 634

Sec. 519.04. (A) The board of township trustees of any 635
township proceeding under sections 519.01 to 519.99 of the 636
Revised Code, shall create and establish a township zoning 637
commission. The commission shall be composed of five members who 638
reside in the unincorporated area of the township, to be 639
appointed by the board. The board of township trustees may 640
appoint two alternate members to the township zoning commission, 641
for terms to be determined by the board of township trustees. An 642
alternate member shall take the place of an absent regular 643
member at any meeting of the township zoning commission, 644
according to procedures prescribed by resolution by the board of 645
township trustees. An alternate member shall meet the same 646
appointment criteria as a regular member. When attending a 647
meeting on behalf of an absent member, the alternate member may 648
vote on any matter on which the absent member is authorized to 649
vote. The terms of the regular members shall be of such length 650
and so arranged that the term of one member will expire each 651

year. Where there is a county or regional planning commission 652
the board may appoint qualified members of such commission to 653
serve on the township zoning commission. Each regular or 654
alternate member shall serve until the member's successor is 655
appointed and qualified. 656

(B) Members of the zoning commission shall be removable 657
for nonperformance of duty, misconduct in office, or other cause 658
by the board, upon written charges being filed with the board, 659
after a public hearing has been held regarding ~~such the~~ charges, 660
and after a copy of the charges has been served upon the member 661
so charged at least ten days ~~prior to~~ before the hearing, either 662
personally, by registered mail, or by leaving ~~such the~~ copy at 663
the member's usual place of residence. The hearing shall occur 664
within sixty days after the charges are filed. The member shall 665
be given an opportunity to be heard and answer ~~such the~~ charges. 666
Upon the approval of a majority of the board of township 667
trustees, the member may be suspended from participating as a 668
member of the zoning commission during the period of up to sixty 669
days before the pending hearing on the removal. Vacancies shall 670
be filled by the board and shall be for the unexpired term. A 671
suspension authorized by this section is not a vacancy for 672
purposes of this section. 673

(C) The decision of the board of township trustees 674
regarding the suspension or removal may be appealed under 675
Chapter 2506. of the Revised Code. 676

Sec. 519.07. Following the hearing provided for in section 677
519.06 of the Revised Code the township zoning commission ~~shall~~ 678
may submit the proposed zoning resolution, including text and 679
maps, to the county or regional planning commission of the 680
county or district in which the township is located, if there is 681

such a commission, for approval, disapproval, or suggestions. 682

~~The~~ If the township zoning commission submits the proposed 683
zoning resolution to the planning commission, approval of the 684
planning commission shall be conclusively presumed unless, 685
within twenty days after receiving the proposed zoning 686
resolution, it notifies the zoning commission to the contrary. 687

~~In the event~~ If the township zoning commission submits the 688
proposed zoning resolution to the planning commission and the 689
planning commission disapproves of the proposed zoning 690
resolution or suggests any material change, the zoning 691
commission shall hold a public hearing on the resolution, due 692
notice of which shall be given as provided in section 519.06 of 693
the Revised Code. ~~When~~ 694

When the zoning commission has completed its 695
recommendations for a zoning plan it shall certify the plan to 696
the board of township trustees. 697

Sec. 519.12. (A) (1) Amendments to the zoning resolution 698
may be initiated by motion of the township zoning commission, by 699
the passage of a resolution by the board of township trustees, 700
or by the filing of an application by one or more of the owners 701
or lessees of property within the area proposed to be changed or 702
affected by the proposed amendment with the township zoning 703
commission. The board of township trustees may require that the 704
owner or lessee of property filing an application to amend the 705
zoning resolution pay a fee to defray the cost of advertising, 706
mailing, filing with the county recorder, and other expenses. If 707
the board of township trustees requires such a fee, it shall be 708
required generally, for each application. The board of township 709
trustees, upon the passage of such a resolution, shall certify 710
it to the township zoning commission. 711

(2) Upon the adoption of a motion by the township zoning 712
commission, the certification of a resolution by the board of 713
township trustees to the commission, or the filing of an 714
application by property owners or lessees as described in 715
division (A)(1) of this section with the commission, the 716
commission shall set a date for a public hearing, which date 717
shall not be less than twenty nor more than forty days from the 718
date of the certification of such a resolution, the date of 719
adoption of such a motion, or the date of the filing of such an 720
application. Notice of the hearing shall be given by the 721
commission by one publication in one or more newspapers of 722
general circulation in the township at least ten days before the 723
date of the hearing. 724

(B) If the proposed amendment intends to rezone or 725
redistrict ten or fewer parcels of land, as listed on the county 726
auditor's current tax list, written notice of the hearing shall 727
be mailed by the township zoning commission, by first class 728
mail, at least ten days before the date of the public hearing to 729
all owners of property within and contiguous to and directly 730
across the street from the area proposed to be rezoned or 731
redistricted to the addresses of those owners appearing on the 732
county auditor's current tax list. The failure of delivery of 733
that notice shall not invalidate any such amendment. 734

(C) If the proposed amendment intends to rezone or 735
redistrict ten or fewer parcels of land as listed on the county 736
auditor's current tax list, the published and mailed notices 737
shall set forth the time, date, and place of the public hearing 738
and include all of the following: 739

(1) The name of the township zoning commission that will 740
be conducting the hearing; 741

(2) A statement indicating that the motion, resolution, or 742
application is an amendment to the zoning resolution; 743

(3) A list of the addresses of all properties to be 744
rezoned or redistricted by the proposed amendment and of the 745
names of owners of those properties, as they appear on the 746
county auditor's current tax list; 747

(4) The present zoning classification of property named in 748
the proposed amendment and the proposed zoning classification of 749
that property; 750

(5) The time and place where the motion, resolution, or 751
application proposing to amend the zoning resolution will be 752
available for examination for a period of at least ten days 753
prior to the hearing; 754

(6) The name of the person responsible for giving notice 755
of the hearing by publication, by mail, or by both publication 756
and mail; 757

(7) A statement that, after the conclusion of the hearing, 758
the matter will be submitted to the board of township trustees 759
for its action; 760

(8) Any other information requested by the commission. 761

(D) If the proposed amendment alters the text of the 762
zoning resolution, or rezones or redistricts more than ten 763
parcels of land as listed on the county auditor's current tax 764
list, the published notice shall set forth the time, date, and 765
place of the public hearing and include all of the following: 766

(1) The name of the township zoning commission that will 767
be conducting the hearing on the proposed amendment; 768

(2) A statement indicating that the motion, application, 769

or resolution is an amendment to the zoning resolution; 770

(3) The time and place where the text and maps of the 771
proposed amendment will be available for examination for a 772
period of at least ten days prior to the hearing; 773

(4) The name of the person responsible for giving notice 774
of the hearing by publication; 775

(5) A statement that, after the conclusion of the hearing, 776
the matter will be submitted to the board of township trustees 777
for its action; 778

(6) Any other information requested by the commission. 779

(E) Within five days after the adoption of the motion 780
described in division (A) of this section, the certification of 781
the resolution described in division (A) of this section, or the 782
filing of the application described in division (A) of this 783
section, the township zoning commission ~~shall~~ may transmit a 784
copy of it together with text and map pertaining to it to the 785
county or regional planning commission, if there is such a 786
commission, for approval, disapproval, or suggestions. 787

~~The county or regional~~ If the township zoning commission 788
transmits the proposed amendment to the planning commission, the 789
planning commission shall recommend the approval or denial of 790
the proposed amendment or the approval of some modification of 791
it and shall submit its recommendation to the township zoning 792
commission. The recommendation shall be considered at the public 793
hearing held by the township zoning commission on the proposed 794
amendment. 795

The township zoning commission, within thirty days after 796
the hearing, shall recommend the approval or denial of the 797
proposed amendment, or the approval of some modification of it, 798

and submit that recommendation together with the motion, 799
application, or resolution involved, the text and map pertaining 800
to the proposed amendment, and the recommendation of the county 801
or regional planning commission if any on it to the board of 802
township trustees. 803

The board of township trustees, upon receipt of that 804
recommendation, shall set a time for a public hearing on the 805
proposed amendment, which date shall not be more than thirty 806
days from the date of the receipt of that recommendation. Notice 807
of the hearing shall be given by the board by one publication in 808
one or more newspapers of general circulation in the township, 809
at least ten days before the date of the hearing. 810

(F) If the proposed amendment intends to rezone or 811
redistrict ten or fewer parcels of land as listed on the county 812
auditor's current tax list, the published notice shall set forth 813
the time, date, and place of the public hearing and include all 814
of the following: 815

(1) The name of the board of township trustees that will 816
be conducting the hearing; 817

(2) A statement indicating that the motion, application, 818
or resolution is an amendment to the zoning resolution; 819

(3) A list of the addresses of all properties to be 820
rezoned or redistricted by the proposed amendment and of the 821
names of owners of those properties, as they appear on the 822
county auditor's current tax list; 823

(4) The present zoning classification of property named in 824
the proposed amendment and the proposed zoning classification of 825
that property; 826

(5) The time and place where the motion, application, or 827

resolution proposing to amend the zoning resolution will be 828
available for examination for a period of at least ten days 829
prior to the hearing; 830

(6) The name of the person responsible for giving notice 831
of the hearing by publication, by mail, or by both publication 832
and mail; 833

(7) Any other information requested by the board. 834

(G) If the proposed amendment alters the text of the 835
zoning resolution, or rezones or redistricts more than ten 836
parcels of land as listed on the county auditor's current tax 837
list, the published notice shall set forth the time, date, and 838
place of the public hearing and include all of the following: 839

(1) The name of the board of township trustees that will 840
be conducting the hearing on the proposed amendment; 841

(2) A statement indicating that the motion, application, 842
or resolution is an amendment to the zoning resolution; 843

(3) The time and place where the text and maps of the 844
proposed amendment will be available for examination for a 845
period of at least ten days prior to the hearing; 846

(4) The name of the person responsible for giving notice 847
of the hearing by publication; 848

(5) Any other information requested by the board. 849

(H) Within twenty days after its public hearing, the board 850
of township trustees shall either adopt or deny the 851
recommendations of the township zoning commission or adopt some 852
modification of them. If the board denies or modifies the 853
commission's recommendations, a majority vote of the board shall 854
be required. 855

The proposed amendment, if adopted by the board, shall 856
become effective in thirty days after the date of its adoption, 857
unless, within thirty days after the adoption, there is 858
presented to the board of township trustees a petition, signed 859
by a number of registered electors residing in the 860
unincorporated area of the township or part of that 861
unincorporated area included in the zoning plan equal to not 862
less than eight per cent of the total vote cast for all 863
candidates for governor in that area at the most recent general 864
election at which a governor was elected, requesting the board 865
of township trustees to submit the amendment to the electors of 866
that area for approval or rejection at a special election to be 867
held on the day of the next primary or general election that 868
occurs at least ninety days after the petition is filed. Each 869
part of this petition shall contain the number and the full and 870
correct title, if any, of the zoning amendment resolution, 871
motion, or application, furnishing the name by which the 872
amendment is known and a brief summary of its contents. In 873
addition to meeting the requirements of this section, each 874
petition shall be governed by the rules specified in section 875
3501.38 of the Revised Code. 876

The form of a petition calling for a zoning referendum and 877
the statement of the circulator shall be substantially as 878
follows: 879

"PETITION FOR ZONING REFERENDUM 880

(if the proposal is identified by a particular name or number, 881
or both, these should be inserted here) 882

A proposal to amend the zoning map of the unincorporated 883
area of Township, County, Ohio, 884
adopted(date)..... (followed by brief summary of the 885

proposal). 886

To the Board of Township Trustees of 887

Township, County, Ohio: 888

889

We, the undersigned, being electors residing in the 890

unincorporated area of Township, 891

included within the Township Zoning Plan, equal to 892

not less than eight per cent of the total vote cast for all 893

candidates for governor in the area at the preceding general 894

election at which a governor was elected, request the Board of 895

Township Trustees to submit this amendment of the zoning 896

resolution to the electors of Township 897

residing within the unincorporated area of the township included 898

in the Township Zoning Resolution, for 899

approval or rejection at a special election to be held on the 900

day of the primary or general election to be held on 901

(date)....., pursuant to section 519.12 of the Revised Code. 902

Street Address Date of 903

Signature or R.F.D. Township Precinct County Signing 904

905

906

STATEMENT OF CIRCULATOR 907

I,(name of circulator)....., declare under 908

penalty of election falsification that I am an elector of the 909

state of Ohio and reside at the address appearing below my 910

signature; that I am the circulator of the foregoing part 911

petition containing(number)..... signatures; that I 912

have witnessed the affixing of every signature; that all signers 913

were to the best of my knowledge and belief qualified to sign; 914
and that every signature is to the best of my knowledge and 915
belief the signature of the person whose signature it purports 916
to be or of an attorney in fact acting pursuant to section 917
3501.382 of the Revised Code. 918

(Signature of circulator) 919
920

(Address of circulator's permanent 921
residence in this state) 922
923

(City, village, or township, 924
and zip code) 925
926

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 927
FELONY OF THE FIFTH DEGREE." 928

The petition shall be filed with the board of township 929
trustees and shall be accompanied by an appropriate map of the 930
area affected by the zoning proposal. Within two weeks after 931
receiving a petition filed under this section, the board of 932
township trustees shall certify the petition to the board of 933
elections. A petition filed under this section shall be 934
certified to the board of elections not less than ninety days 935
prior to the election at which the question is to be voted upon. 936

The board of elections shall determine the sufficiency and 937
validity of each petition certified to it by a board of township 938
trustees under this section. If the board of elections 939
determines that a petition is sufficient and valid, the question 940

shall be voted upon at a special election to be held on the day 941
of the next primary or general election that occurs at least 942
ninety days after the date the petition is filed with the board 943
of township trustees, regardless of whether any election will be 944
held to nominate or elect candidates on that day. 945

No amendment for which such a referendum vote has been 946
requested shall be put into effect unless a majority of the vote 947
cast on the issue is in favor of the amendment. Upon 948
certification by the board of elections that the amendment has 949
been approved by the voters, it shall take immediate effect. 950

Within five working days after an amendment's effective 951
date, the board of township trustees shall file the text and 952
maps of the amendment in the office of the county recorder and 953
with ~~the any~~ county or regional planning commission, ~~if one~~ 954
~~exists~~ that provided a recommendation. 955

The failure to file any amendment, or any text and maps, 956
or duplicates of any of these documents, with the office of the 957
county recorder or the county or regional planning commission as 958
required by this section does not invalidate the amendment and 959
is not grounds for an appeal of any decision of the board of 960
zoning appeals. 961

Sec. 519.13. (A) In any township which adopts zoning 962
regulations the board of township trustees shall appoint a 963
township board of zoning appeals composed of five members who 964
shall be residents of the unincorporated territory in the 965
township included in the area zoned. The board of township 966
trustees may appoint two alternate members to the township board 967
of zoning appeals, for terms to be determined by the board of 968
township trustees. An alternate member shall take the place of 969
an absent regular member at any meeting of the board of zoning 970

appeals, according to procedures prescribed by resolution by the 971
board of township trustees. An alternate member shall meet the 972
same appointment criteria as a regular member. When attending a 973
meeting on behalf of an absent member, the alternate member may 974
vote on any matter on which the absent member is authorized to 975
vote. The terms of all regular members shall be of such length 976
and so arranged that the term of one member will expire each 977
year. Each regular or alternate member shall serve until the 978
member's successor is appointed and qualified. 979

(B) Members shall be removable for the same causes and in 980
the same manner and may be suspended as provided by section 981
519.04 of the Revised Code. The decision of the board of 982
township trustees regarding the suspension or removal may be 983
appealed under Chapter 2506. of the Revised Code. Vacancies 984
shall be filled by the board of township trustees and shall be 985
for the unexpired term. A suspension authorized by section 986
519.04 of the Revised Code is not a vacancy for purposes of this 987
section. The members may be allowed their expenses, or such 988
compensation, or both, as the board of township trustees may 989
approve and provide. 990

(C) The board of zoning appeals may, within the limits of 991
the moneys appropriated by the board of township trustees for 992
the purpose, employ such executive, professional, technical, and 993
other assistants as it considers necessary. 994

Sec. 519.15. The township board of zoning appeals shall 995
organize and adopt rules in accordance with the zoning 996
resolution. Meetings of the board of zoning appeals shall be 997
held at the call of the chairperson, and at such other times as 998
the board determines. The chairperson, or in the chairperson's 999
absence the acting chairperson, may administer oaths, and the 1000

board of zoning appeals may compel the attendance of witnesses. 1001
All meetings of the board of zoning appeals shall be open to the 1002
public. The board of zoning appeals shall keep minutes of its 1003
proceedings showing the vote of each regular or alternate member 1004
upon each question, or, if absent or failing to vote, indicating 1005
such fact, and shall keep records of its examinations and other 1006
official actions, all of which shall be immediately filed in the 1007
office of the board of township trustees and be a public record. 1008

Appeals to the board of zoning appeals may be taken by any 1009
person aggrieved or by any officer of the township affected by 1010
any decision of the administrative officer. Such appeal shall be 1011
taken within twenty days after the decision by filing, with the 1012
officer from whom the appeal is taken and with the board of 1013
zoning appeals, a notice of appeal specifying the grounds. The 1014
officer from whom the appeal is taken shall transmit to the 1015
board of zoning appeals all the papers constituting the record 1016
upon which the action appealed from was taken. 1017

The board of zoning appeals shall fix a reasonable time 1018
for the public hearing of the appeal, give at least ten days' 1019
notice in writing to the parties in interest, give notice of 1020
such public hearing by one publication in one or more newspapers 1021
of general circulation in the county at least ten days before 1022
the date of such hearing, and decide the appeal within a 1023
reasonable time after it is submitted. Upon the hearing, any 1024
person may appear in person or by attorney. 1025

The board of township trustees may require a person making 1026
an appeal to pay a fee to defray the cost of advertising, 1027
mailing, and other expenses. 1028

Sec. 519.21. (A) Except as otherwise provided in divisions 1029
(B) and (D) of this section, sections 519.02 to 519.25 of the 1030

Revised Code confer no power on any township zoning commission, 1031
board of township trustees, or board of zoning appeals to 1032
prohibit the use of any land for agricultural purposes or the 1033
construction or use of buildings or structures incident to the 1034
use for agricultural purposes of the land on which such 1035
buildings or structures are located, including buildings or 1036
structures that are used primarily for vinting and selling wine 1037
and that are located on land any part of which is used for 1038
viticulture, and no zoning certificate shall be required for any 1039
such building or structure. 1040

(B) A township zoning resolution, or an amendment to such 1041
resolution, may in any platted subdivision, including, but not 1042
limited to those approved under section 711.05, 711.09, or 1043
711.10 of the Revised Code, or in any area consisting of fifteen 1044
or more lots approved under section 711.131 of the Revised Code 1045
that are contiguous to one another, or some of which are 1046
contiguous to one another and adjacent to one side of a 1047
dedicated public road, and the balance of which are contiguous 1048
to one another and adjacent to the opposite side of the same 1049
dedicated public road regulate: 1050

(1) Agriculture on lots of one acre or less; 1051

(2) Buildings or structures incident to the use of land 1052
for agricultural purposes on lots greater than one acre but not 1053
greater than five acres by: set back building lines; height; and 1054
size; 1055

(3) Dairying and animal and poultry husbandry on lots 1056
greater than one acre but not greater than five acres when at 1057
least thirty-five per cent of the lots in the subdivision are 1058
developed with at least one building, structure, or improvement 1059
that is subject to real property taxation or that is subject to 1060

the tax on manufactured and mobile homes under section 4503.06 1061
of the Revised Code. After thirty-five per cent of the lots are 1062
so developed, dairying and animal and poultry husbandry shall be 1063
considered nonconforming use of land and buildings or structures 1064
pursuant to section 519.19 of the Revised Code. 1065

Division (B) of this section confers no power on any 1066
township zoning commission, board of township trustees, or board 1067
of zoning appeals to regulate agriculture, buildings or 1068
structures, and dairying and animal and poultry husbandry on 1069
lots greater than five acres. 1070

(C) Such sections confer no power on any township zoning 1071
commission, board of township trustees, or board of zoning 1072
appeals to prohibit in a district zoned for agricultural, 1073
industrial, residential, or commercial uses, the use of any land 1074
for: 1075

(1) A farm market where fifty per cent or more of the 1076
gross income received from the market is derived from produce 1077
raised on farms owned or operated by the market operator in a 1078
normal crop year. However, a board of township trustees, as 1079
provided in section 519.02 of the Revised Code, may regulate 1080
such factors pertaining to farm markets as size of the 1081
structure, size of parking areas that may be required, set back 1082
building lines, and egress or ingress, where such regulation is 1083
necessary to protect the public health and safety. 1084

(2) Biodiesel production, biomass energy production, or 1085
electric or heat energy production if the land on which the 1086
production facility is located qualifies as land devoted 1087
exclusively to agricultural use under sections 5713.30 to 1088
5713.37 of the Revised Code for real property tax purposes. As 1089
used in division (C)(2) of this section, "biodiesel," "biomass 1090

energy," and "electric or heat energy" have the same meanings as 1091
in section 5713.30 of the Revised Code. 1092

(3) Biologically derived methane gas production if the 1093
land on which the production facility is located qualifies as 1094
land devoted exclusively to agricultural use under sections 1095
5713.30 to 5713.37 of the Revised Code for real property tax 1096
purposes and if the facility that produces the biologically 1097
derived methane gas does not produce more than seventeen million 1098
sixty thousand seven hundred ten British thermal units, five 1099
megawatts, or both. 1100

(4) Agritourism. However, a board of township trustees, as 1101
provided in section 519.02 of the Revised Code, may regulate 1102
such factors pertaining to agritourism, except farm markets as 1103
described in division (C)(1) of this section, as size of a 1104
structure used primarily for agritourism, size of parking areas 1105
that may be required, setback building lines for structures used 1106
primarily for agritourism, and egress or ingress where such 1107
regulation is necessary to protect public health and safety. 1108

Nothing in division (C)(4) of this section confers power 1109
on a township zoning commission, board of township trustees, or 1110
board of zoning appeals to require any parking area to be 1111
improved in any manner, including requirements governing 1112
drainage, parking area base, parking area paving, or any other 1113
improvement. 1114

Nothing in division (C)(4) of this section confers power 1115
on a township zoning commission, board of township trustees, or 1116
board of zoning appeals to prohibit the use of any land or the 1117
construction or use of buildings or structures that are used 1118
primarily for vinting and selling wine that are located on land 1119
any part of which is used for viticulture as provided in 1120

division (A) of this section. 1121

(D) Nothing in this section prohibits a township zoning 1122
commission, board of township trustees, or board of zoning 1123
appeals from regulating the location of medical marijuana 1124
cultivators, processors, or retail dispensaries or from 1125
prohibiting such cultivators, processors, or dispensaries from 1126
being located in the unincorporated territory of the township. 1127

~~(D)~~ (E) (1) As used in division (C) (3) of this section, 1128
"biologically derived methane gas" has the same meaning as in 1129
section 5713.30 of the Revised Code. 1130

(2) As used in division (C) (4) of this section, 1131
"agritourism" has the same meaning as in section 901.80 of the 1132
Revised Code. 1133

Sec. 1509.07. (A) (1) (a) Except as provided in division (A) 1134
(1) (b) or (A) (2) of this section, an owner of any well, except 1135
an exempt Mississippian well or an exempt domestic well, shall 1136
obtain liability insurance coverage from a company authorized or 1137
approved to do business in this state in an amount of not less 1138
than one million dollars bodily injury coverage and property 1139
damage coverage to pay damages for injury to persons or damage 1140
to property caused by the drilling, operation, or plugging of 1141
all the owner's wells in this state. However, if any well is 1142
located within an urbanized area, the owner shall obtain 1143
liability insurance coverage in an amount of not less than three 1144
million dollars for bodily injury coverage and property damage 1145
coverage to pay damages for injury to persons or damage to 1146
property caused by the drilling, operation, or plugging of all 1147
of the owner's wells in this state. 1148

(b) A board of county commissioners of a county that is an 1149

owner of a well or a board of township trustees of a township 1150
that is an owner of a well may elect to satisfy the liability 1151
coverage requirements specified in division (A) (1) (a) of this 1152
section by participating in a joint self-insurance pool in 1153
accordance with the requirements established under section 1154
2744.081 of the Revised Code. Nothing in division (A) (1) (b) of 1155
this section shall be construed to allow an entity, other than a 1156
county or township, to participate in a joint self-insurance 1157
pool to satisfy the liability coverage requirements specified in 1158
division (A) (1) (a) of this section. 1159

(2) An owner of a horizontal well shall obtain liability 1160
insurance coverage from an insurer authorized to write such 1161
insurance in this state or from an insurer approved to write 1162
such insurance in this state under section 3905.33 of the 1163
Revised Code in an amount of not less than five million dollars 1164
bodily injury coverage and property damage coverage to pay 1165
damages for injury to persons or damage to property caused by 1166
the production operations of all the owner's wells in this 1167
state. The insurance policy shall include a reasonable level of 1168
coverage available for an environmental endorsement. 1169

(3) An owner shall maintain the coverage required under 1170
division (A) (1) or (2) of this section until all the owner's 1171
wells are plugged and abandoned or are transferred to an owner 1172
who has obtained insurance as required under this section and 1173
who is not under a notice of material and substantial violation 1174
or under a suspension order. The owner shall provide proof of 1175
liability insurance coverage to the chief of the division of oil 1176
and gas resources management upon request. Upon failure of the 1177
owner to provide that proof when requested, the chief may order 1178
the suspension of any outstanding permits and operations of the 1179
owner until the owner provides proof of the required insurance 1180

coverage. 1181

(B) (1) Except as otherwise provided in this section, an 1182
owner of any well, before being issued a permit under section 1183
1509.06 of the Revised Code or before operating or producing 1184
from a well, shall execute and file with the division of oil and 1185
gas resources management a surety bond conditioned on compliance 1186
with the restoration requirements of section 1509.072, the 1187
plugging requirements of section 1509.12, the permit provisions 1188
of section 1509.13 of the Revised Code, and all rules and orders 1189
of the chief relating thereto, in an amount set by rule of the 1190
chief. 1191

(2) The owner may deposit with the chief, instead of a 1192
surety bond, cash in an amount equal to the surety bond as 1193
prescribed pursuant to this section or negotiable certificates 1194
of deposit or irrevocable letters of credit, issued by any bank 1195
organized or transacting business in this state, having a cash 1196
value equal to or greater than the amount of the surety bond as 1197
prescribed pursuant to this section. Cash or certificates of 1198
deposit shall be deposited upon the same terms as those upon 1199
which surety bonds may be deposited. If certificates of deposit 1200
are deposited with the chief instead of a surety bond, the chief 1201
shall require the bank that issued any such certificate to 1202
pledge securities of a cash value equal to the amount of the 1203
certificate that is in excess of the amount insured by any of 1204
the agencies and instrumentalities created under the "Federal 1205
Deposit Insurance Act," 64 Stat. 873 (1950), 12 U.S.C. 1811, as 1206
amended, and regulations adopted under it, including at least 1207
the federal deposit insurance corporation. The securities shall 1208
be security for the repayment of the certificate of deposit. 1209

Immediately upon a deposit of cash, certificates of 1210

deposit, or letters of credit with the chief, the chief shall 1211
deliver them to the treasurer of state who shall hold them in 1212
trust for the purposes for which they have been deposited. 1213

(3) Instead of a surety bond, the chief may accept proof 1214
of financial responsibility consisting of a sworn financial 1215
statement showing a net financial worth within this state equal 1216
to twice the amount of the bond for which it substitutes and, as 1217
may be required by the chief, a list of producing properties of 1218
the owner within this state or other evidence showing ability 1219
and intent to comply with the law and rules concerning 1220
restoration and plugging that may be required by rule of the 1221
chief. The owner of an exempt Mississippian well is not required 1222
to file scheduled updates of the financial documents, but shall 1223
file updates of those documents if requested to do so by the 1224
chief. The owner of a nonexempt Mississippian well shall file 1225
updates of the financial documents in accordance with a schedule 1226
established by rule of the chief. The chief, upon determining 1227
that an owner for whom the chief has accepted proof of financial 1228
responsibility instead of bond cannot demonstrate financial 1229
responsibility, shall order that the owner execute and file a 1230
bond or deposit cash, certificates of deposit, or irrevocable 1231
letters of credit as required by this section for the wells 1232
specified in the order within ten days of receipt of the order. 1233
If the order is not complied with, all wells of the owner that 1234
are specified in the order and for which no bond is filed or 1235
cash, certificates of deposit, or letters of credit are 1236
deposited shall be plugged. No owner shall fail or refuse to 1237
plug such a well. Each day on which such a well remains 1238
unplugged thereafter constitutes a separate offense. 1239

(4) The surety bond provided for in this section shall be 1240
executed by a surety company authorized to do business in this 1241

state. 1242

The chief shall not approve any bond until it is 1243
personally signed and acknowledged by both principal and surety, 1244
or as to either by the principal's or surety's attorney in fact, 1245
with a certified copy of the power of attorney attached thereto. 1246
The chief shall not approve a bond unless there is attached a 1247
certificate of the superintendent of insurance that the company 1248
is authorized to transact a fidelity and surety business in this 1249
state. 1250

All bonds shall be given in a form to be prescribed by the 1251
chief and shall run to the state as obligee. 1252

(5) An owner of an exempt Mississippian well or an exempt 1253
domestic well, in lieu of filing a surety bond, cash in an 1254
amount equal to the surety bond, certificates of deposit, 1255
irrevocable letters of credit, or a sworn financial statement, 1256
may file a one-time fee of fifty dollars, which shall be 1257
deposited in the oil and gas well plugging fund created in 1258
section 1509.071 of the Revised Code. 1259

(C) An owner, operator, producer, or other person shall 1260
not operate a well or produce from a well at any time if the 1261
owner, operator, producer, or other person has not satisfied the 1262
requirements established in this section. 1263

Sec. 3375.121. (A) In any municipal corporation, not 1264
located in a county library district, that has a population of 1265
not less than twenty-five thousand, and within which there is 1266
not located a main library of a township, municipal, school 1267
district, association, or county free public library, a library 1268
district may be created by a resolution adopted by the 1269
legislative authority of that municipal corporation. No such 1270

resolution shall be adopted after one year from June 20, 1977. 1271
Upon the adoption of the resolution, any branches of an existing 1272
library that are located in that municipal corporation shall 1273
become the property of the municipal library district created. 1274

The municipal corporation and the board of trustees of the 1275
public library maintaining any existing branches in that 1276
municipal corporation shall forthwith take appropriate action 1277
transferring all title and interest in all real and personal 1278
property located in that municipal corporation in the name of 1279
the library district maintaining those branches in that 1280
municipal corporation to the municipal corporation adopting the 1281
appropriate resolution. Upon transfer of all title and interest 1282
in that property, the branches shall become a part of, and be 1283
operated by, the board of library trustees appointed by the 1284
legislative authority of the municipal corporation. 1285

(B) In any municipal corporation that has a population of 1286
less than twenty-five thousand and that has not less than one 1287
hundred thousand dollars available from a bequest for the 1288
establishment of a municipal library, the legislative authority 1289
of that municipal corporation may adopt, within one year after 1290
June 20, 1977, a resolution creating a library district. Upon 1291
the establishment of any such library district, the board of 1292
trustees of any library operating a branch library in that 1293
municipal corporation shall not be required to transfer any 1294
property to the newly established library. 1295

(C) The board of library trustees of any library district 1296
created under this section shall be composed of seven members. 1297
Those trustees shall be appointed by the legislative authority 1298
of the municipal corporation, to serve without compensation, for 1299
a term of four years, but the initial term of the seventh 1300

trustee may be for the number of years set by the legislative 1301
authority, not to exceed four years. Vacancies shall be filled 1302
by like appointment for the unexpired term. This section does 1303
not affect the term of any trustee appointed prior to January 1, 1304
2013. A library district created under this section shall be 1305
governed in accordance with and exercise the authority provided 1306
for in sections 3375.32 to 3375.41 of the Revised Code. 1307

Notwithstanding any contrary provision of section 3.24 of 1308
the Revised Code, the ~~president~~chairperson of a board of 1309
township trustees may administer the oath of office to a person 1310
or persons representing the township on the board of library 1311
trustees of any library district created under this section, 1312
even if the geographical limits of the library district do not 1313
fall within the geographical limits of the township. 1314

(D) Any library district created under this section is 1315
eligible to participate in the proceeds of the county public 1316
library fund in accordance with section 5705.28 of the Revised 1317
Code. 1318

(E) A municipal corporation may establish and operate a 1319
free public library regardless of whether the municipal 1320
corporation is located in a county library district or school 1321
library district, if all of the following conditions are met: 1322

(1) The facility in which the library is principally 1323
located is transferred to the municipal corporation from the 1324
county library district or school library district in which it 1325
is located prior to January 1, 1996. 1326

(2) The population of the municipal corporation is less 1327
than five hundred when the library is transferred from the 1328
county library district or school library district to the 1329

municipal corporation. 1330

(3) The municipal corporation does not establish a 1331
municipal library district under this section. 1332

(4) The library does not receive any proceeds from the 1333
county public library fund under section 5747.48 of the Revised 1334
Code. 1335

Sec. 3501.021. Notwithstanding any provision of the 1336
Revised Code to the contrary, a political subdivision or other 1337
entity that certifies a question or issue to a board of 1338
elections for placement on the ballot ~~shall~~ may make that 1339
certification in electronic or paper form. ~~A board of elections~~ 1340
~~shall not accept such a certification in electronic form.~~ 1341

Sec. 3709.03. (A) There is hereby created in each general 1342
health district a district advisory council. A council shall 1343
consist of the president of the board of county commissioners, 1344
the chief executive of each municipal corporation not 1345
constituting a city health district, and the ~~president~~ 1346
chairperson of the board of township trustees of each township. 1347
The board of county commissioners, the legislative body of a 1348
municipal corporation, and the board of township trustees of a 1349
township may select an alternate from among themselves to serve 1350
if the president, the chief executive, or the ~~president of the~~ 1351
~~board of township trustees~~ chairperson is unable to attend any 1352
meeting of the district advisory council. When attending a 1353
meeting on behalf of a council member, the alternate may vote on 1354
any matter on which the member is authorized to vote. 1355

The council shall organize by selecting a chair and 1356
secretary from among its members. The council shall adopt bylaws 1357
governing its meetings, the transaction of business, and voting 1358

procedures. 1359

The council shall meet annually in March at a place 1360
determined by the chair and the health commissioner for the 1361
purpose of electing the chair and the secretary, making 1362
necessary appointments to the board of health, receiving and 1363
considering the annual or special reports from the board of 1364
health, and making recommendations to the board of health or to 1365
the department of health in regard to matters for the betterment 1366
of health and sanitation within the district or for needed 1367
legislation. The secretary of the council shall notify the 1368
district health commissioner and the director of health of the 1369
proceedings of such meeting. 1370

Special meetings of the council shall be held on the order 1371
of any of the following: 1372

(1) The director of health; 1373

(2) The board of health; 1374

(3) The lesser of five or a majority of district advisory 1375
council members. 1376

The district health commissioner shall attend all meetings 1377
of the council. 1378

(B) The district advisory council shall appoint five 1379
members of the board of health, unless the board of health has 1380
established a health district licensing council under section 1381
3709.41 of the Revised Code, in which case, the district 1382
advisory council shall appoint four members of the board of 1383
health, and the health district licensing council shall appoint 1384
one member of the board of health. At least one member of the 1385
board of health shall be a physician. Appointments shall be made 1386
with due regard to equal representation of all parts of the 1387

district. 1388

(C) If at an annual or special meeting at which a member 1389
of the board of health is to be appointed fewer than a majority 1390
of the members of the district council are present, the council, 1391
by the majority vote of council members present, may organize an 1392
executive committee to make the appointment. An executive 1393
committee shall consist of five council members, including the 1394
president of the board of county commissioners, the council 1395
chair, the council secretary, and two additional council members 1396
selected by majority affirmative vote of the council members 1397
present at the meeting. The additional members selected shall 1398
include one representative of municipal corporations in the 1399
district that are not city health districts and one 1400
representative of townships in the district. If an individual is 1401
eligible for more than one position on the executive committee 1402
due to holding a particular office, the individual shall fill 1403
one position on the committee and the other position shall be 1404
filled by a member selected by a majority affirmative vote of 1405
the council members present at the meeting. A council member's 1406
alternate for annual meetings may serve as the member's 1407
alternate at meetings of the executive committee. 1408

Not later than thirty days after an executive committee is 1409
organized, the committee shall meet and the council chair shall 1410
present to the committee the matter of appointing a member of 1411
the board of health. The committee shall appoint the board 1412
member by majority affirmative vote. In the case of a combined 1413
health district, the executive committee shall appoint only 1414
members of the board of health that are to be appointed by the 1415
district advisory council, unless the contract for 1416
administration of health affairs in the combined district 1417
provides otherwise. If a majority affirmative vote is not 1418

reached within thirty days after the executive committee is 1419
organized, the director of health shall appoint the member of 1420
the board of health under the authority conferred by section 1421
3709.03 of the Revised Code. 1422

If the council fails to meet or appoint a member of the 1423
board of health as required by this section or section 3709.02 1424
of the Revised Code, the director of health may appoint the 1425
member. 1426

Sec. 5541.04. (A) The board of county commissioners of any 1427
county, on its own motion or on petition by a person owning a 1428
lot in the unincorporated area of said county praying that the 1429
name of a county or township road in the immediate vicinity of 1430
such lot be changed, upon hearing, and upon being satisfied that 1431
there is good cause for such a change of name, that it will not 1432
be detrimental to the general interest, and that it should be 1433
made, may, by resolution declare the change of the name of such 1434
road. The board may include in one resolution the change of name 1435
of more than one road. 1436

A copy of such resolution shall be certified to the county 1437
engineer, the county recorder, and the county auditor, who shall 1438
all change their records accordingly, but still retain in some 1439
manner the old name of the road. 1440

(B) If, within sixty days after a petition is filed with a 1441
board of county commissioners to change the name of a township 1442
road, the board does not adopt a resolution either declaring the 1443
name of the road changed as requested in the petition or 1444
declaring that the name of the township road shall remain the 1445
same, the name of the township road is changed, as requested in 1446
the petition. 1447

The board of county commissioners shall submit notice that 1448
the name of the township road has changed pursuant to this 1449
division to the county engineer, the county recorder, and the 1450
county auditor, who shall all change their records accordingly, 1451
but still retain in some manner the old name of the road. 1452

Sec. 5553.04. ~~When~~ (A) Subject to division (B) of this 1453
section, the board of county commissioners is of the opinion 1454
that it will be for the public convenience or welfare to locate, 1455
establish, alter, widen, straighten, vacate, or change the 1456
direction of a public road, it shall so declare by resolution, 1457
which resolution shall set forth the general route and termini 1458
of the road, or part of the road, to be located, established, or 1459
vacated, or the general manner in which the road is to be 1460
altered, widened, or straightened, or the direction of the road 1461
is to be changed. 1462

~~When~~ Subject to division (B) of this section, when a 1463
petition, signed by at least twelve freeholders of the county 1464
residing in the vicinity of the proposed improvement, or signed 1465
by the owner of the right to mine coal lying under or adjacent 1466
to the proposed improvement, is presented to the board 1467
requesting the board to locate, establish, alter, widen, 1468
straighten, vacate, or change the direction of a public road, 1469
the board shall view the location of the proposed improvement, 1470
and, if it is of the opinion that it will be for the public 1471
convenience or welfare to make the improvement, it may proceed 1472
to make the improvement as provided in sections 5553.04 to 1473
5553.16 of the Revised Code. The petition shall set forth the 1474
general route and termini of the road, or part of the road, to 1475
be located, established, or vacated, or the general manner in 1476
which the road is to be altered, widened, or straightened, or 1477
the direction of the road is to be changed. When the board 1478

declares by resolution its intention to proceed with the 1479
improvement, it also may provide in the resolution for the 1480
establishment of an appropriate detour route or for the 1481
temporary closing of the road to be improved. When the petition 1482
presented to the board for a proposed improvement as provided in 1483
this section is a petition signed by the owner of the right to 1484
mine coal lying under or adjacent to the proposed improvement, 1485
that petitioner shall pay the costs and expenses incurred by the 1486
board in connection with the proceedings initiated by the 1487
petition, and the costs and expenses of making the improvement 1488
including compensation and damages, and including the cost of 1489
relocation of any conduits, cables, wires, towers, poles, or 1490
other equipment or appliances of any public utility or electric 1491
cooperative as defined in section 4928.01 of the Revised Code, 1492
located on, over, or under the portion of the road affected by 1493
the improvement, and, on demand by the board, shall give bond to 1494
the satisfaction of the board in the amount the board determines 1495
to secure the payment of all of those costs and expenses. 1496

(B) A board of county commissioners shall not adopt a 1497
resolution to vacate a public road that is a township road under 1498
division (A) of this section unless the applicable board of 1499
township trustees has adopted a resolution approving the 1500
vacation. 1501

Sec. 5705.121. A municipal corporation may establish in 1502
the manner provided by law a sanitary police pension fund, an 1503
urban redevelopment tax increment equivalent fund, or a cemetery 1504
fund. ~~A~~ 1505

A township may establish by law a cemetery fund. 1506

A township that levies a tax for the purpose described in 1507
division (ZZ) of section 5705.19 of the Revised Code shall 1508

establish a general capital and infrastructure fund to which the 1509
proceeds from that levy shall be credited. By resolution, the 1510
board of township trustees may establish accounts within that 1511
fund for any of the several particular purposes for which such 1512
money may lawfully be spent, may eliminate such accounts when no 1513
longer necessary or desirable, and may transfer money between 1514
such accounts. Money in the fund may not be used to pay the 1515
compensation of township officers or employees. 1516

Sec. 5705.19. This section does not apply to school 1517
districts, county school financing districts, or lake facilities 1518
authorities. 1519

The taxing authority of any subdivision at any time and in 1520
any year, by vote of two-thirds of all the members of the taxing 1521
authority, may declare by resolution and certify the resolution 1522
to the board of elections not less than ninety days before the 1523
election upon which it will be voted that the amount of taxes 1524
that may be raised within the ten-mill limitation will be 1525
insufficient to provide for the necessary requirements of the 1526
subdivision and that it is necessary to levy a tax in excess of 1527
that limitation for any of the following purposes: 1528

(A) For current expenses of the subdivision, except that 1529
the total levy for current expenses of a detention facility 1530
district or district organized under section 2151.65 of the 1531
Revised Code shall not exceed two mills and that the total levy 1532
for current expenses of a combined district organized under 1533
sections 2151.65 and 2152.41 of the Revised Code shall not 1534
exceed four mills; 1535

(B) For the payment of debt charges on certain described 1536
bonds, notes, or certificates of indebtedness of the subdivision 1537
issued subsequent to January 1, 1925; 1538

(C) For the debt charges on all bonds, notes, and 1539
certificates of indebtedness issued and authorized to be issued 1540
prior to January 1, 1925; 1541

(D) For a public library of, or supported by, the 1542
subdivision under whatever law organized or authorized to be 1543
supported; 1544

(E) For a municipal university, not to exceed two mills 1545
over the limitation of one mill prescribed in section 3349.13 of 1546
the Revised Code; 1547

(F) For the construction or acquisition of any specific 1548
permanent improvement or class of improvements that the taxing 1549
authority of the subdivision may include in a single bond issue; 1550

(G) For the general construction, reconstruction, 1551
resurfacing, and repair of streets, roads, and bridges in 1552
municipal corporations, counties, or townships; 1553

(H) For parks and recreational purposes; 1554

(I) For providing and maintaining fire apparatus, 1555
mechanical resuscitators, underwater rescue and recovery 1556
equipment, or other fire equipment and appliances, buildings and 1557
sites therefor, or sources of water supply and materials 1558
therefor, for the establishment and maintenance of lines of 1559
fire-alarm communications, for the payment of firefighting 1560
companies or permanent, part-time, or volunteer firefighting, 1561
emergency medical service, administrative, or communications 1562
personnel to operate the same, including the payment of any 1563
employer contributions required for such personnel under section 1564
145.48 or 742.34 of the Revised Code, for the purchase of 1565
ambulance equipment, for the provision of ambulance, paramedic, 1566
or other emergency medical services operated by a fire 1567

department or firefighting company, or for the payment of other 1568
related costs; 1569

(J) For providing and maintaining motor vehicles, 1570
communications, other equipment, buildings, and sites for such 1571
buildings used directly in the operation of a police department, 1572
for the payment of salaries of permanent or part-time police, 1573
communications, or administrative personnel to operate the same, 1574
including the payment of any employer contributions required for 1575
such personnel under section 145.48 or 742.33 of the Revised 1576
Code, for the payment of the costs incurred by townships as a 1577
result of contracts made with other political subdivisions in 1578
order to obtain police protection, for the provision of 1579
ambulance or emergency medical services operated by a police 1580
department, or for the payment of other related costs; 1581

(K) For the maintenance and operation of a county home or 1582
detention facility; 1583

(L) For community developmental disabilities programs and 1584
services pursuant to Chapter 5126. of the Revised Code, except 1585
that such levies shall be subject to the procedures and 1586
requirements of section 5705.222 of the Revised Code; 1587

(M) For regional planning; 1588

(N) For a county's share of the cost of maintaining and 1589
operating schools, district detention facilities, forestry 1590
camps, or other facilities, or any combination thereof, 1591
established under section 2151.65 or 2152.41 of the Revised Code 1592
or both of those sections; 1593

(O) For providing for flood defense, providing and 1594
maintaining a flood wall or pumps, and other purposes to prevent 1595
floods; 1596

(P) For maintaining and operating sewage disposal plants	1597
and facilities;	1598
(Q) For the purpose of purchasing, acquiring,	1599
constructing, enlarging, improving, equipping, repairing,	1600
maintaining, or operating, or any combination of the foregoing,	1601
a county transit system pursuant to sections 306.01 to 306.13 of	1602
the Revised Code, or of making any payment to a board of county	1603
commissioners operating a transit system or a county transit	1604
board pursuant to section 306.06 of the Revised Code;	1605
(R) For the subdivision's share of the cost of acquiring	1606
or constructing any schools, forestry camps, detention	1607
facilities, or other facilities, or any combination thereof,	1608
under section 2151.65 or 2152.41 of the Revised Code or both of	1609
those sections;	1610
(S) For the prevention, control, and abatement of air	1611
pollution;	1612
(T) For maintaining and operating cemeteries;	1613
(U) For providing ambulance service, emergency medical	1614
service, or both;	1615
(V) For providing for the collection and disposal of	1616
garbage or refuse, including yard waste;	1617
(W) For the payment of the police officer employers'	1618
contribution or the firefighter employers' contribution required	1619
under sections 742.33 and 742.34 of the Revised Code;	1620
(X) For the construction and maintenance of a drainage	1621
improvement pursuant to section 6131.52 of the Revised Code;	1622
(Y) For providing or maintaining senior citizens services	1623
or facilities as authorized by section 307.694, 307.85, 505.70,	1624

or 505.706 or division (EE) of section 717.01 of the Revised Code; 1625
1626

(Z) For the provision and maintenance of zoological park 1627
services and facilities as authorized under section 307.76 of 1628
the Revised Code; 1629

(AA) For the maintenance and operation of a free public 1630
museum of art, science, or history; 1631

(BB) For the establishment and operation of a 9-1-1 1632
system, as defined in section 128.01 of the Revised Code; 1633

(CC) For the purpose of acquiring, rehabilitating, or 1634
developing rail property or rail service. As used in this 1635
division, "rail property" and "rail service" have the same 1636
meanings as in section 4981.01 of the Revised Code. This 1637
division applies only to a county, township, or municipal 1638
corporation. 1639

(DD) For the purpose of acquiring property for, 1640
constructing, operating, and maintaining community centers as 1641
provided for in section 755.16 of the Revised Code; 1642

(EE) For the creation and operation of an office or joint 1643
office of economic development, for any economic development 1644
purpose of the office, and to otherwise provide for the 1645
establishment and operation of a program of economic development 1646
pursuant to sections 307.07 and 307.64 of the Revised Code, or 1647
to the extent that the expenses of a county land reutilization 1648
corporation organized under Chapter 1724. of the Revised Code 1649
are found by the board of county commissioners to constitute the 1650
promotion of economic development, for the payment of such 1651
operations and expenses; 1652

(FF) For the purpose of acquiring, establishing, 1653

constructing, improving, equipping, maintaining, or operating, 1654
or any combination of the foregoing, a township airport, landing 1655
field, or other air navigation facility pursuant to section 1656
505.15 of the Revised Code; 1657

(GG) For the payment of costs incurred by a township as a 1658
result of a contract made with a county pursuant to section 1659
505.263 of the Revised Code in order to pay all or any part of 1660
the cost of constructing, maintaining, repairing, or operating a 1661
water supply improvement; 1662

(HH) For a board of township trustees to acquire, other 1663
than by appropriation, an ownership interest in land, water, or 1664
wetlands, or to restore or maintain land, water, or wetlands in 1665
which the board has an ownership interest, not for purposes of 1666
recreation, but for the purposes of protecting and preserving 1667
the natural, scenic, open, or wooded condition of the land, 1668
water, or wetlands against modification or encroachment 1669
resulting from occupation, development, or other use, which may 1670
be styled as protecting or preserving "greenspace" in the 1671
resolution, notice of election, or ballot form. Except as 1672
otherwise provided in this division, land is not acquired for 1673
purposes of recreation, even if the land is used for 1674
recreational purposes, so long as no building, structure, or 1675
fixture used for recreational purposes is permanently attached 1676
or affixed to the land. Except as otherwise provided in this 1677
division, land that previously has been acquired in a township 1678
for these greenspace purposes may subsequently be used for 1679
recreational purposes if the board of township trustees adopts a 1680
resolution approving that use and no building, structure, or 1681
fixture used for recreational purposes is permanently attached 1682
or affixed to the land. The authorization to use greenspace land 1683
for recreational use does not apply to land located in a 1684

township that had a population, at the time it passed its first 1685
greenspace levy, of more than thirty-eight thousand within a 1686
county that had a population, at that time, of at least eight 1687
hundred sixty thousand. 1688

(II) For the support by a county of a crime victim 1689
assistance program that is provided and maintained by a county 1690
agency or a private, nonprofit corporation or association under 1691
section 307.62 of the Revised Code; 1692

(JJ) For any or all of the purposes set forth in divisions 1693
(I) and (J) of this section. This division applies only to a 1694
township. 1695

(KK) For a countywide public safety communications system 1696
under section 307.63 of the Revised Code. This division applies 1697
only to counties. 1698

(LL) For the support by a county of criminal justice 1699
services under section 307.45 of the Revised Code; 1700

(MM) For the purpose of maintaining and operating a jail 1701
or other detention facility as defined in section 2921.01 of the 1702
Revised Code; 1703

(NN) For purchasing, maintaining, or improving, or any 1704
combination of the foregoing, real estate on which to hold, and 1705
the operating expenses of, agricultural fairs operated by a 1706
county agricultural society or independent agricultural society 1707
under Chapter 1711. of the Revised Code. This division applies 1708
only to a county. 1709

(OO) For constructing, rehabilitating, repairing, or 1710
maintaining sidewalks, walkways, trails, bicycle pathways, or 1711
similar improvements, or acquiring ownership interests in land 1712
necessary for the foregoing improvements; 1713

(PP) For both of the purposes set forth in divisions (G)	1714
and (OO) of this section.	1715
(QQ) For both of the purposes set forth in divisions (H)	1716
and (HH) of this section. This division applies only to a	1717
township.	1718
(RR) For the legislative authority of a municipal	1719
corporation, board of county commissioners of a county, or board	1720
of township trustees of a township to acquire agricultural	1721
easements, as defined in section 5301.67 of the Revised Code,	1722
and to supervise and enforce the easements.	1723
(SS) For both of the purposes set forth in divisions (BB)	1724
and (KK) of this section. This division applies only to a	1725
county.	1726
(TT) For the maintenance and operation of a facility that	1727
is organized in whole or in part to promote the sciences and	1728
natural history under section 307.761 of the Revised Code.	1729
(UU) For the creation and operation of a county land	1730
reutilization corporation and for any programs or activities of	1731
the corporation found by the board of directors of the	1732
corporation to be consistent with the purposes for which the	1733
corporation is organized;	1734
(VV) For construction and maintenance of improvements and	1735
expenses of soil and water conservation district programs under	1736
Chapter 940. of the Revised Code;	1737
(WW) For the OSU extension fund created under section	1738
3335.35 of the Revised Code for the purposes prescribed under	1739
section 3335.36 of the Revised Code for the benefit of the	1740
citizens of a county. This division applies only to a county.	1741

(XX) For a municipal corporation that withdraws or 1742
proposes by resolution to withdraw from a regional transit 1743
authority under section 306.55 of the Revised Code to provide 1744
transportation services for the movement of persons within, 1745
from, or to the municipal corporation; 1746

(YY) For any combination of the purposes specified in 1747
divisions (NN), (VV), and (WW) of this section. This division 1748
applies only to a county. 1749

(ZZ) For any combination of the following purposes: the 1750
acquisition, construction, improvement, or maintenance of 1751
buildings, equipment, and supplies for police, firefighting, or 1752
emergency medical services; the construction, reconstruction, 1753
resurfacing, or repair of streets, roads, and bridges; or for 1754
general infrastructure projects. This division applies only to a 1755
township. 1756

The resolution shall be confined to the purpose or 1757
purposes described in one division of this section, to which the 1758
revenue derived therefrom shall be applied. The existence in any 1759
other division of this section of authority to levy a tax for 1760
any part or all of the same purpose or purposes does not 1761
preclude the use of such revenues for any part of the purpose or 1762
purposes of the division under which the resolution is adopted. 1763

The resolution shall specify the amount of the increase in 1764
rate that it is necessary to levy, the purpose of that increase 1765
in rate, and the number of years during which the increase in 1766
rate shall be in effect, which may or may not include a levy 1767
upon the duplicate of the current year. The number of years may 1768
be any number not exceeding five, except as follows: 1769

(1) When the additional rate is for the payment of debt 1770

charges, the increased rate shall be for the life of the 1771
indebtedness. 1772

(2) When the additional rate is for any of the following, 1773
the increased rate shall be for a continuing period of time: 1774

(a) For the current expenses for a detention facility 1775
district, a district organized under section 2151.65 of the 1776
Revised Code, or a combined district organized under sections 1777
2151.65 and 2152.41 of the Revised Code; 1778

(b) For providing a county's share of the cost of 1779
maintaining and operating schools, district detention 1780
facilities, forestry camps, or other facilities, or any 1781
combination thereof, established under section 2151.65 or 1782
2152.41 of the Revised Code or under both of those sections. 1783

(3) When the additional rate is for either of the 1784
following, the increased rate may be for a continuing period of 1785
time: 1786

(a) For the purposes set forth in division (I), (J), (U), 1787
or (KK) of this section; 1788

(b) For the maintenance and operation of a joint 1789
recreation district. 1790

(4) When the increase is for the purpose or purposes set 1791
forth in division (D), (G), (H), (T), (Z), (CC), or (PP) of this 1792
section, the tax levy may be for any specified number of years 1793
or for a continuing period of time, as set forth in the 1794
resolution. 1795

(5) When the increase is for the purpose set forth in 1796
division (ZZ) of this section, the tax levy may be for any 1797
number of years not exceeding ten. 1798

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

A resolution of a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under both sections 2151.65 and 2152.41 of the Revised Code may include both current expenses and other purposes, provided that the resolution shall apportion the annual rate of levy between the current expenses and the other purpose or purposes. The apportionment need not be the same for each year of the levy, but the respective portions of the rate actually levied each year for the current expenses and the other purpose or purposes shall be limited by the apportionment.

Whenever a board of county commissioners, acting either as the taxing authority of its county or as the taxing authority of a sewer district or subdistrict created under Chapter 6117. of the Revised Code, by resolution declares it necessary to levy a tax in excess of the ten-mill limitation for the purpose of constructing, improving, or extending sewage disposal plants or sewage systems, the tax may be in effect for any number of years not exceeding twenty, and the proceeds of the tax, notwithstanding the general provisions of this section, may be used to pay debt charges on any obligations issued and outstanding on behalf of the subdivision for the purposes

enumerated in this paragraph, provided that any such obligations 1830
have been specifically described in the resolution. 1831

A resolution adopted by the legislative authority of a 1832
municipal corporation that is for the purpose in division (XX) 1833
of this section may be combined with the purpose provided in 1834
section 306.55 of the Revised Code, by vote of two-thirds of all 1835
members of the legislative authority. The legislative authority 1836
may certify the resolution to the board of elections as a 1837
combined question. The question appearing on the ballot shall be 1838
as provided in section 5705.252 of the Revised Code. 1839

A levy for the purpose set forth in division (BB) of this 1840
section may be imposed in all or a portion of the territory of a 1841
subdivision. If the 9-1-1 system to be established and operated 1842
with levy funds excludes territory located within the 1843
subdivision, the resolution adopted under this section, or a 1844
resolution proposing to renew such a levy that was imposed in 1845
all of the territory of the subdivision, may describe the area 1846
served or to be served by the system and specify that the 1847
proposed tax would be imposed only in the areas receiving or to 1848
receive the service. Upon passage of such a resolution, the 1849
board of elections shall submit the question of the tax levy 1850
only to those electors residing in the area or areas in which 1851
the tax would be imposed. If the 9-1-1 system would serve the 1852
entire subdivision, the resolution shall not exclude territory 1853
from the tax levy. 1854

The resolution shall go into immediate effect upon its 1855
passage, and no publication of the resolution is necessary other 1856
than that provided for in the notice of election 1857

When the electors of a subdivision or, in the case of a 1858
qualifying library levy for the support of a library association 1859

or private corporation, the electors of the association library 1860
district or, in the case of a 9-1-1 system levy serving only a 1861
portion of the territory of a subdivision, the electors of the 1862
portion of the subdivision in which the levy would be imposed 1863
have approved a tax levy under this section, the taxing 1864
authority of the subdivision may anticipate a fraction of the 1865
proceeds of the levy and issue anticipation notes in accordance 1866
with section 5705.191 or 5705.193 of the Revised Code. 1867

Sec. 5709.73. (A) As used in this section and section 1868
5709.74 of the Revised Code: 1869

(1) "Business day" means a day of the week excluding 1870
Saturday, Sunday, and a legal holiday as defined in section 1.14 1871
of the Revised Code. 1872

(2) "Further improvements" or "improvements" means the 1873
increase in the assessed value of real property that would first 1874
appear on the tax list and duplicate of real and public utility 1875
property after the effective date of a resolution adopted under 1876
this section were it not for the exemption granted by that 1877
resolution. For purposes of division (B) of this section, 1878
"improvements" do not include any property used or to be used 1879
for residential purposes. For this purpose, "property that is 1880
used or to be used for residential purposes" means property 1881
that, as improved, is used or to be used for purposes that would 1882
cause the tax commissioner to classify the property as 1883
residential property in accordance with rules adopted by the 1884
commissioner under section 5713.041 of the Revised Code. 1885

(3) "Housing renovation" means a project carried out for 1886
residential purposes. 1887

(4) "Incentive district" has the same meaning as in 1888

section 5709.40 of the Revised Code, except that a blighted area 1889
is in the unincorporated area of a township. 1890

(5) "Overlay" has the same meaning as in section 5709.40 1891
of the Revised Code, except that the overlay is delineated by 1892
the board of township trustees. 1893

(6) "Project" and "public infrastructure improvement" have 1894
the same meanings as in section 5709.40 of the Revised Code. 1895

(B) A board of township trustees may, by unanimous vote, 1896
adopt a resolution that declares to be a public purpose any 1897
public infrastructure improvements made that are necessary for 1898
the development of certain parcels of land located in the 1899
unincorporated area of the township. Except with the approval 1900
under division (D) of this section of the board of education of 1901
each city, local, or exempted village school district within 1902
which the improvements are located, the resolution may exempt 1903
from real property taxation not more than seventy-five per cent 1904
of further improvements to a parcel of land that directly 1905
benefits from the public infrastructure improvements, for a 1906
period of not more than ten years. The resolution shall specify 1907
the percentage of the further improvements to be exempted and 1908
the life of the exemption. 1909

(C) (1) A board of township trustees may adopt, by 1910
unanimous vote, a resolution creating an incentive district and 1911
declaring improvements to parcels within the district to be a 1912
public purpose and, except as provided in division (C) (2) of 1913
this section, exempt from taxation as provided in this section, 1914
but no board of township trustees of a township that has a 1915
population that exceeds twenty-five thousand, as shown by the 1916
most recent federal decennial census, shall adopt a resolution 1917
that creates an incentive district if the sum of the taxable 1918

value of real property in the proposed district for the 1919
preceding tax year and the taxable value of all real property in 1920
the township that would have been taxable in the preceding year 1921
were it not for the fact that the property was in an existing 1922
incentive district and therefore exempt from taxation exceeds 1923
twenty-five per cent of the taxable value of real property in 1924
the township for the preceding tax year. The district shall be 1925
located within the unincorporated area of the township and shall 1926
not include any territory that is included within a district 1927
created under division (B) of section 5709.78 of the Revised 1928
Code. The resolution shall delineate the boundary of the 1929
proposed district and specifically identify each parcel within 1930
the district. A proposed district may not include any parcel 1931
that is or has been exempted from taxation under division (B) of 1932
this section or that is or has been within another district 1933
created under this division. A resolution may create more than 1934
one such district, and more than one resolution may be adopted 1935
under division (C) (1) of this section. 1936

(2) (a) Not later than thirty days prior to adopting a 1937
resolution under division (C) (1) of this section, if the 1938
township intends to apply for exemptions from taxation under 1939
section 5709.911 of the Revised Code on behalf of owners of real 1940
property located within the proposed incentive district, the 1941
board shall conduct a public hearing on the proposed resolution. 1942
Not later than thirty days prior to the public hearing, the 1943
board shall give notice of the public hearing and the proposed 1944
resolution by first class mail to every real property owner 1945
whose property is located within the boundaries of the proposed 1946
incentive district that is the subject of the proposed 1947
resolution. The notice shall include a map of the proposed 1948
incentive district on which the board of township trustees shall 1949

have delineated an overlay. The notice shall inform the property owner of the owner's right to exclude the owner's property from the incentive district if both of the following conditions are met:

(i) The owner's entire parcel of property will not be located within the overlay.

(ii) The owner has submitted a statement to the board of county commissioners of the county in which the parcel is located indicating the owner's intent to seek a tax exemption for improvements to the owner's parcel under division (A) or (B) of section 5709.78 of the Revised Code within the next five years.

When both of the preceding conditions are met, the owner may exclude the owner's property from the incentive district by submitting a written response in accordance with division (C) (2) (b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response.

(b) Any owner of real property located within the boundaries of an incentive district proposed under division (C) (1) of this section who meets the conditions specified in divisions (C) (2) (a) (i) and (ii) of this section may exclude the property from the proposed incentive district by submitting a written response to the board not later than forty-five days after the postmark date on the notice required under division (C) (2) (a) of this section. The response shall include a copy of the statement submitted under division (C) (2) (a) (ii) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the board under

division (C) (2) (a) of this section. The response shall conform 1980
to any content requirements that may be established by the board 1981
and included in the notice provided under division (C) (2) (a) of 1982
this section. In the response, property owners may identify a 1983
parcel by street address, by the manner in which it is 1984
identified in the resolution, or by other means allowing the 1985
identity of the parcel to be ascertained. 1986

(c) Before adopting a resolution under division (C) (1) of 1987
this section, the board shall amend the resolution to exclude 1988
any parcel for which a written response has been submitted under 1989
division (C) (2) (b) of this section. A township shall not apply 1990
for exemptions from taxation under section 5709.911 of the 1991
Revised Code for any such parcel, and service payments may not 1992
be required from the owner of the parcel. Improvements to a 1993
parcel excluded from an incentive district under this division 1994
may be exempted from taxation under division (B) of this section 1995
pursuant to a resolution adopted under that division or under 1996
any other section of the Revised Code under which the parcel 1997
qualifies. 1998

(3) (a) A resolution adopted under division (C) (1) of this 1999
section shall specify the life of the incentive district and the 2000
percentage of the improvements to be exempted, shall designate 2001
the public infrastructure improvements made, to be made, or in 2002
the process of being made, that benefit or serve, or, once made, 2003
will benefit or serve parcels in the district. The resolution 2004
also shall identify one or more specific projects being, or to 2005
be, undertaken in the district that place additional demand on 2006
the public infrastructure improvements designated in the 2007
resolution. The project identified may, but need not be, the 2008
project under division (C) (3) (b) of this section that places 2009
real property in use for commercial or industrial purposes. 2010

A resolution adopted under division (C)(1) of this section 2011
on or after March 30, 2006, shall not designate police or fire 2012
equipment as public infrastructure improvements, and, except as 2013
provided in division (F) of this section, no service payment 2014
provided for in section 5709.74 of the Revised Code and received 2015
by the township under the resolution shall be used for police or 2016
fire equipment. 2017

(b) A resolution adopted under division (C)(1) of this 2018
section may authorize the use of service payments provided for 2019
in section 5709.74 of the Revised Code for the purpose of 2020
housing renovations within the incentive district, provided that 2021
the resolution also designates public infrastructure 2022
improvements that benefit or serve the district, and that a 2023
project within the district places real property in use for 2024
commercial or industrial purposes. Service payments may be used 2025
to finance or support loans, deferred loans, and grants to 2026
persons for the purpose of housing renovations within the 2027
district. The resolution shall designate the parcels within the 2028
district that are eligible for housing renovations. The 2029
resolution shall state separately the amount or the percentages 2030
of the expected aggregate service payments that are designated 2031
for each public infrastructure improvement and for the purpose 2032
of housing renovations. 2033

(4) Except with the approval of the board of education of 2034
each city, local, or exempted village school district within the 2035
territory of which the incentive district is or will be located, 2036
and subject to division (E) of this section, the life of an 2037
incentive district shall not exceed ten years, and the 2038
percentage of improvements to be exempted shall not exceed 2039
seventy-five per cent. With approval of the board of education, 2040
the life of a district may be not more than thirty years, and 2041

the percentage of improvements to be exempted may be not more 2042
than one hundred per cent. The approval of a board of education 2043
shall be obtained in the manner provided in division (D) of this 2044
section. 2045

(D) Improvements with respect to a parcel may be exempted 2046
from taxation under division (B) of this section, and 2047
improvements to parcels within an incentive district may be 2048
exempted from taxation under division (C) of this section, for 2049
up to ten years or, with the approval of the board of education 2050
of the city, local, or exempted village school district within 2051
which the parcel or district is located, for up to thirty years. 2052
The percentage of the improvements exempted from taxation may, 2053
with such approval, exceed seventy-five per cent, but shall not 2054
exceed one hundred per cent. Not later than forty-five business 2055
days prior to adopting a resolution under this section declaring 2056
improvements to be a public purpose that is subject to approval 2057
by a board of education under this division, the board of 2058
township trustees shall deliver to the board of education a 2059
notice stating its intent to adopt a resolution making that 2060
declaration. The notice regarding improvements with respect to a 2061
parcel under division (B) of this section shall identify the 2062
parcels for which improvements are to be exempted from taxation, 2063
provide an estimate of the true value in money of the 2064
improvements, specify the period for which the improvements 2065
would be exempted from taxation and the percentage of the 2066
improvements that would be exempted, and indicate the date on 2067
which the board of township trustees intends to adopt the 2068
resolution. The notice regarding improvements made under 2069
division (C) of this section to parcels within an incentive 2070
district shall delineate the boundaries of the district, 2071
specifically identify each parcel within the district, identify 2072

each anticipated improvement in the district, provide an 2073
estimate of the true value in money of each such improvement, 2074
specify the life of the district and the percentage of 2075
improvements that would be exempted, and indicate the date on 2076
which the board of township trustees intends to adopt the 2077
resolution. The board of education, by resolution adopted by a 2078
majority of the board, may approve the exemption for the period 2079
or for the exemption percentage specified in the notice; may 2080
disapprove the exemption for the number of years in excess of 2081
ten, may disapprove the exemption for the percentage of the 2082
improvements to be exempted in excess of seventy-five per cent, 2083
or both; or may approve the exemption on the condition that the 2084
board of township trustees and the board of education negotiate 2085
an agreement providing for compensation to the school district 2086
equal in value to a percentage of the amount of taxes exempted 2087
in the eleventh and subsequent years of the exemption period or, 2088
in the case of exemption percentages in excess of seventy-five 2089
per cent, compensation equal in value to a percentage of the 2090
taxes that would be payable on the portion of the improvements 2091
in excess of seventy-five per cent were that portion to be 2092
subject to taxation, or other mutually agreeable compensation. 2093

The board of education shall certify its resolution to the 2094
board of township trustees not later than fourteen days prior to 2095
the date the board of township trustees intends to adopt the 2096
resolution as indicated in the notice. If the board of education 2097
and the board of township trustees negotiate a mutually 2098
acceptable compensation agreement, the resolution may declare 2099
the improvements a public purpose for the number of years 2100
specified in the resolution or, in the case of exemption 2101
percentages in excess of seventy-five per cent, for the 2102
exemption percentage specified in the resolution. In either 2103

case, if the board of education and the board of township 2104
trustees fail to negotiate a mutually acceptable compensation 2105
agreement, the resolution may declare the improvements a public 2106
purpose for not more than ten years, and shall not exempt more 2107
than seventy-five per cent of the improvements from taxation. If 2108
the board of education fails to certify a resolution to the 2109
board of township trustees within the time prescribed by this 2110
section, the board of township trustees thereupon may adopt the 2111
resolution and may declare the improvements a public purpose for 2112
up to thirty years or, in the case of exemption percentages 2113
proposed in excess of seventy-five per cent, for the exemption 2114
percentage specified in the resolution. The board of township 2115
trustees may adopt the resolution at any time after the board of 2116
education certifies its resolution approving the exemption to 2117
the board of township trustees, or, if the board of education 2118
approves the exemption on the condition that a mutually 2119
acceptable compensation agreement be negotiated, at any time 2120
after the compensation agreement is agreed to by the board of 2121
education and the board of township trustees. If a mutually 2122
acceptable compensation agreement is negotiated between the 2123
board of township trustees and the board of education, including 2124
agreements for payments in lieu of taxes under section 5709.74 2125
of the Revised Code, the board of township trustees shall 2126
compensate the joint vocational school district within which the 2127
parcel or district is located at the same rate and under the 2128
same terms received by the city, local, or exempted village 2129
school district. 2130

If a board of education has adopted a resolution waiving 2131
its right to approve exemptions from taxation under this section 2132
and the resolution remains in effect, approval of such 2133
exemptions by the board of education is not required under 2134

division (D) of this section. If a board of education has 2135
adopted a resolution allowing a board of township trustees to 2136
deliver the notice required under division (D) of this section 2137
fewer than forty-five business days prior to adoption of the 2138
resolution by the board of township trustees, the board of 2139
township trustees shall deliver the notice to the board of 2140
education not later than the number of days prior to the 2141
adoption as prescribed by the board of education in its 2142
resolution. If a board of education adopts a resolution waiving 2143
its right to approve exemptions or shortening the notification 2144
period, the board of education shall certify a copy of the 2145
resolution to the board of township trustees. If the board of 2146
education rescinds the resolution, it shall certify notice of 2147
the rescission to the board of township trustees. 2148

If the board of township trustees is not required by 2149
division (D) of this section to notify the board of education of 2150
the board of township trustees' intent to declare improvements 2151
to be a public purpose, the board of township trustees shall 2152
comply with the notice requirements imposed under section 2153
5709.83 of the Revised Code before taking formal action to adopt 2154
the resolution making that declaration, unless the board of 2155
education has adopted a resolution under that section waiving 2156
its right to receive the notice. 2157

(E) (1) If a proposed resolution under division (C) (1) of 2158
this section exempts improvements with respect to a parcel 2159
within an incentive district for more than ten years, or the 2160
percentage of the improvement exempted from taxation exceeds 2161
seventy-five per cent, not later than forty-five business days 2162
prior to adopting the resolution the board of township trustees 2163
shall deliver to the board of county commissioners of the county 2164
within which the incentive district is or will be located a 2165

notice that states its intent to adopt a resolution creating an 2166
incentive district. The notice shall include a copy of the 2167
proposed resolution, identify the parcels for which improvements 2168
are to be exempted from taxation, provide an estimate of the 2169
true value in money of the improvements, specify the period of 2170
time for which the improvements would be exempted from taxation, 2171
specify the percentage of the improvements that would be 2172
exempted from taxation, and indicate the date on which the board 2173
of township trustees intends to adopt the resolution. 2174

(2) The board of county commissioners, by resolution 2175
adopted by a majority of the board, may object to the exemption 2176
for the number of years in excess of ten, may object to the 2177
exemption for the percentage of the improvement to be exempted 2178
in excess of seventy-five per cent, or both. If the board of 2179
county commissioners objects, the board may negotiate a mutually 2180
acceptable compensation agreement with the board of township 2181
trustees. In no case shall the compensation provided to the 2182
board of county commissioners exceed the property taxes foregone 2183
due to the exemption. If the board of county commissioners 2184
objects, and the board of county commissioners and board of 2185
township trustees fail to negotiate a mutually acceptable 2186
compensation agreement, the resolution adopted under division 2187
(C) (1) of this section shall provide to the board of county 2188
commissioners compensation in the eleventh and subsequent years 2189
of the exemption period equal in value to not more than fifty 2190
per cent of the taxes that would be payable to the county or, if 2191
the board of county commissioner's objection includes an 2192
objection to an exemption percentage in excess of seventy-five 2193
per cent, compensation equal in value to not more than fifty per 2194
cent of the taxes that would be payable to the county, on the 2195
portion of the improvement in excess of seventy-five per cent, 2196

were that portion to be subject to taxation. The board of county 2197
commissioners shall certify its resolution to the board of 2198
township trustees not later than thirty days after receipt of 2199
the notice. 2200

(3) If the board of county commissioners does not object 2201
or fails to certify its resolution objecting to an exemption 2202
within thirty days after receipt of the notice, the board of 2203
township trustees may adopt its resolution, and no compensation 2204
shall be provided to the board of county commissioners. If the 2205
board of county commissioners timely certifies its resolution 2206
objecting to the trustees' resolution, the board of township 2207
trustees may adopt its resolution at any time after a mutually 2208
acceptable compensation agreement is agreed to by the board of 2209
county commissioners and the board of township trustees, or, if 2210
no compensation agreement is negotiated, at any time after the 2211
board of township trustees agrees in the proposed resolution to 2212
provide compensation to the board of county commissioners of 2213
fifty per cent of the taxes that would be payable to the county 2214
in the eleventh and subsequent years of the exemption period or 2215
on the portion of the improvement in excess of seventy-five per 2216
cent, were that portion to be subject to taxation. 2217

(F) Service payments in lieu of taxes that are 2218
attributable to any amount by which the effective tax rate of 2219
either a renewal levy with an increase or a replacement levy 2220
exceeds the effective tax rate of the levy renewed or replaced, 2221
or that are attributable to an additional levy, for a levy 2222
authorized by the voters for any of the following purposes on or 2223
after January 1, 2006, and which are provided pursuant to a 2224
resolution creating an incentive district under division (C)(1) 2225
of this section that is adopted on or after January 1, 2006, or 2226
a later date as specified in this division, shall be distributed 2227

to the appropriate taxing authority as required under division 2228
(C) of section 5709.74 of the Revised Code in an amount equal to 2229
the amount of taxes from that additional levy or from the 2230
increase in the effective tax rate of such renewal or 2231
replacement levy that would have been payable to that taxing 2232
authority from the following levies were it not for the 2233
exemption authorized under division (C) of this section: 2234

(1) A tax levied under division (L) of section 5705.19 or 2235
section 5705.191 or 5705.222 of the Revised Code for community 2236
developmental disabilities programs and services pursuant to 2237
Chapter 5126. of the Revised Code; 2238

(2) A tax levied under division (Y) of section 5705.19 of 2239
the Revised Code for providing or maintaining senior citizens 2240
services or facilities; 2241

(3) A tax levied under section 5705.22 of the Revised Code 2242
for county hospitals; 2243

(4) A tax levied by a joint-county district or by a county 2244
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 2245
for alcohol, drug addiction, and mental health services or 2246
families; 2247

(5) A tax levied under section 5705.23 of the Revised Code 2248
for library purposes; 2249

(6) A tax levied under section 5705.24 of the Revised Code 2250
for the support of children services and the placement and care 2251
of children; 2252

(7) A tax levied under division (Z) of section 5705.19 of 2253
the Revised Code for the provision and maintenance of zoological 2254
park services and facilities under section 307.76 of the Revised 2255
Code; 2256

(8) A tax levied under section 511.27 or division (H) of 2257
section 5705.19 of the Revised Code for the support of township 2258
park districts; 2259

(9) A tax levied under division (A), (F), or (H) of 2260
section 5705.19 of the Revised Code for parks and recreational 2261
purposes of a joint recreation district organized pursuant to 2262
division (B) of section 755.14 of the Revised Code; 2263

(10) A tax levied under section 1545.20 or 1545.21 of the 2264
Revised Code for park district purposes; 2265

(11) A tax levied under section 5705.191 of the Revised 2266
Code for the purpose of making appropriations for public 2267
assistance; human or social services; public relief; public 2268
welfare; public health and hospitalization; and support of 2269
general hospitals; 2270

(12) A tax levied under section 3709.29 of the Revised 2271
Code for a general health district program; 2272

(13) A tax levied by a township under section 505.39, 2273
505.51, or division (I), (J), (U), or (JJ) of section 5705.19 of 2274
the Revised Code for the purpose of funding fire, police, 2275
emergency medical, or ambulance services as described in those 2276
sections. Division (F) (13) of this section applies only to 2277
incentive districts created by a resolution adopted on or after 2278
the effective date of the amendment of this section by ...B... 2279
of the 132nd general assembly, and only if that resolution 2280
specifies that division (F) of this section shall apply to such 2281
a tax. 2282

(G) An exemption from taxation granted under this section 2283
commences with the tax year specified in the resolution so long 2284
as the year specified in the resolution commences after the 2285

effective date of the resolution. If the resolution specifies a 2286
year commencing before the effective date of the resolution or 2287
specifies no year whatsoever, the exemption commences with the 2288
tax year in which an exempted improvement first appears on the 2289
tax list and duplicate of real and public utility property and 2290
that commences after the effective date of the resolution. In 2291
lieu of stating a specific year, the resolution may provide that 2292
the exemption commences in the tax year in which the value of an 2293
improvement exceeds a specified amount or in which the 2294
construction of one or more improvements is completed, provided 2295
that such tax year commences after the effective date of the 2296
resolution. With respect to the exemption of improvements to 2297
parcels under division (B) of this section, the resolution may 2298
allow for the exemption to commence in different tax years on a 2299
parcel-by-parcel basis, with a separate exemption term specified 2300
for each parcel. 2301

Except as otherwise provided in this division, the 2302
exemption ends on the date specified in the resolution as the 2303
date the improvement ceases to be a public purpose or the 2304
incentive district expires, or ends on the date on which the 2305
public infrastructure improvements and housing renovations are 2306
paid in full from the township public improvement tax increment 2307
equivalent fund established under section 5709.75 of the Revised 2308
Code, whichever occurs first. The exemption of an improvement 2309
with respect to a parcel or within an incentive district may end 2310
on a later date, as specified in the resolution, if the board of 2311
township trustees and the board of education of the city, local, 2312
or exempted village school district within which the parcel or 2313
district is located have entered into a compensation agreement 2314
under section 5709.82 of the Revised Code with respect to the 2315
improvement and the board of education has approved the term of 2316

the exemption under division (D) of this section, but in no case 2317
shall the improvement be exempted from taxation for more than 2318
thirty years. The board of township trustees may, by majority 2319
vote, adopt a resolution permitting the township to enter into 2320
such agreements as the board finds necessary or appropriate to 2321
provide for the construction or undertaking of public 2322
infrastructure improvements and housing renovations. Any 2323
exemption shall be claimed and allowed in the same or a similar 2324
manner as in the case of other real property exemptions. If an 2325
exemption status changes during a tax year, the procedure for 2326
the apportionment of the taxes for that year is the same as in 2327
the case of other changes in tax exemption status during the 2328
year. 2329

(H) The board of township trustees may issue the notes of 2330
the township to finance all costs pertaining to the construction 2331
or undertaking of public infrastructure improvements and housing 2332
renovations made pursuant to this section. The notes shall be 2333
signed by the board and attested by the signature of the 2334
township fiscal officer, shall bear interest not to exceed the 2335
rate provided in section 9.95 of the Revised Code, and are not 2336
subject to Chapter 133. of the Revised Code. The resolution 2337
authorizing the issuance of the notes shall pledge the funds of 2338
the township public improvement tax increment equivalent fund 2339
established pursuant to section 5709.75 of the Revised Code to 2340
pay the interest on and principal of the notes. The notes, which 2341
may contain a clause permitting prepayment at the option of the 2342
board, shall be offered for sale on the open market or given to 2343
the vendor or contractor if no sale is made. 2344

(I) The township, not later than fifteen days after the 2345
adoption of a resolution under this section, shall submit to the 2346
director of development services a copy of the resolution. On or 2347

before the thirty-first day of March of each year, the township 2348
shall submit a status report to the director of development 2349
services. The report shall indicate, in the manner prescribed by 2350
the director, the progress of the project during each year that 2351
the exemption remains in effect, including a summary of the 2352
receipts from service payments in lieu of taxes; expenditures of 2353
money from the fund created under section 5709.75 of the Revised 2354
Code; a description of the public infrastructure improvements 2355
and housing renovations financed with the expenditures; and a 2356
quantitative summary of changes in private investment resulting 2357
from each project. 2358

(J) Nothing in this section shall be construed to prohibit 2359
a board of township trustees from declaring to be a public 2360
purpose improvements with respect to more than one parcel. 2361

If a parcel is located in a new community district in 2362
which the new community authority imposes a community 2363
development charge on the basis of rentals received from leases 2364
of real property as described in division (L) (2) of section 2365
349.01 of the Revised Code, the parcel may not be exempted from 2366
taxation under this section. 2367

(K) A board of township trustees that adopted a resolution 2368
under this section prior to July 21, 1994, may amend that 2369
resolution to include any additional public infrastructure 2370
improvement. A board of township trustees that seeks by the 2371
amendment to utilize money from its township public improvement 2372
tax increment equivalent fund for land acquisition in aid of 2373
industry, commerce, distribution, or research, demolition on 2374
private property, or stormwater and flood remediation projects 2375
may do so provided that the board currently is a party to a 2376
hold-harmless agreement with the board of education of the city, 2377

local, or exempted village school district within the territory 2378
of which are located the parcels that are subject to an 2379
exemption. For the purposes of this division, a "hold-harmless 2380
agreement" means an agreement under which the board of township 2381
trustees agrees to compensate the school district for one 2382
hundred per cent of the tax revenue that the school district 2383
would have received from further improvements to parcels 2384
designated in the resolution were it not for the exemption 2385
granted by the resolution. 2386

(L) Notwithstanding the limitation prescribed by division 2387
(D) of this section on the number of years that improvements to 2388
a parcel or parcels may be exempted from taxation, a board of 2389
trustees of a township with a population of fifteen thousand or 2390
more may amend a resolution originally adopted under this 2391
section before December 31, 1994, to extend the exemption of 2392
improvements to the parcel or parcels included in such 2393
resolution for an additional period not to exceed fifteen years. 2394
The amendment shall not increase the percentage of improvements 2395
to the parcel or parcels exempted from taxation. Before adopting 2396
an amendment authorized under this division, the board of 2397
township trustees shall obtain the approval of each board of 2398
education of the city, local, or exempted village school 2399
district within which the exempted parcels are located in the 2400
manner required under division (D) of this section, except that 2401
(1) the board of education may approve the exemption on the 2402
condition that the board of township trustees and the board of 2403
education negotiate an agreement providing for compensation to 2404
the school district equal in value to the amount of taxes the 2405
district forgoes in each year the exemption is extended pursuant 2406
to this division or any other mutually agreeable compensation 2407
and (2) if the board of education fails to certify a resolution 2408

approving the amendment to the board of township trustees within 2409
the time prescribed by division (D) of this section, the board 2410
of township trustees shall not adopt the amendment authorized 2411
under this division. 2412

No approval under this division shall be required from a 2413
board of education that has adopted a resolution waiving its 2414
right to approve exemptions from taxation pursuant to division 2415
(D) of this section. If the board of education has adopted such 2416
a resolution, the board of township trustees shall comply with 2417
the notice requirements imposed under section 5709.83 of the 2418
Revised Code before taking formal action to adopt an amendment 2419
authorized under this division unless the board of education has 2420
adopted a resolution under that section waiving its right to 2421
receive the notice. Not later than fourteen days before adopting 2422
an amendment authorized under this division, the board of 2423
township trustees shall deliver a notice identical to a notice 2424
required under section 5709.83 of the Revised Code to the board 2425
of county commissioners of each county in which the exempted 2426
parcels are located. 2427

Sec. 5709.75. (A) Any township that receives service 2428
payments in lieu of taxes under section 5709.74 of the Revised 2429
Code shall establish a township public improvement tax increment 2430
equivalent fund into which those payments shall be deposited. If 2431
the board of township trustees has adopted a resolution under 2432
division (C) of section 5709.73 of the Revised Code, the 2433
township shall establish at least one account in that fund with 2434
respect to resolutions adopted under division (B) of that 2435
section, and one account with respect to each incentive district 2436
created by a resolution adopted under division (C) of that 2437
section. If a resolution adopted under division (C) of section 2438
5709.73 of the Revised Code also authorizes the use of service 2439

payments for housing renovations within the incentive district, 2440
the township shall establish separate accounts for the service 2441
payments designated for public infrastructure improvements and 2442
for the service payments authorized for the purpose of housing 2443
renovations. 2444

(B) Except as otherwise provided in division (C) or (D) of 2445
this section, money deposited in an account of the township 2446
public improvement tax increment equivalent fund shall be used 2447
by the township to pay the costs of public infrastructure 2448
improvements designated in or the housing renovations authorized 2449
by the resolution with respect to which the account is 2450
established, including any interest on and principal of the 2451
notes; in the case of an account established with respect to a 2452
resolution adopted under division (C) of that section, money in 2453
the account shall be used to finance the public infrastructure 2454
improvements designated, or the housing renovations authorized, 2455
for each incentive district created in the resolution. Money in 2456
an account shall not be used to finance or support housing 2457
renovations that take place after the incentive district has 2458
expired. 2459

(C) (1) (a) A township may distribute money in such an 2460
account to any school district in which the exempt property is 2461
located in an amount not to exceed the amount of real property 2462
taxes that such school district would have received from the 2463
improvement if it were not exempt from taxation. The resolution 2464
establishing the fund shall set forth the percentage of such 2465
maximum amount that will be distributed to any affected school 2466
district. 2467

(b) A township also may distribute money in such an 2468
account as follows: 2469

(i) To a board of county commissioners, in the amount that 2470
is owed to the board pursuant to division (E) of section 5709.73 2471
of the Revised Code; 2472

(ii) To a county in accordance with section 5709.913 of 2473
the Revised Code. 2474

(2) Money from an account in a township public improvement 2475
tax increment equivalent fund may be distributed under division 2476
(C)(1)(b) of this section, regardless of the date a resolution 2477
was adopted under section 5709.73 of the Revised Code that 2478
prompted the establishment of the account, even if the 2479
resolution was adopted prior to March 30, 2006. 2480

(D) A board of township trustees that adopted a resolution 2481
under section 5709.73 of the Revised Code and that, with respect 2482
to property exempted under such a resolution, is party to a 2483
hold-harmless or service agreement, may appropriate and expend 2484
unencumbered money in the fund to pay current public safety 2485
expenses of the township. A township appropriating and expending 2486
money under this division shall reimburse the fund for the sum 2487
so appropriated and expended not later than the day the 2488
exemption granted under the resolution expires. For the purposes 2489
of this division, a "hold-harmless agreement" is an agreement 2490
with the board of education of a city, local, or exempted 2491
village school district under which the board of township 2492
trustees agrees to compensate the school district for one 2493
hundred per cent of the tax revenue the school district would 2494
have received from improvements to parcels designated in the 2495
resolution were it not for the exemption granted by the 2496
resolution. 2497

(E) A board of township trustees that adopted a resolution 2498
under section 5709.73 of the Revised Code prior to July 21, 2499

1994, and that, with respect to property exempted under such 2500
resolution, is a party to a hold-harmless or service agreement 2501
with a board of education of a city, local, or exempted village 2502
school district, within the territory of which such property is 2503
located, may appropriate and expend unencumbered money in the 2504
fund to pay current expenses for the continued maintenance of 2505
public improvements or public infrastructure improvements 2506
designated in that resolution, as such resolution has been 2507
amended under division (K) of section 5709.73 of the Revised 2508
Code. 2509

(F) Any unencumbered money remaining in the township 2510
public improvement tax increment equivalent fund or an account 2511
of that fund upon dissolution of the account or fund shall be 2512
transferred to the general fund of the township. 2513

Section 2. That existing sections 303.21, 349.03, 505.01, 2514
505.04, 505.38, 505.482, 507.11, 513.07, 513.071, 517.30, 2515
519.04, 519.07, 519.12, 519.13, 519.15, 519.21, 1509.07, 2516
3375.121, 3501.021, 3709.03, 5541.04, 5553.04, 5705.121, 2517
5705.19, 5709.73, and 5709.75 and sections 711.25, 711.26, and 2518
711.27 of the Revised Code are hereby repealed. 2519

Section 3. The General Assembly, applying the principle 2520
stated in division (B) of section 1.52 of the Revised Code that 2521
amendments are to be harmonized if reasonably capable of 2522
simultaneous operation, finds that the following sections, 2523
presented in this act as composites of the sections as amended 2524
by the acts indicated, are the resulting versions of the 2525
sections in effect before the effective date of the sections as 2526
presented in this act: 2527

Section 519.21 of the Revised Code as amended by both Sub. 2528
H.B. 523 and Sub. S.B. 75 of the 131st General Assembly. 2529

Section 5705.19 of the Revised Code as amended by Sub.	2530
H.B. 158, Am. Sub. H.B. 277, Sub. H.B. 413, and Am. Sub. H.B.	2531
483, all of the 131st General Assembly.	2532