

As Introduced

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

S. B. No. 272

Senator Brenner

A BILL

To amend sections 163.15, 163.51, 163.59, 163.60, 1
173.08, 174.03, 307.79, 504.21, 505.391, 2
505.511, 505.94, 723.16, 731.51, 731.53, 735.29, 3
743.04, 940.01, 971.34, 1349.52, 1531.01, 4
1531.13, 1531.14, 1533.01, 1533.02, 1533.03, 5
1533.10, 1533.11, 1533.111, 1533.32, 1728.01, 6
1923.01, 1923.02, 1923.04, 1923.051, 1923.061, 7
1923.062, 1923.12, 1923.15, 2111.25, 2111.31, 8
2305.131, 2308.02, 2329.66, 2746.01, 2923.126, 9
2923.16, 2933.56, 2933.581, 2933.76, 2933.77, 10
3707.01, 3729.14, 3735.40, 3735.41, 3735.42, 11
3735.59, 3735.67, 3746.23, 3767.05, 3767.10, 12
3767.41, 3781.104, 3796.24, 3905.55, 4112.01, 13
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4933.12, 4933.121, 5117.08, 5301.61, 5303.01, 17
5311.01, 5311.16, 5311.19, 5311.25, 5312.11, 18
5315.05, 5321.01, 5321.02, 5321.03, 5321.031, 19
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5321.08, 5321.09, 5321.10, 5321.11, 5321.13, 21
5321.131, 5321.15, 5321.16, 5321.17, 5321.18, 22
5323.01, 5579.05, 5579.06, 5709.081, 5709.101, 23
5709.45, 5727.02, 5812.45, 6103.02, 6115.17, 24

6115.24, 6117.02, 6117.51, and 6119.06 of the 25
Revised Code to revise terminology used in the 26
residential landlord-tenant law. 27

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

Section 1. That sections 163.15, 163.51, 163.59, 163.60, 28
173.08, 174.03, 307.79, 504.21, 505.391, 505.511, 505.94, 29
723.16, 731.51, 731.53, 735.29, 743.04, 940.01, 971.34, 1349.52, 30
1531.01, 1531.13, 1531.14, 1533.01, 1533.02, 1533.03, 1533.10, 31
1533.11, 1533.111, 1533.32, 1728.01, 1923.01, 1923.02, 1923.04, 32
1923.051, 1923.061, 1923.062, 1923.12, 1923.15, 2111.25, 33
2111.31, 2305.131, 2308.02, 2329.66, 2746.01, 2923.126, 2923.16, 34
2933.56, 2933.581, 2933.76, 2933.77, 3707.01, 3729.14, 3735.40, 35
3735.41, 3735.42, 3735.59, 3735.67, 3746.23, 3767.05, 3767.10, 36
3767.41, 3781.104, 3796.24, 3905.55, 4112.01, 4112.02, 4112.055, 37
4399.03, 4513.601, 4722.01, 4735.01, 4735.021, 4735.18, 4735.51, 38
4735.75, 4749.01, 4781.01, 4781.40, 4905.90, 4905.94, 4933.12, 39
4933.121, 5117.08, 5301.61, 5303.01, 5311.01, 5311.16, 5311.19, 40
5311.25, 5312.11, 5315.05, 5321.01, 5321.02, 5321.03, 5321.031, 41
5321.04, 5321.05, 5321.051, 5321.06, 5321.07, 5321.08, 5321.09, 42
5321.10, 5321.11, 5321.13, 5321.131, 5321.15, 5321.16, 5321.17, 43
5321.18, 5323.01, 5579.05, 5579.06, 5709.081, 5709.101, 5709.45, 44
5727.02, 5812.45, 6103.02, 6115.17, 6115.24, 6117.02, 6117.51, 45
and 6119.06 of the Revised Code be amended to read as follows: 46

Sec. 163.15. (A) As soon as the agency pays to the party 47
entitled thereto or deposits with the court the amount of the 48
award and the costs assessed against the agency, it may take 49
possession; provided, that this shall not be construed to limit 50
the right of a public agency to enter and take possession, as 51

provided in section 163.06 of the Revised Code. When the agency 52
is entitled to possession the court shall enter an order to such 53
effect upon the record and, if necessary, process shall be 54
issued to place the agency in possession. Whenever a final 55
journal entry in an appropriation proceeding, granting to this 56
state a fee title or any lesser estate or interest in real 57
property is filed and journalized by the clerk of courts, the 58
clerk of courts shall forthwith transmit to the county auditor a 59
certified copy of said final journal entry who shall transfer 60
the property on the auditor's books and transmit said entry with 61
proper endorsement to the county recorder for recording. The 62
costs of filing such final journal entry with the county auditor 63
and the county recorder shall be taxed as costs in the 64
appropriation proceedings the same as other costs are taxed 65
under section 163.16 of the Revised Code. 66

(B) (1) Whenever the appropriation of real property 67
requires the owner, a commercial tenant, or a ~~residential tenant~~ 68
lessee, as defined in section 5321.01 of the Revised Code, 69
identified by the owner in a notice filed with the court to move 70
or relocate, the agency shall make a payment to that person, 71
upon proper application as approved by the agency, for all of 72
the following: 73

(a) Actual reasonable expenses in moving the person and 74
the person's family, business, farm operation, or other personal 75
property; 76

(b) Actual direct losses of tangible personal property as 77
a result of moving or discontinuing a business or farm 78
operation, but not to exceed an amount equal to the reasonable 79
expenses that would have been required to relocate such 80
property, as determined by the agency; 81

(c) Actual reasonable expenses in searching for a replacement business or farm, but not to exceed two thousand five hundred dollars;

(d) Actual and reasonable expenses necessary to reestablish a farm, nonprofit organization, or small business at its new site, but not to exceed twenty-five thousand dollars.

(2) If the agency does not approve a payment for which the owner applied under division (B) (1) of this section, the trier of fact, upon presentation of proof, shall determine whether to award a payment for the expenses described in division (B) (1) of this section and the amount of any award. The owner shall have the burden of proof with respect to those expenses.

(3) (a) In addition to any payments an owner of a business may receive under division (B) (1) of this section, an owner of a business who is required by an appropriation of real property to relocate the business may recover damages for the owner's actual economic loss resulting from the appropriation, as proven by the owner by a preponderance of the evidence. Compensation for actual economic loss under this division shall not include any attorney's fees and shall not duplicate any amount awarded as compensation under this chapter.

(b) The amount of compensation awarded under division (B) (3) (a) of this section shall not exceed twelve months net profit of the business on an annualized basis. Except as otherwise provided in division (B) (3) (c) of this section, if the agency is appropriating property in time of war or other public exigency imperatively requiring its immediate seizure, for the purpose of making or repairing roads that shall be open to the public without charge, for the purpose of implementing rail service under Chapter 4981. of the Revised Code, or under section

307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of the 112
Revised Code as the result of a public exigency, or the agency 113
is a municipal corporation that is appropriating property as a 114
result of a public exigency, the period for which the net profit 115
of the business is calculated shall be twelve months minus the 116
time period from the date the agency gives the notice required 117
by section 163.04 of the Revised Code to the date the agency 118
deposits the value of the property with the court pursuant to 119
section 163.06 of the Revised Code or pays that amount to the 120
owner, but in no event shall the compensation time period be 121
less than fifteen days. If the period on which the loss is 122
calculated is reduced to fifteen days and the relocation is 123
unusually complex, the owner may request the agency to increase 124
that period by up to fifteen additional days. If the agency 125
fails to pay the compensation as provided under division (B)(3) 126
(a) of this section or denies the request, the owner may seek an 127
award of such compensation pursuant to this section. 128

(c) In case of an act of God or other public exigency that 129
requires an immediate taking of property to protect public 130
health or safety or in case of a voluntary conveyance, the 131
amount of compensation awarded under division (B)(3)(a) of this 132
section shall not exceed fifteen days net profit of the business 133
on an annualized basis. The owner may request the agency to 134
increase that period by up to fifteen additional days. If the 135
agency fails to pay the compensation as provided under division 136
(B)(3)(a) of this section or denies the request, the owner may 137
seek an award of such compensation pursuant to this section. 138

Sec. 163.51. As used in sections 163.51 to 163.62 of the 139
Revised Code: 140

(A) "State agency" means any department, agency, or 141

instrumentality of a state or of a political subdivision of a 142
state; any department, agency, or instrumentality of two or more 143
states or of two or more political subdivisions of a state or 144
states; or any community urban redevelopment corporation 145
organized pursuant to Chapter 1728. of the Revised Code; and any 146
person who has the authority to acquire property by eminent 147
domain under state law. 148

(B) "Displacing agency" means any state agency or person 149
carrying out a program or project with federal assistance, or 150
carrying out any state highway project that causes a person to 151
be a displaced person. 152

(C) "Federal financial assistance" means a grant, loan, or 153
contribution provided by the United States. 154

(D) "Person" includes any individual, partnership, 155
corporation, or association. 156

(E) (1) Except as provided in divisions (E) (2) and (3) of 157
this section, "displaced person" means any person who moves from 158
real property, or moves ~~his~~ the person's personal property from 159
real property, as a direct result of a written notice of intent 160
to acquire or the acquisition of such real property, in whole or 161
in part, under a program or project undertaken by a state agency 162
with federal financial assistance or with the rights and powers 163
granted to a community urban redevelopment corporation by the 164
provisions of Chapter 1728. of the Revised Code, or for any 165
state highway project; or as a direct result of rehabilitation, 166
demolition, or other displacing activity on real property 167
undertaken by such state agencies, on which such person is a 168
~~residential tenant-lessee~~, as defined in section 5321.01 of the 169
Revised Code, or conducts a business or farm operation, where 170
the head of the displacing agency determines that the 171

displacement is permanent. 172

(2) Solely for the purpose of establishing eligibility for 173
moving expenses and advisory assistance under sections 163.53 174
and 163.56 of the Revised Code, "displaced person" includes any 175
person who moves from real property, or moves personal property 176
from real property; as a direct result of a written notice of 177
intent to acquire or the acquisition of other real property, in 178
whole or in part, on which such person conducts a business or 179
farm operation, under a program or project undertaken by a state 180
agency with federal financial assistance or with the rights and 181
powers granted to a community urban redevelopment corporation by 182
the provisions of Chapter 1728. of the Revised Code, or for any 183
state highway project; or as a direct result of rehabilitation, 184
demolition, or other displacing activity undertaken by such 185
state agencies on such other real property, where the head of 186
the displacing agency determines that the displacement is 187
permanent. 188

(3) "Displaced person" does not include a person who has 189
been determined, according to criteria established by the head 190
of the displacing agency, to be either in unlawful occupancy of 191
the displacement dwelling or to have occupied such dwelling for 192
the purpose of obtaining assistance under this chapter; or a 193
person who became an occupant of the dwelling after its 194
acquisition and whose occupancy is on a rental basis for a short 195
term or a period subject to termination when the property is 196
needed for the program or project. 197

(F) "Business" means any lawful activity, excepting a farm 198
operation, conducted primarily for one or more of the following: 199

(1) The purchase, sale, lease, and rental of personal and 200
real property, and for the manufacture, processing, or marketing 201

of products, commodities, or any other personal property;	202
(2) The sale of services to the public;	203
(3) By a nonprofit organization;	204
(4) Solely for the purposes of section 163.53 of the	205
Revised Code, for assisting in the purchase, sale, resale,	206
manufacture, processing, or marketing of products, commodities,	207
personal property, or services by the erection and maintenance	208
of an outdoor advertising display or displays, whether or not	209
such display or displays are located on the premises on which	210
any of the above activities are conducted.	211
(G) "Farm operation" means any activity conducted solely	212
or primarily for the production of one or more agricultural	213
products or commodities, including timber, for sale or home use,	214
and customarily producing such products or commodities in	215
sufficient quantity to be capable of contributing materially to	216
the operator's support.	217
(H) "Mortgage" means such classes of liens as are commonly	218
given to secure advances on, or the unpaid purchase price of,	219
real property, under the laws of Ohio, together with the credit	220
instruments, if any, secured thereby.	221
(I) "Comparable replacement dwelling" means any dwelling	222
that is decent, safe, and sanitary; adequate in size to	223
accommodate the occupants; within the financial means of the	224
displaced person; functionally equivalent to the displaced	225
person's dwelling; in an area not subject to unreasonable	226
adverse environmental conditions; and in a location generally	227
not less desirable than the location of the displaced person's	228
dwelling with respect to public utilities, facilities, services,	229
and the displaced person's place of employment.	230

(J) "Acquiring agency" means both of the following:	231
(1) A state agency with authority to acquire property by eminent domain under state law;	232 233
(2) A state agency or person without such authority, to the extent provided by the head of the lead agency by rule.	234 235
Sec. 163.59. In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the many state and federally assisted programs, and to promote public confidence in public land acquisition practices, heads of acquiring agencies shall do or ensure the acquisition satisfies all of the following:	236 237 238 239 240 241 242
(A) The head of an acquiring agency shall make every reasonable effort to acquire expeditiously real property by negotiation.	243 244 245
(B) In order for an acquiring agency to acquire real property, the acquisition shall be for a defined public purpose that is to be achieved in a defined and reasonable period of time. An acquisition of real property that complies with section 5501.31 of the Revised Code satisfies the defined public purpose requirement of this division.	246 247 248 249 250 251
(C) Real property to be acquired shall be appraised before the initiation of negotiations, and the owner or the owner's designated representative shall be given a reasonable opportunity to accompany the appraiser during the appraiser's inspection of the property, except that the head of the lead agency may prescribe a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value. If the appraisal values the property to	252 253 254 255 256 257 258 259

be acquired at more than ten thousand dollars, the head of the 260
acquiring agency concerned shall make every reasonable effort to 261
provide a copy of the appraisal to the owner. As used in this 262
section, "appraisal" means a written statement independently and 263
impartially prepared by a qualified appraiser, or a written 264
statement prepared by an employee of the acquiring agency who is 265
a qualified appraiser, setting forth an opinion of defined value 266
of an adequately described property as of a specified date, 267
supported by the presentation and analysis of relevant market 268
information. 269

(D) Before the initiation of negotiations for real 270
property, the head of the acquiring agency concerned shall 271
establish an amount that the head of the acquiring agency 272
believes to be just compensation for the property and shall make 273
a prompt offer to acquire the property for no less than the full 274
amount so established. In no event shall that amount be less 275
than the agency's approved appraisal of the fair market value of 276
the property. Any decrease or increase in the fair market value 277
of real property prior to the date of valuation caused by the 278
public improvement for which the property is acquired, or by the 279
likelihood that the property would be acquired for that 280
improvement, other than that due to physical deterioration 281
within the reasonable control of the owner, will be disregarded 282
in determining the compensation for the property. 283

The head of the acquiring agency concerned shall provide 284
the owner of real property to be acquired with a written 285
statement of, and summary of the basis for, the amount that the 286
head of the acquiring agency established as just compensation. 287
Where appropriate, the just compensation for real property 288
acquired and for damages to remaining real property shall be 289
separately stated. 290

The owner shall be given a reasonable opportunity to 291
consider the offer of the acquiring agency for the real 292
property, to present material that the owner believes is 293
relevant to determining the fair market value of the property, 294
and to suggest modification in the proposed terms and conditions 295
of the acquisition. The acquiring agency shall consider the 296
owner's presentation and suggestions. 297

(E) If information presented by the owner or a material 298
change in the character or condition of the real property 299
indicates the need for new appraisal information, or if a period 300
of more than two years has elapsed since the time of the 301
appraisal of the property, the head of the acquiring agency 302
concerned shall have the appraisal updated or obtain a new 303
appraisal. If updated appraisal information or a new appraisal 304
indicates that a change in the acquisition offer is warranted, 305
the head of the acquiring agency shall promptly reestablish the 306
amount of the just compensation for the property and offer that 307
amount to the owner in writing. 308

(F) No owner shall be required to surrender possession of 309
real property before the acquiring agency concerned pays the 310
agreed purchase price, or deposits with the court for the 311
benefit of the owner an amount not less than the agency's 312
approved appraisal of the fair market value of the property, or 313
the amount of the award of compensation in the condemnation 314
proceeding for the property. 315

(G) The construction or development of a public 316
improvement shall be so scheduled that no person lawfully 317
occupying real property shall be required to move from a 318
dwelling, or to move the person's business or farm operation, 319
without at least ninety days' written notice from the head of 320

the acquiring agency concerned of the date by which the move is 321
required. 322

(H) If the head of an acquiring agency permits an owner, 323
~~or~~ tenant, or lessee as defined in section 5321.01 of the 324
Revised Code, to occupy the real property acquired on a rental 325
basis for a short term or for a period subject to termination on 326
short notice, the amount of rent required shall not exceed the 327
fair rental value of the property to a short-term occupier. 328

(I) In no event shall the head of an acquiring agency 329
either advance the time of condemnation, or defer negotiations 330
or condemnation and the deposit of funds in court for the use of 331
the owner, or take any other action coercive in nature, in order 332
to compel an agreement on the price to be paid for the real 333
property. 334

(J) When any interest in real property is acquired by 335
exercise of the power of eminent domain, the head of the 336
acquiring agency concerned shall institute the formal 337
condemnation proceedings. No head of an acquiring agency shall 338
intentionally make it necessary for an owner to institute legal 339
proceedings to prove the fact of the taking of the owner's real 340
property. 341

(K) If the acquisition of only part of a property would 342
leave its owner with an uneconomic remnant, the head of the 343
acquiring agency concerned shall offer to acquire that remnant. 344
For the purposes of this division, an uneconomic remnant is a 345
parcel of real property in which the owner is left with an 346
interest after the partial acquisition of the owner's property 347
and which the head of the agency concerned has determined has 348
little or no value or utility to the owner. 349

An acquisition of real property may continue while an 350
acquiring agency carries out the requirements of divisions (A) 351
to (K) of this section. 352

This section applies only when the acquisition of real 353
property may result in an exercise of the power of eminent 354
domain. 355

Sec. 163.60. (A) If the head of a state agency acquires 356
any interest in real property, ~~he~~ the head of the agency shall 357
acquire at least an equal interest in all buildings, structures, 358
or other improvements located upon the real property so acquired 359
and which ~~he~~ the head of the agency requires to be removed from 360
such real property or which ~~he~~ the head of the agency determines 361
will be adversely affected by the use to which such real 362
property will be put. 363

(B) For the purpose of determining the just compensation 364
to be paid for any building, structure, or other improvement 365
required to be acquired by division (A) of this section, such 366
building, structure, or other improvement shall be deemed to be 367
a part of the real property to be acquired notwithstanding the 368
right or obligation of a tenant or lessee, as defined in section 369
5321.01 of the Revised Code, as against the owner of any other 370
interest in the real property, to remove such building, 371
structure, or improvement at the expiration of ~~his~~ the tenant's 372
or lessee's term, and the fair market value which such building, 373
structure, or improvement contributes to the fair market value 374
of the real property to be acquired, or the fair market value of 375
such building, structure, or improvement for removal from the 376
real property, whichever is the greater, shall be paid to the 377
tenant or lessee therefor. 378

(C) Payment under this section shall not result in 379

duplication of any payments otherwise authorized by law. No such 380
payment shall be made unless the owner of the land involved 381
disclaims all interest in the improvements of the tenant or 382
lessee. In consideration for any such payment, the tenant or 383
lessee shall assign, transfer, and release all ~~his~~ the tenant's 384
or lessee's right, title, and interest in and to such 385
improvements. 386

Sec. 173.08. (A) The resident services coordinator program 387
is established in the department of aging to fund resident 388
services coordinators. The coordinators shall provide 389
information to lessees, as defined in section 5321.01 of the 390
Revised Code, who are low-income and special-needs ~~tenants,~~ 391
including the elderly, who live in financially assisted rental 392
housing complexes, and assist those ~~tenants~~ lessees in 393
identifying and obtaining community and program services and 394
other benefits for which they are eligible. 395

(B) The resident services coordinator program fund is 396
hereby created in the state treasury to support the resident 397
services coordinator program established pursuant to this 398
section. The fund consists of all moneys the department of 399
development sets aside pursuant to division (A) (3) of section 400
174.02 of the Revised Code and moneys the general assembly 401
appropriates to the fund. 402

Sec. 174.03. (A) The department of development and the 403
Ohio housing finance agency shall each develop programs under 404
which, in accordance with rules adopted under this section, they 405
may make grants, loans, loan guarantees, and loan subsidies to 406
counties, municipal corporations, townships, local housing 407
authorities, and nonprofit organizations and may make loans, 408
loan guarantees, and loan subsidies to private developers and 409

private lenders to assist in activities that provide housing and 410
housing assistance for specifically targeted low- and moderate- 411
income families and individuals. There is no minimum housing 412
project size for awards under this division for any project that 413
is developed for a special needs population and that is 414
supported by a social service agency where the housing project 415
is located. Activities for which grants, loans, loan guarantees, 416
and loan subsidies may be made under this section include all of 417
the following: 418

(1) Acquiring, financing, constructing, leasing, 419
rehabilitating, remodeling, improving, and equipping publicly or 420
privately owned housing; 421

(2) Providing supportive services related to housing and 422
the homeless, including housing counseling. Not more than twenty 423
per cent of the current year appropriation authority for the 424
low- and moderate-income housing trust fund that remains after 425
the award of funds made pursuant to divisions (A) (1) and ~~(A) (2)~~ 426
(2) of section 174.02 of the Revised Code, shall be awarded in 427
any fiscal year for supportive services. 428

(3) Providing rental assistance payments or other project 429
operating subsidies that lower ~~tenant-lessee~~ rents; 430

(4) Improving the quality of life of ~~tenants-lessees~~ by 431
providing education for ~~tenants-lessees~~ and residents of 432
manufactured home communities regarding their rights and 433
responsibilities, planning and implementing activities designed 434
to improve conflict resolution and the capacity of tenants to 435
negotiate and mediate with ~~landlords~~ lessors, and developing 436
~~tenant and~~ resident councils and organizations; 437

(5) Promoting capacity building initiatives related to the 438

creation of county housing trust funds. 439

(B) Grants, loans, loan guarantees, and loan subsidies may 440
be made to counties, municipal corporations, townships, and 441
nonprofit organizations for the additional purposes of providing 442
technical assistance, design and finance services and 443
consultation, and payment of pre-development and administrative 444
costs related to any of the activities listed above. 445

(C) In developing programs under this section, the 446
department and the agency shall invite, accept, and consider 447
public comment, and recommendations from the housing trust fund 448
advisory committee created under section 174.06 of the Revised 449
Code, on how the programs should be designed to most effectively 450
benefit low- and moderate-income families and individuals. The 451
programs developed under this section shall respond collectively 452
to housing and housing assistance needs of low- and moderate- 453
income families and individuals statewide. 454

(D) The department and the agency, in accordance with 455
Chapter 119. of the Revised Code, shall each adopt rules to 456
administer programs developed under this section. The rules 457
shall prescribe procedures and forms that counties, municipal 458
corporations, townships, local housing authorities, and 459
nonprofit organizations shall use in applying for grants, loans, 460
loan guarantees, and loan subsidies and that private developers 461
and private lenders shall use in applying for loans, loan 462
guarantees, and loan subsidies; eligibility criteria for the 463
receipt of funds; procedures for reviewing and granting or 464
denying applications; procedures for paying out funds; 465
conditions on the use of funds; procedures for monitoring the 466
use of funds; and procedures under which a recipient shall be 467
required to repay funds that are improperly used. The rules 468

shall do both of the following: 469

(1) Require each recipient of a grant or loan made from 470
the low- and moderate-income housing trust fund for activities 471
that provide, or assist in providing, a rental housing project, 472
to reasonably ensure that the rental housing project will remain 473
affordable to those families and individuals targeted for the 474
rental housing project for the useful life of the rental housing 475
project or for thirty years, whichever is longer; 476

(2) Require each recipient of a grant or loan made from 477
the low- and moderate-income housing trust fund for activities 478
that provide, or assist in providing, a housing project to 479
prepare and implement a plan to reasonably assist any families 480
and individuals displaced by the housing project in obtaining 481
decent affordable housing. 482

(E) In prescribing eligibility criteria and conditions for 483
the use of funds, neither the department nor the agency is 484
limited to the criteria and conditions specified in this section 485
and each may prescribe additional eligibility criteria and 486
conditions that relate to the purposes for which grants, loans, 487
loan guarantees, and loan subsidies may be made. However, the 488
department and agency are limited by the following specifically 489
targeted low- and moderate-income guidelines: 490

(1) Not less than seventy-five per cent of the money 491
granted and loaned under this section in any fiscal year shall 492
be for activities that provide affordable housing and housing 493
assistance to families and individuals whose incomes are equal 494
to or less than fifty per cent of the median income for the 495
county in which they live, as determined by the department under 496
section 174.04 of the Revised Code. 497

(2) Any money granted and loaned under this section in any 498
fiscal year that is not granted or loaned pursuant to division 499
(F) (1) of this section shall be for activities that provide 500
affordable housing and housing assistance to families and 501
individuals whose incomes are equal to or less than eighty per 502
cent of the median income for the county in which they live, as 503
determined by the department under section 174.04 of the Revised 504
Code. 505

(F) In making grants, loans, loan guarantees, and loan 506
subsidies under this section, the department and the agency 507
shall give preference to viable projects and activities that 508
benefit those families and individuals whose incomes are equal 509
to or less than thirty-five per cent of the median income for 510
the county in which they live, as determined by the department 511
under section 174.04 of the Revised Code. 512

(G) The department and the agency shall monitor the 513
programs developed under this section to ensure that money 514
granted and loaned under this section is not used in a manner 515
that violates division (H) of section 4112.02 of the Revised 516
Code or discriminates against families with children. 517

(H) As used in this section: 518

(1) "Lessor" has the same meaning as in section 5321.01 of 519
the Revised Code and includes a manufactured home park operator. 520

(2) "Lessee" has the same meaning as in section 5321.01 of 521
the Revised Code. 522

Sec. 307.79. (A) The board of county commissioners may 523
adopt, amend, and rescind rules establishing technically 524
feasible and economically reasonable standards to achieve a 525
level of management and conservation practices that will abate 526

wind or water erosion of the soil or abate the degradation of 527
the waters of the state by soil sediment in conjunction with 528
land grading, excavating, filling, or other soil disturbing 529
activities on land used or being developed for nonfarm 530
commercial, industrial, residential, or other nonfarm purposes, 531
and establish criteria for determination of the acceptability of 532
those management and conservation practices. The rules shall be 533
designed to implement the applicable areawide waste treatment 534
management plan prepared under section 208 of the "Federal Water 535
Pollution Control Act," 86 Stat. 816 (1972), 33 U.S.C.A. 1228, 536
as amended, and to implement phase II of the storm water program 537
of the national pollutant discharge elimination system 538
established in 40 C.F.R. Part 122. The rules to implement phase 539
II of the storm water program of the national pollutant 540
discharge elimination system shall not be inconsistent with, 541
more stringent than, or broader in scope than the rules or 542
regulations adopted by the environmental protection agency under 543
40 C.F.R. Part 122. The rules adopted under this section shall 544
not apply inside the limits of municipal corporations or the 545
limits of townships with a limited home rule government that 546
have adopted rules under section 504.21 of the Revised Code, to 547
lands being used in a strip mine operation as defined in section 548
1513.01 of the Revised Code, or to land being used in a surface 549
mine operation as defined in section 1514.01 of the Revised 550
Code. 551

The rules adopted under this section may require persons 552
to file plans governing erosion control, sediment control, and 553
water management before clearing, grading, excavating, filling, 554
or otherwise wholly or partially disturbing one or more 555
contiguous acres of land owned by one person or operated as one 556
development unit for the construction of nonfarm buildings, 557

structures, utilities, recreational areas, or other similar 558
nonfarm uses. If the rules require plans to be filed, the rules 559
shall do all of the following: 560

(1) Designate the board itself, its employees, or another 561
agency or official to review and approve or disapprove the 562
plans; 563

(2) Establish procedures and criteria for the review and 564
approval or disapproval of the plans; 565

(3) Require the designated entity to issue a permit to a 566
person for the clearing, grading, excavating, filling, or other 567
project for which plans are approved and to deny a permit to a 568
person whose plans have been disapproved; 569

(4) Establish procedures for the issuance of the permits; 570

(5) Establish procedures under which a person may appeal 571
the denial of a permit. 572

Areas of less than one contiguous acre shall not be exempt 573
from compliance with other provisions of this section or rules 574
adopted under this section. The rules adopted under this section 575
may impose reasonable filing fees for plan review, permit 576
processing, and field inspections. 577

No permit or plan shall be required for a public highway, 578
transportation, or drainage improvement or maintenance project 579
undertaken by a government agency or political subdivision in 580
accordance with a statement of its standard sediment control 581
policies that is approved by the board or the chief of the 582
division of soil and water resources in the department of 583
natural resources. 584

(B) Rules or amendments may be adopted under this section 585

only after public hearings at not fewer than two regular 586
sessions of the board. The board of county commissioners shall 587
cause to be published, in a newspaper of general circulation in 588
the county, notice of the public hearings, including time, date, 589
and place, once a week for two weeks immediately preceding the 590
hearings, or as provided in section 7.16 of the Revised Code. 591
The proposed rules or amendments shall be made available by the 592
board to the public at the board office or other location 593
indicated in the notice. The rules or amendments shall take 594
effect on the thirty-first day following the date of their 595
adoption. 596

(C) The board of county commissioners may employ personnel 597
to assist in the administration of this section and the rules 598
adopted under it. The board also, if the action does not 599
conflict with the rules, may delegate duties to review sediment 600
control and water management plans to its employees, and may 601
enter into agreements with one or more political subdivisions, 602
other county officials, or other government agencies, in any 603
combination, in order to obtain reviews and comments on plans 604
governing erosion control, sediment control, and water 605
management or to obtain other services for the administration of 606
the rules adopted under this section. 607

(D) The board of county commissioners or any duly 608
authorized representative of the board may, upon identification 609
to the owner or person in charge, enter any land upon obtaining 610
agreement with the owner, tenant or lessee as those terms are 611
defined in section 1923.01 of the Revised Code, or manager of 612
the land in order to determine whether there is compliance with 613
the rules adopted under this section. If the board or its duly 614
authorized representative is unable to obtain such an agreement, 615
the board or representative may apply for, and a judge of the 616

court of common pleas for the county where the land is located 617
may issue, an appropriate inspection warrant as necessary to 618
achieve the purposes of this chapter. 619

(E) (1) If the board of county commissioners or its duly 620
authorized representative determines that a violation of the 621
rules adopted under this section exists, the board or 622
representative may issue an immediate stop work order if the 623
violator failed to obtain any federal, state, or local permit 624
necessary for sediment and erosion control, earth movement, 625
clearing, or cut and fill activity. In addition, if the board or 626
representative determines such a rule violation exists, 627
regardless of whether or not the violator has obtained the 628
proper permits, the board or representative may authorize the 629
issuance of a notice of violation. If, after a period of not 630
less than thirty days has elapsed following the issuance of the 631
notice of violation, the violation continues, the board or its 632
duly authorized representative shall issue a second notice of 633
violation. Except as provided in division (E) (3) of this 634
section, if, after a period of not less than fifteen days has 635
elapsed following the issuance of the second notice of 636
violation, the violation continues, the board or its duly 637
authorized representative may issue a stop work order after 638
first obtaining the written approval of the prosecuting attorney 639
of the county if, in the opinion of the prosecuting attorney, 640
the violation is egregious. 641

Once a stop work order is issued, the board or its duly 642
~~authorize~~authorized representative shall request, in writing, 643
the prosecuting attorney of the county to seek an injunction or 644
other appropriate relief in the court of common pleas to abate 645
excessive erosion or sedimentation and secure compliance with 646
the rules adopted under this section. If the prosecuting 647

attorney seeks an injunction or other appropriate relief, then, 648
in granting relief, the court of common pleas may order the 649
construction of sediment control improvements or implementation 650
of other control measures and may assess a civil fine of not 651
less than one hundred or more than five hundred dollars. Each 652
day of violation of a rule or stop work order issued under this 653
section shall be considered a separate violation subject to a 654
civil fine. 655

(2) The person to whom a stop work order is issued under 656
this section may appeal the order to the court of common pleas 657
of the county in which it was issued, seeking any equitable or 658
other appropriate relief from that order. 659

(3) No stop work order shall be issued under this section 660
against any public highway, transportation, or drainage 661
improvement or maintenance project undertaken by a government 662
agency or political subdivision in accordance with a statement 663
of its standard sediment control policies that is approved by 664
the board or the chief of the division of soil and water 665
resources in the department of natural resources. 666

(F) No person shall violate any rule adopted or order 667
issued under this section. Notwithstanding division (E) of this 668
section, if the board of county commissioners determines that a 669
violation of any rule adopted or administrative order issued 670
under this section exists, the board may request, in writing, 671
the prosecuting attorney of the county to seek an injunction or 672
other appropriate relief in the court of common pleas to abate 673
excessive erosion or sedimentation and secure compliance with 674
the rules or order. In granting relief, the court of common 675
pleas may order the construction of sediment control 676
improvements or implementation of other control measures and may 677

assess a civil fine of not less than one hundred or more than 678
five hundred dollars. Each day of violation of a rule adopted or 679
administrative order issued under this section shall be 680
considered a separate violation subject to a civil fine. 681

Sec. 504.21. (A) The board of township trustees of a 682
township that has adopted a limited home rule government may, 683
for the unincorporated territory in the township, adopt, amend, 684
and rescind rules establishing technically feasible and 685
economically reasonable standards to achieve a level of 686
management and conservation practices that will abate wind or 687
water erosion of the soil or abate the degradation of the waters 688
of the state by soil sediment in conjunction with land grading, 689
excavating, filling, or other soil disturbing activities on land 690
used or being developed in the township for nonfarm commercial, 691
industrial, residential, or other nonfarm purposes, and 692
establish criteria for determination of the acceptability of 693
those management and conservation practices. The rules shall be 694
designed to implement the applicable areawide waste treatment 695
management plan prepared under section 208 of the "Federal Water 696
Pollution Control Act," 86 Stat. 816 (1972), 33 U.S.C.A. 1228, 697
as amended, and to implement phase II of the storm water program 698
of the national pollutant discharge elimination system 699
established in 40 C.F.R. Part 122. The rules to implement phase 700
II of the storm water program of the national pollutant 701
discharge elimination system shall not be inconsistent with, 702
more stringent than, or broader in scope than the rules or 703
regulations adopted by the environmental protection agency under 704
40 C.F.R. Part 122. The rules adopted under this section shall 705
not apply inside the limits of municipal corporations, to lands 706
being used in a strip mine operation as defined in section 707
1513.01 of the Revised Code, or to land being used in a surface 708

mine operation as defined in section 1514.01 of the Revised Code. 709
710

The rules adopted under this section may require persons 711
to file plans governing erosion control, sediment control, and 712
water management before clearing, grading, excavating, filling, 713
or otherwise wholly or partially disturbing one or more 714
contiguous acres of land owned by one person or operated as one 715
development unit for the construction of nonfarm buildings, 716
structures, utilities, recreational areas, or other similar 717
nonfarm uses. If the rules require plans to be filed, the rules 718
shall do all of the following: 719

(1) Designate the board itself, its employees, or another 720
agency or official to review and approve or disapprove the 721
plans; 722

(2) Establish procedures and criteria for the review and 723
approval or disapproval of the plans; 724

(3) Require the designated entity to issue a permit to a 725
person for the clearing, grading, excavating, filling, or other 726
project for which plans are approved and to deny a permit to a 727
person whose plans have been disapproved; 728

(4) Establish procedures for the issuance of the permits; 729

(5) Establish procedures under which a person may appeal 730
the denial of a permit. 731

Areas of less than one contiguous acre shall not be exempt 732
from compliance with other provisions of this section or rules 733
adopted under this section. The rules adopted under this section 734
may impose reasonable filing fees for plan review, permit 735
processing, and field inspections. 736

No permit or plan shall be required for a public highway, 737
transportation, or drainage improvement or maintenance project 738
undertaken by a government agency or political subdivision in 739
accordance with a statement of its standard sediment control 740
policies that is approved by the board or the chief of the 741
division of soil and water resources in the department of 742
natural resources. 743

(B) Rules or amendments may be adopted under this section 744
only after public hearings at not fewer than two regular 745
sessions of the board of township trustees. The board shall 746
cause to be published, in a newspaper of general circulation in 747
the township, notice of the public hearings, including time, 748
date, and place, once a week for two weeks immediately preceding 749
the hearings, or as provided in section 7.16 of the Revised 750
Code. The proposed rules or amendments shall be made available 751
by the board to the public at the board office or other location 752
indicated in the notice. The rules or amendments shall take 753
effect on the thirty-first day following the date of their 754
adoption. 755

(C) The board of township trustees may employ personnel to 756
assist in the administration of this section and the rules 757
adopted under it. The board also, if the action does not 758
conflict with the rules, may delegate duties to review sediment 759
control and water management plans to its employees, and may 760
enter into agreements with one or more political subdivisions, 761
other township officials, or other government agencies, in any 762
combination, in order to obtain reviews and comments on plans 763
governing erosion control, sediment control, and water 764
management or to obtain other services for the administration of 765
the rules adopted under this section. 766

(D) The board of township trustees or any duly authorized 767
representative of the board may, upon identification to the 768
owner or person in charge, enter any land upon obtaining 769
agreement with the owner, tenant, or lessee as defined in 770
section 5321.01 of the Revised Code, or manager of the land in 771
order to determine whether there is compliance with the rules 772
adopted under this section. If the board or its duly authorized 773
representative is unable to obtain such an agreement, the board 774
or representative may apply for, and a judge of the court of 775
common pleas for the county where the land is located may issue, 776
an appropriate inspection warrant as necessary to achieve the 777
purposes of this section. 778

(E) (1) If the board of township trustees or its duly 779
authorized representative determines that a violation of the 780
rules adopted under this section exists, the board or 781
representative may issue an immediate stop work order if the 782
violation failed to obtain any federal, state, or local permit 783
necessary for sediment and erosion control, earth movement, 784
clearing, or cut and fill activity. In addition, if the board or 785
representative determines such a rule violation exists, 786
regardless of whether or not the violator has obtained the 787
proper permits, the board or representative may authorize the 788
issuance of a notice of violation. If, after a period of not 789
less than thirty days has elapsed following the issuance of the 790
notice of violation, the violation continues, the board or its 791
duly authorized representative shall issue a second notice of 792
violation. Except as provided in division (E) (3) of this 793
section, if, after a period of not less than fifteen days has 794
elapsed following the issuance of the second notice of 795
violation, the violation continues, the board or its duly 796
authorized representative may issue a stop work order after 797

first obtaining the written approval of the prosecuting attorney 798
of the county in which the township is located if, in the 799
opinion of the prosecuting attorney, the violation is egregious. 800

Once a stop work order is issued, the board or its duly 801
authorized representative shall request, in writing, the 802
prosecuting attorney to seek an injunction or other appropriate 803
relief in the court of common pleas to abate excessive erosion 804
or sedimentation and secure compliance with the rules adopted 805
under this section. If the prosecuting attorney seeks an 806
injunction or other appropriate relief, then, in granting 807
relief, the court of common pleas may order the construction of 808
sediment control improvements or implementation of other control 809
measures and may assess a civil fine of not less than one 810
hundred or more than five hundred dollars. Each day of violation 811
of a rule or stop work order issued under this section shall be 812
considered a separate violation subject to a civil fine. 813

(2) The person to whom a stop work order is issued under 814
this section may appeal the order to the court of common pleas 815
of the county in which it was issued, seeking any equitable or 816
other appropriate relief from that order. 817

(3) No stop work order shall be issued under this section 818
against any public highway, transportation, or drainage 819
improvement or maintenance project undertaken by a government 820
agency or political subdivision in accordance with a statement 821
of its standard sediment control policies that is approved by 822
the board or the chief of the division of soil and water 823
resources in the department of natural resources. 824

(F) No person shall violate any rule adopted or order 825
issued under this section. Notwithstanding division (E) of this 826
section, if the board of township trustees determines that a 827

violation of any rule adopted or administrative order issued 828
under this section exists, the board may request, in writing, 829
the prosecuting attorney of the county in which the township is 830
located, to seek an injunction or other appropriate relief in 831
the court of common pleas to abate excessive erosion or 832
sedimentation and secure compliance with the rules or order. In 833
granting relief, the court of common pleas may order the 834
construction of sediment control improvements or implementation 835
of other control measures and may assess a civil fine of not 836
less than one hundred or more than five hundred dollars. Each 837
day of violation of a rule adopted or administrative order 838
issued under this section shall be considered a separate 839
violation subject to a civil fine. 840

Sec. 505.391. (A) If, after the fire department of a 841
township, township fire district, or joint fire district, or a 842
private fire company with which the fire department of a 843
township, township fire district, or joint fire district 844
contracts for fire protection, responds to a false alarm from an 845
automatic fire alarm system at a commercial establishment or 846
residential building, the board of township trustees gives 847
written notice by certified mail that it may assess a charge of 848
up to three hundred dollars for each subsequent false alarm 849
occurring after three false alarms by that system within the 850
same calendar year, the board of township trustees may assess 851
that charge. This notice shall be mailed to the owner and the 852
lessee, if any, of the building in which the system is 853
installed. After the board gives this notice, the board need not 854
give any additional written notices before assessing a charge 855
for a false alarm as provided by this section. 856

(B) If payment of the bill assessing a charge for a false 857
alarm is not received within thirty days, the township fiscal 858

officer shall send a notice by certified mail to the manager and 859
to the owner, if different, of the real estate of which the 860
commercial establishment is a part, or to the occupant, lessee, 861
agent, or tenant and to the owner, if different, of the real 862
estate of which the residential building is a part, indicating 863
that failure to pay the bill within thirty days, or to show just 864
cause why the bill should not be paid within thirty days, will 865
result in the assessment of a lien upon the real estate in the 866
amount of the bill. If payment is not received or just cause for 867
nonpayment is not shown within those thirty days, the amount of 868
the bill shall be entered upon the tax duplicate, shall be a 869
lien upon the real estate from the date of the entry, and shall 870
be collected as other taxes and returned to the township 871
treasury to be earmarked for use for fire services. 872

(C) As used in this section, ~~"commercial:~~ 873

(1) "Commercial establishment" means a building or 874
buildings in an area used primarily for nonresidential, 875
commercial purposes. 876

(2) "Lessee" includes a lessee as defined in section 877
5321.01 of the Revised Code. 878

Sec. 505.511. (A) A board of township trustees that 879
operates a township police department, the board of township 880
trustees of a township police district, or a joint police 881
district board may, after police constables, the township 882
police, a law enforcement agency with which the township 883
contracts for police services, the joint police district police, 884
and the county sheriff or the sheriff's deputy have answered a 885
combined total of three false alarms from the same commercial or 886
residential security alarm system within the township in the 887
same calendar year, cause the township fiscal officer to mail 888

the manager of the commercial establishment or the occupant, 889
lessee, or agent, ~~or tenant~~ of the residence a bill for each 890
subsequent false alarm from the same alarm system during that 891
year, to defray the costs incurred. The bill's amount shall be 892
as follows: 893

(1) For the fourth false alarm of that year _____ \$50.00; 894

(2) For the fifth false alarm of that year _____ \$100.00; 895

(3) For all false alarms in that year occurring after the 896
fifth false alarm _____ \$150.00. 897

If payment of the bill is not received within thirty days, 898
the township fiscal officer or joint police district treasurer 899
shall send a notice by certified mail to the manager and to the 900
owner, if different, of the real estate of which the commercial 901
establishment is a part, or to the occupant, lessee, or agent, ~~or tenant~~ 902
~~or tenant~~ and to the owner, if different, of the real estate of 903
which the residence is a part, indicating that failure to pay 904
the bill within thirty days, or to show just cause why the bill 905
should not be paid, will result in the assessment of a lien upon 906
the real estate in the amount of the bill. If payment is not 907
received within those thirty days or if just cause is not shown, 908
the amount of the bill shall be entered upon the tax duplicate, 909
shall be a lien upon the real estate from the date of the entry, 910
and shall be collected as other taxes and returned to the 911
township treasury to be earmarked for use for police services. 912

The board of township trustees shall not cause the 913
township fiscal officer, or the joint police district board 914
shall not cause the joint police district treasurer, to send a 915
bill pursuant to this division if a bill has already been sent 916
pursuant to division (B) of this section for the same false 917

alarm. 918

(B) The county sheriff may, after the county sheriff or 919
the sheriff's deputy, police constables, the township police, 920
the joint police district police, and a law enforcement agency 921
with which the township contracts for police services have 922
answered a combined total of three false alarms from the same 923
commercial or residential security alarm system within the 924
unincorporated area of the county in the same calendar year, 925
mail the manager of the commercial establishment or the 926
occupant, lessee, or agent,~~or tenant~~ of the residence a bill 927
for each subsequent false alarm from the same alarm system 928
during that year, to defray the costs incurred. The bill's 929
amount shall be as follows: 930

(1) For the fourth false alarm of that year _____ \$50.00; 931

(2) For the fifth false alarm of that year _____ \$100.00; 932

(3) For all false alarms in that year occurring after the 933
fifth false alarm _____ \$150.00. 934

If payment of the bill is not received within thirty days, 935
the sheriff shall send a notice by certified mail to the manager 936
and to the owner, if different, of the real estate of which the 937
commercial establishment is a part, or to the occupant, lessee, 938
or agent,~~or tenant~~ and to the owner, if different, of the 939
real estate of which the residence is a part, indicating that 940
failure to pay the bill within thirty days, or to show just 941
cause why the bill should not be paid, will result in the 942
assessment of a lien upon the real estate in the amount of the 943
bill. If payment is not received within those thirty days or if 944
just cause is not shown, the amount of the bill shall be entered 945
upon the tax duplicate, shall be a lien upon the real estate 946

from the date of the entry, and shall be collected as other 947
taxes and returned to the county treasury. 948

The sheriff shall not send a bill pursuant to this 949
division if a bill has already been sent pursuant to division 950
(A) of this section for the same false alarm. 951

(C) As used in this section, ~~"commercial":~~ 952

(1) "Commercial establishment" has the same meaning as in 953
section 505.391 of the Revised Code. 954

(2) "Lessee" includes a lessee as defined in section 955
5321.01 of the Revised Code. 956

Sec. 505.94. (A) A board of township trustees may, by 957
resolution, require the registration of all transient vendors 958
within the unincorporated territory of the township and may 959
regulate the time, place, and manner in which these vendors may 960
sell, offer for sale, or solicit orders for future delivery of 961
goods. A board of township trustees also may, by resolution, 962
prohibit solicitation at any residence at which the owner or 963
~~tenant-lessee~~ has posted a sign on the property prohibiting 964
solicitation or for which the owner or ~~tenant-lessee~~ has filed a 965
no solicitation registration form with the township, on a form 966
prescribed by the board. If the board requires the registration 967
of all transient vendors, it may establish a reasonable 968
registration fee, not to exceed one hundred fifty dollars for a 969
registration period, and this registration shall be valid for a 970
period of at least ninety days after the date of registration. 971

Any board of township trustees that provides for the 972
registration and regulation of transient vendors under this 973
section shall notify the prosecuting attorney of the county in 974
which the township is located of its registration and regulatory 975

requirements. No transient vendor shall fail to register or to 976
comply with regulations established by a board of township 977
trustees under this division. 978

This division does not authorize a board of township 979
trustees to apply a resolution it adopts under this division to 980
any person invited by an owner or ~~tenant-lessee~~ to visit the 981
owner's or ~~tenant's-lessee's~~ premises to sell, offer for sale, 982
or solicit orders for future delivery of goods. 983

(B) As used in this section: 984

(1) "Goods" means goods, wares, services, merchandise, 985
periodicals, and other articles or publications. 986

(2) "Lessee" has the same meaning as in section 5321.01 of 987
the Revised Code. 988

(3) "Transient vendor" means any person who opens a 989
temporary place of business for the sale of goods or who, on the 990
streets or while traveling about the township, sells or offers 991
for sale goods, solicits orders for future delivery of goods, or 992
attempts to arrange an appointment for a future estimate or 993
sales call. "Transient vendor" does not include any person who 994
represents any entity exempted from taxation under section 995
5709.04 of the Revised Code, or any person licensed under 996
Chapter 4707. of the Revised Code. 997

Sec. 723.16. "Owner," as used in sections 723.17 to 998
723.31, ~~inclusive,~~ of the Revised Code, includes the legal or 999
equitable owner, the person in whose name the property may be 1000
assessed for taxation on the tax duplicate, a tenant or lessee, 1001
as defined in section 5321.01 of the Revised Code, giving 1002
satisfactory guaranty that the assessment against the property 1003
signed for will be paid, or the board of education having the 1004

control of any school property. 1005

Sec. 731.51. (A) Upon written information that noxious 1006
weeds are growing on lands in a municipal corporation, and are 1007
about to spread or mature seeds, the legislative authority shall 1008
cause a written notice to be served upon the owner, lessee, 1009
agent, or tenant having charge of such land, ~~notifying him~~ that 1010
noxious weeds are growing on such lands and that they must be 1011
cut and destroyed within five days after the service of such 1012
notice. 1013

(B) Upon a finding by the legislative authority that 1014
litter has been placed on lands in a municipal corporation, and 1015
has not been removed, and constitutes a detriment to public 1016
health, the legislative authority of a municipal corporation 1017
shall cause a written notice to be served upon the owner and, if 1018
different, upon the lessee, agent, or tenant having charge of 1019
the littered land, ~~notifying him~~ that litter is on the land, and 1020
that it must be collected and removed within fifteen days after 1021
the service of the notice. 1022

As used in this section and section 731.53 of the Revised 1023
Code, "litter" includes any garbage, waste, peelings of 1024
vegetables or fruits, rubbish, ashes, cans, bottles, wire, 1025
paper, cartons, boxes, parts of automobiles, wagons, furniture, 1026
glass, oil of an unsightly or unsanitary nature, or anything 1027
else of an unsightly or unsanitary nature. 1028

If the owner or other person having charge of the land is 1029
a nonresident of the municipal corporation whose address is 1030
known, the notice shall be sent to ~~his~~ the address of the owner 1031
or other person having charge of the land by certified mail. If 1032
the address of the owner or other person having charge of the 1033
land is unknown it is sufficient to publish the notice once in a 1034

newspaper of general circulation in the county. 1035

This section does not apply to land being used under a 1036
municipal building or construction permit or license, a 1037
municipal permit or license, or a conditional zoning permit or 1038
variance to operate a junk yard, scrap metal processing 1039
facility, or similar businesses, or a permit or license issued 1040
pursuant to Chapter 3734., sections 4737.05 to 4737.12, or 1041
Chapter 6111. of the Revised Code. 1042

(C) As used in this section, "lessee" includes a lessee as 1043
defined in section 5321.01 of the Revised Code. 1044

Sec. 731.53. If the owner, lessee, including a lessee as 1045
defined in section 5321.01 of the Revised Code, agent, or 1046
tenant having charge of the lands mentioned in section 731.51 of 1047
the Revised Code, fails to comply with the notice required by 1048
such section, the legislative authority of a municipal 1049
corporation shall cause such noxious weeds to be cut and 1050
destroyed or such litter removed and may employ the necessary 1051
labor to perform the task. All expenses incurred shall, when 1052
approved by the legislative authority, be paid out of any money 1053
in the treasury of the municipal corporation not otherwise 1054
appropriated. 1055

Sec. 735.29. The board of trustees of public affairs 1056
appointed under section 735.28 of the Revised Code shall manage, 1057
conduct, and control the waterworks, electric light plants, 1058
artificial or natural gas plants, or other similar public 1059
utilities, furnish supplies of water, electricity, or gas, 1060
collect all water, electric, and gas rents or charges, and 1061
appoint necessary officers, employees, and agents. 1062

The board may make such bylaws and rules as it determines 1063

to be necessary for the safe, economical, and efficient 1064
management and protection of such works, plants, and public 1065
utilities. These bylaws and rules, when not repugnant to 1066
municipal ordinances or to the constitution or laws of this 1067
state, shall have the same validity as ordinances. 1068

For the purpose of paying the expenses of conducting and 1069
managing such waterworks, plants, and public utilities or of 1070
making necessary additions thereto and extensions and repairs 1071
thereon, the board may assess a water rent or charge, or a 1072
light, power, gas, or utility rent, of sufficient amount, and in 1073
such manner as it determines to be most equitable, upon all 1074
tenements and premises supplied therewith. When such rents, 1075
except water rents and charges, are not paid when due, the board 1076
may certify them to the county auditor to be placed on the 1077
duplicate and collected as other village taxes, or it may 1078
collect them by actions at law in the name of the village. When 1079
water rents or charges are not paid when due, the board may do 1080
either or both of the following: 1081

(A) Certify them, together with any penalties, to the 1082
county auditor. The county auditor shall place the certified 1083
amount on the real property tax list and duplicate against the 1084
property served by the connection if ~~he~~ the auditor also 1085
receives from the board additional certification that the unpaid 1086
rents or charges have arisen pursuant to a service contract made 1087
directly with an owner who occupies the property served. 1088

The amount placed on the tax list and duplicate shall be a 1089
lien on the property served from the date placed on the list and 1090
duplicate and shall be collected in the same manner as other 1091
taxes, except that, notwithstanding section 323.15 of the 1092
Revised Code, a county treasurer shall accept a payment in such 1093

amount when separately tendered as payment for the full amount 1094
of such unpaid water rents or charges and associated penalties. 1095
The lien shall be released immediately upon payment in full of 1096
the certified amount. Any amounts collected by the county 1097
treasurer under this division shall be placed for immediate 1098
distribution to the village, in the appropriate distinct fund 1099
established for water rents and charges. 1100

(B) Collect them by actions at law in the name of the 1101
village from an owner, lessee as defined in section 5321.01 of 1102
the Revised Code, tenant, or other person who is liable to pay 1103
the rents or charges. 1104

The board shall have the same powers and perform the same 1105
duties as are provided in sections 743.01, 743.05 to 743.07, 1106
743.10, 743.11, 743.18, 743.24, and 735.05 to 735.09 of the 1107
Revised Code, and all powers and duties relating to waterworks 1108
in any of such sections shall extend to and include electric 1109
light, power, and gas plants, and such other similar public 1110
utilities, and such board shall have such other duties as are 1111
prescribed by law or ordinance not inconsistent herewith. 1112

Each board that assesses water rents or charges shall 1113
determine the actual amount of rents due based upon an actual 1114
reading of each customer's meter at least once in each three- 1115
month period, and at least quarterly the board shall render a 1116
bill for the actual amount shown by the meter reading to be due, 1117
except estimated bills may be rendered if access to a customer's 1118
meter was unobtainable for a timely reading. Each board that 1119
assesses water rents or charges shall establish procedures 1120
providing fair and reasonable opportunity for resolution of 1121
billing disputes. 1122

When property to which water service is provided is about 1123

to be sold, any party to the sale or ~~his~~ any party's agent may 1124
request the board to read the meter at that property and to 1125
render within ten days following the date on which the request 1126
is made, a final bill for all outstanding rents and charges for 1127
water service. Such a request shall be made at least fourteen 1128
days prior to the transfer of the title of such property. 1129

At any time prior to a certification under division (A) of 1130
this section, the board shall accept any partial payment of 1131
unpaid water rents or charges, in the amount of ten dollars or 1132
more. 1133

Sec. 743.04. (A) For the purpose of paying the expenses of 1134
conducting and managing the waterworks of a municipal 1135
corporation, including operating expenses and the costs of 1136
permanent improvements, the director of public service or any 1137
other city official or body authorized by charter may assess and 1138
collect a water rent or charge of sufficient amount and in such 1139
manner as the director, other official, or body determines to be 1140
most equitable from all tenements and premises supplied with 1141
water. 1142

(1) When water rents or charges are not paid when due, the 1143
director or other official or body may do either or both of the 1144
following: 1145

(a) Certify them, together with any penalties, to the 1146
county auditor. The county auditor shall place the certified 1147
amount on the real property tax list and duplicate against the 1148
property served by the connection if the auditor also receives 1149
from the director or other official or body additional 1150
certification that the unpaid rents or charges have arisen 1151
pursuant to a service contract made directly with an owner who 1152
occupies the property served. 1153

The amount placed on the tax list and duplicate shall be a lien on the property served from the date placed on the list and duplicate and shall be collected in the same manner as other taxes, except that, notwithstanding section 323.15 of the Revised Code, a county treasurer shall accept a payment in such amount when separately tendered as payment for the full amount of such unpaid water rents or charges and associated penalties. The lien shall be released immediately upon payment in full of the certified amount. Any amounts collected by the county treasurer under this division shall be immediately placed in the distinct fund established by section 743.06 of the Revised Code.

(b) Collect them by actions at law, in the name of the city from an owner, lessee as defined in section 5321.01 of the Revised Code, tenant, or other person who is liable to pay the rents or charges.

(2) The director or other official body shall not certify to the county auditor for placement upon the tax list and duplicate and the county auditor shall not place upon the tax list and duplicate as a charge against the property the amount of any unpaid water rents or charges together with any penalties as described in division (A) (1) (a) of this section if any of the following apply:

(a) The property served by the connection has been transferred or sold to an electing subdivision as defined in section 5722.01 of the Revised Code, regardless of whether the electing subdivision is still the owner of the property, and the unpaid water rents or charges together with any penalties have arisen from a period of time prior to the transfer or confirmation of sale to the electing subdivision;

(b) The property served by the connection has been sold to

a purchaser at sheriff's sale or auditor's sale, the unpaid 1184
water rents or charges together with any penalties have arisen 1185
from a period of time prior to the confirmation of sale, and the 1186
purchaser is not the owner of record of the property immediately 1187
prior to the judgment of foreclosure nor any of the following: 1188

(i) A member of that owner's immediate family; 1189

(ii) A person with a power of attorney appointed by that 1190
owner who subsequently transfers the land to the owner; 1191

(iii) A sole proprietorship owned by that owner or a 1192
member of that owner's immediate family; 1193

(iv) A partnership, trust, business trust, corporation, or 1194
association of which the owner or a member of the owner's 1195
immediate family owns or controls directly or indirectly more 1196
than fifty per cent. 1197

(c) The property served by the connection has been 1198
forfeited to this state for delinquent taxes, unless the owner 1199
of record redeems the property. 1200

(3) Upon valid written notice to the county auditor by any 1201
owner possessing an ownership interest of record of the property 1202
or by an electing subdivision previously in the chain of title 1203
of the property that the unpaid water rents or charges together 1204
with any penalties have been certified for placement or placed 1205
upon the tax list and duplicate as a charge against the property 1206
in violation of division (A) (2) of this section, the county 1207
auditor shall promptly remove such charge from the tax 1208
duplicate. This written notice to the county auditor shall 1209
include all of the following: 1210

(a) The parcel number of the property; 1211

(b) The common address of the property;	1212
(c) The date of the recording of the transfer of the property to the owner or electing subdivision;	1213 1214
(d) The charge allegedly placed in violation of division (A) (2) of this section.	1215 1216
(4) Each director or other official or body that assesses water rents or charges shall determine the actual amount of rents due based upon an actual reading of each customer's meter at least once in each three-month period, and at least quarterly the director or other official or body shall render a bill for the actual amount shown by the meter reading to be due, except estimated bills may be rendered if access to a customer's meter was unobtainable for a timely reading. Each director or other official or body that assesses water rents or charges shall establish procedures providing fair and reasonable opportunity for resolution of billing disputes.	1217 1218 1219 1220 1221 1222 1223 1224 1225 1226 1227
(5) When property to which water service is provided is about to be sold, any party to the sale or the agent of any such party may request the director or other official or body to read the meter at that property and to render within ten days following the date on which the request is made, a final bill for all outstanding rents and charges for water service. Such a request shall be made at least fourteen days prior to the transfer of the title of such property.	1228 1229 1230 1231 1232 1233 1234 1235
(6) At any time prior to a certification under division (A) (1) (a) of this section, the director or other official or body shall accept any partial payment of unpaid water rents or charges, in the amount of ten dollars or more.	1236 1237 1238 1239
(B) (1) When title to a parcel of land that is subject to	1240

any of the actions described in division (A) (1) of this section 1241
is transferred to a county land reutilization corporation, any 1242
lien placed on the parcel under division (A) (1) (a) of this 1243
section shall be extinguished, and the corporation shall not be 1244
held liable for unpaid rents or charges in any collection action 1245
brought under division (A) (1) (b) of this section, if the rents 1246
or charges certified under division (A) (1) (a) of this section or 1247
subject to collection under division (A) (1) (b) of this section 1248
were incurred before the date of the transfer to the corporation 1249
and if the corporation did not incur the rents or charges, 1250
regardless of whether the rents or charges were certified, the 1251
lien was attached, or the action was brought before the date of 1252
transfer. In such a case, the corporation and its successors in 1253
title shall take title to the property free and clear of any 1254
such lien and shall be immune from liability in any such 1255
collection action. 1256

If a county land reutilization corporation takes title to 1257
property before any rents or charges have been certified or any 1258
lien has been placed with respect to the property under division 1259
(A) (1) of this section, the corporation shall be deemed a bona 1260
fide purchaser for value without knowledge of such rents, 1261
charges, or lien, regardless of whether the corporation had 1262
actual or constructive knowledge of the rents, charges, or lien, 1263
and any such lien shall be void and unenforceable against the 1264
corporation and its successors in title. 1265

(2) If a lien placed on a parcel is extinguished as 1266
provided in division (B) (1) of this section, the municipal 1267
corporation may pursue the remedy available under division (A) 1268
(1) (b) of this section to recoup the rents and charges incurred 1269
with respect to the parcel from any owner, lessee, tenant, or 1270
other person liable to pay such rents and charges. 1271

Sec. 940.01. As used in this chapter:	1272
(A) "Soil and water conservation district" means a district organized in accordance with this chapter.	1273 1274
(B) "Supervisor" means one of the members of the governing body of a district.	1275 1276
(C) "Landowner," "owner," or "owner of land" means an owner of record as shown by the records in the office of the county recorder. With respect to an improvement or a proposed improvement, "landowner," "owner," or "owner of land" also includes any public corporation and the director of any department, office, or institution of the state that is affected by the improvement or that would be affected by the proposed improvement, but that does not own any right, title, estate, or interest in or to any real property.	1277 1278 1279 1280 1281 1282 1283 1284 1285
(D) "Land occupier" or "occupier of land" means any person, firm, or corporation that controls the use of land whether as landowner, lessee, <u>including a lessee as defined in section 5321.01 of the Revised Code,</u> renter, or tenant.	1286 1287 1288 1289
(E) "Due notice" means notice published at least twice, stating time and place, with an interval of at least thirteen days between the two publication dates, in a newspaper of general circulation within a soil and water conservation district.	1290 1291 1292 1293 1294
(F) "Agricultural pollution" means failure to use management or conservation practices in farming or silvicultural operations to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by residual farm products, manure, or soil sediment, including substances attached thereto.	1295 1296 1297 1298 1299 1300

(G) "Urban sediment and storm water runoff pollution" 1301
means failure to use management or conservation practices to 1302
abate wind or water erosion of the soil or to abate the 1303
degradation of the waters of the state by soil sediment or storm 1304
water runoff in conjunction with land grading, excavating, 1305
filling, or other activities that disturb the soil and increase 1306
storm water runoff on land used or being developed for nonfarm 1307
commercial, industrial, residential, or other nonfarm purposes, 1308
except lands being used in a strip mine operation as defined in 1309
section 1513.01 of the Revised Code and except lands being used 1310
in a surface mining operation as defined in section 1514.01 of 1311
the Revised Code. 1312

(H) "Uniform assessment" means an assessment that is both 1313
of the following: 1314

(1) Based upon a complete appraisal of both of the 1315
following: 1316

(a) Each parcel of land, together with all improvements 1317
thereon, within the area that will benefit from a proposed 1318
improvement; and 1319

(b) The benefits or damages brought about as a result of 1320
the proposed improvement that is determined by criteria applied 1321
equally to all parcels within the area that will benefit from 1322
the proposed improvement. 1323

(2) Levied upon the parcels at a uniform rate on the basis 1324
of the appraisal. 1325

(I) "Varied assessment" means any assessment that does not 1326
meet the criteria established in division (H) of this section. 1327

(J) "Benefit" or "benefits" means advantages to land and 1328
owners, to public corporations, and to the state resulting from 1329

drainage, conservation, control, and management of water and 1330
from environmental, wildlife, and recreational improvements. 1331
"Benefit" or "benefits" includes, but is not limited to, any of 1332
the following factors: 1333

(1) Elimination or reduction of damage from flooding; 1334

(2) Removal of water conditions that jeopardize public 1335
health, safety, or welfare; 1336

(3) Increased value of land resulting from an improvement; 1337

(4) Use of water for irrigation, storage, regulation of 1338
stream flow, soil conservation, water supply, or any other 1339
incidental purpose; 1340

(5) Providing an outlet for the accelerated runoff from 1341
artificial drainage if a stream, watercourse, channel, or ditch 1342
that is under improvement is called upon to discharge functions 1343
for which it was not designed. Uplands that have been removed 1344
from their natural state by deforestation, cultivation, 1345
artificial drainage, urban development, or other human methods 1346
shall be considered to be benefited by an improvement that is 1347
required to dispose of the accelerated flow of water from the 1348
uplands. 1349

(K) "Improvement" or "conservation works of improvement" 1350
means an improvement that is made under the authority 1351
established in division (C) of section 940.06 of the Revised 1352
Code. 1353

(L) "Land" has the same meaning as in section 6131.01 of 1354
the Revised Code. 1355

(M) "Manure," "operation and management plan," and 1356
"residual farm products" have the same meanings as in section 1357

939.01 of the Revised Code. 1358

(N) "Voluntary nutrient management plan" has the same 1359
meaning as in section 905.31 of the Revised Code. 1360

(O) "Lead county" means the county in which the majority 1361
of the initial length of a proposed improvement would be 1362
located, as set forth in a petition, when the proposed 1363
improvement would be located in two or more counties. 1364

(P) "Day" means calendar day. 1365

Sec. 971.34. If the owner, lessee as defined in section 1366
5321.01 of the Revised Code, or tenant occupying land neglects 1367
or refuses to cut brush, briars, thistles, or other noxious 1368
weeds, as provided in section 971.33 of the Revised Code, an 1369
owner or occupant of land abutting on the partition fence, after 1370
having given the owner, lessee, or tenant not less than ten 1371
days' notice to cut or remove them, may notify the board of 1372
township trustees of the township in which the land is situated, 1373
who shall forthwith view the premises, and if satisfied that 1374
there is just cause of complaint, shall cause them to be cut, by 1375
letting the work to the lowest bidder, or by entering into a 1376
private contract therefor. 1377

Sec. 1349.52. (A) As used in this section and in section 1378
1349.521 of the Revised Code: 1379

(1) "Adult protected consumer" means a protected consumer 1380
who is not a minor protected consumer. 1381

(2) "Consumer credit reporting agency" means any person 1382
that, for monetary fees, dues, or on a cooperative nonprofit 1383
basis, regularly engages in whole or in part in the practice of 1384
maintaining consumers' credit information for the purpose of 1385
furnishing credit reports to third parties. 1386

(3) "Credit report" means any written, oral, or other communication of any credit information by a consumer credit reporting agency that operates or maintains a database of consumer credit information bearing on a consumer's credit worthiness, credit standing, or credit capacity. "Credit report" includes a credit record created for the purposes of complying with section 1349.521 of the Revised Code.

(4) "Credit record" means a compilation of information that meets both of the following:

(a) Identifies a protected consumer;

(b) Is created by a consumer reporting agency for the sole purpose of complying with section 1349.521 of the Revised Code.

(5) "Minor protected consumer" means an individual who is under sixteen years of age.

(6) "Protected consumer" means an individual, at the time a request for the placement of a security freeze is made, who meets either of the following:

(a) Is a minor protected consumer;

(b) Is a person for whom a guardian of the estate or conservator has been appointed.

(7) "Representative" means any person who provides sufficient proof of authority to a consumer credit reporting agency to act on the behalf of a protected consumer. "Representative" includes a parent, guardian, or conservator.

(8) "Security freeze" means a restriction placed in a consumer's or protected consumer's credit report at the request of the consumer or the protected consumer's representative that prohibits a consumer credit reporting agency from releasing all

or any part of the consumer's or protected consumer's credit 1415
report or any information derived from the consumer's or 1416
protected consumer's credit report relating to the extension of 1417
credit without the express authorization of the consumer or 1418
protected consumer's representative. 1419

(9) "Sufficient proof of authority" means documentation 1420
that shows a representative has authority to act on behalf of a 1421
protected consumer. "Sufficient proof of authority" includes any 1422
of the following: 1423

(a) An order issued by a court of competent jurisdiction; 1424

(b) A lawfully executed and valid power of attorney; 1425

(c) A birth certificate, naming the representative as a 1426
parent of the protected consumer, in the case of a minor 1427
protected consumer; 1428

(d) A written, notarized statement signed by the 1429
representative that expressly describes the authority of the 1430
representative to act on behalf of the protected consumer. 1431

(10) "Sufficient proof of identity" means information or 1432
documentation that identifies a protected consumer or a 1433
representative of a protected consumer. "Sufficient proof of 1434
identity" includes any of the following: 1435

(a) A social security number or a copy of a social 1436
security card issued by the social security administration; 1437

(b) A certified or official copy of a birth certificate 1438
issued by an entity authorized to issue the birth certificate; 1439

(c) A copy of a driver's license, a state identification 1440
card, or any other government-issued identification; 1441

(d) A copy of a bill, including a bill for telephone, 1442
sewer, septic tank, water, electric, oil, or natural gas 1443
services, that shows a name and home address. 1444

(11) "Other comparable service" means a service for which 1445
a receipt of delivery is provided. 1446

(B) (1) Except as provided in division (B) (2) of this 1447
section, a consumer may elect to place a security freeze on the 1448
consumer's credit report by making a request to a consumer 1449
credit reporting agency in writing by certified mail or other 1450
comparable service or by any secured electronic method 1451
authorized by the consumer credit reporting agency. 1452

(2) Security freezes for protected consumers shall be 1453
governed by section 1349.521 of the Revised Code. 1454

(C) A consumer credit reporting agency shall place a 1455
security freeze on a credit report not later than three business 1456
days after receiving a request pursuant to division (B) of this 1457
section. The consumer credit reporting agency shall send a 1458
written confirmation of the security freeze to the consumer 1459
within five business days of placing the security freeze and, at 1460
the same time, shall provide the consumer with a unique personal 1461
identification number or password. The number or password shall 1462
not be the consumer's social security number. 1463

(D) A consumer may allow the consumer's credit report to 1464
be accessed for a specific party or period of time while a 1465
security freeze is in place by contacting the consumer credit 1466
reporting agency by certified mail or other comparable service, 1467
secure electronic method selected by the consumer credit 1468
reporting agency, or telephone and requesting that the security 1469
freeze be temporarily lifted, and providing all of the 1470

following: 1471

(1) Information generally considered sufficient to 1472
identify the consumer; 1473

(2) The unique personal identification number or password 1474
provided by the consumer credit reporting agency pursuant to 1475
division (C) of this section; 1476

(3) The proper information regarding the third party who 1477
is to receive the consumer credit report or the time period for 1478
which the consumer credit report shall be available to users of 1479
the credit report. 1480

(E) (1) A consumer credit reporting agency that receives a 1481
request in writing by certified mail or other comparable service 1482
from a consumer to temporarily lift a security freeze on a 1483
credit report pursuant to division (D) of this section shall 1484
comply with the request not later than three business days after 1485
receiving the request. 1486

(2) Except as otherwise provided in this section, a 1487
consumer credit reporting agency that receives a request by 1488
secure electronic method selected by the consumer credit 1489
reporting agency, telephone, or another means authorized by the 1490
consumer credit reporting agency from a consumer to temporarily 1491
lift a security freeze on a credit report pursuant to division 1492
(D) of this section shall comply with the request not later than 1493
fifteen minutes after receiving the request unless any of the 1494
following applies: 1495

(a) The consumer fails to meet the requirements of 1496
division (D) of this section. 1497

(b) The consumer credit reporting agency's ability to 1498
temporarily lift the security freeze within fifteen minutes is 1499

prevented by an act of God, including fire, earthquakes, 1500
hurricanes, storms, or similar natural disaster or phenomena; 1501
unauthorized or illegal acts by a third party, including 1502
terrorism, sabotage, riot, vandalism, labor strikes or disputes 1503
disrupting operations, or similar occurrence; operational 1504
interruption, including electrical failure, unanticipated delay 1505
in equipment or replacement part delivery, computer hardware or 1506
software failures inhibiting response time, or similar 1507
disruption; governmental action, including emergency orders or 1508
regulations, judicial or law enforcement action, or similar 1509
directives; regularly scheduled maintenance, during other than 1510
normal business hours of, or updates to, the consumer credit 1511
reporting agency's systems; or commercially reasonable 1512
maintenance of, or repair to, the consumer credit reporting 1513
agency's systems that is unexpected or unscheduled. 1514

(3) A consumer credit reporting agency shall remove or 1515
temporarily lift a security freeze placed on a credit report 1516
only in the following cases: 1517

(a) Upon consumer request pursuant to division (D) of this 1518
section; 1519

(b) If the credit report was frozen due to a material 1520
misrepresentation of fact by the consumer. If a consumer credit 1521
reporting agency intends to remove a security freeze upon a 1522
credit report pursuant to division (E) (3) (b) of this section, 1523
the consumer credit reporting agency shall notify the consumer 1524
in writing at least five business days prior to removing the 1525
security freeze on the credit report. 1526

(F) A consumer credit reporting agency, when required by 1527
the "Fair Credit Reporting Act," 84 Stat. 1128 (1970), 15 U.S.C. 1528
1681g(c), to provide a summary of rights, or when receiving a 1529

request from a consumer for information about a security freeze, 1530
shall provide the following written notice: 1531

"Ohio Consumers Have the Right to Obtain a Security 1532
Freeze: 1533

You may obtain a security freeze on your credit report to 1534
protect your privacy and ensure that credit is not granted in 1535
your name without your knowledge. You have a right to place a 1536
"security freeze" on your credit report pursuant to Ohio law. 1537
The security freeze will prohibit a consumer credit reporting 1538
agency from releasing any information in your credit report 1539
without your express authorization or approval. The security 1540
freeze is designed to prevent credit, loans, and services from 1541
being approved in your name without your consent. When you place 1542
a security freeze on your credit report, within five business 1543
days you will be provided a personal identification number or 1544
password to use if you choose to remove the security freeze on 1545
your credit report or to temporarily authorize the release of 1546
your credit report for a specific party or parties or for a 1547
specific period of time after the security freeze is in place. 1548
To provide that authorization, you must contact the consumer 1549
credit reporting agency and provide all of the following: 1550

(a) Information generally considered sufficient to 1551
identify the consumer; 1552

(b) The unique personal identification number or password 1553
provided by the consumer credit reporting agency; 1554

(c) The proper information regarding the third party who 1555
is to receive the consumer credit report or the time period for 1556
which the credit report shall be available to users of the 1557
credit report. 1558

A consumer credit reporting agency that receives a request 1559
from a consumer to temporarily lift a security freeze on a 1560
credit report shall comply with the request not later than 1561
fifteen minutes after receiving the request. 1562

A security freeze does not apply to circumstances in which 1563
you have an existing account relationship and a copy of your 1564
report is requested by your existing creditor or its agents or 1565
affiliates for certain types of account review, collection, 1566
fraud control, or similar activities. 1567

If you are actively seeking credit, you should understand 1568
that the procedures involved in lifting a security freeze may 1569
slow your own applications for credit. You should plan ahead and 1570
lift a freeze, either completely if you are shopping around, or 1571
specifically for a certain creditor, a few days before actually 1572
applying for new credit. 1573

(G) Except as otherwise provided in division (E) of this 1574
section, a consumer credit reporting agency shall keep a 1575
security freeze in place until the consumer requests that the 1576
security freeze be removed. A consumer credit reporting agency 1577
shall remove a security freeze within three business days of 1578
receiving a request by telephone or by any other means 1579
authorized by the consumer credit reporting agency for removal 1580
from the consumer when the consumer provides the following: 1581

(1) Information generally considered sufficient to 1582
identify the consumer; 1583

(2) The unique personal identification number or password 1584
provided by the consumer credit reporting agency pursuant to 1585
division (C) of this section. 1586

(H) A consumer credit reporting agency may release a 1587

credit report on which a security freeze has been placed to the 1588
following: 1589

(1) A person, or subsidiary, affiliate, or agent of that 1590
person, or an assignee of a financial obligation owing by the 1591
consumer to that person, or a prospective assignee of a 1592
financial obligation owing by the consumer to that person in 1593
conjunction with the proposed purchase of the financial 1594
obligation, with which the consumer has or had prior to 1595
assignment an account or contract, including a demand deposit 1596
account, or to whom the consumer issued a negotiable instrument, 1597
for the purposes of reviewing the account or collecting the 1598
financial obligation owing for the account, contract, or 1599
negotiable instrument. For purposes of this paragraph, 1600
"reviewing the account" includes activities related to account 1601
maintenance, monitoring, credit line increases, and account 1602
upgrades and enhancements. 1603

(2) A subsidiary, affiliate, agent, assignee, or 1604
prospective assignee of a person to whom access has been granted 1605
under division (D) of this section, for purposes of facilitating 1606
the extension of credit or other permissible use; 1607

(3) Any state or local law enforcement agency, trial 1608
court, or private collection agency acting pursuant to a court 1609
order, warrant, or subpoena; 1610

(4) Any federal, state, or local governmental entity, 1611
agency, or instrumentality that is acting within the entity's, 1612
agency's, or instrumentality's authority; 1613

(5) A state or local child support enforcement agency; 1614

(6) A person seeking to use the information contained in 1615
the consumer's credit report for the purpose of prescreening 1616

pursuant to the "Fair Credit Reporting Act," 84 Stat. 1128 1617
(1970), 15 U.S.C. 1681 et seq.; 1618

(7) Any person or entity administering a credit file 1619
monitoring subscription service to which the consumer has 1620
subscribed; 1621

(8) Any person or entity providing a consumer with a copy 1622
of the consumer's credit report upon the consumer's request; 1623

(9) Any person or entity for use in setting or adjusting a 1624
rate, adjusting a claim, or underwriting for insurance purposes; 1625

(10) Any person or entity acting to investigate fraud or 1626
acting to investigate or collect delinquent taxes or unpaid 1627
court orders provided those responsibilities are consistent with 1628
section 1681b of the "Fair Credit Reporting Act," 15 U.S.C. 1681 1629
et seq. 1630

(I) (1) A consumer credit reporting agency may charge a 1631
consumer a reasonable fee not to exceed five dollars for placing 1632
a security freeze on that consumer's credit report. If the 1633
consumer is a victim of a violation of section 2913.49 of the 1634
Revised Code, the consumer credit reporting agency shall not 1635
charge a fee to place a security freeze on that consumer's 1636
credit report, but that consumer shall send a copy of the police 1637
report related to the violation of section 2913.49 of the 1638
Revised Code to the consumer credit reporting agency. 1639

(2) A consumer credit reporting agency may charge a 1640
consumer a reasonable fee not to exceed five dollars for 1641
removing or temporarily lifting a security freeze on that 1642
consumer's credit report if the consumer elects to remove or 1643
temporarily lift the security freeze on the consumer's credit 1644
report for a specific creditor and may charge a consumer a 1645

reasonable fee not to exceed five dollars if the consumer elects 1646
to temporarily lift the security freeze for a specified period 1647
of time. 1648

(3) A consumer credit reporting agency may charge a 1649
reasonable fee not to exceed five dollars to a consumer who 1650
fails to retain the original personal identification number 1651
provided by the consumer credit reporting agency and must be 1652
reissued the same or a new personal identification number. 1653

(J) If a security freeze is in place, a consumer credit 1654
reporting agency shall not change any of the following official 1655
information in a credit report without sending a written 1656
confirmation of the change to the consumer within thirty days of 1657
the change being posted to the consumer's file: name; date of 1658
birth; social security number; or address. Written confirmation 1659
is not required for technical modifications of a consumer's 1660
official information, including name and street abbreviations, 1661
complete spellings, or transposition of numbers or letters. In 1662
the case of an address change, the written confirmation shall be 1663
sent to both the new address and to the former address. 1664

(K) The provisions of this section do not apply to a 1665
consumer credit reporting agency that acts only as a reseller of 1666
credit information by assembling and merging information 1667
contained in the database of another consumer credit reporting 1668
agency or multiple consumer credit reporting agencies and does 1669
not maintain a permanent database of credit information from 1670
which new credit reports are produced, except that the reseller 1671
of credit information shall honor any security freeze placed on 1672
a credit report by another consumer credit reporting agency. 1673

(L) The following entities are not required to place a 1674
security freeze in a credit report: 1675

(1) A check services company or fraud prevention services company that issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments;

(2) A demand deposit account information service company that issues reports, regarding account closures due to fraud, substantial overdrafts, automated teller machine abuse, or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a demand deposit account at the inquiring bank or financial institution.

(3) A consumer reporting agency with regard to a database or file that is not a credit report or credit record and that consists entirely of consumer information concerning, and used solely for, one or more of the following:

(a) Criminal record information;

(b) Personal loss history information;

(c) Fraud prevention or detection;

(d) Employment screening;

(e) ~~Tenant screening~~ Screening of a lessee, as defined in section 5321.01 of the Revised Code, or tenant.

(M) (1) The attorney general may conduct an investigation if the attorney general, based on complaints or the attorney general's own inquiries, has reason to believe that a consumer credit reporting agency has failed or is failing to comply with this section.

(2) In any investigation conducted pursuant to this

section, the attorney general may administer oaths, subpoena 1704
witnesses, adduce evidence, and subpoena the production of any 1705
book, document, record, or other relevant matter. 1706

(3) If the attorney general under division (M) (2) of this 1707
section subpoenas the production of any relevant matter that is 1708
located outside this state, the attorney general may designate a 1709
representative, including an official of the state in which that 1710
relevant matter is located, to inspect the relevant matter on 1711
the attorney general's behalf. The attorney general may carry 1712
out similar requests received from officials of other states. 1713

(4) Any person who is subpoenaed to produce relevant 1714
matter pursuant to division (M) (2) of this section shall make 1715
that relevant matter available at a convenient location within 1716
this state or the state of the representative designated under 1717
division (M) (3) of this section. 1718

(5) Any person who is subpoenaed as a witness or to 1719
produce relevant matter pursuant to division (M) (2) of this 1720
section may file in the court of common pleas of Franklin 1721
county, the county in this state in which the person resides, or 1722
the county in this state in which the person's principal place 1723
of business is located a petition to extend for good cause shown 1724
the date on which the subpoena is to be returned or to modify or 1725
quash for good cause shown that subpoena. The person may file 1726
the petition at any time prior to the date specified for the 1727
return of the subpoena or within twenty days after the service 1728
of the subpoena, whichever is earlier. 1729

(6) Any person who is subpoenaed as a witness or to 1730
produce relevant matter pursuant to division (M) (2) of this 1731
section shall comply with the terms of the subpoena unless the 1732
court orders otherwise prior to the date specified for the 1733

return of the subpoena or, if applicable, that date as extended. 1734
If a person fails without lawful excuse to obey a subpoena, the 1735
attorney general may apply to the court of common pleas for an 1736
order that does one or more of the following: 1737

(a) Compels the requested discovery; 1738

(b) Adjudges the person in contempt of court; 1739

(c) Grants injunctive relief to restrain the person from 1740
failing to comply with section 1347.12 or 1349.19 of the Revised 1741
Code, whichever is applicable; 1742

(d) Grants injunctive relief to preserve or restore the 1743
status quo; 1744

(e) Grants other relief that may be required until the 1745
person obeys the subpoena. 1746

(N) (1) The attorney general has the authority to bring a 1747
civil action in a court of common pleas for appropriate relief 1748
under this section, including a temporary restraining order, 1749
preliminary or permanent injunction, and civil penalties, if it 1750
appears that a consumer credit reporting agency has failed or is 1751
failing to comply with this section. Upon its finding that a 1752
consumer credit reporting agency has intentionally or recklessly 1753
failed to comply with this section, the court shall impose a 1754
civil penalty upon the consumer credit reporting agency of up to 1755
two thousand five hundred dollars for each instance that the 1756
consumer credit reporting agency fails to comply. 1757

(2) Any civil penalty that is assessed under division (N) 1758
(1) of this section shall be deposited into the consumer 1759
protection enforcement fund created by section 1345.51 of the 1760
Revised Code. 1761

(3) In determining the appropriate civil penalty to assess 1762
under division (N)(1) of this section, the court shall consider 1763
all relevant factors, including the degree of the defendant's 1764
culpability, any history of prior violations of this section by 1765
the defendant, the defendant's ability to pay, the effect of the 1766
court's decision on the defendant's ability to continue to 1767
conduct the defendant's business, and whether or not the 1768
defendant acted in bad faith in failing to comply with this 1769
section. 1770

(O) Any consumer credit reporting agency that is found by 1771
the court to have failed to comply with this section is liable 1772
to the attorney general for the attorney general's costs in 1773
conducting an investigation and bringing an action under this 1774
section. 1775

(P) The rights and remedies that are provided under this 1776
section are in addition to any other rights or remedies that are 1777
provided by law. 1778

Sec. 1531.01. As used in this chapter and Chapter 1533. of 1779
the Revised Code: 1780

(A) "Person" means a person as defined in section 1.59 of 1781
the Revised Code or a company; an employee, agent, or officer of 1782
such a person or company; a combination of individuals; the 1783
state; a political subdivision of the state; an interstate body 1784
created by a compact; or the federal government or a department, 1785
agency, or instrumentality of it. 1786

(B) "Resident" means any individual who has resided in 1787
this state for not less than six months preceding the date of 1788
making application for a license or permit. 1789

(C) "Nonresident" means any individual who does not 1790

qualify as a resident.	1791
(D) "Division rule" or "rule" means any rule adopted by the chief of the division of wildlife under section 1531.10 of the Revised Code unless the context indicates otherwise.	1792 1793 1794
(E) "Closed season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is prohibited.	1795 1796 1797
(F) "Open season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is permitted.	1798 1799 1800
(G) "Take or taking" includes pursuing, shooting, hunting, killing, trapping, angling, fishing with a trotline, or netting any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, wild bird, or wild quadruped, and any lesser act, such as wounding, or placing, setting, drawing, or using any other device for killing or capturing any wild animal, whether it results in killing or capturing the animal or not. "Take or taking" includes every attempt to kill or capture and every act of assistance to any other person in killing or capturing or attempting to kill or capture a wild animal.	1801 1802 1803 1804 1805 1806 1807 1808 1809 1810
(H) "Possession" means both actual and constructive possession and any control of things referred to.	1811 1812
(I) "Bag limit" means the number, measurement, or weight of any kind of crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.	1813 1814 1815
(J) "Transport and transportation" means carrying or moving or causing to be carried or moved.	1816 1817
(K) "Sell and sale" means barter, exchange, or offer or	1818

expose for sale. 1819

(L) "Whole to include part" means that every provision 1820
relating to any wild animal protected by this chapter and 1821
Chapter 1533. of the Revised Code applies to any part of the 1822
wild animal with the same effect as it applies to the whole. 1823

(M) "Angling" means fishing with not more than two hand 1824
lines, not more than two units of rod and line, or a combination 1825
of not more than one hand line and one rod and line, either in 1826
hand or under control at any time while fishing. The hand line 1827
or rod and line shall have attached to it not more than three 1828
baited hooks, not more than three artificial fly rod lures, or 1829
one artificial bait casting lure equipped with not more than 1830
three sets of three hooks each. 1831

(N) "Trotline" means a device for catching fish that 1832
consists of a line having suspended from it, at frequent 1833
intervals, vertical lines with hooks attached. 1834

(O) "Fish" means a cold-blooded vertebrate having fins. 1835

(P) "Measurement of fish" means length from the end of the 1836
nose to the longest tip or end of the tail. 1837

(Q) "Wild birds" includes game birds and nongame birds. 1838

(R) "Game" includes game birds, game quadrupeds, and fur- 1839
bearing animals. 1840

(S) "Game birds" includes mourning doves, ringneck 1841
pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, 1842
pinnated grouse, wild turkey, Hungarian partridge, Chukar 1843
partridge, woodcocks, black-breasted plover, golden plover, 1844
Wilson's snipe or jacksnipe, greater and lesser yellowlegs, 1845
rail, coots, gallinules, duck, geese, brant, and crows. 1846

(T) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds.	1847 1848
(U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals.	1849 1850
(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, wild boar, elk, and black bears.	1851 1852 1853 1854
(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.	1855 1856 1857
(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.	1858 1859 1860 1861
(Y) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild quadrupeds whether or not the acts result in killing or wounding. "Hunting" includes every attempt to kill or wound and every act of assistance to any other person in killing or wounding or attempting to kill or wound wild birds or wild quadrupeds.	1862 1863 1864 1865 1866 1867 1868 1869 1870
(Z) "Trapping" means securing or attempting to secure possession of a wild bird or wild quadruped by means of setting, placing, drawing, or using any device that is designed to close upon, hold fast, confine, or otherwise capture a wild bird or wild quadruped whether or not the means results in capture.	1871 1872 1873 1874 1875

"Trapping" includes every act of assistance to any other person 1876
in capturing wild birds or wild quadrupeds by means of the 1877
device whether or not the means results in capture. 1878

(AA) "Muskrat spear" means any device used in spearing 1879
muskrats. 1880

(BB) "Channels and passages" means those narrow bodies of 1881
water lying between islands or between an island and the 1882
mainland in Lake Erie. 1883

(CC) "Island" means a rock or land elevation above the 1884
waters of Lake Erie having an area of five or more acres above 1885
water. 1886

(DD) "Reef" means an elevation of rock, either broken or 1887
in place, or gravel shown by the latest United States chart to 1888
be above the common level of the surrounding bottom of the lake, 1889
other than the rock bottom, or in place forming the base or 1890
foundation rock of an island or mainland and sloping from the 1891
shore of it. "Reef" also means all elevations shown by that 1892
chart to be above the common level of the sloping base or 1893
foundation rock of an island or mainland, whether running from 1894
the shore of an island or parallel with the contour of the shore 1895
of an island or in any other way and whether formed by rock, 1896
broken or in place, or from gravel. 1897

(EE) "Fur farm" means any area used exclusively for 1898
raising fur-bearing animals or in addition thereto used for 1899
hunting game, the boundaries of which are plainly marked as 1900
such. 1901

(FF) "Waters" includes any lake, pond, reservoir, stream, 1902
channel, lagoon, or other body of water, or any part thereof, 1903
whether natural or artificial. 1904

(GG) "Crib" or "car" refers to that particular compartment	1905
of the net from which the fish are taken when the net is lifted.	1906
(HH) "Commercial fish" means those species of fish	1907
permitted to be taken, possessed, bought, or sold unless	1908
otherwise restricted by the Revised Code or division rule and	1909
are alewife (<i>Alosa pseudoharengus</i>), American eel (<i>Anguilla</i>	1910
<i>rostrata</i>), bowfin (<i>Amia calva</i>), burbot (<i>Lota lota</i>), carp	1911
(<i>Cyprinus carpio</i>), smallmouth buffalo (<i>Ictiobus bubalus</i>),	1912
bigmouth buffalo (<i>Ictiobus cyprinellus</i>), black bullhead	1913
(<i>Ictalurus melas</i>), yellow bullhead (<i>Ictalurus natalis</i>), brown	1914
bullhead (<i>Ictalurus nebulosus</i>), channel catfish (<i>Ictalurus</i>	1915
<i>punctatus</i>), flathead catfish (<i>Pylodictis olivaris</i>), whitefish	1916
(<i>Coregonus</i> sp.), cisco (<i>Coregonus</i> sp.), freshwater drum or	1917
sheepshead (<i>Aplodinotus grunniens</i>), gar (<i>Lepisosteus</i> sp.),	1918
gizzard shad (<i>Dorosoma cepedianum</i>), goldfish (<i>Carassius</i>	1919
<i>auratus</i>), lake trout (<i>Salvelinus namaycush</i>), mooneye (<i>Hiodon</i>	1920
<i>tergisus</i>), quillback (<i>Carpiodes cyprinus</i>), smelt (<i>Allosmerus</i>	1921
<i>elongatus</i> , <i>Hypomesus</i> sp., <i>Osmerus</i> sp., <i>Spirinchus</i> sp.), sturgeon	1922
(<i>Acipenser</i> sp., <i>Scaphirhynchus</i> sp.), sucker other than buffalo	1923
and quillback (<i>Carpiodes</i> sp., <i>Catostomus</i> sp., <i>Hypentelium</i> sp.,	1924
<i>Minytrema</i> sp., <i>Moxostoma</i> sp.), white bass (<i>Morone chrysops</i>),	1925
white perch (<i>Roccus americanus</i>), and yellow perch (<i>Perca</i>	1926
<i>flavescens</i>). When the common name of a fish is used in this	1927
chapter or Chapter 1533. of the Revised Code, it refers to the	1928
fish designated by the scientific name in this definition.	1929
(II) "Fishing" means taking or attempting to take fish by	1930
any method, and all other acts such as placing, setting,	1931
drawing, or using any device commonly used to take fish whether	1932
resulting in a taking or not.	1933
(JJ) "Fillet" means the pieces of flesh taken or cut from	1934

both sides of a fish, joined to form one piece of flesh.	1935
(KK) "Part fillet" means a piece of flesh taken or cut from one side of a fish.	1936 1937
(LL) "Round" when used in describing fish means with head and tail intact.	1938 1939
(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.	1940 1941 1942 1943
(NN) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the meshes hanging squarely while the nets are fishing.	1944 1945 1946 1947
(OO) "Fishing guide" means any person who, for consideration or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or assists any other person in order for the other person to engage in fishing.	1948 1949 1950 1951 1952 1953
(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets.	1954 1955 1956 1957
(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill nets.	1958 1959 1960 1961
(RR) "Native wildlife" means any species of the animal	1962

kingdom indigenous to this state.	1963
(SS) "Gill net" means a single section of fabric or netting seamed to a float line at the top and a lead line at the bottom, which is designed to entangle fish in the net openings as they swim into it.	1964 1965 1966 1967
(TT) "Tag fishing tournament" means a contest in which a participant pays a fee, or gives other valuable consideration, for a chance to win a prize by virtue of catching a tagged or otherwise specifically marked fish within a limited period of time.	1968 1969 1970 1971 1972
(UU) "Tenant" " <u>Lessee</u> " means an individual who resides on land for which the individual pays rent and whose annual income is primarily derived from agricultural production conducted on that land, as "agricultural production" is defined in section 929.01 of the Revised Code.	1973 1974 1975 1976 1977
(VV) "Nonnative wildlife" means any wild animal not indigenous to this state, but does not include domestic deer.	1978 1979
(WW) "Reptiles" includes common musk turtle (<i>sternotherus odoratus</i>), common snapping turtle (<i>Chelydra serpentina serpentina</i>), spotted turtle (<i>Clemmys guttata</i>), eastern box turtle (<i>Terrapene carolina carolina</i>), Blanding's turtle (<i>Emydoidea blandingii</i>), common map turtle (<i>Graptemys geographica</i>), ouachita map turtle (<i>Graptemys pseudogeographica ouachitensis</i>), midland painted turtle (<i>Chrysemys picta marginata</i>), red-eared slider (<i>Trachemys scripta elegans</i>), eastern spiny softshell turtle (<i>Apalone spinifera spinifera</i>), midland smooth softshell turtle (<i>Apalone mutica mutica</i>), northern fence lizard (<i>Sceloporus undulatus hyacinthinus</i>), ground skink (<i>Scincella lateralis</i>), five-lined skink (<i>Eumeces</i>	1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991

fasciatus), broadhead skink (<i>Eumeces laticeps</i>), northern coal	1992
skink (<i>Eumeces anthracinus anthracinus</i>), European wall lizard	1993
(<i>Podarcis muralis</i>), queen snake (<i>Regina septemvittata</i>),	1994
Kirtland's snake (<i>Clonophis kirtlandii</i>), northern water snake	1995
(<i>Nerodia sipedon sipedon</i>), Lake Erie watersnake (<i>Nerodia sipedon</i>	1996
<i>insularum</i>), copperbelly water snake (<i>Nerodia erythrogaster</i>	1997
<i>neglecta</i>), northern brown snake (<i>Storeria dekayi dekayi</i>),	1998
midland brown snake (<i>Storeria dekayi wrightorum</i>), northern	1999
redbelly snake (<i>Storeria occipitomaculata occipitomaculata</i>),	2000
eastern garter snake (<i>Thamnophis sirtalis sirtalis</i>), eastern	2001
plains garter snake (<i>Thamnophis radix radix</i>), Butler's garter	2002
snake (<i>Thamnophis butleri</i>), shorthead garter snake (<i>Thamnophis</i>	2003
<i>brachystoma</i>), eastern ribbon snake (<i>Thamnophis sauritus</i>	2004
<i>sauritus</i>), northern ribbon snake (<i>Thamnophis sauritus</i>	2005
<i>septentrionalis</i>), eastern hognose snake (<i>Heterodon platirhinos</i>),	2006
eastern smooth earth snake (<i>Virginia valeriae valeriae</i>),	2007
northern ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest	2008
worm snake (<i>Carphophis amoenus helena</i>), eastern worm snake	2009
(<i>Carphophis amoenus amoenus</i>), black racer (<i>Coluber constrictor</i>	2010
<i>constrictor</i>), blue racer (<i>Coluber constrictor foxii</i>), rough	2011
green snake (<i>Opheodrys aestivus</i>), smooth green snake (<i>Opheodrys</i>	2012
<i>vernalis vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>),	2013
eastern fox snake (<i>Elaphe vulpina gloydi</i>), black kingsnake	2014
(<i>Lampropeltis getula nigra</i>), eastern milk snake (<i>Lampropeltis</i>	2015
<i>triangulum triangulum</i>), northern copperhead (<i>Agkistrodon</i>	2016
<i>contortrix mokasen</i>), eastern massasauga (<i>Sistrurus catenatus</i>	2017
<i>catenatus</i>), and timber rattlesnake (<i>Crotalus horridus horridus</i>).	2018
(XX) "Amphibians" includes eastern hellbender	2019
(<i>Cryptobranchus alleganiensis alleganiensis</i>), mudpuppy (<i>Necturus</i>	2020
<i>maculosus maculosus</i>), red-spotted newt (<i>Notophthalmus</i>	2021
<i>viridescens viridescens</i>), Jefferson salamander (<i>Ambystoma</i>	2022

jeffersonianum), spotted salamander (<i>Ambystoma maculatum</i>), blue-	2023
spotted salamander (<i>Ambystoma laterale</i>), smallmouth salamander	2024
(<i>Ambystoma texanum</i>), streamside salamander (<i>Ambystoma barbouri</i>),	2025
marbled salamander (<i>Ambystoma opacum</i>), eastern tiger salamander	2026
(<i>Ambystoma tigrinum tigrinum</i>), northern dusky salamander	2027
(<i>Desmognathus fuscus fuscus</i>), mountain dusky salamander	2028
(<i>Desmognathus ochrophaeus</i>), redback salamander (<i>Plethodon</i>	2029
<i>cinereus</i>), ravine salamander (<i>Plethodon richmondi</i>), northern	2030
slimy salamander (<i>Plethodon glutinosus</i>), Wehrle's salamander	2031
(<i>Plethodon wehrlei</i>), four-toed salamander (<i>Hemidactylum</i>	2032
<i>scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	2033
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	2034
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	2035
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	2036
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	2037
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	2038
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern two-	2039
lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i>	2040
<i>woodhousii fowleri</i>), American toad (<i>Bufo americanus</i>), eastern	2041
spadefoot (<i>Scaphiopus holbrookii</i>), Blanchard's cricket frog	2042
(<i>Acris crepitans blanchardi</i>), northern spring peeper (<i>Pseudacris</i>	2043
<i>crucifer crucifer</i>), gray treefrog (<i>Hyla versicolor</i>), Cope's gray	2044
treefrog (<i>Hyla chrysoscelis</i>), western chorus frog (<i>Pseudacris</i>	2045
<i>triseriata triseriata</i>), mountain chorus frog (<i>Pseudacris</i>	2046
<i>brachyphona</i>), bullfrog (<i>Rana catesbeiana</i>), green frog (<i>Rana</i>	2047
<i>clamitans melanota</i>), northern leopard frog (<i>Rana pipiens</i>),	2048
pickrel frog (<i>Rana palustris</i>), southern leopard frog (<i>Rana</i>	2049
<i>utricularia</i>), and wood frog (<i>Rana sylvatica</i>).	2050
(YY) "Deer" means white-tailed deer (<i>Odocoileus</i>	2051
<i>virginianus</i>).	2052
(ZZ) "Domestic deer" means nonnative deer that have been	2053

legally acquired or their offspring and that are held in private ownership for primarily agricultural purposes. 2054
2055

(AAA) "Migratory game bird" includes waterfowl (Anatidae); 2056
doves (Columbidae); cranes (Gruidae); cormorants 2057
(Phalacrocoracidae); rails, coots, and gallinules (Rallidae); 2058
and woodcock and snipe (Scolopacidae). 2059

(BBB) "Accompany" means to go along with another person 2060
while staying within a distance from the person that enables 2061
uninterrupted, unaided visual and auditory communication. 2062

(CCC) "All-purpose vehicle" means any vehicle that is 2063
designed primarily for cross-country travel on land, water, or 2064
land and water and that is steered by wheels, caterpillar 2065
treads, or a combination of wheels and caterpillar treads and 2066
includes vehicles that operate on a cushion of air, vehicles 2067
commonly known as all-terrain vehicles, all-season vehicles, 2068
mini-bikes, and trail bikes. 2069

(DDD) "Wholly enclosed preserve" means an area of land 2070
that is surrounded by a fence that is at least six feet in 2071
height, unless otherwise specified in division rule, and is 2072
constructed of a woven wire mesh, or another enclosure that the 2073
division of wildlife may approve, where game birds, game 2074
quadrupeds, reptiles, amphibians, or fur-bearing animals are 2075
raised and may be sold under the authority of a commercial 2076
propagating license or captive white-tailed deer propagation 2077
license obtained under section 1533.71 of the Revised Code. 2078

(EEE) "Commercial bird shooting preserve" means an area of 2079
land where game birds are released and hunted by shooting as 2080
authorized by a commercial bird shooting preserve license 2081
obtained under section 1533.72 of the Revised Code. 2082

(FFF) "Wild animal hunting preserve" means an area of land 2083
where game, captive white-tailed deer, and nonnative wildlife, 2084
other than game birds, are released and hunted as authorized by 2085
a wild animal hunting preserve license obtained under section 2086
1533.721 of the Revised Code. 2087

(GGG) "Captive white-tailed deer" means legally acquired 2088
deer that are held in private ownership at a facility licensed 2089
under section 943.03 or 943.031 of the Revised Code and under 2090
section 1533.71 or 1533.721 of the Revised Code. 2091

Sec. 1531.13. The law enforcement officers of the division 2092
of wildlife shall be known as "wildlife officers." The chief of 2093
the division of wildlife, wildlife officers, and such other 2094
employees of the division as the chief of the division of 2095
wildlife designates, and other officers who are given like 2096
authority, shall enforce all laws pertaining to the taking, 2097
possession, protection, preservation, management, and 2098
propagation of wild animals and all division rules. They shall 2099
enforce all laws against hunting without permission of the owner 2100
or authorized agent of the land on which the hunting is done. 2101
They may arrest on view and without issuance of a warrant. They 2102
may inspect any container or package at any time except when 2103
within a building and the owner or person in charge of the 2104
building objects. The inspection shall be only for bag limits of 2105
wild animals taken in open season or for wild animals taken 2106
during the closed season, or for any kind or species of those 2107
wild animals. 2108

The chief may visit all parts of the state and direct and 2109
assist wildlife officers and other employees in the discharge of 2110
their duties. The owners or ~~tenants~~ lessees of private lands or 2111
waters are not liable to wildlife officers for injuries suffered 2112

while carrying out their duties while on the lands or waters of 2113
the owners or ~~tenants~~-lessees unless the injuries are caused by 2114
the willful or wanton misconduct of the owners or 2115
~~tenants~~lessees. Any regularly employed salaried wildlife officer 2116
may enter any private lands or waters if the wildlife officer 2117
has good cause to believe and does believe that a law is being 2118
violated. 2119

A wildlife officer, sheriff, deputy sheriff, constable, or 2120
officer having a similar authority may search any place which 2121
the officer has good reason to believe contains a wild animal or 2122
any part of a wild animal taken or had in possession contrary to 2123
law or division rule, or a boat, gun, net, seine, trap, ferret, 2124
or device used in the violation, and seize any the officer finds 2125
so taken or possessed. If the owner or person in charge of the 2126
place to be searched refuses to permit the search, upon filing 2127
an affidavit in accordance with law with a court having 2128
jurisdiction of the offense and upon receiving a search warrant 2129
issued, the officer forcibly may search the place described, and 2130
if in the search the officer finds any wild animal or part of a 2131
wild animal, or any boat, gun, net, seine, trap, ferret, or 2132
device in the possession of the owner or person in charge, 2133
contrary to this chapter or Chapter 1533. of the Revised Code or 2134
division rule, the officer shall seize it and arrest the person 2135
in whose custody or possession it was found. The wild animal or 2136
parts of a wild animal or boat, gun, net, seine, trap, ferret, 2137
or device so found shall escheat to the state. 2138

Each wildlife officer shall post a bond in a sum not less 2139
than one thousand dollars executed by a surety company 2140
authorized to transact business in this state for the faithful 2141
performance of the duties of the wildlife officer's office. 2142

The chief and wildlife officers have the authority 2143
specified under section 2935.03 of the Revised Code for peace 2144
officers of the department of natural resources for the purpose 2145
of enforcing the criminal laws of the state on any property 2146
owned, controlled, maintained, or administered by the department 2147
of natural resources and may enforce sections 2923.12, 2923.15, 2148
and 2923.16 of the Revised Code throughout the state and may 2149
arrest without warrant any person who, in the presence of the 2150
chief or any wildlife officer, is engaged in the violation of 2151
any of those laws. 2152

A wildlife officer may render assistance to a state or 2153
local law enforcement officer at the request of that officer or 2154
may render assistance to a state or local law enforcement 2155
officer in the event of an emergency. Wildlife officers serving 2156
outside the division of wildlife under this section shall be 2157
considered as performing services within their regular 2158
employment for the purposes of compensation, pension or 2159
indemnity fund rights, workers' compensation, and other rights 2160
or benefits to which they may be entitled as incidents of their 2161
regular employment. 2162

Wildlife officers serving outside the division of wildlife 2163
under this section retain personal immunity from civil liability 2164
as specified in section 9.86 of the Revised Code and shall not 2165
be considered an employee of a political subdivision for 2166
purposes of Chapter 2744. of the Revised Code. A political 2167
subdivision that uses wildlife officers under this section is 2168
not subject to civil liability under Chapter 2744. of the 2169
Revised Code as the result of any action or omission of any 2170
wildlife officer acting under this section. 2171

Sec. 1531.14. Any person regularly employed by the 2172

division of wildlife for the purpose of conducting research and 2173
investigation of game or fish or their habitat conditions or 2174
engaged in restocking game or fish or in any type of work 2175
involved in or incident to game or fish restoration projects or 2176
in the enforcement of laws or division rules relating to game or 2177
fish, or in the enforcement of section 1531.29 or 3767.32 of the 2178
Revised Code, other laws prohibiting the dumping of refuse in or 2179
along streams, or watercraft laws, while in the normal, lawful, 2180
and peaceful pursuit of such investigation, work, or enforcement 2181
may enter upon, cross over, be upon, and remain upon privately 2182
owned lands for such purposes, and shall not be subject to 2183
arrest for trespass while so engaged or for such cause 2184
thereafter. 2185

Any such person, upon demand, shall ~~identify himself~~ 2186
provide identification to the owner, ~~tenant~~lessee, or manager of 2187
such privately owned lands by means of a badge or card bearing 2188
~~his~~ the person's name and certifying ~~his~~ the person's employment 2189
by the division. 2190

Sec. 1533.01. As used in this chapter, "person," 2191
"resident," "nonresident," "division rule," "rule," "closed 2192
season," "open season," "take or taking," "possession," "bag 2193
limit," "transport and transportation," "sell and sale," "whole 2194
to include part," "angling," "trotline," "fish," "measurement of 2195
fish," "wild birds," "game," "game birds," "nongame birds," 2196
"wild quadrupeds," "game quadrupeds," "fur-bearing animals," 2197
"wild animals," "hunting," "trapping," "muskrat spear," 2198
"channels and passages," "island," "reef," "fur farm," "waters," 2199
"crib," "car," "commercial fish," "fishing," "fillet," "part 2200
fillet," "round," "migrate," "spreader bar," "fishing guide," 2201
"net," "commercial fishing gear," "native wildlife," "gill net," 2202
"tag fishing tournament," ~~"tenant,"~~ "lessee," "nonnative 2203

wildlife," "reptiles," "amphibians," "deer," "domestic deer," 2204
"migratory game bird," "accompany," "all-purpose vehicle," 2205
"wholly enclosed preserve," "commercial bird shooting preserve," 2206
"wild animal hunting preserve," and "captive white-tailed deer" 2207
have the same meanings as in section 1531.01 of the Revised 2208
Code. 2209

Sec. 1533.02. Fish in the inland and Lake Erie fishing 2210
districts, game birds and game quadrupeds throughout the state, 2211
and fur-bearing animals in the inland and Lake Erie trapping 2212
districts may be taken and possessed only in open season, in 2213
compliance with this section or a division rule, stipulating the 2214
length of fish and the number of fish, game birds, game 2215
quadrupeds, and fur-bearing animals that may be taken. 2216

The waters of Lake Erie and the waters, lands, and marshes 2217
included in Lucas, Ottawa, Sandusky, Erie, Lorain, Cuyahoga, 2218
Lake, and Ashtabula counties constitute the "Lake Erie trapping 2219
district," and all other waters, lands, and marshes within the 2220
state constitute the "inland trapping district." 2221

The waters of Lake Erie; the waters of Sandusky bay as far 2222
west as a continuation due south to the Sandusky county shore of 2223
the section line between sections 23 and 24 in Bay township, 2224
Ottawa county, and as far east as a continuation due north of 2225
the township line between Perkins and Huron townships, Erie 2226
county, indicated by markers which shall be permanently erected 2227
on each shore; and the waters of Maumee bay as far south as a 2228
line which shall be a continuation due eastward of the section 2229
line between sections 16 and 21 in Washington township, Lucas 2230
county, indicated by markers which shall be permanently erected 2231
on each shore, constitute the "Lake Erie fishing district." All 2232
other waters over which the state has jurisdiction, whether 2233

lakes, rivers, creeks, or reservoirs or whether natural or 2234
 artificial, including East Harbor, West Harbor, and Middle 2235
 Harbor in Ottawa county, and the waters of Ten Mile creek lying 2236
 within this state constitute the "inland fishing district." 2237

(A) All species or kinds of fish may be taken and 2238
 possessed only according to the following schedule or as 2239
 otherwise provided in this chapter or Chapter 1531. of the 2240
 Revised Code or by division rule. 2241

2242

1	2	3	4
A			
B	Name of Fish	Open Season	Minimum Legal Lengths in Inches
			Daily Bag Limits
C	Muskellunge	No closed season	30
			2
D	Yellow Pike- perch	No closed season	13
			6
E	Bluegill	No closed season	5
			20
F	Rock Bass	No closed season	5
			20
G	Yellow Perch	No closed season	None
			20
H	White Bass	No closed season	None
			20
I	Trout	Apr. 15 - Sept. 15	7
			6
J	Black Bass	June 16 - Apr. 30	10
			6

K Crappie	No closed season		20
L Sunfish	No closed season	None	20
M Catfish	No closed season	None	20

2243

	1	2	3	4
A				
B	Name of Fish	Open Season	Minimum Legal Lengths in Inches	Daily Bag Limits
C	Muskellunge	No closed season	None	None
D	Yellow Pike- perch	No closed season	None	None
E	Bluegill	No closed season	5	20
F	Rock Bass	No closed season	5	20
G	Yellow Perch	No closed season	None	None
H	White Bass	No closed season	None	None
I	Trout	Apr. 15 - Sept. 15	7	6
J	Black Bass	July 1 - May 24	10	6
K	Crappie	No closed season		20

L	Sunfish	No closed season	None	20
M	Catfish	No closed season	None	None

Division (A) (7) of this section includes brooktrout, 2244
rainbow trout, and brown trout. 2245

Division (A) (8) of this section includes largemouth black 2246
bass, smallmouth black bass, and spotted black bass. 2247

Division (A) (9) of this section includes white crappies 2248
and black crappies. 2249

Division (A) (10) of this section includes pumpkinseed 2250
sunfish, long-eared sunfish, and green sunfish. 2251

Division (A) (11) of this section includes channel catfish 2252
and shovel head catfish and yellow bullhead, brown bullhead, and 2253
black bullhead. 2254

The total daily bag limit throughout the state for the 2255
combined species mentioned in division (A) of this section shall 2256
not exceed twenty-five, and not more than two days' legal catch 2257
of any one species, nor more than fifty of all species shall be 2258
in possession at any one time, except fish allowed to be taken 2259
by commercial fishermen in the Lake Erie fishing district. 2260

(B) All species of game birds and game quadrupeds 2261
throughout the state may be taken and possessed only according 2262
to the following schedule or as otherwise provided in this 2263
chapter or Chapter 1531. of the Revised Code, or by division 2264
rule. 2265

	1	2	3	4
A	Name	Open Season	Bag Limit	Possession Limit
B	Pheasant (Cockbirds only)	Nov. 15 - Nov. 30	2	4
C	Ruffed Grouse	Nov. 15 - Nov. 30	2	4
D	Hungarian Partridge	Nov. 15 - Nov. 30	4	4
E	Sharp-tail Grouse	No open season		
F	Pinnated Grouse	No open season		
G	Woodcock	Oct. 10 - Oct. 24	4	8
H	Wilson's or Jack Snipe	Oct. 16 - Dec. 14	15	15
I	Rail and Gallinule	Sept. 1 - Nov. 30	15	15
J	Black-breasted Plover	No open season		
K	Golden Plover	No open season		
L	Greater and Lesser Yellowlegs	No open season		
M	Coot	Oct. 16 - Dec. 14	25	25
N	Duck	Oct. 16 - Dec. 14	10	20
O	Geese and Brant	Oct. 16 - Dec. 14	3	6

P	Hare or Rabbit	Nov. 15 - Jan. 1	4	4
Q	Gray, Black, and Fox Squirrel	Sept. 25 - Oct. 10	4	8
R	Red or Pine Squirrel	No closed season		
S	Ground Hog or Woodchuck	No closed season		
T	Deer	No open season		
U	Bear	No open season		

(C) All species of fur-bearing animals may be taken and 2267
 possessed only according to the following schedule, or as 2268
 otherwise provided in this chapter or Chapter 1531. of the 2269
 Revised Code or by division rule. 2270

2271

	1	2	3
A	Name	Inland Trapping District Open Season	Lake Erie Trapping District Open Season
B	Mink	Dec. 1 - Jan. 15	Dec. 15 - Mar. 15
C	Weasel	No closed season	No closed season
D	Raccoon	Nov. 15 - Jan. 15	Nov. 15 - Jan. 15
E	Skunk	Nov. 15 - Jan. 15	Nov. 15 - Jan. 15

F	Opossum	Nov. 15 - Jan. 15	Nov. 15 - Jan. 15
G	Muskrat	Dec. 1 - Jan. 15	Dec. 15 - Mar. 15
H	Beaver	No open season	No open season
I	Fox	Nov. 15 - Mar. 1	Nov. 15 - Mar. 1

The season provided for the taking of fox does not 2272
prohibit the chasing of a fox by dog or on horseback when the 2273
chasing does not result in the killing of the fox. 2274

This section does not prevent the owner or operator of a 2275
farm or enclosure used to breed and raise raccoon, skunk, mink, 2276
muskrat, or opossum from taking or possessing at any time such 2277
fur-bearing animals although the farm or enclosure, in addition 2278
to that use, also is used during the open season for hunting 2279
other game. 2280

No person within the state shall buy, sell, expose for 2281
sale, offer for sale, or have in possession for any such purpose 2282
any of the fish, or any part thereof, mentioned in this section, 2283
whether taken within or without the state, except such fish as 2284
are protected by law and taken by licensed commercial 2285
~~fishermen~~fishers in the Lake Erie fishing district and in other 2286
waters wherein fishing with nets is licensed by law. This 2287
section does not prohibit the sale of fish taken by angling in 2288
the Lake Erie fishing district that are of a length provided by 2289
law and permitted to be taken and sold by licensed commercial 2290
~~fishermen~~fishers. No person within the state shall buy, sell, 2291
expose for sale, offer for sale, or have in possession for any 2292
such purpose any game bird or game quadruped, or any part 2293
thereof, whether taken within or without the state. Each such 2294

fish, game bird, or game quadruped, or part thereof, bought, 2295
sold, exposed for sale, offered for sale, or had in possession 2296
for any such purposes contrary to this section or division rule 2297
constitutes a separate offense. 2298

No person shall take a hare or rabbit, within the state, 2299
through the use of a ferret, or place a ferret in any hole or 2300
opening in the ground, a stone wall, a log, or elsewhere outside 2301
a building, in which a hare or rabbit might be confined, or have 2302
a ferret in possession or under control while hunting, going 2303
hunting, or returning from hunting. Each hare or rabbit caught, 2304
killed, or had in possession contrary to this section 2305
constitutes a separate offense. This section does not prevent 2306
the owner of a young fruit orchard or nursery or ~~his tenant~~ the 2307
owner's lessee or bona fide employee from possessing a ferret or 2308
using a ferret in any manner to take or kill rabbits or hares 2309
when they are doing actual and substantial damage to ~~his~~ the 2310
fruit trees or nursery stock. 2311

The possession of the hide, skin, or pelt of a wild bird 2312
or wild quadruped during the closed seasons is prima-facie 2313
evidence that it was illegally taken unless the possessor can 2314
show an original invoice signed by a shipper that the hide, 2315
skin, or pelt was shipped from without the state or furnish 2316
satisfactory proof that it was legally taken or acquired. 2317

(D) No person shall take a wild bird or wild quadruped 2318
from its nest, house, den, or burrow, or destroy such a nest, 2319
house, den, or burrow, or with a spear hunt, pursue, injure, or 2320
kill any wild bird or wild quadruped except as otherwise 2321
provided in this chapter or Chapter 1531. of the Revised Code or 2322
by division rule. Each wild bird or wild quadruped or each hide, 2323
skin, or pelt of any such wild bird or wild quadruped, or part 2324

thereof, taken or had in possession contrary to this section 2325
constitutes a separate offense. 2326

Sec. 1533.03. (A) No person shall purposely prevent or 2327
attempt to prevent any person from hunting, trapping, or fishing 2328
for a wild animal as authorized by this chapter by any of the 2329
following means: 2330

(1) Placing oneself in a location in which ~~he~~ one knows or 2331
should know that ~~his~~ one's presence may affect the behavior of 2332
the wild animal being hunted, trapped, or fished for or 2333
otherwise affect the feasibility of the taking of the wild 2334
animal by the hunter, trapper, or ~~fisherman~~ fisher; 2335

(2) Creating a visual, aural, olfactory, or physical 2336
stimulus intended to affect the behavior of the wild animal 2337
being hunted, trapped, or fished for; 2338

(3) Affecting the condition or location of personal 2339
property intended for use in the hunting, trapping, or fishing 2340
activity. 2341

(B) No person shall fail to obey the order of a peace 2342
officer or wildlife officer to desist from conduct that violates 2343
division (A) of this section. 2344

(C) This section applies only to acts committed on lands 2345
or waters upon which hunting, trapping, or fishing activity may 2346
lawfully occur. This section does not apply to acts of a peace 2347
officer, the owner of the lands or waters, or a ~~tenant~~ lessee or 2348
other person acting under authority of the owner on the lands or 2349
waters. 2350

(D) Upon petition by a person who is or reasonably may be 2351
affected by conduct that violates or will violate division (A) 2352
of this section and a showing by that person that the conduct 2353

has occurred in a particular place and may reasonably be expected to occur in or near that place again, a court of common pleas may enjoin the conduct in accordance with Civil Rule 65.

(E) As used in this section, "peace officer" has the same meaning as in section 2935.01 of the Revised Code, and "wildlife officer" has the same meaning as in section 1531.13 of the Revised Code.

Sec. 1533.10. (A) Except as provided in this section or division (A) (2) of section 1533.12 or section 1533.73 or 1533.731 of the Revised Code, no person shall hunt any wild bird or wild quadruped without a hunting license. Each day that any person hunts within the state without procuring such a license constitutes a separate offense.

(B) (1) Except as otherwise provided in this section, division (A) of section 1533.12 of the Revised Code, or in rules adopted under division (B) of that section, each applicant for a hunting license shall pay an annual fee for each annual license in accordance with the following schedule:

	1	2
A	Hunting license - resident	\$18.00
B	Hunting license - nonresident that is not a resident of a reciprocal state, ages 18 and older	\$174.00
C	Hunting license - nonresident that is a resident of a reciprocal state, ages 18 and older	\$18.00

D	Apprentice hunting license - resident	\$18.00
E	Apprentice hunting license - nonresident that is not a resident of a reciprocal state	\$174.00
F	Apprentice hunting license - nonresident that is a resident of a reciprocal state	\$18.00
G	Youth hunting license - resident and nonresident	\$9.00
H	Apprentice youth hunting license - resident	\$9.00
I	Senior hunting license - resident	\$9.00
J	Apprentice senior hunting license - resident	\$9.00

(2) Apprentice resident hunting licenses, apprentice youth hunting licenses, apprentice senior hunting licenses, and apprentice nonresident hunting licenses are subject to the requirements established under section 1533.102 of the Revised Code and rules adopted under it.

(3) As used in division (B) (1) of this section:

(a) "Youth" means an applicant who is under the age of eighteen years at the time of application for a license.

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license.

(c) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code.

(C) A resident of this state who owns lands in the state and the owner's children of any age and grandchildren under eighteen years of age may hunt on the lands without a hunting

license. A resident of any other state who owns real property in 2388
this state, and the spouse and children living with the property 2389
owner, may hunt on that property without a license, provided 2390
that the state of residence of the real property owner allows 2391
residents of this state owning real property in that state, and 2392
the spouse and children living with the property owner, to hunt 2393
without a license. If the owner of land in this state is a 2394
limited liability company or a limited liability partnership 2395
that consists of three or fewer individual members or partners, 2396
as applicable, an individual member or partner who is a resident 2397
of this state and the member's or partner's children of any age 2398
and grandchildren under eighteen years of age may hunt on the 2399
land owned by the limited liability company or limited liability 2400
partnership without a hunting license. In addition, if the owner 2401
of land in this state is a trust that has a total of three or 2402
fewer trustees and beneficiaries, an individual who is a trustee 2403
or beneficiary and who is a resident of this state and the 2404
individual's children of any age and grandchildren under 2405
eighteen years of age may hunt on the land owned by the trust 2406
without a hunting license. The ~~tenant-lessee~~ and children of the 2407
~~tenant-lessee~~, residing on lands in the state, may hunt on them 2408
without a hunting license. 2409

(D) The chief of the division of wildlife may issue a 2410
small game hunting license expiring three days from the 2411
effective date of the license to a nonresident of the state, the 2412
fee for which is thirty-nine dollars. No person shall take or 2413
possess deer, wild turkeys, fur-bearing animals, ducks, geese, 2414
brant, or any nongame animal while possessing only a small game 2415
hunting license. 2416

A small game hunting license or an apprentice nonresident 2417
hunting license does not authorize the taking or possessing of 2418

ducks, geese, or brant without having obtained, in addition to 2419
the small game hunting license or the apprentice nonresident 2420
hunting license, a wetlands habitat stamp as provided in section 2421
1533.112 of the Revised Code. A small game hunting license or an 2422
apprentice nonresident hunting license does not authorize the 2423
taking or possessing of deer, wild turkeys, or fur-bearing 2424
animals. A nonresident of the state who wishes to take or 2425
possess deer, wild turkeys, or fur-bearing animals in this state 2426
shall procure, respectively, a deer or wild turkey permit as 2427
provided in section 1533.11 of the Revised Code or a fur taker 2428
permit as provided in section 1533.111 of the Revised Code in 2429
addition to a nonresident hunting license, an apprentice 2430
nonresident hunting license, a special youth hunting license, or 2431
an apprentice youth hunting license, as applicable, as provided 2432
in this section. 2433

(E) No person shall procure or attempt to procure a 2434
hunting license by fraud, deceit, misrepresentation, or any 2435
false statement. 2436

(F) (1) This section does not authorize the taking and 2437
possessing of deer or wild turkeys without first having 2438
obtained, in addition to the hunting license required by this 2439
section, a deer or wild turkey permit as provided in section 2440
1533.11 of the Revised Code or the taking and possessing of 2441
ducks, geese, or brant without first having obtained, in 2442
addition to the hunting license required by this section, a 2443
wetlands habitat stamp as provided in section 1533.112 of the 2444
Revised Code. 2445

(2) This section does not authorize the hunting or 2446
trapping of fur-bearing animals without first having obtained, 2447
in addition to a hunting license required by this section, a fur 2448

taker permit as provided in section 1533.111 of the Revised Code. 2449
2450

(G) (1) No hunting license shall be issued unless it is 2451
accompanied by a written explanation of the law in section 2452
1533.17 of the Revised Code and the penalty for its violation, 2453
including a description of terms of imprisonment and fines that 2454
may be imposed. 2455

(2) No hunting license, other than an apprentice hunting 2456
license, shall be issued unless the applicant presents to the 2457
agent authorized to issue the license a previously held hunting 2458
license or evidence of having held such a license in content and 2459
manner approved by the chief, a certificate of completion issued 2460
upon completion of a hunter education and conservation course 2461
approved by the chief, or evidence of equivalent training in 2462
content and manner approved by the chief. A previously held 2463
apprentice hunting license does not satisfy the requirement 2464
concerning the presentation of a previously held hunting license 2465
or evidence of it. 2466

(3) No person shall issue a hunting license, except an 2467
apprentice hunting license, to any person who fails to present 2468
the evidence required by this section. No person shall purchase 2469
or obtain a hunting license, other than an apprentice hunting 2470
license, without presenting to the issuing agent the evidence 2471
required by this section. Issuance of a hunting license in 2472
violation of the requirements of this section is an offense by 2473
both the purchaser of the illegally obtained hunting license and 2474
the clerk or agent who issued the hunting license. Any hunting 2475
license issued in violation of this section is void. 2476

(H) The chief, with approval of the wildlife council, 2477
shall adopt rules prescribing a hunter education and 2478

conservation course for first-time hunting license buyers, other 2479
than buyers of apprentice hunting licenses, and for volunteer 2480
instructors. The course shall consist of subjects including, but 2481
not limited to, hunter safety and health, use of hunting 2482
implements, hunting tradition and ethics, the hunter and 2483
conservation, the law in section 1533.17 of the Revised Code 2484
along with the penalty for its violation, including a 2485
description of terms of imprisonment and fines that may be 2486
imposed, and other law relating to hunting. Authorized personnel 2487
of the division or volunteer instructors approved by the chief 2488
shall conduct such courses with such frequency and at such 2489
locations throughout the state as to reasonably meet the needs 2490
of license applicants. The chief shall issue a certificate of 2491
completion to each person who successfully completes the course 2492
and passes an examination prescribed by the chief. 2493

Sec. 1533.11. (A) (1) Except as provided in this section or 2494
section 1533.731 of the Revised Code, no person shall hunt deer 2495
on lands of another without first obtaining an annual deer 2496
permit. Except as provided in this section, no person shall hunt 2497
wild turkeys on lands of another without first obtaining an 2498
annual wild turkey permit. A deer or wild turkey permit is valid 2499
during the hunting license year in which the permit is 2500
purchased. Except as provided in rules adopted under division 2501
(B) of section 1533.12 of the Revised Code, each applicant for a 2502
deer or wild turkey permit shall pay an annual fee for each 2503
permit in accordance with the following schedule: 2504

2505

A	Deer permit - resident	\$30.00
B	Deer permit - nonresident	\$74.00
C	Youth deer permit - resident and nonresident	\$15.00
D	Senior deer permit - resident	\$11.00
E	Wild turkey permit - resident	\$30.00
F	Wild turkey permit - nonresident	\$37.00
G	Youth wild turkey permit - resident and nonresident	\$15.00
H	Senior wild turkey permit - resident	\$11.00

(2) As used in division (A) (1) of this section:	2506
(a) "Youth" means an applicant who is under the age of	2507
eighteen years at the time of application for a permit.	2508
(b) "Senior" means an applicant who is sixty-six years of	2509
age or older at the time of application for a permit.	2510
(3) The money received shall be paid into the state	2511
treasury to the credit of the wildlife fund, created in section	2512
1531.17 of the Revised Code, exclusively for the use of the	2513
division of wildlife in the acquisition and development of land	2514
for deer or wild turkey management, for investigating deer or	2515
wild turkey problems, and for the stocking, management, and	2516
protection of deer or wild turkey.	2517
(4) Every person, while hunting deer or wild turkey on	2518
lands of another, shall carry the person's deer or wild turkey	2519
permit and exhibit it to any enforcement officer so requesting.	2520
Failure to so carry and exhibit such a permit constitutes an	2521

offense under this section. 2522

(5) The chief of the division of wildlife shall adopt any 2523
additional rules the chief considers necessary to carry out this 2524
section and section 1533.10 of the Revised Code. 2525

(6) An owner who is a resident of this state or an owner 2526
who is exempt from obtaining a hunting license under section 2527
1533.10 of the Revised Code and the children of the owner of 2528
lands in this state may hunt deer or wild turkey thereon without 2529
a deer or wild turkey permit. If the owner of land in this state 2530
is a limited liability company or a limited liability 2531
partnership that consists of three or fewer individual members 2532
or partners, as applicable, an individual member or partner who 2533
is a resident of this state and the member's or partner's 2534
children of any age may hunt deer or wild turkey on the land 2535
owned by the limited liability company or limited liability 2536
partnership without a deer or wild turkey permit. In addition, 2537
if the owner of land in this state is a trust that has a total 2538
of three or fewer trustees and beneficiaries, an individual who 2539
is a trustee or beneficiary and who is a resident of this state 2540
and the individual's children of any age may hunt deer or wild 2541
turkey on the land owned by the trust without a deer or wild 2542
turkey permit. The ~~tenant-lessee~~ and children of the ~~tenant-~~ 2543
lessee may hunt deer or wild turkey on lands where they reside 2544
without a deer or wild turkey permit. 2545

(B) A deer or wild turkey permit is not transferable. No 2546
person shall carry a deer or wild turkey permit issued in the 2547
name of another person. 2548

(C) The wildlife refunds fund is hereby created in the 2549
state treasury. The fund shall consist of money received from 2550
application fees for deer permits that are not issued. Money in 2551

the fund shall be used to make refunds of such application fees. 2552

(D) If the division establishes a system for the 2553
electronic submission of information regarding deer or wild 2554
turkey that are taken, the division shall allow the owner and 2555
the children of the owner of lands in this state to use the 2556
owner's name or address for purposes of submitting that 2557
information electronically via that system. 2558

Sec. 1533.111. (A) Except as provided in this section or 2559
division (A) (2) of section 1533.12 of the Revised Code, no 2560
person shall hunt or trap fur-bearing animals on land of another 2561
without first obtaining some type of an annual fur taker permit. 2562

(B) (1) Except as otherwise provided in rules adopted under 2563
division (B) of section 1533.12 of the Revised Code, each 2564
applicant for a fur taker permit or an apprentice fur taker 2565
permit shall pay an annual fee for each annual permit in 2566
accordance with the following schedule: 2567

2568

	1	2
A	Fur taker permit	\$14.00
B	Apprentice fur taker permit	\$14.00
C	Senior fur taker permit - resident only	\$7.00
D	Apprentice senior fur taker permit - resident only	\$7.00
E	Special youth fur taker permit	\$7.00
F	Apprentice youth fur taker permit	\$7.00

(2) As used in division (B) (1) of this section:	2569
(a) "Youth" means an applicant who is under the age of	2570
eighteen years at the time of application for a permit.	2571
(b) "Senior" means an applicant who is sixty-six years of	2572
age or older at the time of application for a permit.	2573
(C) Each type of fur taker permit is valid during the	2574
hunting license year in which the permit is purchased. The money	2575
received shall be paid into the state treasury to the credit of	2576
the fund established in section 1533.15 of the Revised Code.	2577
Apprentice fur taker permits and apprentice youth fur taker	2578
permits are subject to the requirements established under	2579
section 1533.102 of the Revised Code and rules adopted pursuant	2580
to it.	2581
(D) (1) No person shall issue a fur taker permit to an	2582
applicant unless it is accompanied by a written explanation of	2583
the law in section 1533.17 of the Revised Code and the penalty	2584
for its violation, including a description of terms of	2585
imprisonment and fines that may be imposed.	2586
(2) No person shall issue a fur taker permit, other than	2587
an apprentice fur taker permit or an apprentice youth fur taker	2588
permit, to an applicant unless the applicant presents to the	2589
agent authorized to issue a fur taker permit a previously held	2590
hunting license or trapping or fur taker permit or evidence of	2591
having held such a license or permit in content and manner	2592
approved by the chief of the division of wildlife, a certificate	2593
of completion issued upon completion of a trapper education	2594
course approved by the chief, or evidence of equivalent training	2595
in content and manner approved by the chief. A previously held	2596
apprentice hunting license, apprentice fur taker permit, or	2597

apprentice youth fur taker permit does not satisfy the 2598
requirement concerning the presentation of a previously held 2599
hunting license or fur taker permit or evidence of such a 2600
license or permit. 2601

(3) No person shall issue a fur taker permit, other than 2602
an apprentice fur taker permit or an apprentice youth fur taker 2603
permit, to any person who fails to present the evidence required 2604
by this section. No person shall purchase or obtain a fur taker 2605
permit, other than an apprentice fur taker permit or an 2606
apprentice youth fur taker permit, without presenting to the 2607
issuing agent the evidence required by this section. Issuance of 2608
a fur taker permit in violation of the requirements of this 2609
section is an offense by both the purchaser of the illegally 2610
obtained permit and the clerk or agent who issued the permit. 2611
Any fur taker permit issued in violation of this section is 2612
void. 2613

(E) The chief, with approval of the wildlife council, 2614
shall adopt rules prescribing a trapper education course for 2615
first-time fur taker permit buyers, other than buyers of 2616
apprentice fur taker permits or apprentice youth fur taker 2617
permits, and for volunteer instructors. The course shall consist 2618
of subjects that include, but are not limited to, trapping 2619
techniques, animal habits and identification, trapping tradition 2620
and ethics, the trapper and conservation, the law in section 2621
1533.17 of the Revised Code along with the penalty for its 2622
violation, including a description of terms of imprisonment and 2623
fines that may be imposed, and other law relating to trapping. 2624
Authorized personnel of the division of wildlife or volunteer 2625
instructors approved by the chief shall conduct the courses with 2626
such frequency and at such locations throughout the state as to 2627
reasonably meet the needs of permit applicants. The chief shall 2628

issue a certificate of completion to each person who 2629
successfully completes the course and passes an examination 2630
prescribed by the chief. 2631

(F) Every person, while hunting or trapping fur-bearing 2632
animals on lands of another, shall carry the person's fur taker 2633
permit with the person's signature written on the permit. 2634
Failure to carry such a signed permit constitutes an offense 2635
under this section. The chief shall adopt any additional rules 2636
the chief considers necessary to carry out this section. 2637

(G) An owner who is a resident of this state or an owner 2638
who is exempt from obtaining a hunting license under section 2639
1533.10 of the Revised Code and the children of the owner of 2640
lands in this state may hunt or trap fur-bearing animals thereon 2641
without a fur taker permit. If the owner of land in this state 2642
is a limited liability company or a limited liability 2643
partnership that consists of three or fewer individual members 2644
or partners, as applicable, an individual member or partner who 2645
is a resident of this state and the member's or partner's 2646
children of any age may hunt or trap fur-bearing animals on the 2647
land owned by the limited liability company or limited liability 2648
partnership without a fur taker permit. In addition, if the 2649
owner of land in this state is a trust that has a total of three 2650
or fewer trustees and beneficiaries, an individual who is a 2651
trustee or beneficiary and who is a resident of this state and 2652
the individual's children of any age may hunt or trap fur- 2653
bearing animals on the land owned by the trust without a fur 2654
taker permit. The ~~tenant-lessee~~ and children of the ~~tenant-~~ 2655
lessee may hunt or trap fur-bearing animals on lands where they 2656
reside without a fur taker permit. 2657

(H) A fur taker permit is not transferable. No person 2658

shall carry a fur taker permit issued in the name of another 2659
person. 2660

(I) A fur taker permit entitles a nonresident to take from 2661
this state fur-bearing animals taken and possessed by the 2662
nonresident as provided by law or division rule. 2663

Sec. 1533.32. (A) Except as provided in this section or 2664
division (A) (2) or (C) of section 1533.12 of the Revised Code or 2665
as exempted at the discretion of the chief of the division of 2666
wildlife, no person, including nonresidents, shall take or catch 2667
any fish by angling in any of the waters in the state or engage 2668
in fishing in those waters without a license. No person shall 2669
take or catch frogs or turtles without a valid fishing license, 2670
except as provided in this section. Persons fishing in privately 2671
owned ponds, lakes, or reservoirs to or from which fish are not 2672
accustomed to migrate are exempt from the license requirements 2673
set forth in this section. Persons fishing in privately owned 2674
ponds, lakes, or reservoirs that are open to public fishing 2675
through an agreement or lease with the division of wildlife 2676
shall comply with the license requirements set forth in this 2677
section. 2678

(B) (1) Except as otherwise provided in rules adopted under 2679
division (B) of section 1533.12 of the Revised Code, each 2680
applicant for a fishing license shall pay a fee for each license 2681
in accordance with the following schedule: 2682

2683

1

2

A Annual fishing license - resident \$24.00

B	Annual fishing license - nonresident that is not a resident of a reciprocal state	\$49.00
C	Annual fishing license - nonresident that is a resident of a reciprocal state	\$24.00
D	Annual senior fishing license - resident	\$9.00
E	Three-day tourist fishing license - nonresident that is not a resident of a reciprocal state	\$24.00
F	One-day fishing license	\$13.00

(2) As used in division (B) (1) of this section:	2684
(a) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code.	2685 2686
(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license.	2687 2688
(3) Any person under the age of sixteen years may take or catch frogs and turtles and take or catch fish by angling without a license.	2689 2690 2691
(C) (1) The chief of the division of wildlife may issue a tourist's license expiring three days from the effective date of the license to a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code.	2692 2693 2694 2695
(2) The chief shall adopt rules under section 1531.10 of the Revised Code providing for the issuance of a one-day fishing license to a resident of this state or of any other state. A one-day fishing license shall allow the holder to take or catch	2696 2697 2698 2699

fish by angling in the waters in the state, engage in fishing in 2700
those waters, or take or catch frogs or turtles in those waters 2701
for one day without obtaining an annual license or a tourist's 2702
license under this section. At the request of a holder of a one- 2703
day fishing license who wishes to obtain an annual license, a 2704
clerk or agent authorized to issue licenses under section 2705
1533.13 of the Revised Code, not later than the last day on 2706
which the one-day license would be valid if it were an annual 2707
license, shall credit the amount of the fee paid for the one-day 2708
license toward the fee charged for the annual license if so 2709
authorized by the chief. The clerk or agent shall issue the 2710
annual license upon presentation of the one-day license and 2711
payment of a fee in an amount equal to the difference between 2712
the fee for the annual license and the fee for the one-day 2713
license. 2714

(3) Unless otherwise provided by division rule, each 2715
annual license shall begin on the date of issuance and expire a 2716
year from the date of issuance. 2717

(4) Unless otherwise provided by division rule, each 2718
multi-year license issued in accordance with section 1533.321 of 2719
the Revised Code shall begin on the date of issuance and expire 2720
three years, five years, or ten years from the date of issuance, 2721
as applicable. 2722

(5) No person shall alter a fishing license or possess a 2723
fishing license that has been altered. 2724

(6) No person shall procure or attempt to procure a 2725
fishing license by fraud, deceit, misrepresentation, or any 2726
false statement. 2727

(7) A resident of this state who owns land over, through, 2728

upon, or along which any water flows or stands, except where the 2729
land is in or borders on state parks or state-owned lakes, 2730
together with the members of the immediate families of such 2731
owners, may take frogs and turtles and may take or catch fish of 2732
the kind permitted to be taken or caught therefrom without 2733
procuring a license provided for in this section. This exemption 2734
extends to ~~tenants~~lessees actually residing upon such lands and 2735
to the members of the immediate families of the ~~tenants~~lessees. 2736
A resident of any other state who owns land in this state over, 2737
through, upon, or along which any water flows or stands, except 2738
where the land is in or borders on state parks or state-owned 2739
lakes, and the spouse and children living with the owner, may 2740
take frogs and turtles and may take or catch fish of the kind 2741
permitted to be taken or caught from that water without 2742
obtaining a license under this section, provided that the state 2743
of residence of the owner allows residents of this state owning 2744
real property in that state, and the spouse and children living 2745
with such a property owner, to take frogs and turtles and take 2746
or catch fish without a license. If the owner of such land in 2747
this state is a limited liability company or a limited liability 2748
partnership that consists of three or fewer individual members 2749
or partners, as applicable, an individual member or partner who 2750
is a resident of this state and the member's or partner's 2751
children of any age may take frogs and turtles and may take or 2752
catch fish of the kind permitted to be taken or caught therefrom 2753
without procuring a license provided for in this section. In 2754
addition, if the owner of such land in this state is a trust 2755
that has a total of three or fewer trustees and beneficiaries, 2756
an individual who is a trustee or beneficiary and who is a 2757
resident of this state and the individual's children of any age 2758
may take frogs and turtles and may take or catch fish of the 2759
kind permitted to be taken or caught therefrom without procuring 2760

a license provided for in this section. Residents of state or county institutions, charitable institutions, and military homes in this state may take frogs and turtles without procuring the required license, provided that a member of the institution or home has an identification card, which shall be carried on that person when fishing.

(8) Every fisher required to be licensed, while fishing or taking or attempting to take frogs or turtles, shall carry the license and exhibit it to any person. Failure to so carry and exhibit the license constitutes an offense under this section.

Sec. 1728.01. As used in sections 1728.01 to 1728.13 of the Revised Code:

(A) "Governing body" means, in the case of a municipal corporation, the city council or legislative authority.

(B) "Community urban redevelopment corporation" means a corporation qualified under Chapter 1728. of the Revised Code, to acquire, construct, operate, and maintain a project hereunder, or to acquire, operate, and maintain a project constructed by a corporation so qualified under Chapter 1728. of the Revised Code, and the term "corporation" when used within Chapter 1728. of the Revised Code, shall be understood to be a contraction of the term "community urban redevelopment corporation" except when the context indicates otherwise.

(C) "Impacted city" means a municipal corporation that meets the requirements of either division (C) (1) or (2) of this section:

(1) In attempting to cope with the problems of urbanization, to create or preserve jobs and employment opportunities, and to improve the economic welfare of the people

of the municipal corporation, the municipal corporation has at 2790
some time: 2791

(a) Taken affirmative action by its legislative body to 2792
permit the construction of housing by a metropolitan housing 2793
authority organized pursuant to sections 3735.27 to 3735.39 of 2794
the Revised Code within its corporate boundaries or to permit 2795
such a metropolitan housing authority to lease dwelling units 2796
within its corporate boundaries; and 2797

(b) Been certified by the director of the department of 2798
development that a workable program for community improvement 2799
(which shall include an official plan of action for effectively 2800
dealing with the problem of urban slums and blight within the 2801
community and for the establishment and preservation of a well- 2802
planned community with well-organized residential neighborhoods 2803
of decent homes and suitable living environment for adequate 2804
family life) for utilizing appropriate private and public 2805
resources to eliminate, and to prevent the development or spread 2806
of, slums and urban blight, to encourage needed urban 2807
rehabilitation, to provide for the redevelopment of blighted, 2808
deteriorated, or slum areas, to undertake such activities or 2809
other feasible community activities as may be suitably employed 2810
to achieve the objectives of such a program has been adopted. A 2811
determination by the United States that the impacted city's 2812
workable program meets the federal workable program requirements 2813
shall be sufficient for the director's certification. 2814

(2) Been declared a major disaster area, or part of a 2815
major disaster area, pursuant to the "Disaster Relief Act of 2816
1970," 84 Stat. 1744, 42 U.S.C.A. 4401, as now or hereafter 2817
amended, and has been extensively damaged or destroyed by a 2818
major disaster, provided that impacted city status obtained 2819

pursuant to division (C) (2) of this section lasts for only a 2820
limited period from the date of the declaration, as determined 2821
by the rules promulgated pursuant to division (G) of section 2822
122.06 of the Revised Code, but in the event that an impacted 2823
city, while qualified under such division, enters into a 2824
financial agreement with a community urban redevelopment 2825
corporation pursuant to section 1728.07 of the Revised Code, a 2826
loss of certification under such rules shall not affect that 2827
agreement or the project to which it relates. 2828

(D) "Community development plan" means a plan, as it 2829
exists from time to time, for the redevelopment and renewal of a 2830
blighted area, which plan shall conform to the general plan for 2831
the municipality, and shall be sufficiently complete to indicate 2832
such land acquisition, demolition, and removal of structures, 2833
redevelopment, improvements, and rehabilitation as may be 2834
proposed to be carried out in such blighted area, zoning, and 2835
any planning changes, land uses, maximum densities, and building 2836
requirements. 2837

(E) "Blighted area" has the meaning defined in section 2838
1.08 of the Revised Code. 2839

(F) "Project" means: 2840

(1) As to blighted areas within all municipal 2841
corporations, the undertaking and execution of the redevelopment 2842
of a blighted area by a community urban redevelopment 2843
corporation, in whole or in part, pursuant to a community 2844
development plan approved by the governing body of the municipal 2845
corporation in which such blighted area is situated and in 2846
accordance with an agreement for the sale or lease of all or a 2847
portion of the land concerned in such redevelopment to the 2848
corporation by a municipal corporation, or agency, or authority 2849

including the work to be done in reference thereto, the 2850
designation of the particular proposed buildings to be 2851
constructed and their uses and purposes, the landscaping of the 2852
premises, the streets and access roads, recreational facilities, 2853
if any, the furnishing of the public utilities, the financial 2854
arrangements, and the terms and conditions of the proposed 2855
municipal corporation and approval; and 2856

(2) In addition as to blighted areas within impacted 2857
cities, the undertaking and activities of a community urban 2858
redevelopment corporation in a blighted area for the elimination 2859
and for the prevention of the development or spread of blight 2860
pursuant to a community development plan approved by the 2861
governing body of the impacted city and to the extent agreed to 2862
by the governing body of the impacted city in the financial 2863
agreement provided for in section 1728.07 of the Revised Code 2864
and may involve clearance and redevelopment, or rehabilitation 2865
or conservation or any combination or part thereof, in 2866
accordance with such community development plan, and such 2867
aforesaid undertakings and activities may include acquisition of 2868
a blighted area or portion by purchase or otherwise, and 2869
demolition and removal of buildings and improvements. 2870

(G) "Total project unit cost" or "total project cost" 2871
means the aggregate of the following items as related to any 2872
unit of a project if the project is to be undertaken in units or 2873
to the total project if the project is not to be undertaken in 2874
units: 2875

(1) Cost of the land to the community urban redevelopment 2876
corporation; 2877

(2) Architects', engineers', and attorneys' fees paid or 2878
payable by the corporation in connection with the planning, 2879

construction, and financing of the project;	2880
(3) Surveying and testing charges in connection therewith;	2881
(4) Actual construction cost as certified by the architect, including the cost of any preparation of the site undertaken at the corporation's expense;	2882 2883 2884
(5) Insurance, interest, and finance costs during construction;	2885 2886
(6) Cost of obtaining initial permanent financing;	2887
(7) Commissions and other expenses paid or payable in connection with initial leasing;	2888 2889
(8) Real estate taxes and assessments during the construction period;	2890 2891
(9) Developer's overhead based on a percentage of division (G) (4) of this section, to be computed in accordance with the following schedule:	2892 2893 2894

2895

	1	2
A	\$500,000 or less	- 10 per cent
B	500,001 through \$ 1,000,000	- \$50,000 plus 8 per cent on excess above \$500,000
C	1,000,001 through 2,000,000	- 90,000 plus 7 per cent on excess above 1,000,000
D	2,000,001 through 3,500,000	- 160,000 plus 5.6667 per cent

		on excess above 2,000,000	
E	3,500,001 through 5,500,000	- 245,000 plus 4.25 per cent on excess above 3,500,000	
F	5,500,001 through 10,000,000	- 330,000 plus 3.7778 per cent on excess above 5,500,000	
G	Over 10,000,000	- 5 per cent	

(H) "Annual gross revenue" means the total annual gross rental and other income of a community urban redevelopment corporation from the project. If in any leasing, any real estate taxes or assessments on property included in the project, any premiums for fire or other insurance on or concerning property included in the project, or any operating or maintenance expenses ordinarily paid by a landlord or lessor are to be paid by the tenant or lessee, such payments shall be computed and deemed to be part of the rent and shall be included in the annual gross revenue. The financial agreement provided for in section 1728.07 of the Revised Code shall establish the method of computing such additional revenue, and may establish a method of arbitration where either the landlord or lessor or the tenant or lessee disputes the amount of such payments so included in the annual gross revenue.

(I) "Major disaster" means any tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, fire, or other catastrophe.

(J) "Lessor" and "lessee" have the same meanings as in section 5321.01 of the Revised Code.

Sec. 1923.01. (A) As provided in this chapter, any judge

of a county or municipal court or a court of common pleas, 2917
within the judge's proper area of jurisdiction, may inquire 2918
about persons who make unlawful and forcible entry into lands or 2919
tenements and detain them, and about persons who make a lawful 2920
and peaceable entry into lands or tenements and hold them 2921
unlawfully and by force. If, upon the inquiry, it is found that 2922
an unlawful and forcible entry has been made and the lands or 2923
tenements are detained, or that, after a lawful entry, lands or 2924
tenements are held unlawfully and by force, a judge shall cause 2925
the plaintiff in an action under this chapter to have 2926
restitution of the lands or tenements. 2927

(B) An action shall be brought under this chapter within 2928
two years after the cause of action accrues. 2929

(C) As used in this chapter: 2930

(1) "Lessor" means the owner, lessor, or sublessor of 2931
residential premises, or the agent or person the lessor 2932
authorizes to manage residential premises or to receive rent 2933
from a lessee under a rental agreement, except, if required by 2934
the facts of the action to which the term is applied, "lessor" 2935
means a park operator. 2936

(2) "Tenant" means a person who is entitled under a rental 2937
agreement to the use or occupancy of nonresidential premises, 2938
other than premises located in a manufactured home park, to the 2939
exclusion of others, except that as used in division (A)(6) of 2940
section 1923.02 and section 1923.051 of the Revised Code, 2941
"tenant" includes a manufactured home park resident. 2942

~~(2)~~ (3) "Landlord" means the owner, lessor, or sublessor 2943
of nonresidential premises, or the agent or person the landlord 2944
authorizes to manage nonresidential premises or to receive rent 2945

from a tenant under a rental agreement, ~~except, if required by~~ 2946
~~the facts of the action to which the term is applied, "landlord"~~ 2947
~~means a park operator.~~ 2948

~~(3) "Resident" has the same meaning as in section 4781.01~~ 2949
~~of the Revised Code.~~ (4) "Manufactured home park unit lessee" 2950
means a lessee as defined in section 4781.01 of the Revised 2951
Code. 2952

(5) "Manufactured home park unit owner" means an owner as 2953
defined in section 4781.01 of the Revised Code. 2954

(6) "Lessee" means a person who is entitled under a rental 2955
agreement to the use or occupancy of residential premises, other 2956
than premises located in a manufactured home park, to the 2957
exclusion of others, except that as used in division (A) (6) of 2958
section 1923.02 and section 1923.051 of the Revised Code, 2959
"lessee" includes a manufactured home park unit lessee and a 2960
manufactured home park unit owner. 2961

~~(4)-(7)~~ "Residential premises" has the same meaning as in 2962
section 5321.01 of the Revised Code, except, if required by the 2963
facts of the action to which the term is applied, "residential 2964
premises" has the same meaning as in section 4781.01 of the 2965
Revised Code. 2966

~~(5)-(8)~~ "Rental agreement" means any agreement or lease, 2967
written or oral, that establishes or modifies the terms, 2968
conditions, rules, or other provisions concerning the use or 2969
occupancy of premises by one of the parties to the agreement or 2970
lease, except that "rental agreement," as used in division (A) 2971
(13) of section 1923.02 of the Revised Code and where the 2972
context requires as used in this chapter, means a rental 2973
agreement as defined in division (D) of section 5322.01 of the 2974

Revised Code.	2975
(6) <u>(9)</u> "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	2976 2977
(7) <u>(10)</u> "School premises" has the same meaning as in section 2925.01 of the Revised Code.	2978 2979
(8) <u>(11)</u> "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.	2980 2981 2982
(9) <u>(12)</u> "Recreational vehicle" and "mobile home" have the same meanings as in section 4501.01 of the Revised Code.	2983 2984
(10) <u>(13)</u> "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code.	2985 2986
(11) <u>(14)</u> "Manufactured home park" has the same meaning as in section 4781.01 of the Revised Code and also means any tract of land upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and the owner of the tract of land.	2987 2988 2989 2990 2991 2992 2993
(12) <u>(15)</u> "Park operator" has the same meaning as in section 4781.01 of the Revised Code and also means a landlord <u>lessor</u> of premises upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and a landlord <u>lessor</u> who is not licensed as a manufactured home park operator pursuant to Chapter 4781. of the Revised Code.	2994 2995 2996 2997 2998 2999 3000 3001
(13) <u>(16)</u> "Personal property" means tangible personal	3002

property other than a manufactured home, mobile home, or 3003
recreational vehicle that is the subject of an action under this 3004
chapter. 3005

~~(14)~~ (17) "Preschool or child day-care center premises" 3006
has the same meaning as in section 2950.034 of the Revised Code. 3007

Sec. 1923.02. (A) Proceedings under this chapter may be 3008
had as follows: 3009

(1) Against ~~tenants~~ lessees or manufactured home park 3010
~~residents~~ unit owners or unit lessees holding over their terms; 3011

(2) Against ~~tenants~~ lessees or manufactured home park 3012
~~residents~~ unit owners or unit lessees in possession under an 3013
oral tenancy, who are in default in the payment of rent as 3014
provided in division (B) of this section; 3015

(3) In sales of real estate, on executions, orders, or 3016
other judicial process, when the judgment debtor was in 3017
possession at the time of the rendition of the judgment or 3018
decree, by virtue of which the sale was made; 3019

(4) In sales by executors, administrators, or guardians, 3020
and on partition, when any of the parties to the complaint were 3021
in possession at the commencement of the action, after the 3022
sales, so made on execution or otherwise, have been examined by 3023
the proper court and adjudged legal; 3024

(5) When the defendant is an occupier of lands or 3025
tenements, without color of title, and the complainant has the 3026
right of possession to them; 3027

(6) In any other case of the unlawful and forcible 3028
detention of lands or tenements. For purposes of this division, 3029
in addition to any other type of unlawful and forcible detention 3030

of lands or tenements, such a detention may be determined to 3031
exist when both of the following apply: 3032

(a) A ~~tenant~~-lessee fails to vacate residential premises 3033
within three days after both of the following occur: 3034

(i) The ~~tenant's landlord~~-lessor has actual knowledge of 3035
or has reasonable cause to believe that the ~~tenant~~-lessee, any 3036
person in the ~~tenant's~~-lessee's household, or any person on the 3037
premises with the consent of the ~~tenant~~-lessee previously has or 3038
presently is engaged in a violation of Chapter 2925. or 3719. of 3039
the Revised Code, or of a municipal ordinance that is 3040
substantially similar to any section in either of those 3041
chapters, which involves a controlled substance and which 3042
occurred in, is occurring in, or otherwise was or is connected 3043
with the premises, whether or not the ~~tenant~~-lessee or other 3044
person has been charged with, has pleaded guilty to or been 3045
convicted of, or has been determined to be a delinquent child 3046
for an act that, if committed by an adult, would be a violation 3047
as described in this division. For purposes of this division, a 3048
~~landlord~~-lessor has "actual knowledge of or has reasonable cause 3049
to believe" that a ~~tenant~~-lessee, any person in the ~~tenant's~~- 3050
lessee's household, or any person on the premises with the 3051
consent of the ~~tenant~~-lessee previously has or presently is 3052
engaged in a violation as described in this division if a search 3053
warrant was issued pursuant to Criminal Rule 41 or Chapter 2933. 3054
of the Revised Code; the affidavit presented to obtain the 3055
warrant named or described the ~~tenant~~-lessee or person as the 3056
individual to be searched and particularly described the 3057
~~tenant's~~-lessee's premises as the place to be searched, named or 3058
described one or more controlled substances to be searched for 3059
and seized, stated substantially the offense under Chapter 2925. 3060
or 3719. of the Revised Code or the substantially similar 3061

municipal ordinance that occurred in, is occurring in, or 3062
otherwise was or is connected with the ~~tenant's-lessee's~~ 3063
premises, and states the factual basis for the affiant's belief 3064
that the controlled substances are located on the ~~tenant's-~~ 3065
lessee's premises; the warrant was properly executed by a law 3066
enforcement officer and any controlled substance described in 3067
the affidavit was found by that officer during the search and 3068
seizure; and, subsequent to the search and seizure, the ~~landlord-~~ 3069
lessor was informed by that or another law enforcement officer 3070
of the fact that the ~~tenant-lessee~~ or person has or presently is 3071
engaged in a violation as described in this division and it 3072
occurred in, is occurring in, or otherwise was or is connected 3073
with the ~~tenant's-lessee's~~ premises. 3074

(ii) The ~~landlord-lessor~~ gives the ~~tenant-lessee~~ the 3075
notice required by division (C) of section 5321.17 of the 3076
Revised Code. 3077

(b) The court determines, by a preponderance of the 3078
evidence, that the ~~tenant-lessee~~, any person in the ~~tenant's-~~ 3079
lessee's household, or any person on the premises with the 3080
consent of the ~~tenant-lessee~~ previously has or presently is 3081
engaged in a violation as described in division (A) (6) (a) (i) of 3082
this section. 3083

(7) In cases arising out of Chapter 5313. of the Revised 3084
Code. In those cases, the court has the authority to declare a 3085
forfeiture of the vendee's rights under a land installment 3086
contract and to grant any other claims arising out of the 3087
contract. 3088

(8) Against tenants or lessees who have breached an 3089
obligation that is imposed by section 5321.05 of the Revised 3090
Code, other than the obligation specified in division (A) (9) of 3091

that section, and that materially affects health and safety. 3092
Prior to the commencement of an action under this division, 3093
notice shall be given to the tenant or lessee and compliance 3094
secured with section 5321.11 of the Revised Code. 3095

(9) Against tenants or lessees who have breached an 3096
obligation imposed upon them by a written rental agreement; 3097

(10) Against manufactured home park ~~residents~~ unit owners 3098
or unit lessees who have defaulted in the payment of rent or 3099
breached the terms of a rental agreement with a park operator. 3100
Nothing in this division precludes the commencement of an action 3101
under division (A) (12) of this section when the additional 3102
circumstances described in that division apply. 3103

(11) Against manufactured home park ~~residents~~ unit owners 3104
or unit lessees who have committed two material violations of 3105
the rules of the manufactured home park, of the division of 3106
industrial compliance of the department of commerce, or of 3107
applicable state and local health and safety codes and who have 3108
been notified of the violations in compliance with section 3109
4781.45 of the Revised Code; 3110

(12) Against a manufactured home park ~~resident~~ unit owner 3111
or unit lessee, or the estate of a manufactured home park 3112
~~resident~~ unit owner or unit lessee, who as a result of death or 3113
otherwise has been absent from the manufactured home park for a 3114
period of thirty consecutive days prior to the commencement of 3115
an action under this division and whose manufactured home or 3116
mobile home, or recreational vehicle that is parked in the 3117
manufactured home park, has been left unoccupied for that 3118
thirty-day period, without notice to the park operator and 3119
without payment of rent due under the rental agreement with the 3120
park operator; 3121

(13) Against occupants of self-service storage facilities, 3122
as defined in division (A) of section 5322.01 of the Revised 3123
Code, who have breached the terms of a rental agreement or 3124
violated section 5322.04 of the Revised Code; 3125

(14) Against any resident or occupant who, pursuant to a 3126
rental agreement, resides in or occupies residential premises 3127
located within one thousand feet of any school premises or 3128
preschool or child day-care center premises and to whom both of 3129
the following apply: 3130

(a) The resident's or occupant's name appears on the state 3131
registry of sex offenders and child-victim offenders maintained 3132
under section 2950.13 of the Revised Code. 3133

(b) The state registry of sex offenders and child-victim 3134
offenders indicates that the resident or occupant was convicted 3135
of or pleaded guilty to a sexually oriented offense or a child- 3136
victim oriented offense in a criminal prosecution and was not 3137
sentenced to a serious youthful offender dispositional sentence 3138
for that offense. 3139

(15) Against any ~~tenant~~-lessee who permits any person to 3140
occupy residential premises located within one thousand feet of 3141
any school premises or preschool or child day-care center 3142
premises if both of the following apply to the person: 3143

(a) The person's name appears on the state registry of sex 3144
offenders and child-victim offenders maintained under section 3145
2950.13 of the Revised Code. 3146

(b) The state registry of sex offenders and child-victim 3147
offenders indicates that the person was convicted of or pleaded 3148
guilty to a sexually oriented offense or a child-victim oriented 3149
offense in a criminal prosecution and was not sentenced to a 3150

serious youthful offender dispositional sentence for that 3151
offense. 3152

(B) If a ~~tenant-lessee~~ or manufactured home park ~~resident-~~ 3153
~~unit owner or unit lessee~~ holding under an oral tenancy is in 3154
default in the payment of rent, the ~~tenant or resident-lessee or~~ 3155
~~manufactured home park unit owner or unit lessee~~ forfeits the 3156
right of occupancy, and the ~~landlord-lessor~~ may, at the 3157
~~landlord's-lessor's~~ option, terminate the tenancy by notifying 3158
the ~~tenant or resident-lessee or manufactured home park unit~~ 3159
~~owner or unit lessee~~, as provided in section 1923.04 of the 3160
Revised Code, to leave the premises, for the restitution of 3161
which an action may then be brought under this chapter. 3162

(C) (1) If a ~~tenant-lessee~~ or any other person with the 3163
~~tenant's-lessee's~~ permission resides in or occupies residential 3164
premises that are located within one thousand feet of any school 3165
premises and is a resident or occupant of the type described in 3166
division (A) (14) of this section or a person of the type 3167
described in division (A) (15) of this section, the ~~landlord-~~ 3168
~~lessor~~ for those residential premises, upon discovery that the 3169
~~tenant-lessee~~ or other person is a resident, occupant, or person 3170
of that nature, may terminate the rental agreement or tenancy 3171
for those residential premises by notifying the ~~tenant-lessee~~ 3172
and all other occupants, as provided in section 1923.04 of the 3173
Revised Code, to leave the premises. 3174

(2) If a ~~landlord-lessor~~ is authorized to terminate a 3175
rental agreement or tenancy pursuant to division (C) (1) of this 3176
section but does not so terminate the rental agreement or 3177
tenancy, the ~~landlord-lessor~~ is not liable in a tort or other 3178
civil action in damages for any injury, death, or loss to person 3179
or property that allegedly result from that decision. 3180

(D) This chapter does not apply to a student ~~tenant-lessee~~ 3181
as defined by division (H) of section 5321.01 of the Revised 3182
Code when the college or university proceeds to terminate a 3183
rental agreement pursuant to section 5321.031 of the Revised 3184
Code. 3185

Sec. 1923.04. (A) Except as provided in division (B) or 3186
(C) of this section, a party desiring to commence an action 3187
under this chapter shall notify the adverse party to leave the 3188
premises, for the possession of which the action is about to be 3189
brought, three or more days before beginning the action, by 3190
certified mail, return receipt requested, or by handing a 3191
written copy of the notice to the defendant in person, or by 3192
leaving it at the defendant's usual place of abode or at the 3193
premises from which the defendant is sought to be evicted. 3194

Every notice given under this section by a ~~landlord-lessor~~ 3195
to recover residential premises shall contain the following 3196
language printed or written in a conspicuous manner: "You are 3197
being asked to leave the premises. If you do not leave, an 3198
eviction action may be initiated against you. If you are in 3199
doubt regarding your legal rights and obligations as a 3200
~~tenant-lessee~~, it is recommended that you seek legal assistance." 3201

(B) The service of notice pursuant to section 5313.06 of 3202
the Revised Code constitutes compliance with the notice 3203
requirement of division (A) of this section. The service of the 3204
notice required by division (C) of section 5321.17 of the 3205
Revised Code constitutes compliance with the notice requirement 3206
of division (A) of this section. 3207

(C) If the adverse party in an action under this chapter 3208
is a deceased ~~resident-unit owner or unit lessee~~ of a 3209
manufactured home park, the notice required by division (A) of 3210

this section shall be left at the premises from which the 3211
defendant is sought to be evicted and also shall be sent by 3212
ordinary mail to the following persons if their names and 3213
addresses are known to the park operator: 3214

(1) If a probate court has granted letters testamentary or 3215
of administration for the estate of the adverse party in 3216
accordance with Title XXI of the Revised Code, the executor or 3217
administrator appointed by the probate court; 3218

(2) The deceased ~~resident's~~ manufactured home park unit 3219
owner's or unit lessee's spouse and any other members of the 3220
deceased ~~resident's~~ unit owner's or unit lessee's immediate 3221
family. 3222

Sec. 1923.051. (A) Notwithstanding the time-for-service of 3223
a summons provision of division (A) of section 1923.06 of the 3224
Revised Code, if the complaint described in section 1923.05 of 3225
the Revised Code that is filed by a landlord or lessor in an 3226
action under this chapter states that the landlord or lessor 3227
seeks a judgment of restitution based on the grounds specified 3228
in divisions (A)(6)(a) and (b) of section 1923.02 of the Revised 3229
Code, then the clerk of the municipal court, county court, or 3230
court of common pleas in which the complaint is filed shall 3231
cause both of the following to occur: 3232

(1) The service and return of the summons in the action in 3233
accordance with the Rules of Civil Procedure, which service 3234
shall be made, if possible, within three working days after the 3235
filing of the complaint; 3236

(2) The action to be set for trial not later than the 3237
thirtieth calendar day after the date that the tenant or lessee 3238
is served with a copy of the summons in accordance with division 3239

(A) (1) of this section. 3240

(B) The tenant or lessee in an action under this chapter 3241
as described in division (A) of this section is not required to 3242
file an answer to the complaint of the landlord or lessor, and 3243
may present any defenses that the tenant or lessee may possess 3244
at the trial of the action in accordance with section 1923.061 3245
of the Revised Code. 3246

(C) No continuances of an action under this chapter as 3247
described in division (A) of this section shall be permitted 3248
under section 1923.08 of the Revised Code, and if the tenant or 3249
lessee in the action does not appear at the trial and the 3250
summons in the action was properly served in accordance with 3251
division (A) (1) of this section, then the court shall try the 3252
action in accordance with section 1923.07 of the Revised Code. 3253

(D) All provisions of this chapter that are not 3254
inconsistent with this section shall apply to an action under 3255
this chapter as described in division (A) of this section. 3256

Sec. 1923.061. (A) Any defense in an action under this 3257
chapter may be asserted at trial. 3258

(B) In an action for possession of residential premises 3259
based upon nonpayment of the rent or in an action for rent when 3260
the ~~tenant-lessee~~ or manufactured home park ~~resident-unit owner~~ 3261
or unit lessee is in possession, the ~~tenant-lessee~~ or ~~resident-~~ 3262
unit owner or unit lessee may counterclaim for any amount the 3263
~~tenant-lessee~~ or ~~resident-unit owner or unit lessee~~ may recover 3264
under the rental agreement or under Chapter 4781. or 5321. of 3265
the Revised Code. In that event, the court from time to time may 3266
order the ~~tenant-lessee~~ or ~~resident-unit owner or unit lessee~~ to 3267
pay into court all or part of the past due rent and rent 3268

becoming due during the pendency of the action. After trial and 3269
judgment, the party to whom a net judgment is owed shall be paid 3270
first from the money paid into court, and any balance shall be 3271
satisfied as any other judgment. If no rent remains due after 3272
application of this division, judgment shall be entered for the 3273
~~tenant-lessee~~ or ~~resident-unit~~ owner or unit lessee in the 3274
action for possession. If the ~~tenant-lessee~~ or ~~resident-unit~~ 3275
~~owner~~ or unit lessee has paid into court an amount greater than 3276
that necessary to satisfy a judgment obtained by the 3277
~~landlord~~ lessor, the balance shall be returned by the court to 3278
the ~~tenant-lessee~~ or ~~resident-unit~~ owner or unit lessee. 3279

Sec. 1923.062. (A) In an action under this chapter for 3280
possession of residential premises of a ~~tenant-lessee~~ or 3281
manufactured home park ~~resident-unit~~ owner or unit lessee who is 3282
deployed on active duty or of any member of the ~~tenant's or~~ 3283
~~resident's~~ lessee's, unit lessee's, or unit owner's immediate 3284
family, if the ~~tenant or resident-lessee, unit owner, or unit~~ 3285
~~lessee~~ entered into the rental agreement on or after ~~the~~ 3286
~~effective date of this section~~ May 18, 2005, the court may, on 3287
its own motion, and shall, upon motion made by or on behalf of 3288
the ~~tenant or resident-lessee, unit owner, or unit lessee,~~ do 3289
either of the following if the ~~tenant's or resident's-lessee's,~~ 3290
~~unit owner's, or unit lessee's~~ ability to pay the agreed rent is 3291
materially affected by the deployment on active duty: 3292

(1) Stay the proceedings for a period of ninety days, 3293
unless, in the opinion of the court, justice and equity require 3294
a longer or shorter period of time; 3295

(2) Adjust the obligation under the rental agreement to 3296
preserve the interest of all parties to it. 3297

(B) If a stay is granted under division (A) of this 3298

section, the court may grant the ~~landlord-lessee~~ or park operator such relief as equity may require. 3299
3300

(C) This section does not apply to ~~landlords-lessors~~ or park operators operating less than four residential premises. 3301
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(D) As used in this section, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code. 3303
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Sec. 1923.12. (A) If a ~~resident-manufactured home park unit owner or unit lessee~~ or a ~~resident's-unit owner's or unit lessee's~~ estate has been evicted from a manufactured home park pursuant to a judgment entered under section 1923.09 or 1923.11 of the Revised Code and if the ~~resident-unit owner, unit lessee,~~ or estate has abandoned or otherwise left unoccupied the ~~resident's-unit owner's or unit lessee's~~ manufactured home, mobile home, or recreational vehicle on the residential premises of the manufactured home park for a period of three days following the entry of the judgment, the operator of the manufactured home park may provide to the titled owner of the home or vehicle a written notice to remove the home or vehicle from the manufactured home park within fourteen days from the date of the delivery of the notice. The park operator shall deliver or cause the delivery of the notice by personal delivery to the owner or by ordinary mail sent to the last known address of the owner. Except as provided in divisions (D) and (E) of this section, if the owner of the manufactured home, mobile home, or recreational vehicle does not remove it or cause it to be removed from the manufactured home park within fourteen days from the date of the delivery of the notice, the park operator may follow the procedures of division (B) of section 1923.13 and 3307
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division (B) of section 1923.14 of the Revised Code to permit 3329
the removal of the home or vehicle from the manufactured home 3330
park, and the potential sale, destruction, or transfer of 3331
ownership of the home or vehicle. 3332

(B) Every notice provided to the titled owner of a 3333
manufactured home, mobile home, or recreational vehicle under 3334
this section shall contain the following language printed in a 3335
conspicuous manner: "You are being asked to remove your 3336
manufactured home, mobile home, or recreational vehicle from the 3337
residential premises of _____, a manufactured home park, in 3338
accordance with a judgment of eviction entered in _____ 3339
court on _____ against _____. If the manufactured 3340
home, mobile home, or recreational vehicle is not removed from 3341
the manufactured home park within fourteen days from the date of 3342
delivery of this notice, the home or vehicle may be sold or 3343
destroyed, or its title may be transferred to _____, 3344
pursuant to division (B) of both sections 1923.13 and 1923.14 of 3345
the Revised Code. If you are in doubt regarding your legal 3346
rights, it is recommended that you seek legal assistance." 3347

(C) (1) Before requesting a writ of execution under 3348
division (B) of section 1923.13 of the Revised Code, the park 3349
operator shall conduct or cause to be conducted a search of the 3350
appropriate public records that relate to the manufactured home, 3351
mobile home, or recreational vehicle, and make or cause to be 3352
made reasonably diligent inquiries, for the purpose of 3353
identifying any persons who have an outstanding right, title, or 3354
interest in the home or vehicle. 3355

(2) If the search or inquiries pursuant to division (C) (1) 3356
of this section reveal any person who has an outstanding right, 3357
title, or interest in the manufactured home, mobile home, or 3358

recreational vehicle, the park operator shall provide to the 3359
person a written notice to remove the home or vehicle from the 3360
manufactured home park or arrange for the sale of the home or 3361
vehicle within twenty-one days from the date of the delivery of 3362
the notice. 3363

The notice shall contain the following language printed in 3364
a conspicuous manner: "You are being asked to remove the 3365
manufactured home, mobile home, or recreational vehicle that you 3366
have an outstanding right, title, or interest in from the 3367
residential premises of _____, a manufactured home park, in 3368
accordance with a judgment of eviction entered in _____ 3369
court on _____ against _____. If the manufactured 3370
home, mobile home, or recreational vehicle is not removed from 3371
the manufactured home park within twenty-one days from the date 3372
of delivery of this notice, the home or vehicle may be sold or 3373
destroyed, or its title may be transferred to _____, 3374
pursuant to division (B) of both sections 1923.13 and 1923.14 of 3375
the Revised Code. If you are in doubt regarding your legal 3376
rights, it is recommended that you seek legal assistance." 3377

The park operator shall deliver or cause the delivery of 3378
the notice by personal delivery to the person or by ordinary 3379
mail sent to the last known address of the person. If a sale of 3380
the home or vehicle is arranged, the person shall pay any rent 3381
due to the park operator during the pendency of the sale. If the 3382
person does not remove the home or vehicle or arrange for its 3383
sale within twenty-one days from the date of the delivery of the 3384
notice, the park operator may follow the procedures of division 3385
(B) of section 1923.13 and division (B) of section 1923.14 of 3386
the Revised Code to permit the removal of the home or vehicle 3387
from the manufactured home park, and the potential sale, 3388
destruction, or transfer of ownership of the home or vehicle. 3389

(3) If the search or inquiries reveal no person who has an
outstanding right, title, or interest in the manufactured home,
mobile home, or recreational vehicle, the park operator may
follow the procedures of division (B) of section 1923.13 and
division (B) of section 1923.14 of the Revised Code to permit
the removal of the home or vehicle from the manufactured home
park, and the potential sale, destruction, or transfer of
ownership of the home or vehicle.

(D) When a deceased ~~resident~~ manufactured home park unit
owner or unit lessee or a ~~resident's~~ unit owner's or unit
lessee's estate has been evicted from a manufactured home park
pursuant to a judgment entered under section 1923.09 or 1923.11
of the Revised Code, the removal from the park and potential
sale, destruction, or transfer of ownership of the ~~resident's~~
unit owner's or unit lessee's manufactured home, mobile home, or
recreational vehicle and any personal property abandoned on the
residential premises shall be conducted in the manner prescribed
by the probate court in which letters testamentary or of
administration have been granted for the estate in accordance
with Title XXI of the Revised Code. The park operator may store
the ~~resident's~~ manufactured home, mobile home, or recreational
vehicle at a storage facility or at another location within the
manufactured home park during the administration of the estate.
The park operator shall notify the executor or administrator of
the ~~resident's~~ unit owner's or unit lessee's estate where the
manufactured home, mobile home, or recreational vehicle will be
stored during the administration of the estate. The costs for
the removal and storage of the manufactured home, mobile home,
or recreational vehicle shall be a claim against the ~~resident's~~
estate without further presentation of the claim to the executor
or administrator.

(E) (1) When the ~~resident~~manufactured home park unit owner 3421
or unit lessee who has been evicted from a manufactured home 3422
park pursuant to a judgment entered under section 1923.09 or 3423
1923.11 of the Revised Code is the titled owner of a 3424
manufactured home, mobile home, or recreational vehicle and is 3425
or becomes deceased prior to the removal of the home or vehicle 3426
from the manufactured home park, and no probate court has 3427
granted administration with respect to the ~~resident's~~ 3428
manufactured home park unit owner's or unit lessee's estate 3429
within ninety days of the deceased's death, the park operator 3430
may store the home or vehicle at a storage facility or at 3431
another location within the manufactured home park before and 3432
after a probate court grants letters testamentary or of 3433
administration with respect to the ~~resident's~~manufactured home 3434
park unit owner's or unit lessee's estate pursuant to Title XXI 3435
of the Revised Code. 3436

(2) If a probate court grants administration with respect 3437
to the ~~resident's~~manufactured home park unit owner's or unit 3438
lessee's estate within ninety days of the date of the eviction 3439
of the ~~resident~~unit owner or unit lessee from the park, the 3440
removal of the manufactured home, mobile home, or recreational 3441
vehicle from the park and potential sale, destruction, or 3442
transfer of ownership of the home or vehicle shall be conducted 3443
pursuant to division (D) of this section. 3444

(3) If no probate court grants administration with respect 3445
to the ~~resident's~~manufactured home park unit owner's or unit 3446
lessee's estate within ninety days of the date of the eviction 3447
of the ~~resident~~unit owner or unit lessee from the manufactured 3448
home park pursuant to a judgment entered under section 1923.09 3449
or 1923.11 of the Revised Code, the park operator shall conduct 3450
or cause to be conducted a search of the appropriate public 3451

records that relate to the manufactured home, mobile home, or recreational vehicle, and make or cause to be made reasonably diligent inquiries, for the purpose of identifying any persons who have an outstanding right, title, or interest in the home or vehicle.

(a) If the search or inquiries pursuant to division (E) (3) of this section reveal any person who has an outstanding right, title, or interest in the manufactured home, mobile home, or recreational vehicle, the park operator shall provide to the person a written notice to remove the home or vehicle from the manufactured home park or arrange for the sale of the home or vehicle within twenty-one days from the date of the delivery of the notice. The notice shall be in the form described in division (C) (2) of this section. The park operator shall deliver or cause the delivery of the notice by personal delivery to the person or by ordinary mail sent to the last known address of the person. If a sale of the home or vehicle is arranged, the person shall pay any rent due to the park operator during the pendency of the sale. If the person does not remove the home or vehicle or arrange for its sale within twenty-one days from the date of the delivery of the notice, the park operator may follow the procedures of division (B) of section 1923.13 and division (B) of section 1923.14 of the Revised Code to permit the removal of the home or vehicle from the manufactured home park, and the potential sale, destruction, or transfer of ownership of the home or vehicle.

(b) If the search or inquiries reveal no person who has an outstanding right, title, or interest in the manufactured home, mobile home, or recreational vehicle, the park operator shall publish notice of a petition for a writ of execution in a newspaper of general circulation in the county where the home or

vehicle has been abandoned. The publication shall contain the 3483
name of the deceased and the last known address of the home or 3484
vehicle and shall run for two consecutive weeks. The park 3485
operator shall provide to the clerk of the court written 3486
certification by the newspaper of the dates of the publication 3487
and an affidavit signed by the operator attesting to the 3488
publication. The park operator may then follow the procedures of 3489
division (B) of section 1923.13 and division (B) of section 3490
1923.14 of the Revised Code to permit the removal of the home or 3491
vehicle from the manufactured home park, and the potential sale, 3492
destruction, or transfer of ownership of the home or vehicle. 3493

Sec. 1923.15. During any proceeding involving residential 3494
premises under this chapter, the court may order an appropriate 3495
governmental agency to inspect the residential premises. If the 3496
agency determines and the court finds conditions which 3497
constitute a violation of section 4781.38 or 5321.04 of the 3498
Revised Code, and if the premises have been vacated or are to be 3499
restored to the ~~landlord~~lessor, the court may issue an order 3500
forbidding the re-rental of the property until such conditions 3501
are corrected. If the agency determines and the court finds such 3502
conditions, and if the court finds that the ~~tenant or lessee or~~ 3503
manufactured home park ~~resident~~unit owner or unit lessee may 3504
remain in possession, the court may order such conditions 3505
corrected. If such conditions have been caused by the ~~tenant or~~ 3506
~~resident~~lessee or manufactured home park unit owner or unit 3507
lessee, the court may award damages to the ~~landlord~~lessor equal 3508
to the reasonable cost of correcting such conditions. 3509

Sec. 2111.25. A guardian of the person and estate or of 3510
the estate only, without application to the probate court, may 3511
lease the possession or use of any real property of the ward for 3512
a term not exceeding three years, provided the term does not 3513

extend beyond the minority, if the ward is a minor. If the lease 3514
extends beyond the death of the ward or beyond the removal of 3515
the disability of a ward other than a minor, the lease shall 3516
terminate on that death or removal of disability, unless 3517
confirmed by the ward or the ward's legal representatives. In 3518
the event of such determination, the tenant or lessee, as 3519
defined in section 5321.01 of the Revised Code, shall have a 3520
lien on the premises for any sum expended by the tenant or 3521
lessee in pursuance of the lease in making improvements for 3522
which compensation was not made in rent or otherwise. 3523

Sec. 2111.31. If the report of the appraisers under 3524
section 2111.30 of the Revised Code is favorable to the lease 3525
and on the final hearing the court is of the opinion that it 3526
will be to the advantage of the ward, those whom the ward is 3527
required by law to support, or the estate to lease the real 3528
property, the probate court shall make an order authorizing the 3529
lease to be made by public or private letting, as it considers 3530
best, on the terms, covenants, conditions, and stipulations, 3531
either in accordance with those set forth in the petition or 3532
otherwise, that it directs, provided the terms, covenants, 3533
conditions, and stipulations are not less favorable to the ward 3534
than those reported by the appraisers. The lease shall not take 3535
effect until the lease and the security, if any, prescribed in 3536
the lease are approved and confirmed. 3537

The lease made pursuant to the court order may provide 3538
that the improvements shall be made by the tenant or lessee, as 3539
defined in section 5321.01 of the Revised Code, as part of the 3540
rent, or by the guardian, either out of the rent or other means 3541
of the ward as the court directs. 3542

If the lease is for the mining or removal of mineral or 3543

other substances and the guardian is unable to lease the lands 3544
upon the terms ordered, the guardian may report the fact to the 3545
court and the court may change the terms of leasing, but not 3546
below the customary royalty in the vicinity of the lands. 3547

Sec. 2305.131. (A) (1) Notwithstanding an otherwise 3548
applicable period of limitations specified in this chapter or in 3549
section 2125.02 of the Revised Code and except as otherwise 3550
provided in divisions (A) (2), (A) (3), (C), and (D) of this 3551
section, no cause of action to recover damages for bodily 3552
injury, an injury to real or personal property, or wrongful 3553
death that arises out of a defective and unsafe condition of an 3554
improvement to real property and no cause of action for 3555
contribution or indemnity for damages sustained as a result of 3556
bodily injury, an injury to real or personal property, or 3557
wrongful death that arises out of a defective and unsafe 3558
condition of an improvement to real property shall accrue 3559
against a person who performed services for the improvement to 3560
real property or a person who furnished the design, planning, 3561
supervision of construction, or construction of the improvement 3562
to real property later than ten years from the date of 3563
substantial completion of such improvement. 3564

(2) Notwithstanding an otherwise applicable period of 3565
limitations specified in this chapter or in section 2125.02 of 3566
the Revised Code, a claimant who discovers a defective and 3567
unsafe condition of an improvement to real property during the 3568
ten-year period specified in division (A) (1) of this section but 3569
less than two years prior to the expiration of that period may 3570
commence a civil action to recover damages as described in that 3571
division within two years from the date of the discovery of that 3572
defective and unsafe condition. 3573

(3) Notwithstanding an otherwise applicable period of 3574
limitations specified in this chapter or in section 2125.02 of 3575
the Revised Code, if a cause of action that arises out of a 3576
defective and unsafe condition of an improvement to real 3577
property accrues during the ten-year period specified in 3578
division (A)(1) of this section and the plaintiff cannot 3579
commence an action during that period due to a disability 3580
described in section 2305.16 of the Revised Code, the plaintiff 3581
may commence a civil action to recover damages as described in 3582
that division within two years from the removal of that 3583
disability. 3584

(B) Division (A) of this section does not apply to a civil 3585
action commenced against a person who is an owner of, tenant of, 3586
lessee of, lessor of, landlord of, or other person in possession 3587
and control of an improvement to real property and who is in 3588
actual possession and control of the improvement to real 3589
property at the time that the defective and unsafe condition of 3590
the improvement to real property constitutes the proximate cause 3591
of the bodily injury, injury to real or personal property, or 3592
wrongful death that is the subject matter of the civil action. 3593

(C) Division (A)(1) of this section is not available as an 3594
affirmative defense to a defendant in a civil action described 3595
in that division if the defendant engages in fraud in regard to 3596
furnishing the design, planning, supervision of construction, or 3597
construction of an improvement to real property or in regard to 3598
any relevant fact or other information that pertains to the act 3599
or omission constituting the alleged basis of the bodily injury, 3600
injury to real or personal property, or wrongful death or to the 3601
defective and unsafe condition of the improvement to real 3602
property. 3603

(D) Division (A) (1) of this section does not prohibit the commencement of a civil action for damages against a person who has expressly warranted or guaranteed an improvement to real property for a period longer than the period described in division (A) (1) of this section and whose warranty or guarantee has not expired as of the time of the alleged bodily injury, injury to real or personal property, or wrongful death in accordance with the terms of that warranty or guarantee.

(E) This section does not create a new cause of action or substantive legal right against any person resulting from the design, planning, supervision of construction, or construction of an improvement to real property.

(F) This section shall be considered to be purely remedial in operation and shall be applied in a remedial manner in any civil action commenced on or after ~~the effective date of this section~~ April 7, 2005, in which this section is relevant, regardless of when the cause of action accrued and notwithstanding any other section of the Revised Code or prior rule of law of this state, but shall not be construed to apply to any civil action pending prior to ~~the effective date of this section~~ April 7, 2005.

(G) As used in this section, ~~"substantial":~~

(1) "Lessor" has the same meaning as in section 5321.01 of the Revised Code.

(2) "Lessee" has the same meaning as in section 5321.01 of the Revised Code.

(3) "Substantial completion" means the date the improvement to real property is first used by the owner, ~~or~~ tenant, ~~or~~ lessee of the real property or when the real

property is first available for use after having the improvement 3633
completed in accordance with the contract or agreement covering 3634
the improvement, including any agreed changes to the contract or 3635
agreement, whichever occurs first. 3636

Sec. 2308.02. (A) A mortgagee who files a foreclosure 3637
action on a residential property may file a motion with the 3638
court to proceed in an expedited manner under this section on 3639
the basis that the property is vacant and abandoned. In order to 3640
proceed in an expedited manner, upon the filing of such motion, 3641
the mortgagee must be a person entitled to enforce the 3642
instrument secured by the mortgage under division (A) (1) or (2) 3643
of section 1303.31 of the Revised Code or a person with the 3644
right to enforce the obligation secured by the mortgage pursuant 3645
to law outside of Chapter 1303. of the Revised Code. 3646

(B) If a motion to proceed in an expedited manner is filed 3647
before the last answer period has expired, the court shall 3648
decide the motion not later than twenty-one days, or within the 3649
time consistent with the local rules, after the last answer 3650
period has expired. If a motion to proceed in an expedited 3651
manner is filed after the last answer period has expired, the 3652
court shall decide the motion not later than twenty-one days, or 3653
within the time consistent with local rules, after the motion is 3654
filed. 3655

(C) In deciding the motion to proceed in an expedited 3656
manner, the court shall hold an oral hearing and deem the 3657
property to be vacant and abandoned if all of the following 3658
apply: 3659

(1) The court finds by a preponderance of the evidence 3660
that the residential mortgage loan is in monetary default. 3661

(2) The court finds by a preponderance of the evidence 3662
that the mortgagee is a person entitled to enforce the 3663
instrument secured by the mortgage under division (A) (1) or (2) 3664
of section 1303.31 of the Revised Code or a person with the 3665
right to enforce the obligation secured by the mortgage pursuant 3666
to law outside of Chapter 1303. of the Revised Code. 3667

(3) The court finds by clear and convincing evidence that 3668
at least three of the following factors are true: 3669

(a) Gas, electric, sewer, or water utility services to the 3670
property have been disconnected. 3671

(b) Windows or entrances to the property are boarded up or 3672
closed off, or multiple window panes are broken and unrepaired. 3673

(c) Doors on the property are smashed through, broken off, 3674
unhinged, or continuously unlocked. 3675

(d) Junk, litter, trash, debris, or hazardous, noxious, or 3676
unhealthy substances or materials have accumulated on the 3677
property. 3678

(e) Furnishings, window treatments, or personal items are 3679
absent from the structure on the land. 3680

(f) The property is the object of vandalism, loitering, or 3681
criminal conduct, or there has been physical destruction or 3682
deterioration of the property. 3683

(g) A mortgagor has made a written statement expressing 3684
the intention of all mortgagors to abandon the property. 3685

(h) Neither an owner nor a ~~tenant~~ lessee as defined in 3686
section 5321.01 of the Revised Code appears to be residing in 3687
the property at the time of an inspection of the property by the 3688
appropriate official of a county, municipal corporation, or 3689

township in which the property is located or by the mortgagee. 3690

(i) The appropriate official of a county, municipal 3691
corporation, or township in which the property is located 3692
provides a written statement or statements indicating that the 3693
structure on the land is vacant and abandoned. 3694

(j) The property is sealed because, immediately prior to 3695
being sealed, it was considered by the appropriate official of a 3696
county, municipal corporation, or township in which the property 3697
is located to be open, vacant, or vandalized. 3698

(k) Other reasonable indicia of abandonment exist. 3699

(4) No mortgagor or other defendant has filed an answer or 3700
objection setting forth a defense or objection that, if proven, 3701
would preclude the entry of a final judgment and decree of 3702
foreclosure. 3703

(5) No mortgagor or other defendant has filed a written 3704
statement with the court indicating that the property is not 3705
vacant and abandoned. 3706

(6) (a) If a government official has not verified the real 3707
property is vacant and abandoned pursuant to division (C) (3) (h), 3708
(i), or (j) of this section, but the court makes a preliminary 3709
finding that the residential real property is vacant and 3710
abandoned pursuant to division (C) of this section, then within 3711
seven days of the preliminary finding, the court shall order the 3712
appropriate official of a county, municipal corporation, or 3713
township in which the property is located to verify the property 3714
is vacant and abandoned. 3715

(b) Any court costs assessed in connection with the 3716
inspection conducted pursuant to division (C) (6) (a) of this 3717
section shall not be more than fifty dollars. 3718

(D) If the court decides after an oral hearing that the property is vacant and abandoned and that the mortgagee who filed the motion to proceed in an expedited manner is entitled to judgment, the court shall enter a final judgment and decree of foreclosure and order the property to be sold in accordance with division (E) of this section. If the court does not decide that the property is vacant and abandoned, the seventy-five-day deadline established in division (E) of this section shall not apply to the sale of the property.

(E) If the court decides that the property is vacant and abandoned and enters a final judgment and decree of foreclosure under division (D) of this section, the property shall be offered for sale not later than seventy-five days after the issuance of the order of sale. The sale of the property shall be conducted in accordance with the requirements in Chapter 2329.152 of the Revised Code, including possible postponement of the sale pursuant to division (C) of section 2329.152 of the Revised Code.

(F) Nothing in this section shall supersede or limit other procedures adopted by the court to resolve the residential mortgage loan foreclosure action, including foreclosure mediation.

Sec. 2329.66. (A) Every person who is domiciled in this state may hold property exempt from execution, garnishment, attachment, or sale to satisfy a judgment or order, as follows:

(1) (a) In the case of a judgment or order regarding money owed for health care services rendered or health care supplies provided to the person or a dependent of the person, one parcel or item of real or personal property that the person or a dependent of the person uses as a residence. Division (A) (1) (a)

of this section does not preclude, affect, or invalidate the 3749
creation under this chapter of a judgment lien upon the exempted 3750
property but only delays the enforcement of the lien until the 3751
property is sold or otherwise transferred by the owner or in 3752
accordance with other applicable laws to a person or entity 3753
other than the surviving spouse or surviving minor children of 3754
the judgment debtor. Every person who is domiciled in this state 3755
may hold exempt from a judgment lien created pursuant to 3756
division (A) (1) (a) of this section the person's interest, not to 3757
exceed one hundred twenty-five thousand dollars, in the exempted 3758
property. 3759

(b) In the case of all other judgments and orders, the 3760
person's interest, not to exceed one hundred twenty-five 3761
thousand dollars, in one parcel or item of real or personal 3762
property that the person or a dependent of the person uses as a 3763
residence. 3764

(c) For purposes of divisions (A) (1) (a) and (b) of this 3765
section, "parcel" means a tract of real property as identified 3766
on the records of the auditor of the county in which the real 3767
property is located. 3768

(2) The person's interest, not to exceed three thousand 3769
two hundred twenty-five dollars, in one motor vehicle; 3770

(3) The person's interest, not to exceed four hundred 3771
dollars, in cash on hand, money due and payable, money to become 3772
due within ninety days, tax refunds, and money on deposit with a 3773
bank, savings and loan association, credit union, public 3774
utility, landlord or lessor, or other person, other than 3775
personal earnings. As used in this division, "lessor" and 3776
"landlord" have the same meanings as in section 1923.01 of the 3777
Revised Code. 3778

(4) (a) The person's interest, not to exceed five hundred	3779
twenty-five dollars in any particular item or ten thousand seven	3780
hundred seventy-five dollars in aggregate value, in household	3781
furnishings, household goods, wearing apparel, appliances,	3782
books, animals, crops, musical instruments, firearms, and	3783
hunting and fishing equipment that are held primarily for the	3784
personal, family, or household use of the person;	3785
(b) The person's aggregate interest in one or more items	3786
of jewelry, not to exceed one thousand three hundred fifty	3787
dollars, held primarily for the personal, family, or household	3788
use of the person or any of the person's dependents.	3789
(5) The person's interest, not to exceed an aggregate of	3790
two thousand twenty-five dollars, in all implements,	3791
professional books, or tools of the person's profession, trade,	3792
or business, including agriculture;	3793
(6) (a) The person's interest in a beneficiary fund set	3794
apart, appropriated, or paid by a benevolent association or	3795
society, as exempted by section 2329.63 of the Revised Code;	3796
(b) The person's interest in contracts of life or	3797
endowment insurance or annuities, as exempted by section 3911.10	3798
of the Revised Code;	3799
(c) The person's interest in a policy of group insurance	3800
or the proceeds of a policy of group insurance, as exempted by	3801
section 3917.05 of the Revised Code;	3802
(d) The person's interest in money, benefits, charity,	3803
relief, or aid to be paid, provided, or rendered by a fraternal	3804
benefit society, as exempted by section 3921.18 of the Revised	3805
Code;	3806
(e) The person's interest in the portion of benefits under	3807

policies of sickness and accident insurance and in lump sum 3808
payments for dismemberment and other losses insured under those 3809
policies, as exempted by section 3923.19 of the Revised Code. 3810

(7) The person's professionally prescribed or medically 3811
necessary health aids; 3812

(8) The person's interest in a burial lot, including, but 3813
not limited to, exemptions under section 517.09 or 1721.07 of 3814
the Revised Code; 3815

(9) The person's interest in the following: 3816

(a) Moneys paid or payable for maintenance or rights, as 3817
exempted by section 3304.19 of the Revised Code; 3818

(b) Workers' compensation, as exempted by section 4123.67 3819
of the Revised Code; 3820

(c) Unemployment compensation benefits, as exempted by 3821
section 4141.32 of the Revised Code; 3822

(d) Cash assistance payments under the Ohio works first 3823
program, as exempted by section 5107.75 of the Revised Code; 3824

(e) Benefits and services under the prevention, retention, 3825
and contingency program, as exempted by section 5108.08 of the 3826
Revised Code; 3827

(f) Payments under section 24 or 32 of the "Internal 3828
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 3829

(10) (a) Except in cases in which the person was convicted 3830
of or pleaded guilty to a violation of section 2921.41 of the 3831
Revised Code and in which an order for the withholding of 3832
restitution from payments was issued under division (C) (2) (b) of 3833
that section, in cases in which an order for withholding was 3834

issued under section 2907.15 of the Revised Code, in cases in 3835
which an order for forfeiture was issued under division (A) or 3836
(B) of section 2929.192 of the Revised Code, and in cases in 3837
which an order was issued under section 2929.193 or 2929.194 of 3838
the Revised Code, and only to the extent provided in the order, 3839
and except as provided in sections 3105.171, 3105.63, 3119.80, 3840
3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the 3841
person's rights to or interests in a pension, benefit, annuity, 3842
retirement allowance, or accumulated contributions, the person's 3843
rights to or interests in a participant account in any deferred 3844
compensation program offered by the Ohio public employees 3845
deferred compensation board, a government unit, or a municipal 3846
corporation, or the person's other accrued or accruing rights or 3847
interests, as exempted by section 143.11, 145.56, 146.13, 3848
148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised 3849
Code, and the person's rights to or interests in benefits from 3850
the Ohio public safety officers death benefit fund; 3851

(b) Except as provided in sections 3119.80, 3119.81, 3852
3121.02, 3121.03, and 3123.06 of the Revised Code, the person's 3853
rights to receive or interests in receiving a payment or other 3854
benefits under any pension, annuity, or similar plan or 3855
contract, not including a payment or benefit from a stock bonus 3856
or profit-sharing plan or a payment included in division (A) (6) 3857
(b) or (10) (a) of this section, on account of illness, 3858
disability, death, age, or length of service, to the extent 3859
reasonably necessary for the support of the person and any of 3860
the person's dependents, except if all the following apply: 3861

(i) The plan or contract was established by or under the 3862
auspices of an insider that employed the person at the time the 3863
person's rights or interests under the plan or contract arose. 3864

(ii) The payment is on account of age or length of service. 3865
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(iii) The plan or contract is not qualified under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 3867
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(c) Except for any portion of the assets that were deposited for the purpose of evading the payment of any debt and except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's rights or interests in the assets held in, or to directly or indirectly receive any payment or benefit under, any individual retirement account, individual retirement annuity, "Roth IRA," account opened pursuant to a program administered by a state under section 529 or 529A of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or education individual retirement account that provides payments or benefits by reason of illness, disability, death, retirement, or age or provides payments or benefits for purposes of education or qualified disability expenses, to the extent that the assets, payments, or benefits described in division (A)(10)(c) of this section are attributable to or derived from any of the following or from any earnings, dividends, interest, appreciation, or gains on any of the following: 3870
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(i) Contributions of the person that were less than or equal to the applicable limits on deductible contributions to an individual retirement account or individual retirement annuity in the year that the contributions were made, whether or not the person was eligible to deduct the contributions on the person's federal tax return for the year in which the contributions were made; 3888
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(ii) Contributions of the person that were less than or 3895
equal to the applicable limits on contributions to a Roth IRA or 3896
education individual retirement account in the year that the 3897
contributions were made; 3898

(iii) Contributions of the person that are within the 3899
applicable limits on rollover contributions under subsections 3900
219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3) 3901
(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 3902
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended; 3903

(iv) Contributions by any person into any plan, fund, or 3904
account that is formed, created, or administered pursuant to, or 3905
is otherwise subject to, section 529 or 529A of the "Internal 3906
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 3907

(d) Except for any portion of the assets that were 3908
deposited for the purpose of evading the payment of any debt and 3909
except as provided in sections 3119.80, 3119.81, 3121.02, 3910
3121.03, and 3123.06 of the Revised Code, the person's rights or 3911
interests in the assets held in, or to receive any payment 3912
under, any Keogh or "H.R. 10" plan that provides benefits by 3913
reason of illness, disability, death, retirement, or age, to the 3914
extent reasonably necessary for the support of the person and 3915
any of the person's dependents. 3916

(e) The person's rights to or interests in any assets held 3917
in, or to directly or indirectly receive any payment or benefit 3918
under, any individual retirement account, individual retirement 3919
annuity, "Roth IRA," account opened pursuant to a program 3920
administered by a state under section 529 or 529A of the 3921
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 3922
amended, or education individual retirement account that a 3923
decedent, upon or by reason of the decedent's death, directly or 3924

indirectly left to or for the benefit of the person, either 3925
outright or in trust or otherwise, including, but not limited 3926
to, any of those rights or interests in assets or to receive 3927
payments or benefits that were transferred, conveyed, or 3928
otherwise transmitted by the decedent by means of a will, trust, 3929
exercise of a power of appointment, beneficiary designation, 3930
transfer or payment on death designation, or any other method or 3931
procedure. 3932

(f) The exemptions under divisions (A) (10) (a) to (e) of 3933
this section also shall apply or otherwise be available to an 3934
alternate payee under a qualified domestic relations order 3935
(QDRO) or other similar court order. 3936

(g) A person's interest in any plan, program, instrument, 3937
or device described in divisions (A) (10) (a) to (e) of this 3938
section shall be considered an exempt interest even if the plan, 3939
program, instrument, or device in question, due to an error made 3940
in good faith, failed to satisfy any criteria applicable to that 3941
plan, program, instrument, or device under the "Internal Revenue 3942
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 3943

(11) The person's right to receive spousal support, child 3944
support, an allowance, or other maintenance to the extent 3945
reasonably necessary for the support of the person and any of 3946
the person's dependents; 3947

(12) The person's right to receive, or moneys received 3948
during the preceding twelve calendar months from, any of the 3949
following: 3950

(a) An award of reparations under sections 2743.51 to 3951
2743.72 of the Revised Code, to the extent exempted by division 3952
(D) of section 2743.66 of the Revised Code; 3953

(b) A payment on account of the wrongful death of an individual of whom the person was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the person and any of the person's dependents;

(c) Except in cases in which the person who receives the payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the payment resulted from a civil action or appeal against a government entity or employee, as defined in section 2969.21 of the Revised Code, a payment, not to exceed twenty thousand two hundred dollars, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the person or an individual for whom the person is a dependent;

(d) A payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a dependent, to the extent reasonably necessary for the support of the debtor and any of the debtor's dependents.

(13) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, personal earnings of the person owed to the person for services in an amount equal to the greater of the following amounts:

(a) If paid weekly, thirty times the current federal minimum hourly wage; if paid biweekly, sixty times the current federal minimum hourly wage; if paid semimonthly, sixty-five times the current federal minimum hourly wage; or if paid monthly, one hundred thirty times the current federal minimum hourly wage that is in effect at the time the earnings are payable, as prescribed by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended;

(b) Seventy-five per cent of the disposable earnings owed to the person.	3983 3984
(14) The person's right in specific partnership property, as exempted by the person's rights in a partnership pursuant to section 1776.50 of the Revised Code, except as otherwise set forth in section 1776.50 of the Revised Code;	3985 3986 3987 3988
(15) A seal and official register of a notary public, as exempted by section 147.04 of the Revised Code;	3989 3990
(16) The person's interest in a tuition unit or a payment under section 3334.09 of the Revised Code pursuant to a tuition payment contract, as exempted by section 3334.15 of the Revised Code;	3991 3992 3993 3994
(17) Any other property that is specifically exempted from execution, attachment, garnishment, or sale by federal statutes other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 U.S.C.A. 101, as amended;	3995 3996 3997 3998
(18) The person's aggregate interest in any property, not to exceed one thousand seventy-five dollars, except that division (A)(18) of this section applies only in bankruptcy proceedings.	3999 4000 4001 4002
(B) On April 1, 2010, and on the first day of April in each third calendar year after 2010, the Ohio judicial conference shall adjust each dollar amount set forth in this section to reflect any increase in the consumer price index for all urban consumers, as published by the United States department of labor, or, if that index is no longer published, a generally available comparable index, for the three-year period ending on the thirty-first day of December of the preceding year. Any adjustments required by this division shall be rounded	4003 4004 4005 4006 4007 4008 4009 4010 4011

to the nearest twenty-five dollars. 4012

The Ohio judicial conference shall prepare a memorandum 4013
specifying the adjusted dollar amounts. The judicial conference 4014
shall transmit the memorandum to the director of the legislative 4015
service commission, and the director shall publish the 4016
memorandum in the register of Ohio. (Publication of the 4017
memorandum in the register of Ohio shall continue until the next 4018
memorandum specifying an adjustment is so published.) The 4019
judicial conference also may publish the memorandum in any other 4020
manner it concludes will be reasonably likely to inform persons 4021
who are affected by its adjustment of the dollar amounts. 4022

(C) As used in this section: 4023

(1) "Disposable earnings" means net earnings after the 4024
garnishee has made deductions required by law, excluding the 4025
deductions ordered pursuant to section 3119.80, 3119.81, 4026
3121.02, 3121.03, or 3123.06 of the Revised Code. 4027

(2) "Insider" means: 4028

(a) If the person who claims an exemption is an 4029
individual, a relative of the individual, a relative of a 4030
general partner of the individual, a partnership in which the 4031
individual is a general partner, a general partner of the 4032
individual, or a corporation of which the individual is a 4033
director, officer, or in control; 4034

(b) If the person who claims an exemption is a 4035
corporation, a director or officer of the corporation; a person 4036
in control of the corporation; a partnership in which the 4037
corporation is a general partner; a general partner of the 4038
corporation; or a relative of a general partner, director, 4039
officer, or person in control of the corporation; 4040

(c) If the person who claims an exemption is a 4041
partnership, a general partner in the partnership; a general 4042
partner of the partnership; a person in control of the 4043
partnership; a partnership in which the partnership is a general 4044
partner; or a relative in, a general partner of, or a person in 4045
control of the partnership; 4046

(d) An entity or person to which or whom any of the 4047
following applies: 4048

(i) The entity directly or indirectly owns, controls, or 4049
holds with power to vote, twenty per cent or more of the 4050
outstanding voting securities of the person who claims an 4051
exemption, unless the entity holds the securities in a fiduciary 4052
or agency capacity without sole discretionary power to vote the 4053
securities or holds the securities solely to secure to debt and 4054
the entity has not in fact exercised the power to vote. 4055

(ii) The entity is a corporation, twenty per cent or more 4056
of whose outstanding voting securities are directly or 4057
indirectly owned, controlled, or held with power to vote, by the 4058
person who claims an exemption or by an entity to which division 4059
(C) (2) (d) (i) of this section applies. 4060

(iii) A person whose business is operated under a lease or 4061
operating agreement by the person who claims an exemption, or a 4062
person substantially all of whose business is operated under an 4063
operating agreement with the person who claims an exemption. 4064

(iv) The entity operates the business or all or 4065
substantially all of the property of the person who claims an 4066
exemption under a lease or operating agreement. 4067

(e) An insider, as otherwise defined in this section, of a 4068
person or entity to which division (C) (2) (d) (i), (ii), (iii), or 4069

(iv) of this section applies, as if the person or entity were a person who claims an exemption; 4070
4071

(f) A managing agent of the person who claims an exemption. 4072
4073

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code. 4074
4075

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code. 4076
4077

(D) For purposes of this section, "interest" shall be determined as follows: 4078
4079

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code; 4080
4081
4082

(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution. 4083
4084
4085

An interest, as determined under division (D) (1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code. 4086
4087
4088

Sec. 2746.01. A court of record of this state shall tax as costs or otherwise require the payment of fees for the following services rendered or as compensation for the following persons or any other of the following fees that are applicable in a particular case: 4089
4090
4091
4092
4093

(A) Appraisers, commissioners, or arbitrators appointed to make or procure an appraisal or valuation of any property, as provided in section 2335.02 of the Revised Code; 4094
4095
4096

(B) Auctioneers appointed to conduct any public auction of goods, chattels, or lands required to be sold by an officer of the court, as provided in section 2335.021 of the Revised Code;	4097 4098 4099
(C) Commissioners appointed to make partition of lands or to assign dower and appraisers of real or personal property on execution, replevin, or attachment or to fix the value of exempt property, as provided in section 2335.01 of the Revised Code;	4100 4101 4102 4103
(D) Deposit of rent with the clerk of court by a resident of a manufactured home park, as provided in section 4781.42 of the Revised Code, or by a tenant-lessee of residential premises <u>as defined in section 5321.01 of the Revised Code</u> , as provided in section 5321.08 of the Revised Code;	4104 4105 4106 4107 4108
(E) Interpreters, as provided in section 2335.09 of the Revised Code;	4109 4110
(F) Fees in a civil action or appeal commenced by an inmate against a government entity or employee, as provided in section 2969.22 of the Revised Code;	4111 4112 4113
(G) Procurement of a transcript of a judgment or proceeding or exemplification of a record in an appeal or other civil action, as provided in section 2303.21 of the Revised Code;	4114 4115 4116 4117
(H) Publication of an advertisement, notice, or proclamation required to be published by a trustee, assignee, executor, administrator, receiver, or other officer of the court or a party in a case or proceeding, as provided in section 7.13 of the Revised Code;	4118 4119 4120 4121 4122
(I) Publication of calendars, motion dockets, legal advertisements, and notices, the fees for which are not fixed by law, as provided in section 2701.09 of the Revised Code;	4123 4124 4125

(J) Sheriffs, as provided in section 311.17 of the Revised Code;	4126 4127
(K) Township constables or members of the police force of a township police district or joint police district, as provided in section 509.15 of the Revised Code;	4128 4129 4130
(L) Witnesses, as follows:	4131
(1) Fees and mileage in civil cases, as provided in section 2335.06 of the Revised Code;	4132 4133
(2) Fees and mileage in criminal cases, as provided in section 2335.08 of the Revised Code;	4134 4135
(3) Fees in all cases or proceedings not specified in sections 2335.06 and 2335.08 of the Revised Code, as provided in section 2335.05 of the Revised Code;	4136 4137 4138
(4) Fees of municipal police officers in state felony cases, as provided in section 2335.17 of the Revised Code;	4139 4140
(5) Fees in arbitration proceedings, as provided in section 2711.06 of the Revised Code.	4141 4142
(M) In an action to abate a nuisance or to enforce a local code relating to buildings, the expenses of operating and conserving the building, as provided in section 3767.41 of the Revised Code.	4143 4144 4145 4146
Sec. 2923.126. (A) A concealed handgun license that is issued under section 2923.125 of the Revised Code shall expire five years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of thirty days after the licensee's license expires during which the licensee's license remains valid. Except as provided in divisions (B) and (C) of this section, a licensee	4147 4148 4149 4150 4151 4152 4153

who has been issued a concealed handgun license under section 4154
2923.125 or 2923.1213 of the Revised Code may carry a concealed 4155
handgun anywhere in this state if the licensee also carries a 4156
valid license when the licensee is in actual possession of a 4157
concealed handgun. The licensee shall give notice of any change 4158
in the licensee's residence address to the sheriff who issued 4159
the license within forty-five days after that change. 4160

If a licensee is the driver or an occupant of a motor 4161
vehicle that is stopped as the result of a traffic stop or a 4162
stop for another law enforcement purpose and if the licensee is 4163
transporting or has a loaded handgun in the motor vehicle at 4164
that time, the licensee shall promptly inform any law 4165
enforcement officer who approaches the vehicle while stopped 4166
that the licensee has been issued a concealed handgun license 4167
and that the licensee currently possesses or has a loaded 4168
handgun; the licensee shall not knowingly disregard or fail to 4169
comply with lawful orders of a law enforcement officer given 4170
while the motor vehicle is stopped, knowingly fail to remain in 4171
the motor vehicle while stopped, or knowingly fail to keep the 4172
licensee's hands in plain sight after any law enforcement 4173
officer begins approaching the licensee while stopped and before 4174
the officer leaves, unless directed otherwise by a law 4175
enforcement officer; and the licensee shall not knowingly have 4176
contact with the loaded handgun by touching it with the 4177
licensee's hands or fingers, in any manner in violation of 4178
division (E) of section 2923.16 of the Revised Code, after any 4179
law enforcement officer begins approaching the licensee while 4180
stopped and before the officer leaves. Additionally, if a 4181
licensee is the driver or an occupant of a commercial motor 4182
vehicle that is stopped by an employee of the motor carrier 4183
enforcement unit for the purposes defined in section 5503.34 of 4184

the Revised Code and the licensee is transporting or has a 4185
loaded handgun in the commercial motor vehicle at that time, the 4186
licensee shall promptly inform the employee of the unit who 4187
approaches the vehicle while stopped that the licensee has been 4188
issued a concealed handgun license and that the licensee 4189
currently possesses or has a loaded handgun. 4190

If a licensee is stopped for a law enforcement purpose and 4191
if the licensee is carrying a concealed handgun at the time the 4192
officer approaches, the licensee shall promptly inform any law 4193
enforcement officer who approaches the licensee while stopped 4194
that the licensee has been issued a concealed handgun license 4195
and that the licensee currently is carrying a concealed handgun; 4196
the licensee shall not knowingly disregard or fail to comply 4197
with lawful orders of a law enforcement officer given while the 4198
licensee is stopped, or knowingly fail to keep the licensee's 4199
hands in plain sight after any law enforcement officer begins 4200
approaching the licensee while stopped and before the officer 4201
leaves, unless directed otherwise by a law enforcement officer; 4202
and the licensee shall not knowingly remove, attempt to remove, 4203
grasp, or hold the loaded handgun or knowingly have contact with 4204
the loaded handgun by touching it with the licensee's hands or 4205
fingers, in any manner in violation of division (B) of section 4206
2923.12 of the Revised Code, after any law enforcement officer 4207
begins approaching the licensee while stopped and before the 4208
officer leaves. 4209

(B) A valid concealed handgun license does not authorize 4210
the licensee to carry a concealed handgun in any manner 4211
prohibited under division (B) of section 2923.12 of the Revised 4212
Code or in any manner prohibited under section 2923.16 of the 4213
Revised Code. A valid license does not authorize the licensee to 4214
carry a concealed handgun into any of the following places: 4215

(1) A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to division (A) of section 5119.14 of the Revised Code or division (A) (1) of section 5123.03 of the Revised Code;

(2) A school safety zone if the licensee's carrying the concealed handgun is in violation of section 2923.122 of the Revised Code;

(3) A courthouse or another building or structure in which a courtroom is located if the licensee's carrying the concealed handgun is in violation of section 2923.123 of the Revised Code;

(4) Any premises or open air arena for which a D permit has been issued under Chapter 4303. of the Revised Code if the licensee's carrying the concealed handgun is in violation of section 2923.121 of the Revised Code;

(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed

handgun on the premises; 4246

(6) Any church, synagogue, mosque, or other place of 4247
worship, unless the church, synagogue, mosque, or other place of 4248
worship posts or permits otherwise; 4249

(7) Any building that is a government facility of this 4250
state or a political subdivision of this state and that is not a 4251
building that is used primarily as a shelter, restroom, parking 4252
facility for motor vehicles, or rest facility and is not a 4253
courthouse or other building or structure in which a courtroom 4254
is located that is subject to division (B)(3) of this section, 4255
unless the governing body with authority over the building has 4256
enacted a statute, ordinance, or policy that permits a licensee 4257
to carry a concealed handgun into the building; 4258

(8) A place in which federal law prohibits the carrying of 4259
handguns. 4260

(C)(1) Nothing in this section shall negate or restrict a 4261
rule, policy, or practice of a private employer that is not a 4262
private college, university, or other institution of higher 4263
education concerning or prohibiting the presence of firearms on 4264
the private employer's premises or property, including motor 4265
vehicles owned by the private employer. Nothing in this section 4266
shall require a private employer of that nature to adopt a rule, 4267
policy, or practice concerning or prohibiting the presence of 4268
firearms on the private employer's premises or property, 4269
including motor vehicles owned by the private employer. 4270

(2)(a) A private employer shall be immune from liability 4271
in a civil action for any injury, death, or loss to person or 4272
property that allegedly was caused by or related to a licensee 4273
bringing a handgun onto the premises or property of the private 4274

employer, including motor vehicles owned by the private 4275
employer, unless the private employer acted with malicious 4276
purpose. A private employer is immune from liability in a civil 4277
action for any injury, death, or loss to person or property that 4278
allegedly was caused by or related to the private employer's 4279
decision to permit a licensee to bring, or prohibit a licensee 4280
from bringing, a handgun onto the premises or property of the 4281
private employer. 4282

(b) A political subdivision shall be immune from liability 4283
in a civil action, to the extent and in the manner provided in 4284
Chapter 2744. of the Revised Code, for any injury, death, or 4285
loss to person or property that allegedly was caused by or 4286
related to a licensee bringing a handgun onto any premises or 4287
property owned, leased, or otherwise under the control of the 4288
political subdivision. As used in this division, "political 4289
subdivision" has the same meaning as in section 2744.01 of the 4290
Revised Code. 4291

(c) An institution of higher education shall be immune 4292
from liability in a civil action for any injury, death, or loss 4293
to person or property that allegedly was caused by or related to 4294
a licensee bringing a handgun onto the premises of the 4295
institution, including motor vehicles owned by the institution, 4296
unless the institution acted with malicious purpose. An 4297
institution of higher education is immune from liability in a 4298
civil action for any injury, death, or loss to person or 4299
property that allegedly was caused by or related to the 4300
institution's decision to permit a licensee or class of 4301
licensees to bring a handgun onto the premises of the 4302
institution. 4303

(d) A nonprofit corporation shall be immune from liability 4304

in a civil action for any injury, death, or loss to person or 4305
property that allegedly was caused by or related to a licensee 4306
bringing a handgun onto the premises of the nonprofit 4307
corporation, including any motor vehicle owned by the nonprofit 4308
corporation, or to any event organized by the nonprofit 4309
corporation, unless the nonprofit corporation acted with 4310
malicious purpose. A nonprofit corporation is immune from 4311
liability in a civil action for any injury, death, or loss to 4312
person or property that allegedly was caused by or related to 4313
the nonprofit corporation's decision to permit a licensee to 4314
bring a handgun onto the premises of the nonprofit corporation 4315
or to any event organized by the nonprofit corporation. 4316

(3) (a) Except as provided in division (C) (3) (b) of this 4317
section and section 2923.1214 of the Revised Code, the owner or 4318
person in control of private land or premises, and a private 4319
person or entity leasing land or premises owned by the state, 4320
the United States, or a political subdivision of the state or 4321
the United States, may post a sign in a conspicuous location on 4322
that land or on those premises prohibiting persons from carrying 4323
firearms or concealed firearms on or onto that land or those 4324
premises. Except as otherwise provided in this division, a 4325
person who knowingly violates a posted prohibition of that 4326
nature is guilty of criminal trespass in violation of division 4327
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 4328
misdemeanor of the fourth degree. If a person knowingly violates 4329
a posted prohibition of that nature and the posted land or 4330
premises primarily was a parking lot or other parking facility, 4331
the person is not guilty of criminal trespass under section 4332
2911.21 of the Revised Code or under any other criminal law of 4333
this state or criminal law, ordinance, or resolution of a 4334
political subdivision of this state, and instead is subject only 4335

to a civil cause of action for trespass based on the violation. 4336

If a person knowingly violates a posted prohibition of the 4337
nature described in this division and the posted land or 4338
premises is a child day-care center, type A family day-care 4339
home, or type B family day-care home, unless the person is a 4340
licensee who resides in a type A family day-care home or type B 4341
family day-care home, the person is guilty of aggravated 4342
trespass in violation of section 2911.211 of the Revised Code. 4343
Except as otherwise provided in this division, the offender is 4344
guilty of a misdemeanor of the first degree. If the person 4345
previously has been convicted of a violation of this division or 4346
of any offense of violence, if the weapon involved is a firearm 4347
that is either loaded or for which the offender has ammunition 4348
ready at hand, or if the weapon involved is dangerous ordnance, 4349
the offender is guilty of a felony of the fourth degree. 4350

(b) A ~~landlord-lessor~~ may not prohibit or restrict a 4351
~~tenant lessee~~ who is a licensee and who on or after September 9, 4352
2008, enters into a rental agreement with the ~~landlord-lessor~~ 4353
for the use of residential premises, and the ~~tenant's lessee's~~ 4354
guest while the ~~tenant-lessee~~ is present, from lawfully carrying 4355
or possessing a handgun on those residential premises. 4356

(c) As used in division (C) (3) of this section: 4357

(i) "Residential premises" has the same meaning as in 4358
section 5321.01 of the Revised Code, except "residential 4359
premises" does not include a dwelling unit that is owned or 4360
operated by a college or university. 4361

(ii) ~~"Landlord," "tenant," and "Lessor,"~~ "rental 4362
agreement," and "lessee" have the same meanings as in section 4363
5321.01 of the Revised Code. 4364

(D) A person who holds a valid concealed handgun license 4365
issued by another state that is recognized by the attorney 4366
general pursuant to a reciprocity agreement entered into 4367
pursuant to section 109.69 of the Revised Code or a person who 4368
holds a valid concealed handgun license under the circumstances 4369
described in division (B) of section 109.69 of the Revised Code 4370
has the same right to carry a concealed handgun in this state as 4371
a person who was issued a concealed handgun license under 4372
section 2923.125 of the Revised Code and is subject to the same 4373
restrictions that apply to a person who carries a license issued 4374
under that section. 4375

(E) (1) A peace officer has the same right to carry a 4376
concealed handgun in this state as a person who was issued a 4377
concealed handgun license under section 2923.125 of the Revised 4378
Code, provided that the officer when carrying a concealed 4379
handgun under authority of this division is carrying validating 4380
identification. For purposes of reciprocity with other states, a 4381
peace officer shall be considered to be a licensee in this 4382
state. 4383

(2) An active duty member of the armed forces of the 4384
United States who is carrying a valid military identification 4385
card and documentation of successful completion of firearms 4386
training that meets or exceeds the training requirements 4387
described in division (G) (1) of section 2923.125 of the Revised 4388
Code has the same right to carry a concealed handgun in this 4389
state as a person who was issued a concealed handgun license 4390
under section 2923.125 of the Revised Code and is subject to the 4391
same restrictions as specified in this section. 4392

(3) A tactical medical professional who is qualified to 4393
carry firearms while on duty under section 109.771 of the 4394

Revised Code has the same right to carry a concealed handgun in 4395
this state as a person who was issued a concealed handgun 4396
license under section 2923.125 of the Revised Code. 4397

(F) (1) A qualified retired peace officer who possesses a 4398
retired peace officer identification card issued pursuant to 4399
division (F) (2) of this section and a valid firearms 4400
requalification certification issued pursuant to division (F) (3) 4401
of this section has the same right to carry a concealed handgun 4402
in this state as a person who was issued a concealed handgun 4403
license under section 2923.125 of the Revised Code and is 4404
subject to the same restrictions that apply to a person who 4405
carries a license issued under that section. For purposes of 4406
reciprocity with other states, a qualified retired peace officer 4407
who possesses a retired peace officer identification card issued 4408
pursuant to division (F) (2) of this section and a valid firearms 4409
requalification certification issued pursuant to division (F) (3) 4410
of this section shall be considered to be a licensee in this 4411
state. 4412

(2) (a) Each public agency of this state or of a political 4413
subdivision of this state that is served by one or more peace 4414
officers shall issue a retired peace officer identification card 4415
to any person who retired from service as a peace officer with 4416
that agency, if the issuance is in accordance with the agency's 4417
policies and procedures and if the person, with respect to the 4418
person's service with that agency, satisfies all of the 4419
following: 4420

(i) The person retired in good standing from service as a 4421
peace officer with the public agency, and the retirement was not 4422
for reasons of mental instability. 4423

(ii) Before retiring from service as a peace officer with 4424

that agency, the person was authorized to engage in or supervise 4425
the prevention, detection, investigation, or prosecution of, or 4426
the incarceration of any person for, any violation of law and 4427
the person had statutory powers of arrest. 4428

(iii) At the time of the person's retirement as a peace 4429
officer with that agency, the person was trained and qualified 4430
to carry firearms in the performance of the peace officer's 4431
duties. 4432

(iv) Before retiring from service as a peace officer with 4433
that agency, the person was regularly employed as a peace 4434
officer for an aggregate of fifteen years or more, or, in the 4435
alternative, the person retired from service as a peace officer 4436
with that agency, after completing any applicable probationary 4437
period of that service, due to a service-connected disability, 4438
as determined by the agency. 4439

(b) A retired peace officer identification card issued to 4440
a person under division (F)(2)(a) of this section shall identify 4441
the person by name, contain a photograph of the person, identify 4442
the public agency of this state or of the political subdivision 4443
of this state from which the person retired as a peace officer 4444
and that is issuing the identification card, and specify that 4445
the person retired in good standing from service as a peace 4446
officer with the issuing public agency and satisfies the 4447
criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 4448
section. In addition to the required content specified in this 4449
division, a retired peace officer identification card issued to 4450
a person under division (F)(2)(a) of this section may include 4451
the firearms requalification certification described in division 4452
(F)(3) of this section, and if the identification card includes 4453
that certification, the identification card shall serve as the 4454

firearms requalification certification for the retired peace 4455
officer. If the issuing public agency issues credentials to 4456
active law enforcement officers who serve the agency, the agency 4457
may comply with division (F) (2) (a) of this section by issuing 4458
the same credentials to persons who retired from service as a 4459
peace officer with the agency and who satisfy the criteria set 4460
forth in divisions (F) (2) (a) (i) to (iv) of this section, 4461
provided that the credentials so issued to retired peace 4462
officers are stamped with the word "RETIRED." 4463

(c) A public agency of this state or of a political 4464
subdivision of this state may charge persons who retired from 4465
service as a peace officer with the agency a reasonable fee for 4466
issuing to the person a retired peace officer identification 4467
card pursuant to division (F) (2) (a) of this section. 4468

(3) If a person retired from service as a peace officer 4469
with a public agency of this state or of a political subdivision 4470
of this state and the person satisfies the criteria set forth in 4471
divisions (F) (2) (a) (i) to (iv) of this section, the public 4472
agency may provide the retired peace officer with the 4473
opportunity to attend a firearms requalification program that is 4474
approved for purposes of firearms requalification required under 4475
section 109.801 of the Revised Code. The retired peace officer 4476
may be required to pay the cost of the course. 4477

If a retired peace officer who satisfies the criteria set 4478
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 4479
a firearms requalification program that is approved for purposes 4480
of firearms requalification required under section 109.801 of 4481
the Revised Code, the retired peace officer's successful 4482
completion of the firearms requalification program requalifies 4483
the retired peace officer for purposes of division (F) of this 4484

section for five years from the date on which the program was 4485
successfully completed, and the requalification is valid during 4486
that five-year period. If a retired peace officer who satisfies 4487
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 4488
section satisfactorily completes such a firearms requalification 4489
program, the retired peace officer shall be issued a firearms 4490
requalification certification that identifies the retired peace 4491
officer by name, identifies the entity that taught the program, 4492
specifies that the retired peace officer successfully completed 4493
the program, specifies the date on which the course was 4494
successfully completed, and specifies that the requalification 4495
is valid for five years from that date of successful completion. 4496
The firearms requalification certification for a retired peace 4497
officer may be included in the retired peace officer 4498
identification card issued to the retired peace officer under 4499
division (F) (2) of this section. 4500

A retired peace officer who attends a firearms 4501
requalification program that is approved for purposes of 4502
firearms requalification required under section 109.801 of the 4503
Revised Code may be required to pay the cost of the program. 4504

(G) As used in this section: 4505

(1) "Qualified retired peace officer" means a person who 4506
satisfies all of the following: 4507

(a) The person satisfies the criteria set forth in 4508
divisions (F) (2) (a) (i) to (v) of this section. 4509

(b) The person is not under the influence of alcohol or 4510
another intoxicating or hallucinatory drug or substance. 4511

(c) The person is not prohibited by federal law from 4512
receiving firearms. 4513

(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F) (2) of this section to a person who is a retired peace officer.

(3) "Government facility of this state or a political subdivision of this state" means any of the following:

(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;

(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.

(4) "Governing body" has the same meaning as in section 154.01 of the Revised Code.

(5) "Tactical medical professional" has the same meaning as in section 109.71 of the Revised Code.

(6) "Validating identification" means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency.

(7) "Nonprofit corporation" means any private organization that is exempt from federal income taxation pursuant to subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code.

Sec. 2923.16. (A) No person shall knowingly discharge a firearm while in or on a motor vehicle.

(B) No person shall knowingly transport or have a loaded 4542
firearm in a motor vehicle in such a manner that the firearm is 4543
accessible to the operator or any passenger without leaving the 4544
vehicle. 4545

(C) No person shall knowingly transport or have a firearm 4546
in a motor vehicle, unless the person may lawfully possess that 4547
firearm under applicable law of this state or the United States, 4548
the firearm is unloaded, and the firearm is carried in one of 4549
the following ways: 4550

(1) In a closed package, box, or case; 4551

(2) In a compartment that can be reached only by leaving 4552
the vehicle; 4553

(3) In plain sight and secured in a rack or holder made 4554
for the purpose; 4555

(4) If the firearm is at least twenty-four inches in 4556
overall length as measured from the muzzle to the part of the 4557
stock furthest from the muzzle and if the barrel is at least 4558
eighteen inches in length, either in plain sight with the action 4559
open or the weapon stripped, or, if the firearm is of a type on 4560
which the action will not stay open or which cannot easily be 4561
stripped, in plain sight. 4562

(D) No person shall knowingly transport or have a loaded 4563
handgun in a motor vehicle if, at the time of that 4564
transportation or possession, any of the following applies: 4565

(1) The person is under the influence of alcohol, a drug 4566
of abuse, or a combination of them. 4567

(2) The person's whole blood, blood serum or plasma, 4568
breath, or urine contains a concentration of alcohol, a listed 4569

controlled substance, or a listed metabolite of a controlled 4570
substance prohibited for persons operating a vehicle, as 4571
specified in division (A) of section 4511.19 of the Revised 4572
Code, regardless of whether the person at the time of the 4573
transportation or possession as described in this division is 4574
the operator of or a passenger in the motor vehicle. 4575

(E) No person who has been issued a concealed handgun 4576
license or who is an active duty member of the armed forces of 4577
the United States and is carrying a valid military 4578
identification card and documentation of successful completion 4579
of firearms training that meets or exceeds the training 4580
requirements described in division (G) (1) of section 2923.125 of 4581
the Revised Code, who is the driver or an occupant of a motor 4582
vehicle that is stopped as a result of a traffic stop or a stop 4583
for another law enforcement purpose or is the driver or an 4584
occupant of a commercial motor vehicle that is stopped by an 4585
employee of the motor carrier enforcement unit for the purposes 4586
defined in section 5503.34 of the Revised Code, and who is 4587
transporting or has a loaded handgun in the motor vehicle or 4588
commercial motor vehicle in any manner, shall do any of the 4589
following: 4590

(1) Fail to promptly inform any law enforcement officer 4591
who approaches the vehicle while stopped that the person has 4592
been issued a concealed handgun license or is authorized to 4593
carry a concealed handgun as an active duty member of the armed 4594
forces of the United States and that the person then possesses 4595
or has a loaded handgun in the motor vehicle; 4596

(2) Fail to promptly inform the employee of the unit who 4597
approaches the vehicle while stopped that the person has been 4598
issued a concealed handgun license or is authorized to carry a 4599

concealed handgun as an active duty member of the armed forces 4600
of the United States and that the person then possesses or has a 4601
loaded handgun in the commercial motor vehicle; 4602

(3) Knowingly fail to remain in the motor vehicle while 4603
stopped or knowingly fail to keep the person's hands in plain 4604
sight at any time after any law enforcement officer begins 4605
approaching the person while stopped and before the law 4606
enforcement officer leaves, unless the failure is pursuant to 4607
and in accordance with directions given by a law enforcement 4608
officer; 4609

(4) Knowingly have contact with the loaded handgun by 4610
touching it with the person's hands or fingers in the motor 4611
vehicle at any time after the law enforcement officer begins 4612
approaching and before the law enforcement officer leaves, 4613
unless the person has contact with the loaded handgun pursuant 4614
to and in accordance with directions given by the law 4615
enforcement officer; 4616

(5) Knowingly disregard or fail to comply with any lawful 4617
order of any law enforcement officer given while the motor 4618
vehicle is stopped, including, but not limited to, a specific 4619
order to the person to keep the person's hands in plain sight. 4620

(F) (1) Divisions (A), (B), (C), and (E) of this section do 4621
not apply to any of the following: 4622

(a) An officer, agent, or employee of this or any other 4623
state or the United States, or a law enforcement officer, when 4624
authorized to carry or have loaded or accessible firearms in 4625
motor vehicles and acting within the scope of the officer's, 4626
agent's, or employee's duties; 4627

(b) Any person who is employed in this state, who is 4628

authorized to carry or have loaded or accessible firearms in 4629
motor vehicles, and who is subject to and in compliance with the 4630
requirements of section 109.801 of the Revised Code, unless the 4631
appointing authority of the person has expressly specified that 4632
the exemption provided in division (F) (1) (b) of this section 4633
does not apply to the person. 4634

(2) Division (A) of this section does not apply to a 4635
person if all of the following circumstances apply: 4636

(a) The person discharges a firearm from a motor vehicle 4637
at a coyote or groundhog, the discharge is not during the deer 4638
gun hunting season as set by the chief of the division of 4639
wildlife of the department of natural resources, and the 4640
discharge at the coyote or groundhog, but for the operation of 4641
this section, is lawful. 4642

(b) The motor vehicle from which the person discharges the 4643
firearm is on real property that is located in an unincorporated 4644
area of a township and that either is zoned for agriculture or 4645
is used for agriculture. 4646

(c) The person owns the real property described in 4647
division (F) (2) (b) of this section, is the spouse or a child of 4648
another person who owns that real property, is a ~~tenant-lessee~~ 4649
of another person who owns that real property, or is the spouse 4650
or a child of a ~~tenant-lessee~~ of another person who owns that 4651
real property. 4652

(d) The person does not discharge the firearm in any of 4653
the following manners: 4654

(i) While under the influence of alcohol, a drug of abuse, 4655
or alcohol and a drug of abuse; 4656

(ii) In the direction of a street, highway, or other 4657

public or private property used by the public for vehicular 4658
traffic or parking; 4659

(iii) At or into an occupied structure that is a permanent 4660
or temporary habitation; 4661

(iv) In the commission of any violation of law, including, 4662
but not limited to, a felony that includes, as an essential 4663
element, purposely or knowingly causing or attempting to cause 4664
the death of or physical harm to another and that was committed 4665
by discharging a firearm from a motor vehicle. 4666

(3) Division (A) of this section does not apply to a 4667
person if all of the following apply: 4668

(a) The person possesses a valid all-purpose vehicle 4669
permit issued under section 1533.103 of the Revised Code by the 4670
chief of the division of wildlife. 4671

(b) The person discharges a firearm at a wild quadruped or 4672
game bird as defined in section 1531.01 of the Revised Code 4673
during the open hunting season for the applicable wild quadruped 4674
or game bird. 4675

(c) The person discharges a firearm from a stationary all- 4676
purpose vehicle as defined in section 1531.01 of the Revised 4677
Code from private or publicly owned lands or from a motor 4678
vehicle that is parked on a road that is owned or administered 4679
by the division of wildlife. 4680

(d) The person does not discharge the firearm in any of 4681
the following manners: 4682

(i) While under the influence of alcohol, a drug of abuse, 4683
or alcohol and a drug of abuse; 4684

(ii) In the direction of a street, a highway, or other 4685

public or private property that is used by the public for 4686
vehicular traffic or parking; 4687

(iii) At or into an occupied structure that is a permanent 4688
or temporary habitation; 4689

(iv) In the commission of any violation of law, including, 4690
but not limited to, a felony that includes, as an essential 4691
element, purposely or knowingly causing or attempting to cause 4692
the death of or physical harm to another and that was committed 4693
by discharging a firearm from a motor vehicle. 4694

(4) Divisions (B) and (C) of this section do not apply to 4695
a person if all of the following circumstances apply: 4696

(a) At the time of the alleged violation of either of 4697
those divisions, the person is the operator of or a passenger in 4698
a motor vehicle. 4699

(b) The motor vehicle is on real property that is located 4700
in an unincorporated area of a township and that either is zoned 4701
for agriculture or is used for agriculture. 4702

(c) The person owns the real property described in 4703
division (D) (4) (b) of this section, is the spouse or a child of 4704
another person who owns that real property, is a ~~tenant~~-lessee 4705
of another person who owns that real property, or is the spouse 4706
or a child of a ~~tenant~~-lessee of another person who owns that 4707
real property. 4708

(d) The person, prior to arriving at the real property 4709
described in division (D) (4) (b) of this section, did not 4710
transport or possess a firearm in the motor vehicle in a manner 4711
prohibited by division (B) or (C) of this section while the 4712
motor vehicle was being operated on a street, highway, or other 4713
public or private property used by the public for vehicular 4714

traffic or parking. 4715

(5) Divisions (B) and (C) of this section do not apply to 4716
a person who transports or possesses a handgun in a motor 4717
vehicle if, at the time of that transportation or possession, 4718
both of the following apply: 4719

(a) The person transporting or possessing the handgun is 4720
either carrying a valid concealed handgun license or is an 4721
active duty member of the armed forces of the United States and 4722
is carrying a valid military identification card and 4723
documentation of successful completion of firearms training that 4724
meets or exceeds the training requirements described in division 4725
(G) (1) of section 2923.125 of the Revised Code. 4726

(b) The person transporting or possessing the handgun is 4727
not knowingly in a place described in division (B) of section 4728
2923.126 of the Revised Code. 4729

(6) Divisions (B) and (C) of this section do not apply to 4730
a person if all of the following apply: 4731

(a) The person possesses a valid all-purpose vehicle 4732
permit issued under section 1533.103 of the Revised Code by the 4733
chief of the division of wildlife. 4734

(b) The person is on or in an all-purpose vehicle as 4735
defined in section 1531.01 of the Revised Code or a motor 4736
vehicle during the open hunting season for a wild quadruped or 4737
game bird. 4738

(c) The person is on or in an all-purpose vehicle as 4739
defined in section 1531.01 of the Revised Code on private or 4740
publicly owned lands or on or in a motor vehicle that is parked 4741
on a road that is owned or administered by the division of 4742
wildlife. 4743

(7) Nothing in this section prohibits or restricts a 4744
person from possessing, storing, or leaving a firearm in a 4745
locked motor vehicle that is parked in the state underground 4746
parking garage at the state capitol building or in the parking 4747
garage at the Riffe center for government and the arts in 4748
Columbus, if the person's transportation and possession of the 4749
firearm in the motor vehicle while traveling to the premises or 4750
facility was not in violation of division (A), (B), (C), (D), or 4751
(E) of this section or any other provision of the Revised Code. 4752

(G) (1) The affirmative defenses authorized in divisions 4753
(D) (1) and (2) of section 2923.12 of the Revised Code are 4754
affirmative defenses to a charge under division (B) or (C) of 4755
this section that involves a firearm other than a handgun. 4756

(2) It is an affirmative defense to a charge under 4757
division (B) or (C) of this section of improperly handling 4758
firearms in a motor vehicle that the actor transported or had 4759
the firearm in the motor vehicle for any lawful purpose and 4760
while the motor vehicle was on the actor's own property, 4761
provided that this affirmative defense is not available unless 4762
the person, immediately prior to arriving at the actor's own 4763
property, did not transport or possess the firearm in a motor 4764
vehicle in a manner prohibited by division (B) or (C) of this 4765
section while the motor vehicle was being operated on a street, 4766
highway, or other public or private property used by the public 4767
for vehicular traffic. 4768

(H) (1) No person who is charged with a violation of 4769
division (B), (C), or (D) of this section shall be required to 4770
obtain a concealed handgun license as a condition for the 4771
dismissal of the charge. 4772

(2) (a) If a person is convicted of, was convicted of, 4773

pleads guilty to, or has pleaded guilty to a violation of 4774
division (E) of this section as it existed prior to September 4775
30, 2011, and if the conduct that was the basis of the violation 4776
no longer would be a violation of division (E) of this section 4777
on or after September 30, 2011, the person may file an 4778
application under section 2953.37 of the Revised Code requesting 4779
the expungement of the record of conviction. 4780

If a person is convicted of, was convicted of, pleads 4781
guilty to, or has pleaded guilty to a violation of division (B) 4782
or (C) of this section as the division existed prior to 4783
September 30, 2011, and if the conduct that was the basis of the 4784
violation no longer would be a violation of division (B) or (C) 4785
of this section on or after September 30, 2011, due to the 4786
application of division (F) (5) of this section as it exists on 4787
and after September 30, 2011, the person may file an application 4788
under section 2953.37 of the Revised Code requesting the 4789
expungement of the record of conviction. 4790

(b) The attorney general shall develop a public media 4791
advisory that summarizes the expungement procedure established 4792
under section 2953.37 of the Revised Code and the offenders 4793
identified in division (H) (2) (a) of this section who are 4794
authorized to apply for the expungement. Within thirty days 4795
after September 30, 2011, the attorney general shall provide a 4796
copy of the advisory to each daily newspaper published in this 4797
state and each television station that broadcasts in this state. 4798
The attorney general may provide the advisory in a tangible 4799
form, an electronic form, or in both tangible and electronic 4800
forms. 4801

(I) Whoever violates this section is guilty of improperly 4802
handling firearms in a motor vehicle. Violation of division (A) 4803

of this section is a felony of the fourth degree. Violation of 4804
division (C) of this section is a misdemeanor of the fourth 4805
degree. A violation of division (D) of this section is a felony 4806
of the fifth degree or, if the loaded handgun is concealed on 4807
the person's person, a felony of the fourth degree. Except as 4808
otherwise provided in this division, a violation of division (E) 4809
(1) or (2) of this section is a misdemeanor of the first degree, 4810
and, in addition to any other penalty or sanction imposed for 4811
the violation, the offender's concealed handgun license shall be 4812
suspended pursuant to division (A) (2) of section 2923.128 of the 4813
Revised Code. If at the time of the stop of the offender for a 4814
traffic stop, for another law enforcement purpose, or for a 4815
purpose defined in section 5503.34 of the Revised Code that was 4816
the basis of the violation any law enforcement officer involved 4817
with the stop or the employee of the motor carrier enforcement 4818
unit who made the stop had actual knowledge of the offender's 4819
status as a licensee, a violation of division (E) (1) or (2) of 4820
this section is a minor misdemeanor, and the offender's 4821
concealed handgun license shall not be suspended pursuant to 4822
division (A) (2) of section 2923.128 of the Revised Code. A 4823
violation of division (E) (4) of this section is a felony of the 4824
fifth degree. A violation of division (E) (3) or (5) of this 4825
section is a misdemeanor of the first degree or, if the offender 4826
previously has been convicted of or pleaded guilty to a 4827
violation of division (E) (3) or (5) of this section, a felony of 4828
the fifth degree. In addition to any other penalty or sanction 4829
imposed for a misdemeanor violation of division (E) (3) or (5) of 4830
this section, the offender's concealed handgun license shall be 4831
suspended pursuant to division (A) (2) of section 2923.128 of the 4832
Revised Code. A violation of division (B) of this section is a 4833
felony of the fourth degree. 4834

(J) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this division, division (B) of section 2923.163 of the Revised Code applies.

(K) As used in this section:

(1) "Motor vehicle," "street," and "highway" have the same meanings as in section 4511.01 of the Revised Code.

(2) "Occupied structure" has the same meaning as in section 2909.01 of the Revised Code.

(3) "Agriculture" has the same meaning as in section 519.01 of the Revised Code.

(4) ~~"Tenant"~~ "Lessee" has the same meaning as in section 1531.01 of the Revised Code.

(5) (a) "Unloaded" means, with respect to a firearm other than a firearm described in division (K) (6) of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question, and one of the following applies:

(i) There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.

(ii) Any magazine or speed loader that contains ammunition 4864
and that may be used with the firearm in question is stored in a 4865
compartment within the vehicle in question that cannot be 4866
accessed without leaving the vehicle or is stored in a container 4867
that provides complete and separate enclosure. 4868

(b) For the purposes of division (K) (5) (a) (ii) of this 4869
section, a "container that provides complete and separate 4870
enclosure" includes, but is not limited to, any of the 4871
following: 4872

(i) A package, box, or case with multiple compartments, as 4873
long as the loaded magazine or speed loader and the firearm in 4874
question either are in separate compartments within the package, 4875
box, or case, or, if they are in the same compartment, the 4876
magazine or speed loader is contained within a separate 4877
enclosure in that compartment that does not contain the firearm 4878
and that closes using a snap, button, buckle, zipper, hook and 4879
loop closing mechanism, or other fastener that must be opened to 4880
access the contents or the firearm is contained within a 4881
separate enclosure of that nature in that compartment that does 4882
not contain the magazine or speed loader; 4883

(ii) A pocket or other enclosure on the person of the 4884
person in question that closes using a snap, button, buckle, 4885
zipper, hook and loop closing mechanism, or other fastener that 4886
must be opened to access the contents. 4887

(c) For the purposes of divisions (K) (5) (a) and (b) of 4888
this section, ammunition held in stripper-clips or in en-bloc 4889
clips is not considered ammunition that is loaded into a 4890
magazine or speed loader. 4891

(6) "Unloaded" means, with respect to a firearm employing 4892

a percussion cap, flintlock, or other obsolete ignition system, 4893
when the weapon is uncapped or when the priming charge is 4894
removed from the pan. 4895

(7) "Commercial motor vehicle" has the same meaning as in 4896
division (A) of section 4506.25 of the Revised Code. 4897

(8) "Motor carrier enforcement unit" means the motor 4898
carrier enforcement unit in the department of public safety, 4899
division of state highway patrol, that is created by section 4900
5503.34 of the Revised Code. 4901

(L) Divisions (K) (5) (a) and (b) of this section do not 4902
affect the authority of a person who is carrying a valid 4903
concealed handgun license to have one or more magazines or speed 4904
loaders containing ammunition anywhere in a vehicle, without 4905
being transported as described in those divisions, as long as no 4906
ammunition is in a firearm, other than a handgun, in the vehicle 4907
other than as permitted under any other provision of this 4908
chapter. A person who is carrying a valid concealed handgun 4909
license may have one or more magazines or speed loaders 4910
containing ammunition anywhere in a vehicle without further 4911
restriction, as long as no ammunition is in a firearm, other 4912
than a handgun, in the vehicle other than as permitted under any 4913
provision of this chapter. 4914

Sec. 2933.56. (A) Any interception warrant or extension of 4915
an interception warrant that is issued pursuant to sections 4916
2933.53 to 2933.55 of the Revised Code shall contain all of the 4917
following: 4918

(1) The name and court of the judge who issued the warrant 4919
and the jurisdiction of that court; 4920

(2) If known, the identity of each person whose 4921

communications are to be intercepted or, if the identity is 4922
unascertainable, a detailed description of each known person 4923
whose communications are to be intercepted; 4924

(3) The nature and location of the communications 4925
facilities from which or of the place at which the authority to 4926
intercept is granted and, in the case of telephone or telegraph 4927
communications, a designation of the particular lines involved; 4928

(4) A statement of the objective of the warrant, as found 4929
by the issuing judge, and a statement of the designated offenses 4930
for which the authority to intercept is granted; 4931

(5) A description of the particular type of communication 4932
sought to be intercepted; 4933

(6) The identity of the investigative officer or law 4934
enforcement agency that is authorized to intercept 4935
communications pursuant to the interception warrant and the 4936
identity of the prosecuting attorney or assistant prosecuting 4937
attorney authorizing the application for the interception 4938
warrant; 4939

(7) The period of time during which the interception is 4940
authorized, including a statement as to whether the interception 4941
shall terminate automatically when the described communication 4942
is first intercepted; 4943

(8) A statement that the interception warrant shall be 4944
executed as soon as practicable; 4945

(9) A statement that the interception shall be conducted 4946
in a way that minimizes the interception of communications that 4947
are not subject to the interception warrant, provided that if 4948
the intercepted communication is in a code or a foreign language 4949
and an expert in decoding or in that foreign language is not 4950

reasonably available during the interception period, 4951
minimization may be accomplished as soon as practicable after 4952
the interception; 4953

(10) A statement that the interception shall terminate 4954
upon attainment of the authorized objective or upon the 4955
expiration of the thirty-day period described in division (E) of 4956
section 2933.54 of the Revised Code, whichever occurs first, 4957
unless an extension of the interception warrant is granted upon 4958
application by the judge who issued the original warrant; 4959

(11) A statement that the person who made the application 4960
for the warrant or extension and the investigative officer or 4961
law enforcement agency authorized to intercept the 4962
communications shall provide oral or written progress reports at 4963
seven-day intervals to the judge who issued the warrant showing 4964
the progress made toward achievement of the authorized objective 4965
of the warrant and the need for continued interception; 4966

(12) An authorization to enter private premises, other 4967
than the premises of a provider of wire or electronic 4968
communication service, for the sole purposes of installing, or 4969
of removing and permanently inactivating, interception devices 4970
and, if the entry is necessary to execute the interception 4971
warrant, a requirement that the time and date of the entry and 4972
name of the individual making the entry be reported to the 4973
court; 4974

(13) If applicable, a statement directing a provider of 4975
wire or electronic communication service, landlord or lessor, 4976
custodian, or other person forthwith to furnish the applicant 4977
all information, facilities, and technical assistance necessary 4978
to accomplish the interception unobtrusively and with a minimum 4979
of interference with the services that the provider of wire or 4980

electronic communication service, landlordor lessor, custodian, 4981
or other person is providing to the person whose communications 4982
are to be intercepted. This assistance by a provider of wire or 4983
electronic communication service shall not include assistance in 4984
supplying, installing, or removing and permanently inactivating, 4985
interception devices. Any provider of wire or electronic 4986
communication service and any landlordor lessor, custodian, or 4987
other person furnishing the facilities or technical assistance 4988
shall be compensated for them at the prevailing rates. As used 4989
in this section, "lessor" and "landlord" have the same meanings 4990
as in section 1923.01 of the Revised Code. 4991

(B) The judge of the court of common pleas to whom the 4992
application is made or who issued the warrant shall seal all 4993
applications for interception warrants that are made and all 4994
interception warrants that are issued pursuant to sections 4995
2933.53 to 2933.55 of the Revised Code. 4996

The judge of a court of common pleas who received the 4997
application or issued the warrant shall specify who shall have 4998
custody of the sealed application and interception warrant. 4999
Copies of the interception warrant, together with a copy of the 5000
application, shall be delivered to and retained by the person 5001
who made the application for the warrant or extension as 5002
authority for the interception authorized by the warrant. 5003

Except as otherwise provided in sections 2933.51 to 5004
2933.66 of the Revised Code, the application and interception 5005
warrants shall be disclosed only upon a showing of good cause 5006
before a judge who is authorized to issue interception warrants. 5007
Upon the termination of the authorized interception, the person 5008
who made the application for the warrant or extension shall 5009
return all applications made and interception warrants issued 5010

under sections 2933.53 to 2933.55 of the Revised Code that 5011
pertain to the interception to the issuing judge, and the 5012
applications and warrants shall be sealed under the issuing 5013
judge's direction. 5014

The applications and warrants shall be kept for at least 5015
ten years. At the expiration of the ten-year period, the issuing 5016
or denying judge may order that the applications and warrants be 5017
destroyed. 5018

(C) A violation of division (B) of this section may be 5019
punished as contempt of court. 5020

Sec. 2933.581. (A) Notwithstanding any other provision of 5021
law, a provider of wire or electronic communication service, an 5022
officer, employee, or agent of a provider of that type, and a 5023
landlord or lessor, custodian, or other person is authorized to 5024
provide information, facilities, or technical assistance to a 5025
person who is authorized by the law of this state or the United 5026
States to intercept wire, oral, or electronic communications if 5027
both of the following apply: 5028

(1) The provider, officer, employee, agent, landlord or 5029
lessor, custodian, or person has been provided with either of 5030
the following: 5031

(a) An interception warrant or extension of an 5032
interception warrant that contains a statement of the type 5033
described in division (A) (13) of section 2933.56 of the Revised 5034
Code; 5035

(b) A written representation of a judge of a court of 5036
common pleas or of a prosecuting attorney or specifically 5037
designated assistant prosecuting attorney that an oral order for 5038
an interception has been granted pursuant to section 2933.57 of 5039

the Revised Code, that no interception warrant is required by 5040
law, that all applicable statutory requirements have been 5041
satisfied, and that the oral order contains a statement of the 5042
type described in division (A) (13) of section 2933.56 of the 5043
Revised Code that directs the provision of the specified 5044
information, facilities, or technical assistance. 5045

(2) The warrant, extension, or representation sets forth 5046
the period of time during which the provision of the 5047
information, facilities, or technical assistance is authorized 5048
and specifies the information, facilities, or technical 5049
assistance required. 5050

(B) (1) Except as provided in division (B) (2) of this 5051
section, no provider of wire or electronic communication 5052
service, no officer, employee, or agent of a provider of that 5053
type, and no landlord or lessor, custodian, or other person who 5054
is authorized to provide information, facilities, or technical 5055
assistance under division (A) of this section shall disclose the 5056
existence of an interception or the device used to accomplish 5057
the interception with respect to which the person has been 5058
furnished an interception warrant, an extension of an 5059
interception warrant, or a written representation pursuant to 5060
that division. A person that makes a disclosure in violation of 5061
this division is liable for civil damages of the type described 5062
in section 2933.65 of the Revised Code. 5063

(2) Division (B) (1) of this section does not prohibit the 5064
disclosure of the existence of an interception or the disclosure 5065
of a device used to accomplish an interception when the 5066
disclosure is required by legal process, provided the person 5067
making the disclosure gives prior notification of the disclosure 5068
to the prosecuting attorney of the county in which the 5069

interception takes place or in which the interception device is 5070
installed. 5071

(C) Except as provided in this section, a provider of wire 5072
or electronic communication service, an officer, employee, or 5073
agent of a provider of that type, and a landlord or lessor, 5074
custodian, or other specified person is immune from civil or 5075
criminal liability in any action that arises out of its 5076
providing information, facilities, or technical assistance in 5077
accordance with division (A) of this section and the terms of 5078
the interception warrant, extension of an interception warrant, 5079
or written representation provided under that division. 5080

(D) As used in this section, "lessor" and "landlord" have 5081
the same meanings as in section 1923.01 of the Revised Code. 5082

Sec. 2933.76. (A) As used in this section and section 5083
2933.77 of the Revised Code, "electronic communication," 5084
"electronic communication service," "investigative officer," 5085
"judge of a court of common pleas," "pen register," "trap and 5086
trace device," and "wire communication" have the same meanings 5087
as in section 2933.51 of the Revised Code. 5088

(B) A judge of a court of common pleas, in accordance with 5089
this section, may issue an order authorizing or approving the 5090
installation and use, within the jurisdiction of the court, of a 5091
pen register or a trap and trace device to obtain information in 5092
connection with a criminal investigation. 5093

(C) A law enforcement officer or investigative officer may 5094
make an application to a judge of a court of common pleas for an 5095
order authorizing the installation and use, within the 5096
jurisdiction of the court, of a pen register or a trap and trace 5097
device to obtain information in connection with a criminal 5098

investigation. The application shall be in writing and shall be 5099
under oath or affirmation. Each application shall contain all of 5100
the following: 5101

(1) The name of the law enforcement officer or 5102
investigative officer making the application and the name of the 5103
investigative or law enforcement agency conducting the criminal 5104
investigation to which the application relates; 5105

(2) The name, if known, of the person to whom the 5106
telephone or other line to which the pen register or trap and 5107
trace device is to be attached is leased or in whose name that 5108
telephone or other line is listed; 5109

(3) The name, if known, of the person who is the subject 5110
of the criminal investigation to which the application relates; 5111

(4) The number and, if known, the physical location of the 5112
telephone or other line to which the pen register or the trap 5113
and trace device is to be attached; 5114

(5) A statement of the offense to which the information 5115
that is likely to be obtained by the installation and use of the 5116
pen register or trap and trace device relates; 5117

(6) A certification by the law enforcement officer or 5118
investigative officer making the application that the 5119
information that is likely to be obtained by the installation 5120
and use of the pen register or trap and trace device is relevant 5121
to an ongoing criminal investigation being conducted by the 5122
investigative or law enforcement agency identified under 5123
division (C) (1) of this section. 5124

(D) (1) The judge to whom an application is made under 5125
division (C) of this section shall issue and enter an order 5126
authorizing the installation and use of a pen register or a trap 5127

and trace device if the judge finds that the information 5128
relating to an offense that is likely to be obtained by the 5129
installation and use of the pen register or trap and trace 5130
device is relevant to an ongoing criminal investigation being 5131
conducted by the investigative or law enforcement agency 5132
identified under division (C)(1) of this section. In the order, 5133
the judge shall specify a finding with respect to each of the 5134
items required by divisions (C)(1) to (6) of this section to be 5135
included in the application. 5136

(2) If the law enforcement officer or investigative 5137
officer so requests, the order shall direct the appropriate 5138
provider of wire or electronic communication service, landlord 5139
or lessor, custodian, or other person to furnish the law 5140
enforcement officer or investigative officer with all 5141
information, facilities, and technical assistance necessary to 5142
accomplish the installation and operation of a pen register or 5143
trap and trace device unobtrusively and with a minimum of 5144
interference of service to the person with respect to whom the 5145
installation and operation are to take place. The order further 5146
shall direct the person who owns or leases the telephone or 5147
other line to which the pen register or trap and trace device is 5148
to be attached, or the provider of wire or electronic 5149
communication service, landlordor lessor, custodian, or other 5150
person who is ordered under division (D)(2) of this section to 5151
provide information, facilities, or technical assistance, not to 5152
disclose the existence of the criminal investigation or of the 5153
installation and use of the pen register or trap and trace 5154
device to the listed subscriber of the telephone or other line 5155
or to another person unless or until otherwise ordered by the 5156
court. If the order pertains to a trap and trace device, the 5157
order may require the appropriate provider of wire or electronic 5158

communication service to install and operate the device. The 5159
order shall be sealed until otherwise ordered by the court. 5160

(E) An order issued pursuant to division (D) of this 5161
section shall authorize the installation and use of a pen 5162
register or a trap and trace device for a period not to exceed 5163
sixty days. The court may grant an extension of the sixty-day 5164
period upon application for an order in accordance with division 5165
(C) of this section and upon the judicial findings required by 5166
division (D)(1) of this section. An extension of an order issued 5167
under this division shall be in effect for a period not to 5168
exceed sixty days. The court may order further extensions of the 5169
sixty-day extended period upon compliance with this division. 5170

(F) A good faith reliance on a court order issued under 5171
this section, a legislative authorization, or a statutory 5172
authorization is a complete defense against any claim in a civil 5173
action or any charge in a criminal action alleging a violation 5174
of the requirements of this section or section 2933.77 of the 5175
Revised Code. 5176

(G) As used in this section, "lessor" and "landlord" have 5177
the same meanings as in section 1923.01 of the Revised Code. 5178

Sec. 2933.77. (A) If an order issued under section 2933.76 5179
of the Revised Code authorizing the installation and use of a 5180
pen register or a trap and trace device directs a provider of 5181
wire or electronic communication service, landlord or lessor, 5182
custodian, or other person to furnish information, facilities, 5183
and technical assistance to accomplish the installation and 5184
operation of the pen register or trap and trace device, that 5185
provider, landlord or lessor, custodian, or other person, in 5186
accordance with the order, shall furnish the law enforcement 5187
officer or investigative officer with all information, 5188

facilities, and technical assistance necessary to accomplish the 5189
installation and operation of the pen register or trap and trace 5190
device unobtrusively and with a minimum of interference with the 5191
service accorded by the provider, landlordor lessor, custodian, 5192
or other person to the person with respect to whom the 5193
installation and operation are to take place. If an order issued 5194
under that section requires a provider of wire or electronic 5195
communication service to install and operate a trap and trace 5196
device, the provider, in accordance with the order, shall 5197
install and operate the device. 5198

(B) The investigative or law enforcement agency conducting 5199
the criminal investigation to which the order issued under 5200
section 2933.76 of the Revised Code for the installation and use 5201
of a pen register or a trap and trace device relates shall 5202
provide reasonable compensation to a provider of wire or 5203
electronic communication service, landlordor lessor, custodian, 5204
or other person who furnishes facilities or technical assistance 5205
in accordance with the order for any reasonable expenses the 5206
provider, landlordor lessor, custodian, or other person incurs 5207
in furnishing the facilities or technical assistance. 5208

(C) A provider of wire or electronic communication 5209
service, an officer, employee, or agent of that provider, or a 5210
landlordor lessor, custodian, or other specified person is 5211
immune from civil or criminal liability in any action that 5212
arises from the provision of information, facilities, or 5213
technical assistance in accordance with the terms of an order of 5214
a court issued under section 2933.76 of the Revised Code. 5215

(D) As used in this section, "lessor" and "landlord" have 5216
the same meanings as in section 1923.01 of the Revised Code. 5217

Sec. 3707.01. (A) As used in this chapter, "isolation" and 5218

"quarantine" have the same meanings as in section 3701.13 of the Revised Code. 5219
5220

(B) The board of health of a city or general health 5221
district shall abate and remove all nuisances within its 5222
jurisdiction. It may, by order, compel the owners, agents, 5223
assignees, occupants, ~~or~~tenants, or lessees, as defined in 5224
section 5321.01 of the Revised Code, of any lot, property, 5225
building, or structure to abate and remove any nuisance therein, 5226
and prosecute such persons for neglect or refusal to obey such 5227
orders. Except in cities having a building department, or 5228
otherwise exercising the power to regulate the erection of 5229
buildings, the board may regulate the location, construction, 5230
and repair of water closets, privies, cesspools, sinks, 5231
plumbing, and drains. In cities having such departments or 5232
exercising such power, the legislative authority, by ordinance, 5233
shall prescribe such rules and regulations as are approved by 5234
the board and shall provide for their enforcement. 5235

The board may regulate the location, construction, and 5236
repair of yards, pens, and stables, and the use, emptying, and 5237
cleaning of such yards, pens, and stables and of water closets, 5238
privies, cesspools, sinks, plumbing, drains, or other places 5239
where offensive or dangerous substances or liquids are or may 5240
accumulate. 5241

When a building, erection, excavation, premises, business, 5242
pursuit, matter, or thing, or the sewerage, drainage, plumbing, 5243
or ventilation thereof is, in the opinion of the board, in a 5244
condition dangerous to life or health, and when a building or 5245
structure is occupied or rented for living or business purposes 5246
and sanitary plumbing and sewerage are feasible and necessary, 5247
but neglected or refused, the board may declare it a public 5248

nuisance and order it to be removed, abated, suspended, altered, 5249
or otherwise improved or purified by the owner, agent, or other 5250
person having control thereof or responsible for such condition, 5251
and may prosecute the owner, agent, or other person having 5252
control thereof for the refusal or neglect to obey such order. 5253
The board may, by its officers and employees, remove, abate, 5254
suspend, alter, or otherwise improve or purify such nuisance and 5255
certify the costs and expense thereof to the county auditor, to 5256
be assessed against the property and thereby made a lien upon it 5257
and collected as other taxes. 5258

Sec. 3729.14. (A) As used in this section: 5259

(1) "Chronic nuisance property" means a property on which 5260
three or more nuisance activities have occurred during any 5261
consecutive six-month period. 5262

(2) "Deadly weapon" and "firearm" have the same meanings 5263
as in section 2923.11 of the Revised Code. 5264

(3) "Nuisance activity" includes all of the following: 5265

(a) A felony drug abuse offense as defined in section 5266
2925.01 of the Revised Code; 5267

(b) A felony sex offense as defined in section 2967.28 of 5268
the Revised Code; 5269

(c) A felony offense of violence; 5270

(d) A felony or a specification an element of which 5271
includes the possession or use of a deadly weapon, including an 5272
explosive or a firearm. 5273

(4) "Offense of violence" has the same meaning as in 5274
section 2901.01 of the Revised Code. 5275

(5) "Person associated with the property" includes a camp operator; camp employee; camp official; camp agent; campsite user; any other person licensed under Chapter 3729. of the Revised Code; any person occupying a campsite including a tenant, or lessee as defined in section 5321.01 of the Revised Code, or invitee; or any person present on the property of a recreational park camp or combined park-camp with the permission of the camp operator or other person licensed under Chapter 3729. of the Revised Code or the consent of any campsite user, tenant or lessee, or invitee.

(6) "Property" means the property of a recreational vehicle park or a combined park-camp, including all lots, buildings, or campsites, whether contained on one or multiple parcels of real property.

(B) No person shall use or operate a recreational vehicle park or combined park-camp as a chronic nuisance. No camp operator shall let a park or park-camp be so used, or knowingly permit a person who has entered into a campsite use agreement with the operator to engage in such conduct in the park or park-camp.

(C) If a local board of health of the health district in which a recreational vehicle park or combined park-camp is located finds that persons associated with the property of the park or park-camp have engaged in a nuisance activity on the park or park-camp property two or more times in any consecutive six-month period, the local board of health shall send notice to the camp operator specifying the conduct that constitutes the nuisance activity. The notice shall be sent to the camp operator by certified mail. The notice shall inform the operator that if one or more nuisance activities occurs on the property within

the consecutive six-month period beginning on the date of the 5306
first nuisance activity, the property will be declared a chronic 5307
nuisance as described in division (A) of this section and the 5308
camp operator's license will be revoked. 5309

If subsequent to the mailing of the notice, the local 5310
board of health learns of an additional nuisance activity on the 5311
recreational vehicle park or combined park-camp property during 5312
a consecutive six-month period beginning on the date the notice 5313
was mailed to the park operator, the board shall immediately 5314
report to the licensing authority that the property is a chronic 5315
nuisance. Upon receipt of such information, the licensing 5316
authority shall revoke the camp operator's license in accordance 5317
with section 3729.08 of the Revised Code. 5318

(D) This section does not limit any recourse permitted 5319
elsewhere in the Revised Code or at common law for conduct that 5320
violates this section. 5321

Sec. 3735.40. As used in sections 3735.27, 3735.31, and 5322
3735.40 to 3735.50 of the Revised Code: 5323

(A) "Federal government" includes the United States, the 5324
federal works administrator, or any other agency or 5325
instrumentality, corporate or otherwise, of the United States. 5326

(B) "Slum" has the meaning defined in section 1.08 of the 5327
Revised Code. 5328

(C) "Housing project" or "project" means any of the 5329
following works or undertakings: 5330

(1) Demolish, clear, or remove buildings from any slum 5331
area. Such work or undertaking may embrace the adaptation of 5332
such area to public purposes, including parks or other 5333
recreational or community purposes. 5334

(2) Provide decent, safe, and sanitary urban or rural dwellings, apartments, or other living accommodations for persons of low income.

(3) Provide for buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, commercial, residential, or other purposes.

(4) Accomplish a combination of the foregoing. "Housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements, and all other work in connection therewith.

(D) "Families of low income" and "persons of low income" mean persons or families who lack the amount of income which is necessary, as determined by the metropolitan housing authority undertaking the housing project, to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding. The terms include persons or families as defined by federal law or regulations who are eligible for a federally derived rent subsidy.

(E) "Families" means families consisting of two or more persons, a single person who has attained the age at which an individual may elect to receive an old age benefit under Title II of the "Social Security Act" or is under disability as defined in section 223 of that act, 49 Stat. 622 (1935), 42 U.S.C.A. 401, as amended, or the remaining member of a ~~tenant-lessee~~ family.

(F) "Families" also means a single person discharged by the head of a hospital pursuant to section 5122.21 of the Revised Code after March 10, 1964.

(G) "Mixed-income development" means a development that includes decent, safe, and sanitary urban or rural dwellings, apartments, or other living accommodations for persons or families of varying incomes.

(H) "Mixed-use development" means a development that is both residential and nonresidential in character.

(I) "Lessee" has the same meaning as in section 5321.01 of the Revised Code.

Sec. 3735.41. Except as otherwise provided in section 3735.43 of the Revised Code, in the operation or management of housing projects a metropolitan housing authority shall observe the following with respect to rentals and lessee and tenant selection:

(A) (1) It shall not provide a federally derived rent subsidy to any ~~tenant-lessee~~ for any dwelling in a housing project if the persons who would occupy the dwelling have an aggregate annual net income that equals or exceeds the amount that the authority determines to be necessary to enable such persons to do both of the following:

(a) Secure safe, sanitary, and uncongested dwelling accommodations within the area of operation of the authority;

(b) Provide an adequate standard of living for themselves.

(2) As used in this division, "aggregate annual net income" means the aggregate annual income less the deductions and exemptions from that income authorized by law or regulations

established by the United States department of housing and urban 5393
development. 5394

(B) (1) Except as provided in division (B) (2) of this 5395
section, it may rent or lease the dwelling accommodations 5396
therein only at rentals within the financial reach of persons 5397
who lack the amount of income which it determines, pursuant to 5398
division (A) of this section, to be necessary in order to obtain 5399
safe, sanitary, and uncongested dwelling accommodations within 5400
the area of operation of the authority and to provide an 5401
adequate standard of living. 5402

(2) It may rent or lease to nonresidential tenants and 5403
persons of varying incomes within a project, mixed-use 5404
development, or mixed-income development. 5405

(C) It may use a federally derived rent subsidy to rent or 5406
lease to a ~~tenant~~-lessee a dwelling consisting of the number of 5407
rooms, but no greater number, which it considers necessary to 5408
provide safe and sanitary accommodations to the proposed 5409
occupants thereof, without overcrowding. 5410

Sections 3735.27 to 3735.50 of the Revised Code do not 5411
limit the power of an authority to vest in a bondholder the 5412
right, in the event of a default by such authority, to take 5413
possession of a housing project or cause the appointment of a 5414
receiver thereof or acquire title thereto through foreclosure 5415
proceedings, free from all the restrictions imposed by such 5416
sections. 5417

Sec. 3735.42. (A) Except as provided in any contract for 5418
financial assistance with the federal government in the 5419
selection of lessees and tenants for housing projects, a 5420
metropolitan housing authority shall give preference, as among 5421

applicants equally in need and eligible for occupancy of the dwelling and at the rent involved, to families of veterans and persons serving in the active military or naval service of the United States, including families of deceased veterans or deceased persons who were so serving at the time of death.

(B) As used in this section:

(1) "Veteran" means either of the following:

(a) A person who has served in the active military or naval service of the United States and who was discharged or released therefrom under conditions other than dishonorable;

(b) A person who served as a member of the United States merchant marine and to whom either of the following applies:

(i) The person has an honorable report of separation from active duty military service, form DD214 or DD215.

(ii) The person served in the United States merchant marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.

(2) "United States merchant marine" includes the United States army transport service and the United States naval transport service.

Sec. 3735.59. A metropolitan housing authority may contract with persons, associations, or corporations, or with the state, a state department or agency, or a state public body as defined in section 3735.51 of the Revised Code for furnishing to the authority food services, health clinics, medical services, or other services for ~~tenants-lessees~~, as defined in section 5321.01 of the Revised Code, of the authority who are

not able to provide for themselves. 5450

The director of any state department may enter into 5451
agreements with a metropolitan housing authority for furnishing 5452
such services to the authority for ~~tenants~~-lessees described in 5453
division (F) of section 3735.40 of the Revised Code pursuant to 5454
terms agreed upon between the director and the authority and for 5455
such compensation as will reimburse the department for the 5456
services rendered. 5457

Sec. 3735.67. (A) The owner of real property located in a 5458
community reinvestment area and eligible for exemption from 5459
taxation under a resolution adopted pursuant to section 3735.66 5460
of the Revised Code may file an application for an exemption 5461
from real property taxation of a percentage of the assessed 5462
valuation of a new structure, or of the increased assessed 5463
valuation of an existing structure after remodeling began, if 5464
the new structure or remodeling is completed after the effective 5465
date of the resolution adopted pursuant to section 3735.66 of 5466
the Revised Code. The application shall be filed with the 5467
housing officer designated for the community reinvestment area 5468
in which the property is located. If any part of the new 5469
structure or remodeled structure that would be exempted is of 5470
real property to be used for commercial or industrial purposes, 5471
the legislative authority and the owner of the property shall 5472
enter into a written agreement pursuant to section 3735.671 of 5473
the Revised Code prior to commencement of construction or 5474
remodeling; if such an agreement is subject to approval by the 5475
board of education of the school district within the territory 5476
of which the property is or will be located, the agreement shall 5477
not be formally approved by the legislative authority until the 5478
board of education approves the agreement in the manner 5479
prescribed by that section. 5480

(B) The housing officer shall verify the construction of 5481
the new structure or the cost of the remodeling of the existing 5482
structure and the facts asserted in the application. The housing 5483
officer shall determine whether the construction or remodeling 5484
meets the requirements for an exemption under this section. In 5485
cases involving a structure of historical or architectural 5486
significance, the housing officer shall not determine whether 5487
the remodeling meets the requirements for a tax exemption unless 5488
the appropriateness of the remodeling has been certified, in 5489
writing, by the society, association, agency, or legislative 5490
authority that has designated the structure or by any 5491
organization or person authorized, in writing, by such society, 5492
association, agency, or legislative authority to certify the 5493
appropriateness of the remodeling. 5494

(C) If the construction or remodeling meets the 5495
requirements for exemption, the housing officer shall forward 5496
the application to the county auditor with a certification as to 5497
the division of this section under which the exemption is 5498
granted, and the period and percentage of the exemption as 5499
determined by the legislative authority pursuant to that 5500
division. If the construction or remodeling is of commercial or 5501
industrial property and the legislative authority is not 5502
required to certify a copy of a resolution under section 5503
3735.671 of the Revised Code, the housing officer shall comply 5504
with the notice requirements prescribed under section 5709.83 of 5505
the Revised Code, unless the board has adopted a resolution 5506
under that section waiving its right to receive such a notice. 5507

(D) Except as provided in division (F) of this section, 5508
the tax exemption shall first apply in the year the construction 5509
or remodeling would first be taxable but for this section. In 5510
the case of remodeling that qualifies for exemption, a 5511

percentage, not to exceed one hundred per cent, of the increased 5512
assessed valuation of an existing structure after remodeling 5513
began shall be exempted from real property taxation. In the case 5514
of construction of a structure that qualifies for exemption, a 5515
percentage, not to exceed one hundred per cent, of the assessed 5516
value of the structure shall be exempted from real property 5517
taxation. In either case, the percentage shall be the percentage 5518
set forth in the agreement if the structure or remodeling is to 5519
be used for commercial or industrial purposes, or the percentage 5520
set forth in the resolution describing the community 5521
reinvestment area if the structure or remodeling is to be used 5522
for residential purposes. 5523

The construction of new structures and the remodeling of 5524
existing structures are hereby declared to be a public purpose 5525
for which exemptions from real property taxation may be granted 5526
for the following periods: 5527

(1) For every dwelling and commercial or industrial 5528
properties, located within the same community reinvestment area, 5529
upon which the cost of remodeling is at least two thousand five 5530
hundred dollars in the case of a dwelling containing not more 5531
than two family units or at least five thousand dollars in the 5532
case of all other property, a period to be determined by the 5533
legislative authority adopting the resolution, but not exceeding 5534
fifteen years. The period of exemption for a dwelling described 5535
in division (D) (1) of this section may be extended by a 5536
legislative authority for up to an additional ten years if the 5537
dwelling is a structure of historical or architectural 5538
significance, is a certified historic structure that has been 5539
subject to federal tax treatment under 26 U.S.C. 47 and 170(h), 5540
and units within the structure have been leased to individual 5541
~~tenants~~ lessees as defined in section 5321.01 of the Revised 5542

Code for five consecutive years; 5543

(2) Except as provided in division (F) of this section, 5544
for construction of every dwelling, and commercial or industrial 5545
structure located within the same community reinvestment area, a 5546
period to be determined by the legislative authority adopting 5547
the resolution, but not exceeding fifteen years. The period of 5548
exemption for construction of a commercial or industrial 5549
structure may be extended by a legislative authority for up to 5550
an additional fifteen years if the structure is situated on the 5551
site of a megaproject or is owned and occupied by a megaproject 5552
supplier. 5553

(E) Any person, board, or officer authorized by section 5554
5715.19 of the Revised Code to file complaints with the county 5555
board of revision may file a complaint with the housing officer 5556
challenging the continued exemption of any property granted an 5557
exemption under this section. A complaint against exemption 5558
shall be filed prior to the thirty-first day of December of the 5559
tax year for which taxation of the property is requested. The 5560
housing officer shall determine whether the property continues 5561
to meet the requirements for exemption and shall certify the 5562
housing officer's findings to the complainant. If the housing 5563
officer determines that the property does not meet the 5564
requirements for exemption, the housing officer shall notify the 5565
county auditor, who shall correct the tax list and duplicate 5566
accordingly. 5567

(F) The owner of a dwelling constructed in a community 5568
reinvestment area may file an application for an exemption after 5569
the year the construction first became subject to taxation. The 5570
application shall be processed in accordance with the procedures 5571
prescribed under this section and shall be granted if the 5572

construction that is the subject of the application otherwise 5573
meets the requirements for an exemption under this section. If 5574
approved, the exemption sought in the application first applies 5575
in the year the application is filed. An exemption approved 5576
pursuant to this division continues only for those years 5577
remaining in the period described in division (D) (2) of this 5578
section. No exemption may be claimed for any year in that period 5579
that precedes the year in which the application is filed. 5580

Sec. 3746.23. (A) As used in this section, "costs of 5581
conducting the voluntary action" means the costs incurred for 5582
performing a voluntary action that are cost effective and 5583
reasonably necessary to protect public health and safety and the 5584
environment, including, without limitation, the costs for all of 5585
the following: 5586

(1) Identifying potential sources of contamination of the 5587
property by hazardous substances where a voluntary action is 5588
being or was undertaken under this chapter and rules adopted 5589
under it; 5590

(2) Investigating the nature and extent of contamination 5591
of the property by hazardous substances in order to screen and 5592
select remedial alternatives; 5593

(3) Preparing a remedial plan for the property; 5594

(4) Conducting the remedial activities, including, without 5595
limitation, the future operation and maintenance costs of any 5596
engineering controls installed to contain or control the release 5597
of hazardous substances at or from the property; 5598

(5) The preparation and submission of a no further action 5599
letter by a certified professional in connection with the 5600
voluntary action; 5601

(6) Any oversight costs paid to the environmental 5602
protection agency; 5603

(7) Reasonable attorney's fees, court costs, and other 5604
expenses in connection with the action brought under this 5605
section. 5606

"Costs of conducting the voluntary action" does not 5607
include the costs of any work performed at the property to 5608
render it suitable for a higher use than its current use or its 5609
most recent demonstrable use that is in addition to the work 5610
that is cost effective and reasonably necessary to protect 5611
public health and safety and the environment. 5612

(B) Any person who, at the time when any of the hazardous 5613
substances identified and addressed by a voluntary action 5614
conducted under this chapter and rules adopted under it were 5615
released at or upon the property that is the subject of the 5616
voluntary action, was the owner or operator of the property, and 5617
any other person who caused or contributed to a release of 5618
hazardous substances at or upon the property, is liable to the 5619
person who conducted the voluntary action for the costs of 5620
conducting the voluntary action. If the person who conducted the 5621
voluntary action did not cause or contribute to any release of 5622
hazardous substances at or upon the property that were 5623
identified and addressed by the voluntary action, ~~he~~ the person 5624
who conducted the voluntary action may recover in a civil action 5625
the costs of conducting the voluntary action from the owners or 5626
operators of the property at the time when those releases 5627
occurred and the other persons who caused or contributed to the 5628
releases. If the person who conducted the voluntary action 5629
caused or contributed to any release of hazardous substances at 5630
or upon the property that were identified and addressed by the 5631

voluntary action, ~~he~~ the person who conducted the voluntary 5632
action may recover in a civil action from the owners and 5633
operators of the property when those releases occurred and the 5634
other persons who caused or contributed to the releases the 5635
costs of conducting the voluntary action that are attributable 5636
to the releases that those owners, operators, and others caused 5637
or contributed to. 5638

If two or more persons are found to have caused or 5639
contributed to a release of hazardous substances at or upon the 5640
property, the costs of conducting the voluntary action shall be 5641
apportioned among each such person on the basis of ~~his~~ the 5642
person's respective degree of responsibility for the costs. 5643

(C) A civil action authorized by this section shall be 5644
commenced in the court of common pleas of the county in which is 5645
located the property at which the voluntary action is conducted. 5646
The person conducting the voluntary action may commence the 5647
civil action at any time after the person has commenced the 5648
conduct of the voluntary action. Notwithstanding section 2305.09 5649
of the Revised Code, a civil action shall be commenced under 5650
this section within three years after the applicable no further 5651
action letter was submitted to the director of environmental 5652
protection under section 3746.11 of the Revised Code in 5653
connection with the voluntary action. 5654

(D) All of the owners and operators of the property when 5655
the releases of hazardous substances identified and addressed by 5656
the voluntary action occurred, and the other persons who caused 5657
or contributed to those releases, shall be joined as defendants 5658
in a civil action commenced under this section. The liability of 5659
those owners, operators, and others for the costs of conducting 5660
the voluntary action shall be based upon their respective 5661

degrees of responsibility for the costs. When determining the 5662
respective degrees of responsibility for the costs of those 5663
owners, operators, and others, the jury or, in a nonjury action, 5664
the court may consider the nature and amount of hazardous 5665
substances stored, treated, disposed of, used, and released by 5666
each person; the length of time that each person owned or 5667
operated the property; each person's history of compliance with 5668
applicable federal and state environmental laws and rules in the 5669
use and operation of the property; and any other factors that 5670
the jury or court considers to be appropriate. 5671

(E) This section shall allow the filing of claims for 5672
recovery of the costs of conducting a voluntary action that 5673
identifies and addresses releases of hazardous substances that 5674
occurred prior to, on, or after ~~the effective date of this~~ 5675
~~section~~ September 28, 1994. 5676

(F) The existence of a claim for relief under this section 5677
does not preclude persons from allocating the costs of 5678
conducting a voluntary action among themselves by contract. 5679
Contractual allocations of those costs do not affect the rights, 5680
liabilities, or obligations to this state of the parties to the 5681
contractual allocation. 5682

(G) This section does not create a claim for relief to 5683
recover the costs of conducting a voluntary action against any 5684
of the following: 5685

(1) A person who neither caused nor contributed to in any 5686
material respect a release of hazardous substances on, in, or 5687
under the property that was identified and addressed by the 5688
voluntary action nor who expressly undertook contractual 5689
liability for conducting the voluntary action; 5690

(2) Notwithstanding a landlord's or lessor's rights 5691
against a tenant or lessee, a landlord or lessor if the landlord 5692
or lessor did not know, and could not reasonably have known, of 5693
the acts or omissions of a tenant or lessee that caused or 5694
contributed to, or were likely to have caused or contributed to, 5695
a release of a hazardous substance that resulted in the conduct 5696
of the voluntary action at the property~~r~~. As used in division 5697
(G) (2) of this section, "landlord," "lessee," and "lessor" have 5698
the same meanings as in section 1923.01 of the Revised Code. 5699

(3) This state or a political subdivision of this state if 5700
it involuntarily acquires ownership or control of property by 5701
virtue of its function as a sovereign through such means as 5702
escheat, bankruptcy, tax delinquency, or abandonment; 5703

(4) This state or a political subdivision of this state if 5704
it voluntarily acquires ownership or control of property through 5705
purchase, appropriation in accordance with Chapter 163. of the 5706
Revised Code, or other means; 5707

(5) An owner or operator or any other person who caused or 5708
contributed to a release of petroleum at or upon property that 5709
was identified and addressed by a voluntary action for that 5710
portion of the costs of conducting a voluntary action arising 5711
from the petroleum release. If a petroleum release became mixed 5712
with a release of a hazardous substance on or upon the property, 5713
the owner or operator or other person who caused or contributed 5714
to the release of petroleum is not liable for that increment of 5715
the costs of conducting a voluntary action that is attributable 5716
to the presence of the petroleum release; 5717

(6) A holder who is in compliance with the requirements of 5718
section 3746.26 of the Revised Code; 5719

(7) A fiduciary or trustee who is in compliance with the requirements of section 3734.27 of the Revised Code.

(H) Division (G) (5) of this section does not affect any other liability to which any person described in that division otherwise is subject under state or federal law.

Sec. 3767.05. (A) The civil action provided for in section 3767.03 of the Revised Code shall be set down for trial at the earliest possible time and shall have precedence over all other cases except those involving crimes, election contests, or injunctions regardless of the position of the proceedings on the calendar of the court. In the civil action, evidence of the general reputation of the place where the nuisance is alleged to exist or an admission or finding of guilt of any person under the criminal laws against prostitution, lewdness, assignation, or other prohibited conduct at the place is admissible for the purpose of proving the existence of the nuisance and is prima-facie evidence of the nuisance and of knowledge of and of acquiescence and participation in the nuisance on the part of the person charged with maintaining it.

(B) If the complaint for the permanent injunction is filed by a person who is a citizen of the county, it shall not be dismissed unless the complainant and the complainant's attorney submit a sworn statement setting forth the reasons why the civil action should be dismissed and the dismissal is approved by the prosecuting attorney in writing or in open court. If the person who files the complaint for the permanent injunction is a citizen of the county, if that person refuses or otherwise fails to prosecute the complaint to judgment, and if the civil action is not dismissed pursuant to this division, then, with the approval of the court, the attorney general, the prosecuting

attorney of the county in which the nuisance exists, or the 5750
village solicitor, city director of law, or other similar chief 5751
legal officer of the municipal corporation in which the nuisance 5752
exists, may be substituted for the complainant and prosecute the 5753
civil action to judgment. 5754

(C) If the civil action is commenced by a person who is a 5755
citizen of the county where the nuisance is alleged to exist and 5756
the court finds that there were no reasonable grounds or cause 5757
for the civil action, the costs may be taxed to that person. 5758

(D) If the existence of the nuisance is established upon 5759
the trial of the civil action, a judgment shall be entered that 5760
perpetually enjoins the defendant and any other person from 5761
further maintaining the nuisance at the place complained of and 5762
the defendant from maintaining the nuisance elsewhere. 5763

(E) If the court finds that a nuisance described in 5764
division (C) (3) of section 3767.01 of the Revised Code exists, 5765
the court shall order the nuisance to be abated, and, in 5766
entering judgment for nuisance, the court shall do all of the 5767
following: 5768

(1) Specify that judgment is entered pursuant to division 5769
(E) of this section; 5770

(2) Order that no beer or intoxicating liquor may be 5771
manufactured, sold, bartered, possessed, kept, or stored in the 5772
room, house, building, structure, place, boat, or vehicle or any 5773
part thereof. The court need not find that the property was 5774
being unlawfully used at the time of the hearing on the matter 5775
if the court finds there existed a nuisance as described in 5776
division (C) (3) of section 3767.01 of the Revised Code. 5777

(3) Order that the room, house, building, boat, vehicle, 5778

structure, or place not be occupied or used for one year after 5779
the judgment is rendered. The court may permit the premises to 5780
be occupied by a person other than the defendant or a business 5781
affiliate of the defendant in the nuisance action, or an agent 5782
of, or entity owned in whole or part by, the defendant, if the 5783
person, ~~lessee, tenant, or occupant,~~ or lessee, including a 5784
lessee as defined in section 5321.01 of the Revised Code, of the 5785
location posts a bond with sufficient surety, to be approved by 5786
the court issuing the order, in the sum of not less than one 5787
thousand nor more than five thousand dollars, payable to the 5788
state of Ohio, on the condition that no beer or intoxicating 5789
liquor thereafter shall be manufactured, sold, bartered, 5790
possessed, kept, stored, transported, or otherwise disposed of 5791
on the premises, and the person agrees to pay all fines, costs, 5792
and damages that may be assessed for a violation. A reasonable 5793
sum shall be allowed an officer by the issuing court for the 5794
cost of closing and keeping closed the premises that is the 5795
subject of the nuisance action. 5796

(4) Send notice of the judgment entered to the division of 5797
liquor control, the liquor control commission, and the liquor 5798
enforcement division of the department of public safety. 5799

(F) A defendant found to have maintained a nuisance as 5800
described in division (C) (3) of section 3767.01 of the Revised 5801
Code also is subject to liability and penalties under sections 5802
4301.74 and 4399.09 of the Revised Code. The abatement of a 5803
nuisance under section 4399.09 of the Revised Code is in 5804
addition to and does not prevent the abatement of a nuisance 5805
under division (D) or (E) of this section. 5806

(G) If a court enters judgment pursuant to division (D) or 5807
(E) of this section finding that a nuisance exists at a liquor 5808

permit premises or as a result of the operation of a liquor 5809
permit premises, except in the case of a nuisance found as a 5810
result of a violation of a local zoning ordinance or resolution, 5811
the certified copy of the judgment required under division (A) 5812
of section 4301.331 of the Revised Code shall be filed with the 5813
board of elections in the county in which the nuisance exists, 5814
not later than four p.m. of the ninetieth day before the day of 5815
the next general or primary election. However, no election shall 5816
be conducted on sales at the liquor permit premises under 5817
section 4301.352 of the Revised Code until all appeals on the 5818
judgment are resolved. The court of appeals shall render a 5819
decision on any appeal of the judgment within six months after 5820
the date of the filing of the appeal of the judgment with the 5821
clerk of the court of appeals, and the supreme court shall 5822
render a decision on any appeal of the judgment within six 5823
months after the date of the filing of the appeal of the 5824
judgment with the clerk of the supreme court. 5825

Sec. 3767.10. If a tenant, lessee as defined in section 5826
5321.01 of the Revised Code, or occupant of a building or 5827
tenement, under a lawful title, uses such place for the purposes 5828
of lewdness, assignation, or prostitution, such use makes void 5829
the lease or other title under which ~~he~~ the tenant, lessee, or 5830
occupant holds, at the option of the owner, and, without any act 5831
of the owner, causes the right of possession to revert and vest 5832
in such owner, who may without process of law make immediate 5833
entry upon the premises. 5834

Sec. 3767.41. (A) As used in this section: 5835

(1) "Building" means, except as otherwise provided in this 5836
division, any building or structure that is used or intended to 5837
be used for residential purposes. "Building" includes, but is 5838

not limited to, a building or structure in which any floor is 5839
used for retail stores, shops, salesrooms, markets, or similar 5840
commercial uses, or for offices, banks, civic administration 5841
activities, professional services, or similar business or civic 5842
uses, and in which the other floors are used, or designed and 5843
intended to be used, for residential purposes. "Building" does 5844
not include any building or structure that is occupied by its 5845
owner and that contains three or fewer residential units. 5846

(2) (a) "Public nuisance" means a building that is a menace 5847
to the public health, welfare, or safety; that is structurally 5848
unsafe, unsanitary, or not provided with adequate safe egress; 5849
that constitutes a fire hazard, is otherwise dangerous to human 5850
life, or is otherwise no longer fit and habitable; or that, in 5851
relation to its existing use, constitutes a hazard to the public 5852
health, welfare, or safety by reason of inadequate maintenance, 5853
dilapidation, obsolescence, or abandonment. 5854

(b) "Public nuisance" as it applies to subsidized housing 5855
means subsidized housing that fails to meet the following 5856
standards as specified in the federal rules governing each 5857
standard: 5858

(i) Each building on the site is structurally sound, 5859
secure, habitable, and in good repair, as defined in 24 C.F.R. 5860
5.703(b); 5861

(ii) Each building's domestic water, electrical system, 5862
elevators, emergency power, fire protection, HVAC, and sanitary 5863
system is free of health and safety hazards, functionally 5864
adequate, operable, and in good repair, as defined in 24 C.F.R. 5865
5.703(c); 5866

(iii) Each dwelling unit within the building is 5867

structurally sound, habitable, and in good repair, and all areas 5868
and aspects of the dwelling unit are free of health and safety 5869
hazards, functionally adequate, operable, and in good repair, as 5870
defined in 24 C.F.R. 5.703(d) (1); 5871

(iv) Where applicable, the dwelling unit has hot and cold 5872
running water, including an adequate source of potable water, as 5873
defined in 24 C.F.R. 5.703(d) (2); 5874

(v) If the dwelling unit includes its own sanitary 5875
facility, it is in proper operating condition, usable in 5876
privacy, and adequate for personal hygiene, and the disposal of 5877
human waste, as defined in 24 C.F.R. 5.703(d) (3); 5878

(vi) The common areas are structurally sound, secure, and 5879
functionally adequate for the purposes intended. The basement, 5880
garage, carport, restrooms, closets, utility, mechanical, 5881
community rooms, daycare, halls, corridors, stairs, kitchens, 5882
laundry rooms, office, porch, patio, balcony, and trash 5883
collection areas are free of health and safety hazards, 5884
operable, and in good repair. All common area ceilings, doors, 5885
floors, HVAC, lighting, smoke detectors, stairs, walls, and 5886
windows, to the extent applicable, are free of health and safety 5887
hazards, operable, and in good repair, as defined in 24 C.F.R. 5888
5.703(e); 5889

(vii) All areas and components of the housing are free of 5890
health and safety hazards. These areas include, but are not 5891
limited to, air quality, electrical hazards, elevators, 5892
emergency/fire exits, flammable materials, garbage and debris, 5893
handrail hazards, infestation, and lead-based paint, as defined 5894
in 24 C.F.R. 5.703(f). 5895

(3) "Abate" or "abatement" in connection with any building 5896

means the removal or correction of any conditions that 5897
constitute a public nuisance and the making of any other 5898
improvements that are needed to effect a rehabilitation of the 5899
building that is consistent with maintaining safe and habitable 5900
conditions over its remaining useful life. "Abatement" does not 5901
include the closing or boarding up of any building that is found 5902
to be a public nuisance. 5903

(4) "Interested party" means any owner, mortgagee, 5904
lienholder, ~~tenant~~lessee, or person that possesses an interest 5905
of record in any property that becomes subject to the 5906
jurisdiction of a court pursuant to this section, and any 5907
applicant for the appointment of a receiver pursuant to this 5908
section. 5909

(5) "Neighbor" means any owner of property, including, but 5910
not limited to, any person who is purchasing property by land 5911
installment contract or under a duly executed purchase contract, 5912
that is located within five hundred feet of any property that 5913
becomes subject to the jurisdiction of a court pursuant to this 5914
section, and any occupant of a building that is so located. 5915

(6) ~~"Tenant"~~ "Lessee" has the same meaning as in section 5916
5321.01 of the Revised Code. 5917

(7) "Subsidized housing" means a property consisting of 5918
more than four dwelling units that, in whole or in part, 5919
receives project-based assistance pursuant to a contract under 5920
any of the following federal housing programs: 5921

(a) The new construction or substantial rehabilitation 5922
program under section 8(b)(2) of the "United States Housing Act 5923
of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b) 5924
(2) as that program was in effect immediately before the first 5925

day of October, 1983;	5926
(b) The moderate rehabilitation program under section 8(e)	5927
(2) of the "United States Housing Act of 1937," Pub. L. No. 75-	5928
412, 50 Stat. 888, 42 U.S.C. 1437f(e) (2);	5929
(c) The loan management assistance program under section 8	5930
of the "United States Housing Act of 1937," Pub. L. No. 75-412,	5931
50 Stat. 888, 42 U.S.C. 1437f;	5932
(d) The rent supplement program under section 101 of the	5933
"Housing and Urban Development Act of 1965," Pub. L. No. 89-174,	5934
79 Stat. 667, 12 U.S.C. 1701s;	5935
(e) Section 8 of the "United States Housing Act of 1937,"	5936
Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following	5937
conversion from assistance under section 101 of the "Housing and	5938
Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat.	5939
667, 12 U.S.C. 1701s;	5940
(f) The program of supportive housing for the elderly	5941
under section 202 of the "Housing Act of 1959," Pub. L. No. 86-	5942
372, 73 Stat. 654, 12 U.S.C. 1701q;	5943
(g) The program of supportive housing for persons with	5944
disabilities under section 811 of the "National Affordable	5945
Housing Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42	5946
U.S.C. 8013;	5947
(h) The rental assistance program under section 521 of the	5948
"United States Housing Act of 1949," Pub. L. No. 90-448, 82	5949
Stat. 551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42	5950
U.S.C. 1490a.	5951
(8) "Project-based assistance" means the assistance is	5952
attached to the property and provides rental assistance only on	5953

behalf of ~~tenants-lessees~~ who reside in that property. 5954

(9) ~~"Landlord"~~ "Lessor" has the same meaning as in section 5955
5321.01 of the Revised Code. 5956

(B) (1) (a) In any civil action to enforce any local 5957
building, housing, air pollution, sanitation, health, fire, 5958
zoning, or safety code, ordinance, resolution, or regulation 5959
applicable to buildings, that is commenced in a court of common 5960
pleas, municipal court, housing or environmental division of a 5961
municipal court, or county court, or in any civil action for 5962
abatement commenced in a court of common pleas, municipal court, 5963
housing or environmental division of a municipal court, or 5964
county court, by a municipal corporation or township in which 5965
the building involved is located, by any neighbor, ~~tenant~~lessee, 5966
or by a nonprofit corporation that is duly organized and has as 5967
one of its goals the improvement of housing conditions in the 5968
county or municipal corporation in which the building involved 5969
is located, if a building is alleged to be a public nuisance, 5970
the municipal corporation, township, neighbor, ~~tenant~~lessee, or 5971
nonprofit corporation may apply in its complaint for an 5972
injunction or other order as described in division (C) (1) of 5973
this section, or for the relief described in division (C) (2) of 5974
this section, including, if necessary, the appointment of a 5975
receiver as described in divisions (C) (2) and (3) of this 5976
section, or for both such an injunction or other order and such 5977
relief. The municipal corporation, township, neighbor, 5978
~~tenant~~lessee, or nonprofit corporation commencing the action is 5979
not liable for the costs, expenses, and fees of any receiver 5980
appointed pursuant to divisions (C) (2) and (3) of this section. 5981

(b) Prior to commencing a civil action for abatement when 5982
the property alleged to be a public nuisance is subsidized 5983

housing, the municipal corporation, township, neighbor, 5984
~~tenant~~lessee, or nonprofit corporation commencing the action 5985
shall provide the ~~landlord~~lessor of that property with written 5986
notice that specifies one or more defective conditions that 5987
constitute a public nuisance as that term applies to subsidized 5988
housing and states that if the ~~landlord~~lessor fails to remedy 5989
the condition within sixty days of the service of the notice, a 5990
claim pursuant to this section may be brought on the basis that 5991
the property constitutes a public nuisance in subsidized 5992
housing. Any party authorized to bring an action against the 5993
~~landlord~~lessor shall make reasonable attempts to serve the 5994
notice in the manner prescribed in the Rules of Civil Procedure 5995
to the ~~landlord~~lessor or the ~~landlord's~~lessor's agent for the 5996
property at the property's management office, or at the place 5997
where the ~~tenants~~lessees normally pay or send rent. If the 5998
~~landlord~~lessor is not the owner of record, the party bringing 5999
the action shall make a reasonable attempt to serve the owner. 6000
If the owner does not receive service the person bringing the 6001
action shall certify the attempts to serve the owner. 6002

(2) (a) In a civil action described in division (B) (1) of 6003
this section, a copy of the complaint and a notice of the date 6004
and time of a hearing on the complaint shall be served upon the 6005
owner of the building and all other interested parties in 6006
accordance with the Rules of Civil Procedure. If certified mail 6007
service, personal service, or residence service of the complaint 6008
and notice is refused or certified mail service of the complaint 6009
and notice is not claimed, and if the municipal corporation, 6010
township, neighbor, ~~tenant~~lessee, or nonprofit corporation 6011
commencing the action makes a written request for ordinary mail 6012
service of the complaint and notice, or uses publication 6013
service, in accordance with the Rules of Civil Procedure, then a 6014

copy of the complaint and notice shall be posted in a 6015
conspicuous place on the building. 6016

(b) The judge in a civil action described in division (B) 6017
(1) of this section shall conduct a hearing at least twenty- 6018
eight days after the owner of the building and the other 6019
interested parties have been served with a copy of the complaint 6020
and the notice of the date and time of the hearing in accordance 6021
with division (B) (2) (a) of this section. 6022

(c) In considering whether subsidized housing is a public 6023
nuisance, the judge shall construe the standards set forth in 6024
division (A) (2) (b) of this section in a manner consistent with 6025
department of housing and urban development and judicial 6026
interpretations of those standards. The judge shall deem that 6027
the property is not a public nuisance if during the twelve 6028
months prior to the service of the notice that division (B) (1) 6029
(b) of this section requires, the department of housing and 6030
urban development's real estate assessment center issued a score 6031
of seventy-five or higher out of a possible one hundred points 6032
pursuant to its regulations governing the physical condition of 6033
multifamily properties pursuant to 24 C.F.R. part 200, subpart 6034
P, and since the most recent inspection, there has been no 6035
significant change in the property's conditions that would 6036
create a serious threat to the health, safety, or welfare of the 6037
property's ~~tenants~~ lessees. 6038

(C) (1) If the judge in a civil action described in 6039
division (B) (1) of this section finds at the hearing required by 6040
division (B) (2) of this section that the building involved is a 6041
public nuisance, if the judge additionally determines that the 6042
owner of the building previously has not been afforded a 6043
reasonable opportunity to abate the public nuisance or has been 6044

afforded such an opportunity and has not refused or failed to 6045
abate the public nuisance, and if the complaint of the municipal 6046
corporation, township, neighbor, ~~tenant~~lessee, or nonprofit 6047
corporation commencing the action requested the issuance of an 6048
injunction as described in this division, then the judge may 6049
issue an injunction requiring the owner of the building to abate 6050
the public nuisance or issue any other order that the judge 6051
considers necessary or appropriate to cause the abatement of the 6052
public nuisance. If an injunction is issued pursuant to this 6053
division, the owner of the building involved shall be given no 6054
more than thirty days from the date of the entry of the judge's 6055
order to comply with the injunction, unless the judge, for good 6056
cause shown, extends the time for compliance. 6057

(2) If the judge in a civil action described in division 6058
(B) (1) of this section finds at the hearing required by division 6059
(B) (2) of this section that the building involved is a public 6060
nuisance, if the judge additionally determines that the owner of 6061
the building previously has been afforded a reasonable 6062
opportunity to abate the public nuisance and has refused or 6063
failed to do so, and if the complaint of the municipal 6064
corporation, township, neighbor, ~~tenant~~lessee, or nonprofit 6065
corporation commencing the action requested relief as described 6066
in this division, then the judge shall offer any mortgagee, 6067
lienholder, or other interested party associated with the 6068
property on which the building is located, in the order of the 6069
priority of interest in title, the opportunity to undertake the 6070
work and to furnish the materials necessary to abate the public 6071
nuisance. Prior to selecting any interested party, the judge 6072
shall require the interested party to demonstrate the ability to 6073
promptly undertake the work and furnish the materials required, 6074
to provide the judge with a viable financial and construction 6075

plan for the rehabilitation of the building as described in 6076
division (D) of this section, and to post security for the 6077
performance of the work and the furnishing of the materials. 6078

If the judge determines, at the hearing, that no 6079
interested party is willing or able to undertake the work and to 6080
furnish the materials necessary to abate the public nuisance, or 6081
if the judge determines, at any time after the hearing, that any 6082
party who is undertaking corrective work pursuant to this 6083
division cannot or will not proceed, or has not proceeded with 6084
due diligence, the judge may appoint a receiver pursuant to 6085
division (C) (3) of this section to take possession and control 6086
of the building. 6087

(3) (a) The judge in a civil action described in division 6088
(B) (1) of this section shall not appoint any person as a 6089
receiver unless the person first has provided the judge with a 6090
viable financial and construction plan for the rehabilitation of 6091
the building involved as described in division (D) of this 6092
section and has demonstrated the capacity and expertise to 6093
perform the required work and to furnish the required materials 6094
in a satisfactory manner. An appointed receiver may be a 6095
financial institution that possesses an interest of record in 6096
the building or the property on which it is located, a nonprofit 6097
corporation as described in divisions (B) (1) and (C) (3) (b) of 6098
this section, including, but not limited to, a nonprofit 6099
corporation that commenced the action described in division (B) 6100
(1) of this section, or any other qualified property manager. 6101

(b) To be eligible for appointment as a receiver, no part 6102
of the net earnings of a nonprofit corporation shall inure to 6103
the benefit of any private shareholder or individual. Membership 6104
on the board of trustees of a nonprofit corporation appointed as 6105

a receiver does not constitute the holding of a public office or 6106
employment within the meaning of sections 731.02 and 731.12 or 6107
any other section of the Revised Code and does not constitute a 6108
direct or indirect interest in a contract or expenditure of 6109
money by any municipal corporation. A member of a board of 6110
trustees of a nonprofit corporation appointed as a receiver 6111
shall not be disqualified from holding any public office or 6112
employment, and shall not forfeit any public office or 6113
employment, by reason of membership on the board of trustees, 6114
notwithstanding any law to the contrary. 6115

(D) Prior to ordering any work to be undertaken, or the 6116
furnishing of any materials, to abate a public nuisance under 6117
this section, the judge in a civil action described in division 6118
(B) (1) of this section shall review the submitted financial and 6119
construction plan for the rehabilitation of the building 6120
involved and, if it specifies all of the following, shall 6121
approve that plan: 6122

(1) The estimated cost of the labor, materials, and any 6123
other development costs that are required to abate the public 6124
nuisance; 6125

(2) The estimated income and expenses of the building and 6126
the property on which it is located after the furnishing of the 6127
materials and the completion of the repairs and improvements; 6128

(3) The terms, conditions, and availability of any 6129
financing that is necessary to perform the work and to furnish 6130
the materials; 6131

(4) If repair and rehabilitation of the building are found 6132
not to be feasible, the cost of demolition of the building or of 6133
the portions of the building that constitute the public 6134

nuisance. 6135

(E) Upon the written request of any of the interested 6136
parties to have a building, or portions of a building, that 6137
constitute a public nuisance demolished because repair and 6138
rehabilitation of the building are found not to be feasible, the 6139
judge may order the demolition. However, the demolition shall 6140
not be ordered unless the requesting interested parties have 6141
paid the costs of demolition and, if any, of the receivership, 6142
and, if any, all notes, certificates, mortgages, and fees of the 6143
receivership. 6144

(F) Before proceeding with the duties of receiver, any 6145
receiver appointed by the judge in a civil action described in 6146
division (B)(1) of this section may be required by the judge to 6147
post a bond in an amount fixed by the judge, but not exceeding 6148
the value of the building involved as determined by the judge. 6149

The judge may empower the receiver to do any or all of the 6150
following: 6151

(1) Take possession and control of the building and the 6152
property on which it is located, operate and manage the building 6153
and the property, establish and collect rents and income, lease 6154
and rent the building and the property, and evict 6155
~~tenants~~lessees; 6156

(2) Pay all expenses of operating and conserving the 6157
building and the property, including, but not limited to, the 6158
cost of electricity, gas, water, sewerage, heating fuel, repairs 6159
and supplies, custodian services, taxes and assessments, and 6160
insurance premiums, and hire and pay reasonable compensation to 6161
a managing agent; 6162

(3) Pay pre-receivership mortgages or installments of them 6163

and other liens; 6164

(4) Perform or enter into contracts for the performance of 6165
all work and the furnishing of materials necessary to abate, and 6166
obtain financing for the abatement of, the public nuisance; 6167

(5) Pursuant to court order, remove and dispose of any 6168
personal property abandoned, stored, or otherwise located in or 6169
on the building and the property that creates a dangerous or 6170
unsafe condition or that constitutes a violation of any local 6171
building, housing, air pollution, sanitation, health, fire, 6172
zoning, or safety code, ordinance, or regulation; 6173

(6) Obtain mortgage insurance for any receiver's mortgage 6174
from any agency of the federal government; 6175

(7) Enter into any agreement and do those things necessary 6176
to maintain and preserve the building and the property and 6177
comply with all local building, housing, air pollution, 6178
sanitation, health, fire, zoning, or safety codes, ordinances, 6179
resolutions, and regulations; 6180

(8) Give the custody of the building and the property, and 6181
the opportunity to abate the nuisance and operate the property, 6182
to its owner or any mortgagee or lienholder of record; 6183

(9) Issue notes and secure them by a mortgage bearing 6184
interest, and upon terms and conditions, that the judge 6185
approves. When sold or transferred by the receiver in return for 6186
valuable consideration in money, material, labor, or services, 6187
the notes or certificates shall be freely transferable. Any 6188
mortgages granted by the receiver shall be superior to any 6189
claims of the receiver. Priority among the receiver's mortgages 6190
shall be determined by the order in which they are recorded. 6191

(G) A receiver appointed pursuant to this section is not 6192

personally liable except for misfeasance, malfeasance, or 6193
nonfeasance in the performance of the functions of the office of 6194
receiver. 6195

(H) (1) The judge in a civil action described in division 6196
(B) (1) of this section may assess as court costs, the expenses 6197
described in division (F) (2) of this section, and may approve 6198
receiver's fees to the extent that they are not covered by the 6199
income from the property. Subject to that limitation, a receiver 6200
appointed pursuant to divisions (C) (2) and (3) of this section 6201
is entitled to receive fees in the same manner and to the same 6202
extent as receivers appointed in actions to foreclose mortgages. 6203

(2) (a) Pursuant to the police powers vested in the state, 6204
all expenditures of a mortgagee, lienholder, or other interested 6205
party that has been selected pursuant to division (C) (2) of this 6206
section to undertake the work and to furnish the materials 6207
necessary to abate a public nuisance, and any expenditures in 6208
connection with the foreclosure of the lien created by this 6209
division, is a first lien upon the building involved and the 6210
property on which it is located and is superior to all prior and 6211
subsequent liens or other encumbrances associated with the 6212
building or the property, including, but not limited to, those 6213
for taxes and assessments, upon the occurrence of both of the 6214
following: 6215

(i) The prior approval of the expenditures by, and the 6216
entry of a judgment to that effect by, the judge in the civil 6217
action described in division (B) (1) of this section; 6218

(ii) The recordation of a certified copy of the judgment 6219
entry and a sufficient description of the property on which the 6220
building is located with the county recorder in the county in 6221
which the property is located within sixty days after the date 6222

of the entry of the judgment. 6223

(b) Pursuant to the police powers vested in the state, all 6224
expenses and other amounts paid in accordance with division (F) 6225
of this section by a receiver appointed pursuant to divisions 6226
(C) (2) and (3) of this section, the amounts of any notes issued 6227
by the receiver in accordance with division (F) of this section, 6228
all mortgages granted by the receiver in accordance with that 6229
division, the fees of the receiver approved pursuant to division 6230
(H) (1) of this section, and any amounts expended in connection 6231
with the foreclosure of a mortgage granted by the receiver in 6232
accordance with division (F) of this section or with the 6233
foreclosure of the lien created by this division, are a first 6234
lien upon the building involved and the property on which it is 6235
located and are superior to all prior and subsequent liens or 6236
other encumbrances associated with the building or the property, 6237
including, but not limited to, those for taxes and assessments, 6238
upon the occurrence of both of the following: 6239

(i) The approval of the expenses, amounts, or fees by, and 6240
the entry of a judgment to that effect by, the judge in the 6241
civil action described in division (B) (1) of this section; or 6242
the approval of the mortgages in accordance with division (F) (9) 6243
of this section by, and the entry of a judgment to that effect 6244
by, that judge; 6245

(ii) The recordation of a certified copy of the judgment 6246
entry and a sufficient description of the property on which the 6247
building is located, or, in the case of a mortgage, the 6248
recordation of the mortgage, a certified copy of the judgment 6249
entry, and such a description, with the county recorder of the 6250
county in which the property is located within sixty days after 6251
the date of the entry of the judgment. 6252

(c) Priority among the liens described in divisions (H) (2) 6253
(a) and (b) of this section shall be determined as described in 6254
division (I) of this section. Additionally, the creation 6255
pursuant to this section of a mortgage lien that is prior to or 6256
superior to any mortgage of record at the time the mortgage lien 6257
is so created, does not disqualify the mortgage of record as a 6258
legal investment under Chapter 1107. or any other chapter of the 6259
Revised Code. 6260

(I) (1) If a receiver appointed pursuant to divisions (C) 6261
(2) and (3) of this section files with the judge in the civil 6262
action described in division (B) (1) of this section a report 6263
indicating that the public nuisance has been abated, if the 6264
judge confirms that the receiver has abated the public nuisance, 6265
and if the receiver or any interested party requests the judge 6266
to enter an order directing the receiver to sell the building 6267
and the property on which it is located, the judge may enter 6268
that order after holding a hearing as described in division (I) 6269
(2) of this section and otherwise complying with that division. 6270

(2) (a) The receiver or interested party requesting an 6271
order as described in division (I) (1) of this section shall 6272
cause a notice of the date and time of a hearing on the request 6273
to be served on the owner of the building involved and all other 6274
interested parties in accordance with division (B) (2) (a) of this 6275
section. The judge in the civil action described in division (B) 6276
(1) of this section shall conduct the scheduled hearing. At the 6277
hearing, if the owner or any interested party objects to the 6278
sale of the building and the property, the burden of proof shall 6279
be upon the objecting person to establish, by a preponderance of 6280
the evidence, that the benefits of not selling the building and 6281
the property outweigh the benefits of selling them. If the judge 6282
determines that there is no objecting person, or if the judge 6283

determines that there is one or more objecting persons but no 6284
objecting person has sustained the burden of proof specified in 6285
this division, the judge may enter an order directing the 6286
receiver to offer the building and the property for sale upon 6287
terms and conditions that the judge shall specify. 6288

(b) In any sale of subsidized housing that is ordered 6289
pursuant to this section, the judge shall specify that the 6290
subsidized housing not be conveyed unless that conveyance 6291
complies with applicable federal law and applicable program 6292
contracts for that housing. Any such conveyance shall be subject 6293
to the condition that the purchaser enter into a contract with 6294
the department of housing and urban development or the rural 6295
housing service of the federal department of agriculture under 6296
which the property continues to be subsidized housing and the 6297
owner continues to operate that property as subsidized housing 6298
unless the secretary of housing and urban development or the 6299
administrator of the rural housing service terminates that 6300
property's contract prior to or upon the conveyance of the 6301
property. 6302

(3) If a sale of a building and the property on which it 6303
is located is ordered pursuant to divisions (I) (1) and (2) of 6304
this section and if the sale occurs in accordance with the terms 6305
and conditions specified by the judge in the judge's order of 6306
sale, then the receiver shall distribute the proceeds of the 6307
sale and the balance of any funds that the receiver may possess, 6308
after the payment of the costs of the sale, in the following 6309
order of priority and in the described manner: 6310

(a) First, in satisfaction of any notes issued by the 6311
receiver pursuant to division (F) of this section, in their 6312
order of priority; 6313

(b) Second, any unreimbursed expenses and other amounts 6314
paid in accordance with division (F) of this section by the 6315
receiver, and the fees of the receiver approved pursuant to 6316
division (H) (1) of this section; 6317

(c) Third, all expenditures of a mortgagee, lienholder, or 6318
other interested party that has been selected pursuant to 6319
division (C) (2) of this section to undertake the work and to 6320
furnish the materials necessary to abate a public nuisance, 6321
provided that the expenditures were approved as described in 6322
division (H) (2) (a) of this section and provided that, if any 6323
such interested party subsequently became the receiver, its 6324
expenditures shall be paid prior to the expenditures of any of 6325
the other interested parties so selected; 6326

(d) Fourth, the amount due for delinquent taxes, 6327
assessments, charges, penalties, and interest owed to this state 6328
or a political subdivision of this state, provided that, if the 6329
amount available for distribution pursuant to division (I) (3) (d) 6330
of this section is insufficient to pay the entire amount of 6331
those taxes, assessments, charges, penalties, and interest, the 6332
proceeds and remaining funds shall be paid to each claimant in 6333
proportion to the amount of those taxes, assessments, charges, 6334
penalties, and interest that each is due. 6335

(e) The amount of any pre-receivership mortgages, liens, 6336
or other encumbrances, in their order of priority. 6337

(4) Following a distribution in accordance with division 6338
(I) (3) of this section, the receiver shall request the judge in 6339
the civil action described in division (B) (1) of this section to 6340
enter an order terminating the receivership. If the judge 6341
determines that the sale of the building and the property on 6342
which it is located occurred in accordance with the terms and 6343

conditions specified by the judge in the judge's order of sale 6344
under division (I) (2) of this section and that the receiver 6345
distributed the proceeds of the sale and the balance of any 6346
funds that the receiver possessed, after the payment of the 6347
costs of the sale, in accordance with division (I) (3) of this 6348
section, and if the judge approves any final accounting required 6349
of the receiver, the judge may terminate the receivership. 6350

(J) (1) A receiver appointed pursuant to divisions (C) (2) 6351
and (3) of this section may be discharged at any time in the 6352
discretion of the judge in the civil action described in 6353
division (B) (1) of this section. The receiver shall be 6354
discharged by the judge as provided in division (I) (4) of this 6355
section, or when all of the following have occurred: 6356

(a) The public nuisance has been abated; 6357

(b) All costs, expenses, and approved fees of the 6358
receivership have been paid; 6359

(c) Either all receiver's notes issued and mortgages 6360
granted pursuant to this section have been paid, or all the 6361
holders of the notes and mortgages request that the receiver be 6362
discharged. 6363

(2) If a judge in a civil action described in division (B) 6364
(1) of this section determines that, and enters of record a 6365
declaration that, a public nuisance has been abated by a 6366
receiver, and if, within three days after the entry of the 6367
declaration, all costs, expenses, and approved fees of the 6368
receivership have not been paid in full, then, in addition to 6369
the circumstances specified in division (I) of this section for 6370
the entry of such an order, the judge may enter an order 6371
directing the receiver to sell the building involved and the 6372

property on which it is located. Any such order shall be 6373
entered, and the sale shall occur, only in compliance with 6374
division (I) of this section. 6375

(K) The title in any building, and in the property on 6376
which it is located, that is sold at a sale ordered under 6377
division (I) or (J) (2) of this section shall be incontestable in 6378
the purchaser and shall be free and clear of all liens for 6379
delinquent taxes, assessments, charges, penalties, and interest 6380
owed to this state or any political subdivision of this state, 6381
that could not be satisfied from the proceeds of the sale and 6382
the remaining funds in the receiver's possession pursuant to the 6383
distribution under division (I) (3) of this section. All other 6384
liens and encumbrances with respect to the building and the 6385
property shall survive the sale, including, but not limited to, 6386
a federal tax lien notice properly filed in accordance with 6387
section 317.09 of the Revised Code prior to the time of the 6388
sale, and the easements and covenants of record running with the 6389
property that were created prior to the time of the sale. 6390

(L) (1) Nothing in this section shall be construed as a 6391
limitation upon the powers granted to a court of common pleas, a 6392
municipal court or a housing or environmental division of a 6393
municipal court under Chapter 1901. of the Revised Code, or a 6394
county court under Chapter 1907. of the Revised Code. 6395

(2) The monetary and other limitations specified in 6396
Chapters 1901. and 1907. of the Revised Code upon the 6397
jurisdiction of municipal and county courts, and of housing or 6398
environmental divisions of municipal courts, in civil actions do 6399
not operate as limitations upon any of the following: 6400

(a) Expenditures of a mortgagee, lienholder, or other 6401
interested party that has been selected pursuant to division (C) 6402

(2) of this section to undertake the work and to furnish the materials necessary to abate a public nuisance; 6403
6404

(b) Any notes issued by a receiver pursuant to division (F) of this section; 6405
6406

(c) Any mortgage granted by a receiver in accordance with division (F) of this section; 6407
6408

(d) Expenditures in connection with the foreclosure of a mortgage granted by a receiver in accordance with division (F) of this section; 6409
6410
6411

(e) The enforcement of an order of a judge entered pursuant to this section; 6412
6413

(f) The actions that may be taken pursuant to this section by a receiver or a mortgagee, lienholder, or other interested party that has been selected pursuant to division (C) (2) of this section to undertake the work and to furnish the materials necessary to abate a public nuisance. 6414
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(3) A judge in a civil action described in division (B) (1) of this section, or the judge's successor in office, has continuing jurisdiction to review the condition of any building that was determined to be a public nuisance pursuant to this section. 6419
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(4) Nothing in this section shall be construed to limit or prohibit a municipal corporation or township that has filed with the superintendent of insurance a certified copy of an adopted resolution, ordinance, or regulation authorizing the procedures described in divisions (C) and (D) of section 3929.86 of the Revised Code from receiving insurance proceeds under section 3929.86 of the Revised Code. 6424
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Sec. 3781.104. (A) One hundred eighty days after the board 6431
of building standards files its rules with the secretary of 6432
state and the director of the legislative service commission, as 6433
required in section 119.04 of the Revised Code, as required by 6434
this section, every existing apartment and condominium building 6435
that exceeds seventy-five feet in height, as measured from 6436
ground level exclusive of any radio, television, or telephone 6437
transmission antennae, or other equipment, chimneys, or 6438
equipment associated with the heating or air conditioning system 6439
of the building, which did not have an automatic smoke detection 6440
system or sprinkler system in conformity with the rules of the 6441
board of building standards adopted pursuant to section 3781.10 6442
of the Revised Code, shall have installed and in operation an 6443
automatic smoke detection system as follows: 6444

(1) Each dwelling unit shall have smoke detector devices 6445
approved by the board and installed in the immediate vicinity 6446
but outside of all sleeping rooms. Alarm signaling devices shall 6447
be clearly audible in all bedrooms within the dwelling unit when 6448
all intervening doors are closed. For the purpose of 6449
installation and maintenance only, the applicable sections of 6450
the national fire prevention association standard No. 74 6451
"standard for the installation, maintenance and use of a 6452
household fire warning system" shall be considered accepted 6453
engineering practice. 6454

(2) In those portions of a building subject to this 6455
division other than dwelling units, detector spacing shall 6456
conform to at least one of the following requirements: 6457

(a) Where the building has a central return air system, 6458
detectors shall be installed as provided by rule in or near the 6459
return air stream in a manner that smoke-laden air originating 6460

from any part of the building must pass by a detector before the 6461
smoke-laden air leaves the floor of origin; 6462

(b) In buildings with or without central return air 6463
systems, detectors shall be installed on each floor on the 6464
corridor or lobby side of and within five feet of all stairway 6465
and elevator doors. Where horizontal exits are used, detectors 6466
shall also be installed on each side of and within fifteen feet 6467
of doors serving as horizontal exits through fire walls. 6468

(B) As used in this section: 6469

(1) "Smoke detector" means a readily removable device, 6470
sensitive to either visible or invisible particles of combustion 6471
or both, which automatically detects any fire condition and 6472
broadcasts locally a signal or alarm. 6473

(2) "Apartment building" means any building at least 6474
seventy-five per cent of the units of which are residential 6475
dwelling units rented or leased to ~~tenants~~ lessees as defined in 6476
section 5321.01 of the Revised Code upon other than a transient 6477
basis and does not include a "hotel" as that term is defined in 6478
section 3731.01 of the Revised Code but does include a college 6479
or university dormitory. 6480

(3) "Condominium" means any building composed of 6481
individually owned units and operated by an association of 6482
owners. 6483

(C) The board of building standards, pursuant to section 6484
3781.10 of the Revised Code, shall adopt the provisions of this 6485
section as a rule of the board. 6486

Sec. 3796.24. (A) The holder of a license, as defined in 6487
section 4776.01 of the Revised Code, is not subject to 6488
professional disciplinary action solely for engaging in 6489

professional or occupational activities related to medical 6490
marijuana. 6491

(B) Unless there is clear and convincing evidence that a 6492
child is unsafe, the use, possession, or administration of 6493
medical marijuana in accordance with this chapter shall not be 6494
the sole or primary basis for any of the following: 6495

(1) An adjudication under section 2151.28 of the Revised 6496
Code determining that a child is an abused, neglected, or 6497
dependent child; 6498

(2) An allocation of parental rights and responsibilities 6499
under section 3109.04 of the Revised Code; 6500

(3) A parenting time order under section 3109.051 or 6501
3109.12 of the Revised Code. 6502

(C) Notwithstanding any conflicting provision of the 6503
Revised Code, the use or possession of medical marijuana in 6504
accordance with this chapter shall not be used as a reason for 6505
disqualifying a patient from medical care or from including a 6506
patient on a transplant waiting list. 6507

(D) Notwithstanding any conflicting provision of the 6508
Revised Code, the use, possession, administration, cultivation, 6509
processing, testing, or dispensing of medical marijuana in 6510
accordance with this chapter shall not be used as the sole or 6511
primary reason for taking action under any criminal or civil 6512
statute in the forfeiture or seizure of any property or asset. 6513

(E) Notwithstanding any conflicting provision of the 6514
Revised Code, a person's status as a registered patient or 6515
caregiver is not a sufficient basis for conducting a field 6516
sobriety test on the person or for suspending the person's 6517
driver's license. To conduct any field sobriety test, a law 6518

enforcement officer must have an independent, factual basis 6519
giving reasonable suspicion that the person is operating a 6520
vehicle under the influence of marijuana or with a prohibited 6521
concentration of marijuana in the person's whole blood, blood 6522
serum, plasma, breath, or urine. 6523

(F) Notwithstanding any conflicting provision of the 6524
Revised Code, a person's status as a registered patient or 6525
caregiver shall not be used as the sole or primary basis for 6526
rejecting the person as a tenant or lessee as defined in section 6527
5321.01 of the Revised Code unless the rejection is required by 6528
federal law. 6529

(G) This chapter does not do any of the following: 6530

(1) Require a physician to recommend that a patient use 6531
medical marijuana to treat a qualifying medical condition; 6532

(2) Permit the use, possession, or administration of 6533
medical marijuana other than as authorized by this chapter; 6534

(3) Permit the use, possession, or administration of 6535
medical marijuana on federal land located in this state; 6536

(4) Require any public place to accommodate a registered 6537
patient's use of medical marijuana; 6538

(5) Prohibit any public place from accommodating a 6539
registered patient's use of medical marijuana; 6540

(6) Restrict research related to marijuana conducted at a 6541
state university, academic medical center, or private research 6542
and development organization as part of a research protocol 6543
approved by an institutional review board or equivalent entity. 6544

Sec. 3905.55. (A) Except as provided in division (B) of 6545
this section, an agent may charge a consumer a fee if all of the 6546

following conditions are met: 6547

(1) The fee is disclosed to the consumer in a manner that 6548
separately identifies the fee and the premium. 6549

(2) The fee is not calculated as a percentage of the 6550
premium. 6551

(3) The fee is not refunded, forgiven, waived, offset, or 6552
reduced by any commission earned or received for any policy or 6553
coverage sold. 6554

(4) The amount of the fee, and the consumer's obligation 6555
to pay the fee, are not conditioned upon the occurrence of a 6556
future event or condition, such as the purchase, cancellation, 6557
lapse, declination, or nonrenewal of insurance. 6558

(5) The agent discloses to the consumer that the fee is 6559
being charged by the agent and not by the insurance company, 6560
that neither state law nor the insurance company requires the 6561
agent to charge the fee, and that the fee is not refundable. 6562

(6) The consumer consents to the fee. 6563

(7) The agent, in charging the fee, does not discriminate 6564
on the basis of race, sex, national origin, religion, 6565
disability, health status, age, marital status, military status 6566
as defined in section 4112.01 of the Revised Code, or geographic 6567
location, and does not unfairly discriminate between persons of 6568
essentially the same class and of essentially the same hazard or 6569
expectation of life. 6570

(B) A fee may not be charged for taking or submitting an 6571
initial application for coverage with any one insurer or 6572
different programs with the same insurer, or processing a change 6573
to an existing policy, a cancellation, a claim, or a renewal, in 6574

connection with any of the following personal lines policies:	6575
(1) Private passenger automobile;	6576
(2) Homeowners, including coverage for tenants-lessees as <u>defined in section 5321.01 of the Revised Code</u> or condominium owners, owner-occupied fire or dwelling property coverage, personal umbrella liability, or any other personal lines-related coverage whether sold as a separate policy or as an endorsement to another personal lines policy;	6577 6578 6579 6580 6581 6582
(3) Individual life insurance;	6583
(4) Individual sickness or accident insurance;	6584
(5) Disability income policies;	6585
(6) Credit insurance products.	6586
(C) Notwithstanding any other provision of this section, an agent may charge a fee for agent services in connection with a policy issued on a no-commission basis, if the agent provides the consumer with prior disclosure of the fee and of the services to be provided.	6587 6588 6589 6590 6591
(D) In the event of a dispute between an agent and a consumer regarding any disclosure required by this section, the agent has the burden of proving that the disclosure was made.	6592 6593 6594
(E) (1) No person shall fail to comply with this section.	6595
(2) Whoever violates division (E) (1) of this section is deemed to have engaged in an unfair and deceptive act or practice in the business of insurance under sections 3901.19 to 3901.26 of the Revised Code.	6596 6597 6598 6599
(F) This section does not apply with respect to any expense fee charged by a surety bail bond agent to cover the	6600 6601

costs incurred by the surety bail bond agent in executing the 6602
bail bond. 6603

Sec. 4112.01. (A) As used in this chapter: 6604

(1) "Person" includes one or more individuals, 6605
partnerships, associations, organizations, corporations, legal 6606
representatives, trustees, trustees in bankruptcy, receivers, 6607
and other organized groups of persons. "Person" also includes, 6608
but is not limited to, any owner, lessor, assignor, builder, 6609
manager, broker, salesperson, appraiser, agent, employee, 6610
lending institution, and the state and all political 6611
subdivisions, authorities, agencies, boards, and commissions of 6612
the state. 6613

(2) "Employer" means the state, any political subdivision 6614
of the state, or a person employing four or more persons within 6615
the state, and any agent of the state, political subdivision, or 6616
person. 6617

(3) "Employee" means an individual employed by any 6618
employer but does not include any individual employed in the 6619
domestic service of any person. 6620

(4) "Labor organization" includes any organization that 6621
exists, in whole or in part, for the purpose of collective 6622
bargaining or of dealing with employers concerning grievances, 6623
terms or conditions of employment, or other mutual aid or 6624
protection in relation to employment. 6625

(5) "Employment agency" includes any person regularly 6626
undertaking, with or without compensation, to procure 6627
opportunities to work or to procure, recruit, refer, or place 6628
employees. 6629

(6) "Commission" means the Ohio civil rights commission 6630

created by section 4112.03 of the Revised Code. 6631

(7) "Discriminate" includes segregate or separate. 6632

(8) "Unlawful discriminatory practice" means any act 6633
prohibited by section 4112.02, 4112.021, or 4112.022 of the 6634
Revised Code. 6635

(9) "Place of public accommodation" means any inn, 6636
restaurant, eating house, barbershop, public conveyance by air, 6637
land, or water, theater, store, other place for the sale of 6638
merchandise, or any other place of public accommodation or 6639
amusement of which the accommodations, advantages, facilities, 6640
or privileges are available to the public. 6641

(10) "Housing accommodations" includes any building or 6642
structure, or portion of a building or structure, that is used 6643
or occupied or is intended, arranged, or designed to be used or 6644
occupied as the home residence, dwelling, dwelling unit, or 6645
sleeping place of one or more individuals, groups, or families 6646
whether or not living independently of each other; and any 6647
vacant land offered for sale or lease. "Housing accommodations" 6648
also includes any housing accommodations held or offered for 6649
sale or rent by a real estate broker, salesperson, or agent, by 6650
any other person pursuant to authorization of the owner, by the 6651
owner, or by the owner's legal representative. 6652

(11) "Restrictive covenant" means any specification 6653
limiting the transfer, rental, lease, or other use of any 6654
housing accommodations because of race, color, religion, sex, 6655
military status, familial status, national origin, disability, 6656
or ancestry, or any limitation based upon affiliation with or 6657
approval by any person, directly or indirectly, employing race, 6658
color, religion, sex, military status, familial status, national 6659

origin, disability, or ancestry as a condition of affiliation or approval. 6660
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(12) "Burial lot" means any lot for the burial of deceased persons within any public burial ground or cemetery, including, but not limited to, cemeteries owned and operated by municipal corporations, townships, or companies or associations incorporated for cemetery purposes. 6662
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(13) "Disability" means a physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; a record of a physical or mental impairment; or being regarded as having a physical or mental impairment. 6667
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(14) Except as otherwise provided in section 4112.021 of the Revised Code, "age" means an individual aged forty years or older. 6674
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(15) "Familial status" means either of the following: 6677

(a) One or more individuals who are under eighteen years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian; 6678
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(b) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen years of age. 6683
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(16) (a) Except as provided in division (A) (16) (b) of this section, "physical or mental impairment" includes any of the following: 6686
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(i) Any physiological disorder or condition, cosmetic 6689
disfigurement, or anatomical loss affecting one or more of the 6690
following body systems: neurological; musculoskeletal; special 6691
sense organs; respiratory, including speech organs; 6692
cardiovascular; reproductive; digestive; genito-urinary; hemic 6693
and lymphatic; skin; and endocrine; 6694

(ii) Any mental or psychological disorder, including, but 6695
not limited to, intellectual disability, organic brain syndrome, 6696
emotional or mental illness, and specific learning disabilities; 6697

(iii) Diseases and conditions, including, but not limited 6698
to, orthopedic, visual, speech, and hearing impairments, 6699
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple 6700
sclerosis, cancer, heart disease, diabetes, human 6701
immunodeficiency virus infection, intellectual disability, 6702
emotional illness, drug addiction, and alcoholism. 6703

(b) "Physical or mental impairment" does not include any 6704
of the following: 6705

(i) Homosexuality and bisexuality; 6706

(ii) Transvestism, transsexualism, pedophilia, 6707
exhibitionism, voyeurism, gender identity disorders not 6708
resulting from physical impairments, or other sexual behavior 6709
disorders; 6710

(iii) Compulsive gambling, kleptomania, or pyromania; 6711

(iv) Psychoactive substance use disorders resulting from 6712
the current illegal use of a controlled substance or the current 6713
use of alcoholic beverages. 6714

(17) "Dwelling unit" means a single unit of residence for 6715
a family of one or more persons. 6716

(18) "Common use areas" means rooms, spaces, or elements inside or outside a building that are made available for the use of residents of the building or their guests, and includes, but is not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings.

(19) "Public use areas" means interior or exterior rooms or spaces of a privately or publicly owned building that are made available to the general public.

(20) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(21) "Disabled ~~tenant-lessee~~" means a ~~tenant-lessee~~ or prospective ~~tenant-lessee~~ who is a person with a disability.

(22) "Military status" means a person's status in "service in the uniformed services" as defined in section 5923.05 of the Revised Code.

(23) "Aggrieved person" includes both of the following:

(a) Any person who claims to have been injured by any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code;

(b) Any person who believes that the person will be injured by any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code that is about to occur.

(24) "Unlawful discriminatory practice relating to employment" means both of the following:

(a) An unlawful discriminatory practice that is prohibited by division (A), (B), (C), (D), (E), or (F) of section 4112.02

of the Revised Code; 6745

(b) An unlawful discriminatory practice that is prohibited 6746
by division (I) or (J) of section 4112.02 of the Revised Code 6747
that is related to employment. 6748

(25) "Notice of right to sue" means a notice sent by the 6749
commission to a person who files a charge under section 4112.051 6750
of the Revised Code that states that the person who filed the 6751
charge may bring a civil action related to the charge pursuant 6752
to section 4112.052 or 4112.14 of the Revised Code, in 6753
accordance with section 4112.052 of the Revised Code. 6754

(26) "Lessor" and "lessee" have the same meanings as in 6755
section 5321.01 of the Revised Code. 6756

(B) For the purposes of divisions (A) to (F) of section 6757
4112.02 of the Revised Code, the terms "because of sex" and "on 6758
the basis of sex" include, but are not limited to, because of or 6759
on the basis of pregnancy, any illness arising out of and 6760
occurring during the course of a pregnancy, childbirth, or 6761
related medical conditions. Women affected by pregnancy, 6762
childbirth, or related medical conditions shall be treated the 6763
same for all employment-related purposes, including receipt of 6764
benefits under fringe benefit programs, as other persons not so 6765
affected but similar in their ability or inability to work, and 6766
nothing in division (B) of section 4111.17 of the Revised Code 6767
shall be interpreted to permit otherwise. This division shall 6768
not be construed to require an employer to pay for health 6769
insurance benefits for abortion, except where the life of the 6770
mother would be endangered if the fetus were carried to term or 6771
except where medical complications have arisen from the 6772
abortion, provided that nothing in this division precludes an 6773
employer from providing abortion benefits or otherwise affects 6774

bargaining agreements in regard to abortion. 6775

Sec. 4112.02. It shall be an unlawful discriminatory 6776
practice: 6777

(A) For any employer, because of the race, color, 6778
religion, sex, military status, national origin, disability, 6779
age, or ancestry of any person, to discharge without just cause, 6780
to refuse to hire, or otherwise to discriminate against that 6781
person with respect to hire, tenure, terms, conditions, or 6782
privileges of employment, or any matter directly or indirectly 6783
related to employment. 6784

(B) For an employment agency or personnel placement 6785
service, because of race, color, religion, sex, military status, 6786
national origin, disability, age, or ancestry, to do any of the 6787
following: 6788

(1) Refuse or fail to accept, register, classify properly, 6789
or refer for employment, or otherwise discriminate against any 6790
person; 6791

(2) Comply with a request from an employer for referral of 6792
applicants for employment if the request directly or indirectly 6793
indicates that the employer fails to comply with the provisions 6794
of sections 4112.01 to 4112.07 of the Revised Code. 6795

(C) For any labor organization to do any of the following: 6796

(1) Limit or classify its membership on the basis of race, 6797
color, religion, sex, military status, national origin, 6798
disability, age, or ancestry; 6799

(2) Discriminate against, limit the employment 6800
opportunities of, or otherwise adversely affect the employment 6801
status, wages, hours, or employment conditions of any person as 6802

an employee because of race, color, religion, sex, military status, national origin, disability, age, or ancestry. 6803
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(D) For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of race, color, religion, sex, military status, national origin, disability, or ancestry in admission to, or employment in, any program established to provide apprentice training. 6805
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(E) Except where based on a bona fide occupational qualification certified in advance by the commission, for any employer, employment agency, personnel placement service, or labor organization, prior to employment or admission to membership, to do any of the following: 6811
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(1) Elicit or attempt to elicit any information concerning the race, color, religion, sex, military status, national origin, disability, age, or ancestry of an applicant for employment or membership; 6816
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(2) Make or keep a record of the race, color, religion, sex, military status, national origin, disability, age, or ancestry of any applicant for employment or membership; 6820
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(3) Use any form of application for employment, or personnel or membership blank, seeking to elicit information regarding race, color, religion, sex, military status, national origin, disability, age, or ancestry; but an employer holding a contract containing a nondiscrimination clause with the government of the United States, or any department or agency of that government, may require an employee or applicant for employment to furnish documentary proof of United States citizenship and may retain that proof in the employer's 6823
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personnel records and may use photographic or fingerprint 6832
identification for security purposes; 6833

(4) Print or publish or cause to be printed or published 6834
any notice or advertisement relating to employment or membership 6835
indicating any preference, limitation, specification, or 6836
discrimination, based upon race, color, religion, sex, military 6837
status, national origin, disability, age, or ancestry; 6838

(5) Announce or follow a policy of denying or limiting, 6839
through a quota system or otherwise, employment or membership 6840
opportunities of any group because of the race, color, religion, 6841
sex, military status, national origin, disability, age, or 6842
ancestry of that group; 6843

(6) Utilize in the recruitment or hiring of persons any 6844
employment agency, personnel placement service, training school 6845
or center, labor organization, or any other employee-referring 6846
source known to discriminate against persons because of their 6847
race, color, religion, sex, military status, national origin, 6848
disability, age, or ancestry. 6849

(F) For any person seeking employment to publish or cause 6850
to be published any advertisement that specifies or in any 6851
manner indicates that person's race, color, religion, sex, 6852
military status, national origin, disability, age, or ancestry, 6853
or expresses a limitation or preference as to the race, color, 6854
religion, sex, military status, national origin, disability, 6855
age, or ancestry of any prospective employer. 6856

(G) For any proprietor or any employee, keeper, or manager 6857
of a place of public accommodation to deny to any person, except 6858
for reasons applicable alike to all persons regardless of race, 6859
color, religion, sex, military status, national origin, 6860

disability, age, or ancestry, the full enjoyment of the 6861
accommodations, advantages, facilities, or privileges of the 6862
place of public accommodation. 6863

(H) Subject to section 4112.024 of the Revised Code, for 6864
any person to do any of the following: 6865

(1) Refuse to sell, transfer, assign, rent, lease, 6866
sublease, or finance housing accommodations, refuse to negotiate 6867
for the sale or rental of housing accommodations, or otherwise 6868
deny or make unavailable housing accommodations because of race, 6869
color, religion, sex, military status, familial status, 6870
ancestry, disability, or national origin; 6871

(2) Represent to any person that housing accommodations 6872
are not available for inspection, sale, or rental, when in fact 6873
they are available, because of race, color, religion, sex, 6874
military status, familial status, ancestry, disability, or 6875
national origin; 6876

(3) Discriminate against any person in the making or 6877
purchasing of loans or the provision of other financial 6878
assistance for the acquisition, construction, rehabilitation, 6879
repair, or maintenance of housing accommodations, or any person 6880
in the making or purchasing of loans or the provision of other 6881
financial assistance that is secured by residential real estate, 6882
because of race, color, religion, sex, military status, familial 6883
status, ancestry, disability, or national origin or because of 6884
the racial composition of the neighborhood in which the housing 6885
accommodations are located, provided that the person, whether an 6886
individual, corporation, or association of any type, lends money 6887
as one of the principal aspects or incident to the person's 6888
principal business and not only as a part of the purchase price 6889
of an owner-occupied residence the person is selling nor merely 6890

casually or occasionally to a relative or friend; 6891

(4) Discriminate against any person in the terms or 6892
conditions of selling, transferring, assigning, renting, 6893
leasing, or subleasing any housing accommodations or in 6894
furnishing facilities, services, or privileges in connection 6895
with the ownership, occupancy, or use of any housing 6896
accommodations, including the sale of fire, extended coverage, 6897
or homeowners insurance, because of race, color, religion, sex, 6898
military status, familial status, ancestry, disability, or 6899
national origin or because of the racial composition of the 6900
neighborhood in which the housing accommodations are located; 6901

(5) Discriminate against any person in the terms or 6902
conditions of any loan of money, whether or not secured by 6903
mortgage or otherwise, for the acquisition, construction, 6904
rehabilitation, repair, or maintenance of housing accommodations 6905
because of race, color, religion, sex, military status, familial 6906
status, ancestry, disability, or national origin or because of 6907
the racial composition of the neighborhood in which the housing 6908
accommodations are located; 6909

(6) Refuse to consider without prejudice the combined 6910
income of both husband and wife for the purpose of extending 6911
mortgage credit to a married couple or either member of a 6912
married couple; 6913

(7) Print, publish, or circulate any statement or 6914
advertisement, or make or cause to be made any statement or 6915
advertisement, relating to the sale, transfer, assignment, 6916
rental, lease, sublease, or acquisition of any housing 6917
accommodations, or relating to the loan of money, whether or not 6918
secured by mortgage or otherwise, for the acquisition, 6919
construction, rehabilitation, repair, or maintenance of housing 6920

accommodations, that indicates any preference, limitation, 6921
specification, or discrimination based upon race, color, 6922
religion, sex, military status, familial status, ancestry, 6923
disability, or national origin, or an intention to make any such 6924
preference, limitation, specification, or discrimination; 6925

(8) Except as otherwise provided in division (H) (8) or 6926
(17) of this section, make any inquiry, elicit any information, 6927
make or keep any record, or use any form of application 6928
containing questions or entries concerning race, color, 6929
religion, sex, military status, familial status, ancestry, 6930
disability, or national origin in connection with the sale or 6931
lease of any housing accommodations or the loan of any money, 6932
whether or not secured by mortgage or otherwise, for the 6933
acquisition, construction, rehabilitation, repair, or 6934
maintenance of housing accommodations. Any person may make 6935
inquiries, and make and keep records, concerning race, color, 6936
religion, sex, military status, familial status, ancestry, 6937
disability, or national origin for the purpose of monitoring 6938
compliance with this chapter. 6939

(9) Include in any transfer, rental, or lease of housing 6940
accommodations any restrictive covenant, or honor or exercise, 6941
or attempt to honor or exercise, any restrictive covenant; 6942

(10) Induce or solicit, or attempt to induce or solicit, a 6943
housing accommodations listing, sale, or transaction by 6944
representing that a change has occurred or may occur with 6945
respect to the racial, religious, sexual, military status, 6946
familial status, or ethnic composition of the block, 6947
neighborhood, or other area in which the housing accommodations 6948
are located, or induce or solicit, or attempt to induce or 6949
solicit, a housing accommodations listing, sale, or transaction 6950

by representing that the presence or anticipated presence of persons of any race, color, religion, sex, military status, familial status, ancestry, disability, or national origin, in the block, neighborhood, or other area will or may have results including, but not limited to, the following:

(a) The lowering of property values;

(b) A change in the racial, religious, sexual, military status, familial status, or ethnic composition of the block, neighborhood, or other area;

(c) An increase in criminal or antisocial behavior in the block, neighborhood, or other area;

(d) A decline in the quality of the schools serving the block, neighborhood, or other area.

(11) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or discriminate against any person in the terms or conditions of that access, membership, or participation, on account of race, color, religion, sex, military status, familial status, national origin, disability, or ancestry;

(12) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by division (H) of this section;

(13) Discourage or attempt to discourage the purchase by a prospective purchaser of housing accommodations, by representing that any block, neighborhood, or other area has undergone or

might undergo a change with respect to its religious, racial, 6980
sexual, military status, familial status, or ethnic composition; 6981

(14) Refuse to sell, transfer, assign, rent, lease, 6982
sublease, or finance, or otherwise deny or withhold, a burial 6983
lot from any person because of the race, color, sex, military 6984
status, familial status, age, ancestry, disability, or national 6985
origin of any prospective owner or user of the lot; 6986

(15) Discriminate in the sale or rental of, or otherwise 6987
make unavailable or deny, housing accommodations to any buyer or 6988
renter because of a disability of any of the following: 6989

(a) The buyer or renter; 6990

(b) A person residing in or intending to reside in the 6991
housing accommodations after they are sold, rented, or made 6992
available; 6993

(c) Any individual associated with the person described in 6994
division (H) (15) (b) of this section. 6995

(16) Discriminate in the terms, conditions, or privileges 6996
of the sale or rental of housing accommodations to any person or 6997
in the provision of services or facilities to any person in 6998
connection with the housing accommodations because of a 6999
disability of any of the following: 7000

(a) That person; 7001

(b) A person residing in or intending to reside in the 7002
housing accommodations after they are sold, rented, or made 7003
available; 7004

(c) Any individual associated with the person described in 7005
division (H) (16) (b) of this section. 7006

(17) Except as otherwise provided in division (H) (17) of 7007
this section, make an inquiry to determine whether an applicant 7008
for the sale or rental of housing accommodations, a person 7009
residing in or intending to reside in the housing accommodations 7010
after they are sold, rented, or made available, or any 7011
individual associated with that person has a disability, or make 7012
an inquiry to determine the nature or severity of a disability 7013
of the applicant or such a person or individual. The following 7014
inquiries may be made of all applicants for the sale or rental 7015
of housing accommodations, regardless of whether they have 7016
disabilities: 7017

(a) An inquiry into an applicant's ability to meet the 7018
requirements of ownership or tenancy; 7019

(b) An inquiry to determine whether an applicant is 7020
qualified for housing accommodations available only to persons 7021
with disabilities or persons with a particular type of 7022
disability; 7023

(c) An inquiry to determine whether an applicant is 7024
qualified for a priority available to persons with disabilities 7025
or persons with a particular type of disability; 7026

(d) An inquiry to determine whether an applicant currently 7027
uses a controlled substance in violation of section 2925.11 of 7028
the Revised Code or a substantively comparable municipal 7029
ordinance; 7030

(e) An inquiry to determine whether an applicant at any 7031
time has been convicted of or pleaded guilty to any offense, an 7032
element of which is the illegal sale, offer to sell, 7033
cultivation, manufacture, other production, shipment, 7034
transportation, delivery, or other distribution of a controlled 7035

substance. 7036

(18) (a) Refuse to permit, at the expense of a person with 7037
a disability, reasonable modifications of existing housing 7038
accommodations that are occupied or to be occupied by the person 7039
with a disability, if the modifications may be necessary to 7040
afford the person with a disability full enjoyment of the 7041
housing accommodations. This division does not preclude a 7042
~~landlord-lessor~~ of housing accommodations that are rented or to 7043
be rented to a disabled ~~tenant-lessee~~ from conditioning 7044
permission for a proposed modification upon the disabled 7045
~~tenant's-lessee's~~ doing one or more of the following: 7046

(i) Providing a reasonable description of the proposed 7047
modification and reasonable assurances that the proposed 7048
modification will be made in a workerlike manner and that any 7049
required building permits will be obtained prior to the 7050
commencement of the proposed modification; 7051

(ii) Agreeing to restore at the end of the tenancy the 7052
interior of the housing accommodations to the condition they 7053
were in prior to the proposed modification, but subject to 7054
reasonable wear and tear during the period of occupancy, if it 7055
is reasonable for the ~~landlord-lessor~~ to condition permission 7056
for the proposed modification upon the agreement; 7057

(iii) Paying into an interest-bearing escrow account that 7058
is in the ~~landlord's-lessor's~~ name, over a reasonable period of 7059
time, a reasonable amount of money not to exceed the projected 7060
costs at the end of the tenancy of the restoration of the 7061
interior of the housing accommodations to the condition they 7062
were in prior to the proposed modification, but subject to 7063
reasonable wear and tear during the period of occupancy, if the 7064
landlord finds the account reasonably necessary to ensure the 7065

availability of funds for the restoration work. The interest 7066
earned in connection with an escrow account described in this 7067
division shall accrue to the benefit of the disabled ~~tenant~~ 7068
lessee who makes payments into the account. 7069

(b) A ~~landlord~~ lessor shall not condition permission for a 7070
proposed modification upon a disabled ~~tenant's~~ lessee's payment 7071
of a security deposit that exceeds the customarily required 7072
security deposit of all ~~tenants~~ lessees of the particular 7073
housing accommodations. 7074

(19) Refuse to make reasonable accommodations in rules, 7075
policies, practices, or services when necessary to afford a 7076
person with a disability equal opportunity to use and enjoy a 7077
dwelling unit, including associated public and common use areas; 7078

(20) Fail to comply with the standards and rules adopted 7079
under division (A) of section 3781.111 of the Revised Code; 7080

(21) Discriminate against any person in the selling, 7081
brokering, or appraising of real property because of race, 7082
color, religion, sex, military status, familial status, 7083
ancestry, disability, or national origin; 7084

(22) Fail to design and construct covered multifamily 7085
dwellings for first occupancy on or after June 30, 1992, in 7086
accordance with the following conditions: 7087

(a) The dwellings shall have at least one building 7088
entrance on an accessible route, unless it is impractical to do 7089
so because of the terrain or unusual characteristics of the 7090
site. 7091

(b) With respect to dwellings that have a building 7092
entrance on an accessible route, all of the following apply: 7093

(i) The public use areas and common use areas of the dwellings shall be readily accessible to and usable by persons with a disability.

(ii) All the doors designed to allow passage into and within all premises shall be sufficiently wide to allow passage by persons with a disability who are in wheelchairs.

(iii) All premises within covered multifamily dwelling units shall contain an accessible route into and through the dwelling; all light switches, electrical outlets, thermostats, and other environmental controls within such units shall be in accessible locations; the bathroom walls within such units shall contain reinforcements to allow later installation of grab bars; and the kitchens and bathrooms within such units shall be designed and constructed in a manner that enables an individual in a wheelchair to maneuver about such rooms.

For purposes of division (H) (22) of this section, "covered multifamily dwellings" means buildings consisting of four or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.

(I) For any person to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice defined in this section or because that person has made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under sections 4112.01 to 4112.07 of the Revised Code.

(J) For any person to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, to obstruct or prevent any person from

complying with this chapter or any order issued under it, or to 7123
attempt directly or indirectly to commit any act declared by 7124
this section to be an unlawful discriminatory practice. 7125

(K) Nothing in divisions (A) to (E) of this section shall 7126
be construed to require a person with a disability to be 7127
employed or trained under circumstances that would significantly 7128
increase the occupational hazards affecting either the person 7129
with a disability, other employees, the general public, or the 7130
facilities in which the work is to be performed, or to require 7131
the employment or training of a person with a disability in a 7132
job that requires the person with a disability routinely to 7133
undertake any task, the performance of which is substantially 7134
and inherently impaired by the person's disability. 7135

(L) With regard to age, it shall not be an unlawful 7136
discriminatory practice and it shall not constitute a violation 7137
of division (A) of section 4112.14 of the Revised Code for any 7138
employer, employment agency, joint labor-management committee 7139
controlling apprenticeship training programs, or labor 7140
organization to do any of the following: 7141

(1) Establish bona fide employment qualifications 7142
reasonably related to the particular business or occupation that 7143
may include standards for skill, aptitude, physical capability, 7144
intelligence, education, maturation, and experience; 7145

(2) Observe the terms of a bona fide seniority system or 7146
any bona fide employee benefit plan, including, but not limited 7147
to, a retirement, pension, or insurance plan, that is not a 7148
subterfuge to evade the purposes of this section. However, no 7149
such employee benefit plan shall excuse the failure to hire any 7150
individual, and no such seniority system or employee benefit 7151
plan shall require or permit the involuntary retirement of any 7152

individual, because of the individual's age except as provided 7153
for in the "Age Discrimination in Employment Act Amendment of 7154
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 7155
Discrimination in Employment Act Amendments of 1986," 100 Stat. 7156
3342, 29 U.S.C.A. 623, as amended. 7157

(3) Retire an employee who has attained sixty-five years 7158
of age who, for the two-year period immediately before 7159
retirement, is employed in a bona fide executive or a high 7160
policymaking position, if the employee is entitled to an 7161
immediate nonforfeitable annual retirement benefit from a 7162
pension, profit-sharing, savings, or deferred compensation plan, 7163
or any combination of those plans, of the employer of the 7164
employee, which equals, in the aggregate, at least forty-four 7165
thousand dollars, in accordance with the conditions of the "Age 7166
Discrimination in Employment Act Amendment of 1978," 92 Stat. 7167
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 7168
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 7169
631, as amended; 7170

(4) Observe the terms of any bona fide apprenticeship 7171
program if the program is registered with the Ohio 7172
apprenticeship council pursuant to sections 4139.01 to 4139.06 7173
of the Revised Code and is approved by the federal committee on 7174
apprenticeship of the United States department of labor. 7175

(M) Nothing in this chapter prohibiting age discrimination 7176
and nothing in division (A) of section 4112.14 of the Revised 7177
Code shall be construed to prohibit the following: 7178

(1) The designation of uniform age the attainment of which 7179
is necessary for public employees to receive pension or other 7180
retirement benefits pursuant to Chapter 145., 742., 3307., 7181
3309., or 5505. of the Revised Code; 7182

(2) The mandatory retirement of uniformed patrol officers 7183
of the state highway patrol as provided in section 5505.16 of 7184
the Revised Code; 7185

(3) The maximum age requirements for appointment as a 7186
patrol officer in the state highway patrol established by 7187
section 5503.01 of the Revised Code; 7188

(4) The maximum age requirements established for original 7189
appointment to a police department or fire department in 7190
sections 124.41 and 124.42 of the Revised Code; 7191

(5) Any maximum age not in conflict with federal law that 7192
may be established by a municipal charter, municipal ordinance, 7193
or resolution of a board of township trustees for original 7194
appointment as a police officer or firefighter; 7195

(6) Any mandatory retirement provision not in conflict 7196
with federal law of a municipal charter, municipal ordinance, or 7197
resolution of a board of township trustees pertaining to police 7198
officers and firefighters; 7199

(7) Until January 1, 1994, the mandatory retirement of any 7200
employee who has attained seventy years of age and who is 7201
serving under a contract of unlimited tenure, or similar 7202
arrangement providing for unlimited tenure, at an institution of 7203
higher education as defined in the "Education Amendments of 7204
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 7205

(N) (1) (a) Except as provided in division (N) (1) (b) of this 7206
section, for purposes of divisions (A) to (E) of this section, a 7207
disability does not include any physiological disorder or 7208
condition, mental or psychological disorder, or disease or 7209
condition caused by an illegal use of any controlled substance 7210
by an employee, applicant, or other person, if an employer, 7211

employment agency, personnel placement service, labor 7212
organization, or joint labor-management committee acts on the 7213
basis of that illegal use. 7214

(b) Division (N) (1) (a) of this section does not apply to 7215
an employee, applicant, or other person who satisfies any of the 7216
following: 7217

(i) The employee, applicant, or other person has 7218
successfully completed a supervised drug rehabilitation program 7219
and no longer is engaging in the illegal use of any controlled 7220
substance, or the employee, applicant, or other person otherwise 7221
successfully has been rehabilitated and no longer is engaging in 7222
that illegal use. 7223

(ii) The employee, applicant, or other person is 7224
participating in a supervised drug rehabilitation program and no 7225
longer is engaging in the illegal use of any controlled 7226
substance. 7227

(iii) The employee, applicant, or other person is 7228
erroneously regarded as engaging in the illegal use of any 7229
controlled substance, but the employee, applicant, or other 7230
person is not engaging in that illegal use. 7231

(2) Divisions (A) to (E) of this section do not prohibit 7232
an employer, employment agency, personnel placement service, 7233
labor organization, or joint labor-management committee from 7234
doing any of the following: 7235

(a) Adopting or administering reasonable policies or 7236
procedures, including, but not limited to, testing for the 7237
illegal use of any controlled substance, that are designed to 7238
ensure that an individual described in division (N) (1) (b) (i) or 7239
(ii) of this section no longer is engaging in the illegal use of 7240

any controlled substance;	7241
(b) Prohibiting the illegal use of controlled substances	7242
and the use of alcohol at the workplace by all employees;	7243
(c) Requiring that employees not be under the influence of	7244
alcohol or not be engaged in the illegal use of any controlled	7245
substance at the workplace;	7246
(d) Requiring that employees behave in conformance with	7247
the requirements established under "The Drug-Free Workplace Act	7248
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended;	7249
(e) Holding an employee who engages in the illegal use of	7250
any controlled substance or who is an alcoholic to the same	7251
qualification standards for employment or job performance, and	7252
the same behavior, to which the employer, employment agency,	7253
personnel placement service, labor organization, or joint labor-	7254
management committee holds other employees, even if any	7255
unsatisfactory performance or behavior is related to an	7256
employee's illegal use of a controlled substance or alcoholism;	7257
(f) Exercising other authority recognized in the	7258
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42	7259
U.S.C.A. 12101, as amended, including, but not limited to,	7260
requiring employees to comply with any applicable federal	7261
standards.	7262
(3) For purposes of this chapter, a test to determine the	7263
illegal use of any controlled substance does not include a	7264
medical examination.	7265
(4) Division (N) of this section does not encourage,	7266
prohibit, or authorize, and shall not be construed as	7267
encouraging, prohibiting, or authorizing, the conduct of testing	7268
for the illegal use of any controlled substance by employees,	7269

applicants, or other persons, or the making of employment 7270
decisions based on the results of that type of testing. 7271

(O) This section does not apply to a religious 7272
corporation, association, educational institution, or society 7273
with respect to the employment of an individual of a particular 7274
religion to perform work connected with the carrying on by that 7275
religious corporation, association, educational institution, or 7276
society of its activities. 7277

The unlawful discriminatory practices defined in this 7278
section do not make it unlawful for a person or an appointing 7279
authority administering an examination under section 124.23 of 7280
the Revised Code to obtain information about an applicant's 7281
military status for the purpose of determining if the applicant 7282
is eligible for the additional credit that is available under 7283
that section. 7284

Sec. 4112.055. (A) (1) Aggrieved persons may enforce the 7285
rights granted by division (H) of section 4112.02 of the Revised 7286
Code by filing a civil action in the court of common pleas of 7287
the county in which the alleged unlawful discriminatory practice 7288
occurred within one year after it allegedly occurred. Upon 7289
application by an aggrieved person, upon a proper showing, and 7290
under circumstances that it considers just, a court of common 7291
pleas may appoint an attorney for the aggrieved person and 7292
authorize the commencement of a civil action under this division 7293
without the payment of costs. 7294

Each party to a civil action under this division has the 7295
right to a jury trial of the action. To assert the right, a 7296
party shall demand a jury trial in the manner prescribed in the 7297
Rules of Civil Procedure. If a party demands a jury trial in 7298
that manner, the civil action shall be tried to a jury. 7299

(2) (a) If a complaint is issued by the commission under 7300
division (B) (5) of section 4112.05 of the Revised Code for one 7301
or more alleged unlawful discriminatory practices described in 7302
division (H) of section 4112.02 of the Revised Code, the 7303
complainant, any aggrieved person on whose behalf the complaint 7304
is issued, or the respondent may elect, following receipt of the 7305
relevant notice described in division (B) (5) of section 4112.05 7306
of the Revised Code, to proceed with the administrative hearing 7307
process under that section or to have the alleged unlawful 7308
discriminatory practices covered by the complaint addressed in a 7309
civil action commenced in accordance with divisions (A) (1) and 7310
(2) (b) of this section. An election to have the alleged unlawful 7311
discriminatory practices so addressed shall be made in a writing 7312
that is sent by certified mail, return receipt requested, to the 7313
commission, to the civil rights section of the office of the 7314
attorney general, and to the other parties to the pending 7315
administrative process within thirty days after the electing 7316
complainant, aggrieved person, or respondent received the 7317
relevant notice described in division (B) (5) of section 4112.05 7318
of the Revised Code. 7319

(b) Upon receipt of a timely mailed election to have the 7320
alleged unlawful discriminatory practices addressed in a civil 7321
action, the commission shall authorize the office of the 7322
attorney general to commence and maintain the civil action in 7323
the court of common pleas of the county in which the alleged 7324
unlawful discriminatory practices occurred. Notwithstanding the 7325
period of limitations specified in division (A) (1) of this 7326
section, the office of the attorney general shall commence the 7327
civil action within thirty days after the receipt of the 7328
commission's authorization to commence the civil action. 7329

(c) Upon commencement of the civil action in accordance 7330

with division (A) (2) (b) of this section, the commission shall 7331
prepare an order dismissing the complaint in the pending 7332
administrative matter and serve a copy of the order upon the 7333
complainant, each aggrieved person on whose behalf the complaint 7334
was issued, and the respondent. 7335

(d) If an election to have the alleged unlawful 7336
discriminatory practices addressed in a civil action is not 7337
filed in accordance with division (A) (2) (a) of this section, the 7338
commission shall continue with the administrative hearing 7339
process described in section 4112.05 of the Revised Code. 7340

(e) With respect to the issues to be determined in a civil 7341
action commenced in accordance with division (A) (2) (b) of this 7342
section, any aggrieved person may intervene as a matter of right 7343
in that civil action. 7344

(B) If the court or the jury in a civil action under this 7345
section finds that a violation of division (H) of section 7346
4112.02 of the Revised Code is about to occur, the court may 7347
order any affirmative action it considers appropriate, including 7348
a permanent or temporary injunction or temporary restraining 7349
order. 7350

(C) Any sale, encumbrance, or rental consummated prior to 7351
the issuance of any court order under the authority of this 7352
section and involving a bona fide purchaser, encumbrancer, or 7353
~~tenant-lessee~~ without actual notice of the existence of a charge 7354
under division (H) of section 4112.02 of the Revised Code or a 7355
civil action under this section is not affected by the court 7356
order. 7357

(D) If the court or the jury in a civil action under this 7358
section finds that a violation of division (H) of section 7359

4112.02 of the Revised Code has occurred, the court shall award 7360
to the plaintiff or to the complainant or aggrieved person on 7361
whose behalf the office of the attorney general commenced or 7362
maintained the civil action, whichever is applicable, actual 7363
damages, reasonable attorney's fees, court costs incurred in the 7364
prosecution of the action, expert witness fees, and other 7365
litigation expenses, and may grant other relief that it 7366
considers appropriate, including a permanent or temporary 7367
injunction, a temporary restraining order, or other order and 7368
punitive damages. 7369

(E) Any civil action brought under this section shall be 7370
heard and determined as expeditiously as possible. 7371

(F) The court in a civil action under this section shall 7372
notify the commission of any finding pertaining to 7373
discriminatory housing practices within fifteen days after the 7374
entry of the finding. 7375

Sec. 4399.03. (A) As used in this section, "rental 7376
agreement" has the same meaning as in section 5321.01 of the 7377
Revised Code. 7378

(B) The unlawful sale or gift of intoxicating liquors 7379
shall forfeit all rights of the lessee~~or,~~ including a lessee as 7380
defined in section 5321.01 of the Revised Code, or tenant under 7381
any lease~~or,~~ contract of rent, or rental agreement upon 7382
premises where such unlawful sale or gift takes place. 7383

Sec. 4513.601. (A) The owner of a private property may 7384
establish a private tow-away zone, but may do so only if all of 7385
the following conditions are satisfied: 7386

(1) The owner of the private property posts on the 7387
property a sign, that is at least eighteen inches by twenty-four 7388

inches in size, that is visible from all entrances to the 7389
property, and that includes all of the following information: 7390

(a) A statement that the property is a tow-away zone; 7391

(b) A description of persons authorized to park on the 7392
property. If the property is a residential property, the owner 7393
of the private property may include on the sign a statement that 7394
only ~~tenants~~lessees and guests may park in the private tow-away 7395
zone, subject to the terms of the property owner. If the 7396
property is a commercial property, the owner of the private 7397
property may include on the sign a statement that only customers 7398
may park in the private tow-away zone. In all cases, if it is 7399
not apparent which persons may park in the private tow-away 7400
zone, the owner of the private property shall include on the 7401
sign the address of the property on which the private tow-away 7402
zone is located or the name of the business that is located on 7403
the property designated as a private tow-away zone. 7404

(c) If the private tow-away zone is not enforceable at all 7405
times, the times during which the parking restrictions are 7406
enforced; 7407

(d) The telephone number and the address of the place from 7408
which a towed vehicle may be recovered at any time during the 7409
day or night; 7410

(e) A statement that the failure to recover a towed 7411
vehicle may result in the loss of title to the vehicle as 7412
provided in division (B) of section 4505.101 of the Revised 7413
Code. 7414

In order to comply with the requirements of division (A) 7415
(1) of this section, the owner of a private property may modify 7416
an existing sign by affixing to the existing sign stickers or an 7417

addendum in lieu of replacing the sign. 7418

(2) A towing service ensures that a vehicle towed under 7419
this section is taken to a location from which it may be 7420
recovered that complies with all of the following: 7421

(a) It is located within twenty-five linear miles of the 7422
location of the private tow-away zone, unless it is not 7423
practicable to take the vehicle to a place of storage within 7424
twenty-five linear miles. 7425

(b) It is well-lighted. 7426

(c) It is on or within a reasonable distance of a 7427
regularly scheduled route of one or more modes of public 7428
transportation, if any public transportation is available in the 7429
municipal corporation or township in which the private tow-away 7430
zone is located. 7431

(B) (1) If a vehicle is parked on private property that is 7432
established as a private tow-away zone in accordance with 7433
division (A) of this section, without the consent of the owner 7434
of the private property or in violation of any posted parking 7435
condition or regulation, the owner of the private property may 7436
cause the removal of the vehicle by a towing service. The towing 7437
service shall remove the vehicle in accordance with this 7438
section. The vehicle owner and the operator of the vehicle are 7439
considered to have consented to the removal and storage of the 7440
vehicle, to the payment of the applicable fees established by 7441
the public utilities commission in rules adopted under section 7442
4921.25 of the Revised Code, and to the right of a towing 7443
service to obtain title to the vehicle if it remains unclaimed 7444
as provided in section 4505.101 of the Revised Code. The owner 7445
or lienholder of a vehicle that has been removed under this 7446

section, subject to division (C) of this section, may recover 7447
the vehicle in accordance with division (G) of this section. 7448

(2) If a municipal corporation requires tow trucks and tow 7449
truck operators to be licensed, no owner of a private property 7450
located within the municipal corporation shall cause the removal 7451
and storage of any vehicle pursuant to division (B) of this 7452
section by an unlicensed tow truck or unlicensed tow truck 7453
operator. 7454

(3) No towing service shall remove a vehicle from a 7455
private tow-away zone except pursuant to a written contract for 7456
the removal of vehicles entered into with the owner of the 7457
private property on which the private tow-away zone is located. 7458

(C) If the owner or operator of a vehicle that is being 7459
removed under authority of division (B) of this section arrives 7460
after the vehicle has been prepared for removal, but prior to 7461
its actual removal from the property, the towing service shall 7462
give the vehicle owner or operator oral or written notification 7463
at the time of such arrival that the vehicle owner or operator 7464
may pay a fee of not more than one-half of the fee for the 7465
removal of the vehicle established by the public utilities 7466
commission in rules adopted under section 4921.25 of the Revised 7467
Code in order to obtain release of the vehicle. That fee may be 7468
paid by use of a major credit card unless the towing service 7469
uses a mobile credit card processor and mobile service is not 7470
available at the time of the transaction. Upon payment of that 7471
fee, the towing service shall give the vehicle owner or operator 7472
a receipt showing both the full amount normally assessed and the 7473
actual amount received and shall release the vehicle to the 7474
owner or operator. Upon its release, the owner or operator 7475
immediately shall move the vehicle so that the vehicle is not 7476

parked on the private property established as a private tow-away zone without the consent of the owner of the private property or in violation of any posted parking condition or regulation.

(D) (1) Prior to towing a vehicle under division (B) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under division (A) of this section.

The towing service shall record the time and date of the photographs taken under this section. The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least thirty days after the date on which the vehicle is recovered by the owner or lienholder or at least two years after the date on which the vehicle was towed, whichever is earlier.

(2) A towing service shall deliver a vehicle towed under division (B) of this section to the location from which it may be recovered not more than two hours after the time it was removed from the private tow-away zone, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.

(E) (1) If an owner of a private property that is established as a private tow-away zone in accordance with division (A) of this section causes the removal of a vehicle from that property by a towing service under division (B) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the sheriff of the county or the police department of the municipal corporation, township,

port authority, or township or joint police district in which 7507
the property is located concerning all of the following: 7508

(a) The vehicle's license number, make, model, and color; 7509

(b) The location from which the vehicle was removed; 7510

(c) The date and time the vehicle was removed; 7511

(d) The telephone number of the person from whom the 7512
vehicle may be recovered; 7513

(e) The address of the place from which the vehicle may be 7514
recovered. 7515

(2) Each county sheriff and each chief of police of a 7516
municipal corporation, township, port authority, or township or 7517
joint police district shall maintain a record of any vehicle 7518
removed from private property in the sheriff's or chief's 7519
jurisdiction that is established as a private tow-away zone of 7520
which the sheriff or chief has received notice under this 7521
section. The record shall include all information submitted by 7522
the towing service. The sheriff or chief shall provide any 7523
information in the record that pertains to a particular vehicle 7524
to a person who, either in person or pursuant to a telephone 7525
call, identifies self as the owner, operator, or lienholder of 7526
the vehicle and requests information pertaining to the vehicle. 7527

(F) (1) When a vehicle is removed from private property in 7528
accordance with this section, within three business days of the 7529
removal, the towing service or storage facility from which the 7530
vehicle may be recovered shall cause a search to be made of the 7531
records of the bureau of motor vehicles to ascertain the 7532
identity of the owner and any lienholder of the motor vehicle. 7533
The registrar of motor vehicles shall ensure that such 7534
information is provided in a timely manner. Subject to division 7535

(F) (4) of this section, the towing service or storage facility 7536
shall send notice to the vehicle owner and any known lienholder 7537
as follows: 7538

(a) Within five business days after the registrar of motor 7539
vehicles provides the identity of the owner and any lienholder 7540
of the motor vehicle, if the vehicle remains unclaimed, to the 7541
owner's and lienholder's last known address by certified or 7542
express mail with return receipt requested or by a commercial 7543
carrier service utilizing any form of delivery requiring a 7544
signed receipt; 7545

(b) If the vehicle remains unclaimed thirty days after the 7546
first notice is sent, in the manner required under division (F) 7547
(1) (a) of this section. 7548

(2) Sixty days after any notice sent pursuant to division 7549
(F) (1) of this section is received, as evidenced by a receipt 7550
signed by any person, or the towing service or storage facility 7551
has been notified that delivery was not possible, the towing 7552
service or storage facility, if authorized under division (B) of 7553
section 4505.101 of the Revised Code, may initiate the process 7554
for obtaining a certificate of title to the motor vehicle as 7555
provided in that section. 7556

(3) A towing service or storage facility that does not 7557
receive a signed receipt of notice, or a notification that 7558
delivery was not possible, shall not obtain, and shall not 7559
attempt to obtain, a certificate of title to the motor vehicle 7560
under division (B) of section 4505.101 of the Revised Code. 7561

(4) With respect to a vehicle concerning which a towing 7562
service or storage facility is not eligible to obtain title 7563
under section 4505.101 of the Revised Code, the towing service 7564

or storage facility need only comply with the initial notice 7565
required under division (F) (1) (a) of this section. 7566

(G) (1) The owner or lienholder of a vehicle that is 7567
removed under division (B) of this section may reclaim it upon 7568
both of the following: 7569

(a) Presentation of proof of ownership, which may be 7570
evidenced by a certificate of title to the vehicle, a 7571
certificate of registration for the motor vehicle, or a lease 7572
agreement; 7573

(b) Payment of the following fees: 7574

(i) All applicable fees established by the public 7575
utilities commission in rules adopted under section 4921.25 of 7576
the Revised Code, except that the lienholder of a vehicle may 7577
retrieve the vehicle without paying any storage fee for the 7578
period of time that the vehicle was in the possession of the 7579
towing service or storage facility prior to the date the 7580
lienholder received the notice sent under division (F) (1) (a) of 7581
this section; 7582

(ii) If notice has been sent to the owner and lienholder 7583
as described in division (F) of this section, a processing fee 7584
of twenty-five dollars. 7585

(2) A towing service or storage facility in possession of 7586
a vehicle that is removed under authority of division (B) of 7587
this section shall show the vehicle owner, operator, or 7588
lienholder who contests the removal of the vehicle all 7589
photographs taken under division (D) of this section. Upon 7590
request, the towing service or storage facility shall provide a 7591
copy of all photographs in the medium in which the photographs 7592
are stored, whether paper, electronic, or otherwise. 7593

(3) When the owner of a vehicle towed under this section 7594
retrieves the vehicle, the towing service or storage facility in 7595
possession of the vehicle shall give the owner written notice 7596
that if the owner disputes that the motor vehicle was lawfully 7597
towed, the owner may be able to file a civil action under 7598
section 4513.611 of the Revised Code. 7599

(4) Upon presentation of proof of ownership, which may be 7600
evidenced by a certificate of title to the vehicle, a 7601
certificate of registration for the motor vehicle, or a lease 7602
agreement, the owner of a vehicle that is removed under 7603
authority of division (B) of this section may retrieve any 7604
personal items from the vehicle without retrieving the vehicle 7605
and without paying any fee. The owner of the vehicle shall not 7606
retrieve any personal items from a vehicle if it would endanger 7607
the safety of the owner, unless the owner agrees to sign a 7608
waiver of liability. For purposes of division (G) (4) of this 7609
section, "personal items" do not include any items that are 7610
attached to the vehicle. 7611

(H) No person shall remove, or cause the removal of, any 7612
vehicle from private property that is established as a private 7613
tow-away zone under this section or store such a vehicle other 7614
than in accordance with this section, or otherwise fail to 7615
comply with any applicable requirement of this section. 7616

(I) This section does not affect or limit the operation of 7617
section 4513.60 or sections 4513.61 to 4613.65 of the Revised 7618
Code as they relate to property other than private property that 7619
is established as a private tow-away zone under division (A) of 7620
this section. 7621

(J) Whoever violates division (H) of this section is 7622
guilty of a minor misdemeanor. 7623

(K) As used in this section, "owner of a private property" 7624
or "owner of the private property" includes, with respect to a 7625
private property, any of the following: 7626

(1) Any person who holds title to the property; 7627

(2) Any person who is a lessee or sublessee with respect 7628
to a lease or sublease agreement for the property; 7629

(3) A person who is authorized to manage the property; 7630

(4) A duly authorized agent of any person listed in 7631
divisions (K) (1) to (3) of this section. 7632

Sec. 4722.01. As used in this chapter: 7633

(A) "Cost-plus contract" means a contract entered into 7634
between an owner and a home construction service supplier under 7635
which payment to the supplier is based on the cost of a product 7636
plus the supplier's rate for labor to install the product plus 7637
an agreed percentage of profit or a stipulated fee. 7638

(B) "Home construction service" means the construction of 7639
a residential building. "Home construction service" does not 7640
include construction performed on a structure that contains four 7641
or more dwelling units, except for work on an individual 7642
dwelling unit within that structure, or construction performed 7643
on the common area of a condominium property. 7644

(C) "Home construction service contract" means a contract 7645
between an owner and a supplier to perform home construction 7646
services, including services rendered based on a cost-plus 7647
contract, for an amount exceeding twenty-five thousand dollars. 7648

(D) "Home construction service supplier" or "supplier" 7649
means a person who contracts with an owner to provide home 7650
construction services for compensation and who maintains in 7651

force a general liability insurance policy in an amount of not 7652
less than two hundred fifty thousand dollars. 7653

(E) "Owner" means the person who contracts with a home 7654
construction service supplier. "Owner" may include the owner of 7655
the property, a ~~tenant~~-lessee as defined in section 5321.01 of 7656
the Revised Code who occupies the dwelling unit on which the 7657
home construction service is performed, or a person the owner 7658
authorizes to act on the owner's behalf to contract for a home 7659
construction service, and any other person who contracts for a 7660
home construction service. 7661

(F) "Residential building" means a one-, two-, or three- 7662
family dwelling and any accessory construction incidental to the 7663
dwelling. "Residential building" does not include any of the 7664
following: 7665

(1) An industrialized unit as described in section 3781.06 7666
of the Revised Code; 7667

(2) A manufactured home as described in section 3781.06 of 7668
the Revised Code; 7669

(3) A mobile home as described in section 4501.01 of the 7670
Revised Code. 7671

(G) "Workmanlike manner" means the home construction 7672
service supplier has engaged in construction that meets or 7673
exceeds the minimum quantifiable standards promulgated by the 7674
Ohio home builders association. 7675

Sec. 4735.01. As used in this chapter: 7676

(A) "Real estate broker" includes any person, partnership, 7677
association, limited liability company, limited liability 7678
partnership, or corporation, foreign or domestic, who for 7679

another, whether pursuant to a power of attorney or otherwise, 7680
and who for a fee, commission, or other valuable consideration, 7681
or with the intention, or in the expectation, or upon the 7682
promise of receiving or collecting a fee, commission, or other 7683
valuable consideration does any of the following: 7684

(1) Sells, exchanges, purchases, rents, or leases, or 7685
negotiates the sale, exchange, purchase, rental, or leasing of 7686
any real estate; 7687

(2) Offers, attempts, or agrees to negotiate the sale, 7688
exchange, purchase, rental, or leasing of any real estate; 7689

(3) Lists, or offers, attempts, or agrees to list, or 7690
auctions, or offers, attempts, or agrees to auction, any real 7691
estate; 7692

(4) Buys or offers to buy, sells or offers to sell, or 7693
otherwise deals in options on real estate; 7694

(5) Operates, manages, or rents, or offers or attempts to 7695
operate, manage, or rent, other than as custodian, caretaker, or 7696
janitor, any building or portions of buildings to the public as 7697
lessees or tenants; 7698

(6) Advertises or holds self out as engaged in the 7699
business of selling, exchanging, purchasing, renting, or leasing 7700
real estate; 7701

(7) Directs or assists in the procuring of prospects or 7702
the negotiation of any transaction, other than mortgage 7703
financing, which does or is calculated to result in the sale, 7704
exchange, leasing, or renting of any real estate; 7705

(8) Is engaged in the business of charging an advance fee 7706
or contracting for collection of a fee in connection with any 7707

contract whereby the broker undertakes primarily to promote the 7708
sale, exchange, purchase, rental, or leasing of real estate 7709
through its listing in a publication issued primarily for such 7710
purpose, or for referral of information concerning such real 7711
estate to brokers, or both, except that this division does not 7712
apply to a publisher of listings or compilations of sales of 7713
real estate by their owners; 7714

(9) Collects rental information for purposes of referring 7715
prospective lessees or tenants to rental units or locations of 7716
such units and charges the prospective lessees or tenants a fee. 7717

(B) "Real estate" includes leaseholds as well as any and 7718
every interest or estate in land situated in this state, whether 7719
corporeal or incorporeal, whether freehold or nonfreehold, and 7720
the improvements on the land, but does not include cemetery 7721
interment rights. 7722

(C) "Real estate salesperson" means any person associated 7723
with a licensed real estate broker to do or to deal in any acts 7724
or transactions set out or comprehended by the definition of a 7725
real estate broker, for compensation or otherwise. 7726

(D) "Institution of higher education" includes all of the 7727
following: 7728

(1) A state institution of higher education, as defined in 7729
section 3345.011 of the Revised Code; 7730

(2) A nonprofit institution issued a certificate of 7731
authorization under Chapter 1713. of the Revised Code; 7732

(3) A private institution exempt from regulation under 7733
Chapter 3332. of the Revised Code, as prescribed in section 7734
3333.046 of the Revised Code. 7735

(4) An institution with a certificate of registration from 7736
the state board of career colleges and schools under Chapter 7737
3332. of the Revised Code that is approved to offer degree 7738
programs in accordance with section 3332.05 of the Revised Code. 7739

(E) "Foreign real estate" means real estate not situated 7740
in this state and any interest in real estate not situated in 7741
this state. 7742

(F) "Foreign real estate dealer" includes any person, 7743
partnership, association, limited liability company, limited 7744
liability partnership, or corporation, foreign or domestic, who 7745
for another, whether pursuant to a power of attorney or 7746
otherwise, and who for a fee, commission, or other valuable 7747
consideration, or with the intention, or in the expectation, or 7748
upon the promise of receiving or collecting a fee, commission, 7749
or other valuable consideration, does or deals in any act or 7750
transaction specified or comprehended in division (A) of this 7751
section with respect to foreign real estate. 7752

(G) "Foreign real estate salesperson" means any person 7753
associated with a licensed foreign real estate dealer to do or 7754
deal in any act or transaction specified or comprehended in 7755
division (A) of this section with respect to foreign real 7756
estate, for compensation or otherwise. 7757

(H) Any person, partnership, association, limited 7758
liability company, limited liability partnership, or 7759
corporation, who, for another, in consideration of compensation, 7760
by fee, commission, salary, or otherwise, or with the intention, 7761
in the expectation, or upon the promise of receiving or 7762
collecting a fee, does, or offers, attempts, or agrees to engage 7763
in, any single act or transaction contained in the definition of 7764
a real estate broker, whether an act is an incidental part of a 7765

transaction, or the entire transaction, shall be constituted a 7766
real estate broker or real estate salesperson under this 7767
chapter. 7768

(I) (1) The terms "real estate broker," "real estate 7769
salesperson," "foreign real estate dealer," and "foreign real 7770
estate salesperson" do not include a person, partnership, 7771
association, limited liability company, limited liability 7772
partnership, or corporation, or the regular employees thereof, 7773
who perform any of the acts or transactions specified or 7774
comprehended in division (A) of this section, whether or not 7775
for, or with the intention, in expectation, or upon the promise 7776
of receiving or collecting a fee, commission, or other valuable 7777
consideration: 7778

(a) With reference to real estate situated in this state 7779
owned by such person, partnership, association, limited 7780
liability company, limited liability partnership, or 7781
corporation, or acquired on its own account in the regular 7782
course of, or as an incident to the management of the property 7783
and the investment in it; 7784

(b) As receiver or trustee in bankruptcy, as guardian, 7785
executor, administrator, trustee, assignee, commissioner, or any 7786
person doing the things mentioned in this section, under 7787
authority or appointment of, or incident to a proceeding in, any 7788
court, or as a bona fide public officer, or as executor, 7789
trustee, or other bona fide fiduciary under any trust agreement, 7790
deed of trust, will, or other instrument that has been executed 7791
in good faith creating a like bona fide fiduciary obligation; 7792

(c) As a public officer while performing the officer's 7793
official duties; 7794

(d) As an attorney at law in the performance of the attorney's duties;	7795 7796
(e) As a person who engages in the brokering of the sale of business assets, not including the sale, lease, exchange, or assignment of any interest in real estate;	7797 7798 7799
(f) As a person who engages in the sale of manufactured homes as defined in division (C) (4) of section 3781.06 of the Revised Code, or of mobile homes as defined in division (O) of section 4501.01 of the Revised Code, provided the sale does not include the negotiation, sale, lease, exchange, or assignment of any interest in real estate;	7800 7801 7802 7803 7804 7805
(g) As a person who engages in the sale of commercial real estate pursuant to the requirements of section 4735.022 of the Revised Code;	7806 7807 7808
(h) As an oil and gas land professional in the performance of the oil and gas land professional's duties, provided the oil and gas land professional is not engaged in the purchase or sale of a fee simple absolute interest in oil and gas or other real estate and the oil and gas land professional complies with division (A) of section 4735.023 of the Revised Code;	7809 7810 7811 7812 7813 7814
(i) As an oil and gas land professional employed by the person, partnership, association, limited liability company, limited liability partnership, or corporation for which the oil and gas land professional is performing the oil and gas land professional's duties.	7815 7816 7817 7818 7819
(2) A person, partnership, association, limited liability company, limited liability partnership, or corporation exempt under division (I) (1) (a) of this section shall be limited by the legal interest in the real estate held by that person or entity	7820 7821 7822 7823

to performing any of the acts or transactions specified in or 7824
comprehended by division (A) of this section. 7825

(J) "Disabled licensee" means a person licensed pursuant 7826
to this chapter who is under a severe disability which is of 7827
such a nature as to prevent the person from being able to attend 7828
any instruction lasting at least three hours in duration. 7829

(K) "Division of real estate" may be used interchangeably 7830
with, and for all purposes has the same meaning as, "division of 7831
real estate and professional licensing." 7832

(L) "Superintendent" or "superintendent of real estate" 7833
means the superintendent of the division of real estate and 7834
professional licensing of this state. Whenever the division or 7835
superintendent of real estate is referred to or designated in 7836
any statute, rule, contract, or other document, the reference or 7837
designation shall be deemed to refer to the division or 7838
superintendent of real estate and professional licensing, as the 7839
case may be. 7840

(M) "Inactive license" means the license status in which a 7841
salesperson's license is in the possession of the division, 7842
renewed as required under this chapter or rules adopted under 7843
this chapter, and not associated with a real estate broker. 7844

(N) "Broker's license on deposit" means the license status 7845
in which a broker's license is in the possession of the division 7846
of real estate and professional licensing and renewed as 7847
required under this chapter or rules adopted under this chapter. 7848

(O) "Suspended license" means the license status that 7849
prohibits a licensee from providing services that require a 7850
license under this chapter for a specified interval of time. 7851

(P) "Reactivate" means the process prescribed by the 7852

superintendent of real estate and professional licensing to 7853
remove a license from an inactive, suspended, or broker's 7854
license on deposit status to allow a licensee to provide 7855
services that require a license under this chapter. 7856

(Q) "Revoked" means the license status in which the 7857
license is void and not eligible for reactivation. 7858

(R) "Commercial real estate" means any parcel of real 7859
estate in this state other than real estate containing one to 7860
four residential units. "Commercial real estate" does not 7861
include single-family residential units such as condominiums, 7862
townhouses, manufactured homes, or homes in a subdivision when 7863
sold, leased, or otherwise conveyed on a unit-by-unit basis, 7864
even when those units are a part of a larger building or parcel 7865
of real estate containing more than four residential units. 7866

(S) "Out-of-state commercial broker" includes any person, 7867
partnership, association, limited liability company, limited 7868
liability partnership, or corporation that is licensed to do 7869
business as a real estate broker in a jurisdiction other than 7870
Ohio. 7871

(T) "Out-of-state commercial salesperson" includes any 7872
person affiliated with an out-of-state commercial broker who is 7873
not licensed as a real estate salesperson in Ohio. 7874

(U) "Exclusive right to sell or lease listing agreement" 7875
means an agency agreement between a seller and broker that meets 7876
the requirements of section 4735.55 of the Revised Code and does 7877
both of the following: 7878

(1) Grants the broker the exclusive right to represent the 7879
seller in the sale or lease of the seller's property; 7880

(2) Provides the broker will be compensated if the broker, 7881

the seller, or any other person or entity produces a purchaser, lessee, or tenant in accordance with the terms specified in the listing agreement or if the property is sold or leased during the term of the listing agreement to anyone other than to specifically exempted persons or entities.

(V) "Exclusive agency agreement" means an agency agreement between a seller and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:

(1) Grants the broker the exclusive right to represent the seller in the sale or lease of the seller's property;

(2) Provides the broker will be compensated if the broker or any other person or entity produces a purchaser, lessee, or tenant in accordance with the terms specified in the listing agreement or if the property is sold or leased during the term of the listing agreement, unless the property is sold or leased solely through the efforts of the seller or to the specifically exempted persons or entities.

(W) "Exclusive purchaser agency agreement" means an agency agreement between a purchaser and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:

(1) Grants the broker the exclusive right to represent the purchaser in the purchase or lease of property;

(2) Provides the broker will be compensated in accordance with the terms specified in the exclusive agency agreement or if a property is purchased or leased by the purchaser during the term of the agency agreement unless the property is specifically exempted in the agency agreement.

The agreement may authorize the broker to receive 7911
compensation from the seller or the seller's agent and may 7912
provide that the purchaser is not obligated to compensate the 7913
broker if the property is purchased or leased solely through the 7914
efforts of the purchaser. 7915

(X) "Seller" means a party in a real estate transaction 7916
who is the potential transferor of property. "Seller" includes 7917
an owner of property who is seeking to sell the property and a 7918
landlord who is seeking to rent or lease property to another 7919
person. 7920

(Y) "Resigned" means the license status in which a license 7921
has been voluntarily and permanently surrendered to or is 7922
otherwise in the possession of the division of real estate and 7923
professional licensing, may not be renewed or reactivated in 7924
accordance with the requirements specified in this chapter or 7925
the rules adopted pursuant to it, and is not associated with a 7926
real estate broker. 7927

(Z) "Bona fide" means made in good faith or without 7928
purpose of circumventing license law. 7929

(AA) "Associate broker" means an individual licensed as a 7930
real estate broker under this chapter who does not function as 7931
the principal broker or a management level licensee. 7932

(BB) "Brokerage" means a corporation, partnership, limited 7933
partnership, association, limited liability company, limited 7934
liability partnership, or sole proprietorship, foreign or 7935
domestic, that has been issued a broker's license. "Brokerage" 7936
includes the affiliated licensees who have been assigned 7937
management duties that include supervision of licensees whose 7938
duties may conflict with those of other affiliated licensees. 7939

(CC) "Credit-eligible course" means a credit or noncredit-	7940
bearing course that is both of the following:	7941
(1) The course is offered by an institution of higher	7942
education.	7943
(2) The course is eligible for academic credit that may be	7944
applied toward the requirements for a degree at the institution	7945
of higher education.	7946
(DD) "Distance education" means courses required by	7947
divisions (B) (6) and (G) of section 4735.07, divisions (F) (6)	7948
and (J) of section 4735.09, and division (A) of section 4735.141	7949
of the Revised Code in which instruction is accomplished through	7950
use of interactive, electronic media and where the teacher and	7951
student are separated by distance or time, or both.	7952
(EE) "Licensee" means any individual licensed as a real	7953
estate broker or salesperson by the Ohio real estate commission	7954
pursuant to this chapter.	7955
(FF) "Management level licensee" means a licensee who is	7956
employed by or affiliated with a real estate broker and who has	7957
supervisory responsibility over other licensees employed by or	7958
affiliated with that real estate broker.	7959
(GG) "Oil and gas land professional" means a person	7960
regularly engaged in the preparation and negotiation of	7961
agreements for the purpose of exploring for, transporting,	7962
producing, or developing oil and gas mineral interests,	7963
including, but not limited to, oil and gas leases and pipeline	7964
easements.	7965
(HH) "Principal broker" means an individual licensed as a	7966
real estate broker under this chapter who oversees and directs	7967
the operations of the brokerage.	7968

(II) "Lessee" has the same meaning as in section 5321.01 7969
of the Revised Code. 7970

(JJ) "Lessor" includes a lessor as defined in section 7971
5321.01 of the Revised Code. 7972

Sec. 4735.021. (A) Every licensee who is engaged in the 7973
business of referring prospective lessees or tenants to possible 7974
rental units or locations and who charges the prospective 7975
lessees or tenants a fee shall enter into a written contract 7976
with any prospective lessee or tenant and shall give ~~him~~ the 7977
prospective lessee or tenant a copy of the contract. The 7978
licensee shall disclose in the contract the manner in which the 7979
listings of units have been obtained. All contracts entered into 7980
pursuant to this section shall stipulate that any fee charged in 7981
excess of ten dollars shall be repaid or refunded to the 7982
prospective lessee or tenant, upon demand, but no sooner than 7983
thirty days after the contract has been entered into and no 7984
later than sixty days after the contract has been entered into, 7985
if ~~he~~ the prospective lessee or tenant does not obtain a rental 7986
conforming to ~~his~~ the prospective lessee's or tenant's 7987
specifications through the listing furnished by the licensee. If 7988
the information concerning rentals furnished by the licensee is 7989
not current or accurate, the full fee shall be repaid or 7990
refunded to the prospective lessee or tenant upon demand. 7991

(B) No licensee shall refer a prospective lessee or tenant 7992
to any property without the consent of the owner or to any 7993
nonexistent address. 7994

Sec. 4735.18. (A) Subject to section 4735.32 of the 7995
Revised Code, the superintendent of real estate, upon the 7996
superintendent's own motion, may investigate the conduct of any 7997
licensee. Subject to division (E) of this section and section 7998

4735.32 of the Revised Code, the Ohio real estate commission 7999
shall impose disciplinary sanctions upon any licensee who, 8000
whether or not acting in the licensee's capacity as a real 8001
estate broker or salesperson, or in handling the licensee's own 8002
property, is found to have been convicted of a felony or a crime 8003
of moral turpitude, and may impose disciplinary sanctions upon 8004
any licensee who, in the licensee's capacity as a real estate 8005
broker or salesperson, or in handling the licensee's own 8006
property, is found guilty of: 8007

(1) Knowingly making any misrepresentation; 8008

(2) Making any false promises with intent to influence, 8009
persuade, or induce; 8010

(3) A continued course of misrepresentation or the making 8011
of false promises through agents, salespersons, advertising, or 8012
otherwise; 8013

(4) Acting for more than one party in a transaction except 8014
as permitted by and in compliance with section 4735.71 of the 8015
Revised Code; 8016

(5) Failure within a reasonable time to account for or to 8017
remit any money coming into the licensee's possession which 8018
belongs to others; 8019

(6) Dishonest or illegal dealing, gross negligence, 8020
incompetency, or misconduct; 8021

(7) (a) By final adjudication by a court, a violation of 8022
any municipal or federal civil rights law relevant to the 8023
protection of purchasers or sellers of real estate or, by final 8024
adjudication by a court, any unlawful discriminatory practice 8025
pertaining to the purchase or sale of real estate prohibited by 8026
Chapter 4112. of the Revised Code, provided that such violation 8027

arose out of a situation wherein parties were engaged in bona fide efforts to purchase, sell, or lease real estate, in the licensee's practice as a licensed real estate broker or salesperson;

(b) A second or subsequent violation of any unlawful discriminatory practice pertaining to the purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code or any second or subsequent violation of municipal or federal civil rights laws relevant to purchasing or selling real estate whether or not there has been a final adjudication by a court, provided that such violation arose out of a situation wherein parties were engaged in bona fide efforts to purchase, sell, or lease real estate. For any second offense under this division, the commission shall suspend for a minimum of two months or revoke the license of the broker or salesperson. For any subsequent offense, the commission shall revoke the license of the broker or salesperson.

(8) Procuring a license under this chapter, for the licensee or any salesperson by fraud, misrepresentation, or deceit;

(9) Having violated or failed to comply with any provision of sections 4735.51 to 4735.74 of the Revised Code or having willfully disregarded or violated any other provisions of this chapter;

(10) As a real estate broker, having demanded, without reasonable cause, other than from a broker licensed under this chapter, a commission to which the licensee is not entitled, or, as a real estate salesperson, having demanded, without reasonable cause, a commission to which the licensee is not entitled;

(11) Except as permitted under section 4735.20 of the Revised Code, having paid commissions or fees to, or divided commissions or fees with, anyone not licensed as a real estate broker or salesperson under this chapter or anyone not operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code;

(12) Having falsely represented membership in any real estate professional association of which the licensee is not a member;

(13) Having accepted, given, or charged any undisclosed commission, rebate, or direct profit on expenditures made for a principal;

(14) Having offered anything of value other than the consideration recited in the sales contract as an inducement to a person to enter into a contract for the purchase or sale of real estate or having offered real estate or the improvements on real estate as a prize in a lottery or scheme of chance;

(15) Having acted in the dual capacity of real estate broker and undisclosed principal, or real estate salesperson and undisclosed principal, in any transaction;

(16) Having guaranteed, authorized, or permitted any person to guarantee future profits which may result from the resale of real property;

(17) Having advertised or placed a sign on any property offering it for sale or for rent without the consent of the owner or the owner's authorized agent;

(18) Having induced any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu of it a new contract with another principal;

- (19) Having negotiated the sale, exchange, or lease of any real property directly with a seller, purchaser, lessor, lessee, or tenant knowing that such seller, purchaser, lessor, lessee, or tenant is represented by another broker under a written exclusive agency agreement, exclusive right to sell or lease listing agreement, or exclusive purchaser agency agreement with respect to such property except as provided for in section 4735.75 of the Revised Code;
- (20) Having offered real property for sale or for lease without the knowledge and consent of the owner or the owner's authorized agent, or on any terms other than those authorized by the owner or the owner's authorized agent;
- (21) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having misrepresented any properties, terms, values, policies, or services of the business conducted;
- (22) Having knowingly withheld from or inserted in any statement of account or invoice any statement that made it inaccurate in any material particular;
- (23) Having published or circulated unjustified or unwarranted threats of legal proceedings which tended to or had the effect of harassing competitors or intimidating their customers;
- (24) Having failed to keep complete and accurate records of all transactions for a period of three years from the date of the transaction, such records to include copies of listing forms, earnest money receipts, offers to purchase and acceptances of them, records of receipts and disbursements of

all funds received by the licensee as broker and incident to the 8116
licensee's transactions as such, and records required pursuant 8117
to divisions (C) (4) and (5) of section 4735.20 of the Revised 8118
Code, and any other instruments or papers related to the 8119
performance of any of the acts set forth in the definition of a 8120
real estate broker; 8121

(25) Failure of a real estate broker or salesperson to 8122
furnish all parties involved in a real estate transaction true 8123
copies of all listings and other agreements to which they are a 8124
party, at the time each party signs them; 8125

(26) Failure to maintain at all times a special or trust 8126
bank account in a depository located in this state. The account 8127
shall be noninterest-bearing, separate and distinct from any 8128
personal or other account of the broker, and, except as provided 8129
in division (A) (27) of this section, shall be used for the 8130
deposit and maintenance of all escrow funds, security deposits, 8131
and other moneys received by the broker in a fiduciary capacity. 8132
The name, account number, if any, and location of the depository 8133
wherein such special or trust account is maintained shall be 8134
submitted in writing to the superintendent. Checks drawn on such 8135
special or trust bank accounts are deemed to meet the conditions 8136
imposed by section 1349.21 of the Revised Code. Funds deposited 8137
in the trust or special account in connection with a purchase 8138
agreement shall be maintained in accordance with section 4735.24 8139
of the Revised Code. 8140

(27) Failure to maintain at all times a special or trust 8141
bank account in a depository in this state, to be used 8142
exclusively for the deposit and maintenance of all rents, 8143
security deposits, escrow funds, and other moneys received by 8144
the broker in a fiduciary capacity in the course of managing 8145

real property. This account shall be separate and distinct from 8146
any other account maintained by the broker. The name, account 8147
number, and location of the depository shall be submitted in 8148
writing to the superintendent. This account may earn interest, 8149
which shall be paid to the property owners on a pro rata basis. 8150

Division (A) (27) of this section does not apply to brokers 8151
who are not engaged in the management of real property on behalf 8152
of real property owners. 8153

(28) Having failed to put definite expiration dates in all 8154
written agency agreements to which the broker is a party; 8155

(29) Having an unsatisfied final judgment or lien in any 8156
court of record against the licensee arising out of the 8157
licensee's conduct as a licensed broker or salesperson; 8158

(30) Failing to render promptly upon demand a full and 8159
complete statement of the expenditures by the broker or 8160
salesperson of funds advanced by or on behalf of a party to a 8161
real estate transaction to the broker or salesperson for the 8162
purpose of performing duties as a licensee under this chapter in 8163
conjunction with the real estate transaction; 8164

(31) Failure within a reasonable time, after the receipt 8165
of the commission by the broker, to render an accounting to and 8166
pay a real estate salesperson the salesperson's earned share of 8167
it; 8168

(32) Performing any service for another constituting the 8169
practice of law, as determined by any court of law; 8170

(33) Having been adjudicated incompetent for the purpose 8171
of holding the license by a court, as provided in section 8172
5122.301 of the Revised Code. A license revoked or suspended 8173
under this division shall be reactivated upon proof to the 8174

commission of the removal of the disability.	8175
(34) Having authorized or permitted a person to act as an agent in the capacity of a real estate broker, or a real estate salesperson, who was not then licensed as a real estate broker or real estate salesperson under this chapter or who was not then operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code;	8176 8177 8178 8179 8180 8181
(35) Having knowingly inserted or participated in inserting any materially inaccurate term in a document, including naming a false consideration;	8182 8183 8184
(36) Having failed to inform the licensee's client of the existence of an offer or counteroffer or having failed to present an offer or counteroffer in a timely manner, unless otherwise instructed by the client, provided the instruction of the client does not conflict with any state or federal law;	8185 8186 8187 8188 8189
(37) Having failed to comply with section 4735.24 of the Revised Code;	8190 8191
(38) Having acted as a broker without authority, impeded the ability of a principal broker to perform any of the duties described in section 4735.081 of the Revised Code, or impeded the ability a management level licensee to perform the licensee's duties.	8192 8193 8194 8195 8196
(B) Whenever the commission, pursuant to section 4735.051 of the Revised Code, imposes disciplinary sanctions for any violation of this section, the commission also may impose such sanctions upon the broker with whom the salesperson is affiliated if the commission finds that the broker had knowledge of the salesperson's actions that violated this section.	8197 8198 8199 8200 8201 8202
(C) The commission shall, pursuant to section 4735.051 of	8203

the Revised Code, impose disciplinary sanctions upon any foreign 8204
real estate dealer or salesperson who, in that capacity or in 8205
handling the dealer's or salesperson's own property, is found 8206
guilty of any of the acts or omissions specified or comprehended 8207
in division (A) of this section insofar as the acts or omissions 8208
pertain to foreign real estate. If the commission imposes such 8209
sanctions upon a foreign real estate salesperson for a violation 8210
of this section, the commission also may suspend or revoke the 8211
license of the foreign real estate dealer with whom the 8212
salesperson is affiliated if the commission finds that the 8213
dealer had knowledge of the salesperson's actions that violated 8214
this section. 8215

(D) The commission may suspend, in whole or in part, the 8216
imposition of the penalty of suspension of a license under this 8217
section. 8218

(E) A person licensed under this chapter who represents a 8219
party to a transaction or a proposed transaction involving the 8220
sale, purchase, exchange, lease, or management of real property 8221
that is or will be used in the cultivation, processing, 8222
dispensing, or testing of medical marijuana under Chapter 3796. 8223
of the Revised Code, or who receives, holds, or disburses funds 8224
from a real estate brokerage trust account in connection with 8225
such a transaction, shall not be subject to disciplinary 8226
sanctions under this chapter solely because the licensed person 8227
engaged in activities permitted under this chapter and related 8228
to activities under Chapter 3796. of the Revised Code. 8229

Sec. 4735.51. As used in sections 4735.51 to 4735.74 of 8230
the Revised Code: 8231

(A) "Agency" and "agency relationship" mean a relationship 8232
in which a licensee represents another person in a real estate 8233

transaction.	8234
(B) "Agency agreement" means a contract between a licensee	8235
and a client in which the client promises to pay the broker a	8236
valuable consideration, or agrees that the licensee may receive	8237
a valuable consideration from another, for performing an act	8238
that requires a real estate license under this chapter.	8239
(C) "Agent" and "real estate agent" mean a person licensed	8240
by this chapter to represent another in a real estate	8241
transaction.	8242
(D) "Affiliated licensee" means a real estate broker or a	8243
real estate salesperson licensed by this chapter who is	8244
affiliated with a brokerage.	8245
(E) "Client" means a person who has entered into an agency	8246
relationship with a licensee.	8247
(F) "Confidential information" means all information that	8248
a client directs to be kept confidential or that if disclosed	8249
would have an adverse effect on the client's position in the	8250
real estate transaction, except to the extent the agent is	8251
required by law to disclose such information, and all	8252
information that is required by law to be kept confidential.	8253
(G) "Contemporaneous offers" means offers to purchase or	8254
lease on behalf of two or more clients represented by the same	8255
licensee for the same property that the licensee knows, has	8256
known, or has reason to know will be taken under consideration	8257
by the owner or owner's authorized representative during the	8258
same period of time.	8259
(H) "Dual agency relationship" means any of the dual	8260
agency relationships set forth in section 4735.70 of the Revised	8261
Code.	8262

(I) "In-company transaction" means a real estate transaction in which the purchaser and seller are both represented by the same brokerage.

(J) "Purchaser" means a party in a real estate transaction who is the potential transferee of property. "Purchaser" includes a person seeking to buy property and a person seeking to rent property as a tenant or lessee, including a lessee as defined in section 5321.01 of the Revised Code.

(K) "Real estate transaction" means any act that is described in division (A) of section 4735.01 of the Revised Code or that is related to the execution of an act described in that section.

(L) "Subagency" and "subagency relationship" mean an agency relationship in which a licensee acts for another licensee in performing duties for the client of that licensee.

(M) "Timely" means as soon as possible under the particular circumstances.

Sec. 4735.75. (A) A broker who has the exclusive authority to represent a client under a written exclusive agency agreement, exclusive right to sell agreement, or exclusive purchaser agency agreement may authorize other licensees to negotiate directly with that client. The authorization shall be in writing and the broker shall comply with the requirements of section 4735.621 of the Revised Code.

(B) A licensee who negotiates directly with a seller, purchaser, lessor, lessee, or tenant pursuant to a written authorization as described in division (A) of this section does not violate division (A) (19) of section 4735.18 of the Revised Code and negotiations conducted by a licensee pursuant to the

authorization shall not create or imply an agency relationship 8292
between that licensee and the client of that exclusive broker. 8293

(C) As used in this section and division (A) (19) of 8294
section 4735.18 of the Revised Code, "negotiate" means any the 8295
following: 8296

(1) Delivering or communicating an offer, counteroffer, or 8297
proposal; 8298

(2) Discussing or reviewing the terms of any offer, 8299
counteroffer, or proposal; 8300

(3) Facilitating communication regarding an offer, 8301
counteroffer, or proposal and preparing any response as 8302
directed. 8303

Sec. 4749.01. As used in this chapter: 8304

(A) "Private investigator" means any person who engages in 8305
the business of private investigation. 8306

(B) "Business of private investigation" means, except when 8307
performed by one excluded under division (H) of this section, 8308
the conducting, for hire, in person or through a partner or 8309
employees, of any investigation relevant to any crime or wrong 8310
done or threatened, or to obtain information on the identity, 8311
habits, conduct, movements, whereabouts, affiliations, 8312
transactions, reputation, credibility, or character of any 8313
person, or to locate and recover lost or stolen property, or to 8314
determine the cause of or responsibility for any libel or 8315
slander, or any fire, accident, or damage to property, or to 8316
secure evidence for use in any legislative, administrative, or 8317
judicial investigation or proceeding. 8318

(C) "Security guard provider" means any person who engages 8319

in the business of security services. 8320

(D) "Business of security services" means either of the 8321
following: 8322

(1) Furnishing, for hire, watchpersons, guards, private 8323
patrol officers, or other persons whose primary duties are to 8324
protect persons or property; 8325

(2) Furnishing, for hire, guard dogs, or armored motor 8326
vehicle security services, in connection with the protection of 8327
persons or property. 8328

(E) "Class A license" means a license issued under section 8329
4749.03 of the Revised Code that qualifies the person issued the 8330
license to engage in the business of private investigation and 8331
the business of security services. 8332

(F) "Class B license" means a license issued under section 8333
4749.03 of the Revised Code that qualifies the person issued the 8334
license to engage only in the business of private investigation. 8335

(G) "Class C license" means a license issued under section 8336
4749.03 of the Revised Code that qualifies the person issued the 8337
license to engage only in the business of security services. 8338

(H) "Private investigator," "business of private 8339
investigation," "security guard provider," and "business of 8340
security services" do not include: 8341

(1) Public officers and employees whose official duties 8342
require them to engage in investigatory activities; 8343

(2) Attorneys at law or any expert hired by an attorney at 8344
law for consultation or litigation purposes; 8345

(3) A consumer reporting agency, as defined in the "Fair 8346

Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as 8347
amended, provided that the consumer reporting agency is in 8348
compliance with the requirements of that act and that the 8349
agency's activities are confined to any of the following: 8350

(a) The issuance of consumer credit reports; 8351

(b) The conducting of limited background investigations 8352
that pertain only to a client's prospective lessee, as defined 8353
in section 5321.01 of the Revised Code, or tenant and that are 8354
engaged in with the prior written consent of the prospective 8355
lessee or tenant; 8356

(c) The business of pre-employment background 8357
investigation. As used in division (H) (3) (c) of this section, 8358
"business of pre-employment background investigation" means, and 8359
is limited to, furnishing for hire, in person or through a 8360
partner or employees, the conducting of limited background 8361
investigations, in-person interviews, telephone interviews, or 8362
written inquiries that pertain only to a client's prospective 8363
employee and the employee's employment and that are engaged in 8364
with the prior written consent of the prospective employee. 8365

(4) Certified public insurance adjusters that hold a 8366
certificate of authority issued pursuant to sections 3951.01 to 8367
3951.09 of the Revised Code, while the adjuster is investigating 8368
the cause of or responsibility for a fire, accident, or other 8369
damage to property with respect to a claim or claims for loss or 8370
damage under a policy of insurance covering real or personal 8371
property; 8372

(5) Personnel placement services and persons who act as 8373
employees of such entities engaged in investigating matters 8374
related to personnel placement activities; 8375

(6) An employee in the regular course of the employee's employment, engaged in investigating matters pertinent to the business of the employee's employer or protecting property in the possession of the employee's employer, provided the employer is deducting all applicable state and federal employment taxes on behalf of the employee and neither the employer nor the employee is employed by, associated with, or acting for or on behalf of any private investigator or security guard provider;

(7) Any better business bureau or similar organization or any of its employees while engaged in the maintenance of the quality of business activities relating to consumer sales and services;

(8) An accountant who is registered or certified under Chapter 4701. of the Revised Code or any of the accountant's employees while engaged in activities for which the accountant is certified or registered;

(9) Any person who, for hire or otherwise, conducts genealogical research in this state.

As used in division (H) (9) of this section, "genealogical research" means the determination of the origins and descent of families, including the identification of individuals, their family relationships, and the biographical details of their lives. "Genealogical research" does not include furnishing for hire services for locating missing persons or natural or birth parents or children.

(10) Any person residing in this state who conducts research for the purpose of locating the last known owner of unclaimed funds, provided that the person is in compliance with Chapter 169. of the Revised Code and rules adopted thereunder.

The exemption set forth in division (H) (10) of this section 8405
applies only to the extent that the person is conducting 8406
research for the purpose of locating the last known owner of 8407
unclaimed funds. 8408

As used in division (H) (10) of this section, "owner" and 8409
"unclaimed funds" have the same meanings as in section 169.01 of 8410
the Revised Code. 8411

(11) A professional engineer who is registered under 8412
Chapter 4733. of the Revised Code or any of his employees. 8413

As used in division (H) (11) of this section and 8414
notwithstanding division (I) of this section, "employee" has the 8415
same meaning as in section 4101.01 of the Revised Code. 8416

(12) Any person residing in this state who, for hire or 8417
otherwise, conducts research for the purpose of locating persons 8418
to whom the state of Ohio owes money in the form of warrants, as 8419
defined in division (S) of section 131.01 of the Revised Code, 8420
that the state voided but subsequently reissues. 8421

(13) An independent insurance adjuster who, as an 8422
individual, an independent contractor, an employee of an 8423
independent contractor, adjustment bureau association, 8424
corporation, insurer, partnership, local recording agent, 8425
managing general agent, or self-insurer, engages in the business 8426
of independent insurance adjustment, or any person who 8427
supervises the handling of claims except while acting as an 8428
employee of an insurer licensed in this state while handling 8429
claims pertaining to specific policies written by that insurer. 8430

As used in division (H) (13) of this section, "independent 8431
insurance adjustment" means conducting investigations to 8432
determine the cause of or circumstances concerning a fire, 8433

accident, bodily injury, or damage to real or personal property; 8434
determining the extent of damage of that fire, accident, injury, 8435
or property damage; securing evidence for use in a legislative, 8436
administrative, or judicial investigation or proceeding, 8437
adjusting losses; and adjusting or settling claims, including 8438
the investigation, adjustment, denial, establishment of damages, 8439
negotiation, settlement, or payment of claims in connection with 8440
insurance contractors, self-insured programs, or other similar 8441
insurance programs. "Independent adjuster" does not include 8442
either of the following: 8443

(a) An attorney who adjusts insurance losses incidental to 8444
the practice of law and who does not advertise or represent that 8445
the attorney is an independent insurance adjuster; 8446

(b) A licensed agent or general agent of an insurer 8447
licensed in this state who processes undisputed or uncontested 8448
losses for insurers under policies issued by that agent or 8449
general agent. 8450

(14) Except for a commissioned peace officer who engages 8451
in the business of private investigation or compensates others 8452
who engage in the business of private investigation or the 8453
business of security services or both, any commissioned peace 8454
officer as defined in division (B) of section 2935.01 of the 8455
Revised Code. 8456

(I) "Employee" means every person who may be required or 8457
directed by any employer, in consideration of direct or indirect 8458
gain or profit, to engage in any employment, or to go, or work, 8459
or be at any time in any place of employment, provided that the 8460
employer of the employee deducts all applicable state and 8461
federal employment taxes on behalf of the employee. 8462

Sec. 4781.01. As used in this chapter:	8463
(A) "Industrialized unit" has the same meaning as in	8464
division (C) (3) of section 3781.06 of the Revised Code.	8465
(B) "Installation" means any of the following:	8466
(1) The temporary or permanent construction of	8467
stabilization, support, and anchoring systems for manufactured	8468
housing;	8469
(2) The placement and erection of a manufactured housing	8470
unit or components of a unit on a structural support system;	8471
(3) The supporting, blocking, leveling, securing,	8472
anchoring, underpinning, or adjusting of any section or	8473
component of a manufactured housing unit;	8474
(4) The joining or connecting of all sections or	8475
components of a manufactured housing unit.	8476
(C) "Manufactured home" has the same meaning as in	8477
division (C) (4) of section 3781.06 of the Revised Code.	8478
(D) "Manufactured home park" means any tract of land upon	8479
which three or more manufactured or mobile homes used for	8480
habitation are parked, either free of charge or for revenue	8481
purposes, and includes any roadway, building, structure,	8482
vehicle, or enclosure used or intended for use as a part of the	8483
facilities of the park. "Manufactured home park" does not	8484
include any of the following:	8485
(1) A tract of land used solely for the storage or display	8486
for sale of manufactured or mobile homes or solely as a	8487
temporary park-camp as defined in section 3729.01 of the Revised	8488
Code;	8489

(2) A tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government authority;

(3) A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation.

(E) "Manufactured housing" means manufactured homes and mobile homes.

(F) "Manufactured housing installer" means an individual who installs manufactured housing.

(G) "Mobile home" has the same meaning as in division (O) of section 4501.01 of the Revised Code.

(H) "Model standards" means the federal manufactured home installation standards established pursuant to 42 U.S.C. 5404.

(I) "Permanent foundation" has the same meaning as in division (C)(5) of section 3781.06 of the Revised Code.

(J) "Business" includes any activities engaged in by any person for the object of gain, benefit, or advantage either direct or indirect.

(K) "Casual sale" means any transfer of a manufactured home or mobile home by a person other than a manufactured housing dealer, manufactured housing salesperson, or manufacturer to an ultimate consumer or a person who purchases the home for use as a residence.

(L) "Engaging in business" means commencing, conducting,

or continuing in business, or liquidating a business when the 8518
liquidator thereof holds self out to be conducting such 8519
business; making a casual sale or otherwise making transfers in 8520
the ordinary course of business when the transfers are made in 8521
connection with the disposition of all or substantially all of 8522
the transferor's assets is not engaging in business. 8523

(M) "Manufactured home park operator" or "park operator" 8524
means the person who has responsible charge of a manufactured 8525
home park and who is licensed under sections 4781.26 to 4781.35 8526
of the Revised Code. 8527

(N) "Manufactured housing broker" means any person acting 8528
as a selling agent on behalf of an owner of a manufactured home 8529
or mobile home that is subject to taxation under section 4503.06 8530
of the Revised Code. 8531

(O) "Manufactured housing dealer" means any person engaged 8532
in the business of selling at retail, displaying, offering for 8533
sale, or dealing in manufactured homes or mobile homes. 8534

(P) "Manufacturer" means a person who ~~manufacturers~~ 8535
manufactures, assembles, or imports manufactured homes or mobile 8536
homes. 8537

(Q) "Retail sale" or "sale at retail" means the act or 8538
attempted act of selling, bartering, exchanging, or otherwise 8539
disposing of a manufactured home or mobile home to an ultimate 8540
purchaser for use as a residence. 8541

(R) "Salesperson" means any individual employed by a 8542
manufactured housing dealer or manufactured housing broker to 8543
sell, display, and offer for sale, or deal in manufactured homes 8544
or mobile homes for a commission, compensation, or other 8545
valuable consideration, but does not mean any public officer 8546

performing official duties. 8547

(S) "Ultimate purchaser" means, with respect to any new 8548
manufactured home, the first person, other than a manufactured 8549
housing dealer purchasing in the capacity of a manufactured 8550
housing dealer, who purchases such new manufactured home for 8551
purposes other than resale. 8552

(T) ~~"Tenant"~~ "Lessee" means a person who is entitled under 8553
a rental agreement with a manufactured home park operator to 8554
occupy a manufactured home park lot and who does not own the 8555
home occupying the lot. 8556

(U) "Owner" means a person who is entitled under a rental 8557
agreement with a manufactured home park operator to occupy a 8558
manufactured home park lot and who owns the home occupying the 8559
lot. 8560

(V) "Resident" means a person entitled under a rental 8561
agreement to the use and occupancy of residential premises to 8562
the exclusion of others. "Resident" includes both ~~tenants~~ 8563
lessees and owners. 8564

(W) "Residential premises" means a lot located within a 8565
manufactured home park and the grounds, areas, and facilities 8566
contained within the manufactured home park for the use of 8567
residents generally or the use of which is promised to a 8568
resident. 8569

(X) "Rental agreement" means any agreement or lease, 8570
written or oral, that establishes or modifies the terms, 8571
conditions, rules, or any other provisions concerning the use 8572
and occupancy of residential premises by one of the parties. 8573

(Y) "Security deposit" means any deposit of money or 8574
property to secure performance by the resident under a rental 8575

agreement. 8576

(Z) "Development" means any artificial change to improved 8577
or unimproved real estate, including, without limitation, 8578
buildings or structures, dredging, filling, grading, paving, 8579
excavation or drilling operations, or storage of equipment or 8580
materials, and the construction, expansion, or substantial 8581
alteration of a manufactured home park, for which plan review is 8582
required under division (A) of section 4781.31 of the Revised 8583
Code. "Development" does not include the building, construction, 8584
erection, or manufacture of any building to which section 8585
3781.06 of the Revised Code is applicable. 8586

(AA) "Flood" or "flooding" means either of the following: 8587

(1) A general and temporary condition of partial or 8588
complete inundation of normally dry land areas from any of the 8589
following: 8590

(a) The overflow of inland or tidal waters; 8591

(b) The unusual and rapid accumulation or runoff of 8592
surface waters from any source; 8593

(c) Mudslides that are proximately caused by flooding as 8594
defined in division (AA) (1) (b) of this section and that are akin 8595
to a river of liquid and flowing mud on the surface of normally 8596
dry land areas, as when earth is carried by a current of water 8597
and deposited along the path of the current. 8598

(2) The collapse or subsidence of land along the shore of 8599
a lake or other body of water as a result of erosion or 8600
undermining that is caused by waves or currents of water 8601
exceeding anticipated cyclical levels or that is suddenly caused 8602
by an unusually high water level in a natural body of water, and 8603
that is accompanied by a severe storm, by an unanticipated force 8604

of nature, such as a flash flood, by an abnormal tidal surge, or 8605
by some similarly unusual and unforeseeable event, that results 8606
in flooding as defined in division (AA) (1) (a) of this section. 8607

(BB) "Flood plain" means the area adjoining any river, 8608
stream, watercourse, or lake that has been or may be covered by 8609
flood water. 8610

(CC) "One-hundred-year flood" means a flood having a one 8611
per cent chance of being equaled or exceeded in any given year. 8612

(DD) "One-hundred-year flood plain" means that portion of 8613
a flood plain inundated by a one-hundred-year flood. 8614

(EE) "Person" has the same meaning as in section 1.59 of 8615
the Revised Code and also includes this state, any political 8616
subdivision of this state, and any other state or local body of 8617
this state. 8618

(FF) "Substantial damage" means damage of any origin 8619
sustained by a manufactured or mobile home that is situated in a 8620
manufactured home park located in a flood plain when the cost of 8621
restoring the home to its condition before the damage occurred 8622
will equal or exceed fifty per cent of the market value of the 8623
home before the damage occurred. 8624

(GG) "Substantially alter" means a change in the layout or 8625
design of a manufactured home park, including, without 8626
limitation, the movement of utilities or changes in established 8627
streets, lots, or sites or in other facilities. In the case of 8628
manufactured home parks located within a one-hundred-year flood 8629
plain, "substantially alter" also includes changes in elevation 8630
resulting from the addition of fill, grading, or excavation that 8631
may affect flood plain management. 8632

(HH) "Tract" means a contiguous area of land that consists 8633

of one or more parcels, lots, or sites that have been separately 8634
surveyed regardless of whether the individual parcels, lots, or 8635
sites have been recorded and regardless of whether the one or 8636
more parcels, lots, or sites are under common or different 8637
ownership. 8638

Sec. 4781.40. (A) (1) The park operator shall offer each 8639
~~home~~-owner a written rental agreement for a manufactured home 8640
park lot for a term of one year or more that contains terms 8641
essentially the same as any alternative month-to-month rental 8642
agreement offered to current and prospective ~~tenants~~-lessees and 8643
owners. The park operator shall offer the minimum one-year 8644
rental agreement to the prospective owner prior to installation 8645
of the home in the manufactured home park or, if the home is in 8646
the manufactured home park, prior to the expiration of the 8647
owner's existing rental agreement. 8648

(2) The park operator shall deliver the offer to the 8649
prospective or current owner by certified mail, return receipt 8650
requested, or in person. If the park operator delivers the offer 8651
~~to the owner~~ in person, the owner shall complete a return 8652
showing receipt of the offer. If the prospective or current 8653
owner does not accept the offer, the park operator is discharged 8654
from any obligation to make any further such offers. If the 8655
prospective or current owner accepts the offer, the park 8656
operator shall, at the expiration of each successive rental 8657
agreement, offer the owner another rental agreement, for a term 8658
that is mutually agreed upon, and that contains terms 8659
essentially the same as the alternative month-to-month 8660
agreement. The park operator shall deliver subsequent rental 8661
offers by ordinary mail or personal delivery. If the park 8662
operator sells the manufactured home park to another 8663
manufactured home park operator, the purchaser is bound by the 8664

rental agreements entered into by the purchaser's predecessor. 8665

(3) If the park operator sells the manufactured home park 8666
for a use other than as a manufactured home park, the park 8667
operator shall give each ~~tenant-lessee~~ and owner a written 8668
notification by certified mail, return receipt requested, or by 8669
handing it to the ~~tenant-lessee~~ or owner in person. If the park 8670
operator delivers the notification in person, the recipient 8671
shall complete a return showing receipt of the notification. 8672
This notification shall contain notice of the sale of the 8673
manufactured home park, and notice of the date by which the 8674
~~tenant-lessee~~ or owner shall vacate. The date by which the 8675
~~tenant-lessee~~ shall vacate shall be at least one hundred twenty 8676
days after receipt of the written notification, and the date by 8677
which the owner shall vacate shall be at least one hundred 8678
eighty days after receipt of the written notification. 8679

(B) A park operator shall fully disclose in writing all 8680
fees, charges, assessments, including rental fees, and rules 8681
prior to a ~~tenant-lessee~~ or owner executing a rental agreement 8682
and assuming occupancy in the manufactured home park. No fees, 8683
charges, assessments, or rental fees so disclosed may be 8684
increased nor rules changed by a park operator without 8685
specifying the date of implementation of the changed fees, 8686
charges, assessments, rental fees, or rules, which date shall be 8687
not less than thirty days after written notice of the change and 8688
its effective date to all tenants or owners in the manufactured 8689
home park, and no fee, charge, assessment, or rental fee shall 8690
be increased during the term of any ~~tenant's-lessee's~~ or owner's 8691
rental agreement. Failure on the part of the park operator to 8692
fully disclose all fees, charges, or assessments shall prevent 8693
the park operator from collecting the undisclosed fees, charges, 8694
or assessments. If a ~~tenant-lessee~~ or owner refuses to pay any 8695

undisclosed fees, charges, or assessments, the refusal shall not 8696
be used by the park operator as a cause for eviction in any 8697
court. 8698

(C) (1) A park operator shall promulgate rules governing 8699
the rental or occupancy of a lot in the manufactured home park. 8700
The rules shall not be unreasonable, arbitrary, or capricious. A 8701
copy of the rules and any amendments to them shall be delivered 8702
by the park operator to the ~~tenant-lessee~~ or owner prior to 8703
signing the rental agreement. A copy of the rules and any 8704
amendments to them shall be posted in a conspicuous place upon 8705
the manufactured home park grounds. 8706

(2) No park operator shall include any restriction in a 8707
rental agreement against, or otherwise prohibit on a ~~tenant's-~~ 8708
lessee's or owner's rental property, any of the following: 8709

(a) The display of the flag of the United States or the 8710
national league of families POW/MIA flag if the flag is 8711
displayed in accordance with any of the following: 8712

(i) The patriotic customs set forth in 4 U.S.C. 5-10, and 8713
36 U.S.C. 902, governing the display and use of the flag; 8714

(ii) Federal law, state law, or any local ordinance or 8715
resolution; 8716

(iii) A proclamation of the president of the United States 8717
or the governor of the state. 8718

(b) The display of the state flag as defined in section 8719
5.01 of the Revised Code if the flag is displayed in accordance 8720
with state law, any local ordinance or resolution, or 8721
proclamation by the governor of the state; 8722

(c) The display of a service flag approved by the United 8723

States secretary of defense for display in a window of the 8724
residence of a member of the immediate family of an individual 8725
serving in the armed forces of the United States. A service flag 8726
includes a blue star banner, a gold star banner, and any other 8727
flag the secretary of defense designates as a service flag. 8728

(3) A ~~tenant-lessee or owner~~ who requests to display the 8729
flag of the United States or the national league of families 8730
POW/MIA flag at the rental property as provided in division (C) 8731
(2) of this section through the use of a flag pole shall contact 8732
the park operator with reasonable notice before installation of 8733
the flag pole to discuss the following: 8734

(a) Placement in compliance with any local zoning 8735
restrictions and the required underground utility service 8736
requests (OUPS); 8737

(b) Cost of the materials and installation; 8738

(c) Installation in a workerlike manner if installed at 8739
the ~~tenant's-lessee's~~ request and expense; 8740

(d) Any lighting required to comply with division (C) (2) 8741
(a) (i) of this section; 8742

(e) The appropriate size of the flag and flag pole, which 8743
shall be consistent with the size and character of the building. 8744

(4) A ~~tenant-lessee~~ who requests to display the flag of 8745
the United States or the national league of families POW/MIA 8746
flag at the rental property as provided in division (C) (2) of 8747
this section through the use of a bracket to be permanently 8748
affixed to the manufactured home, shall contact the park 8749
operator with reasonable notice before installation of the 8750
bracket to discuss the following: 8751

(a) Placement in compliance with any local zoning restrictions;	8752 8753
(b) Cost of the materials and installation;	8754
(c) Preferred location of the bracket with installation to be performed in a workerlike manner if installed at the tenant's <u>lessee's</u> request and expense;	8755 8756 8757
(d) Any lighting required to comply with division (C) (2) (a) (i) of this section;	8758 8759
(e) The appropriate size of the flag and flag pole, which shall be consistent with the size and character of the manufactured home.	8760 8761 8762
(5) A tenant who owns the manufactured home but leases the lot and <u>An owner</u> who requests to display the flag of the United States or the national league of families POW/MIA flag at the rental property as provided in division (C) (2) of this section through the use of a bracket to be permanently affixed to the manufactured home, shall contact the park operator with reasonable notice before installation of the bracket to discuss the following:	8763 8764 8765 8766 8767 8768 8769 8770
(a) Placement in compliance with any local zoning restrictions;	8771 8772
(b) Preferred location of the bracket to insure that there will be no encroachment of the flag or bracket onto common areas of the park;	8773 8774 8775
(c) Any lighting required to comply with division (C) (2) (a) (i) of this section;	8776 8777
(d) The appropriate size of the flag and flag pole, which shall be consistent with the size and character of the	8778 8779

manufactured home and surrounding manufactured home park. 8780

(6) A park operator who does not receive the notifications 8781
required under divisions (C) (3) and (4) of this section is not 8782
liable for any damages, fines, or costs associated with any 8783
issues arising from the placement of the flag pole or the 8784
bracket by the ~~tenant~~lessee or owner. 8785

(7) Any display of the flag of the United States or the 8786
national league of families POW/MIA flag, shall use a flag or 8787
flag pole of an appropriate size, consistent with the size and 8788
character of the manufactured homes within the manufactured home 8789
park. 8790

(8) Any violation of this division is against public 8791
policy and unenforceable. Any provision of a rental agreement 8792
that violates this division is an unconscionable term under 8793
section 4781.48 of the Revised Code. 8794

(9) Nothing in this division exempts a ~~tenant~~lessee from 8795
a provision in a lease agreement that requires a ~~tenant~~lessee, 8796
at the termination of a lease, to return the premises in the 8797
same condition as they were in when the ~~tenant~~lessee took 8798
possession. 8799

(D) No park operator shall require an owner to purchase 8800
from the park operator any personal property. The park operator 8801
may determine by rule the style or quality of skirting, 8802
equipment for tying down homes, manufactured or mobile home 8803
accessories, or other equipment to be purchased by an owner from 8804
a vendor of the owner's choosing, provided that the equipment is 8805
readily available to the owner. Any such equipment shall be 8806
installed in accordance with the manufactured home park rules. 8807

(E) No park operator shall charge any owner who chooses to 8808

install an electric or gas appliance in a home an additional fee 8809
solely on the basis of the installation, unless the installation 8810
is performed by the park operator at the request of the owner, 8811
nor shall the park operator restrict the installation, service, 8812
or maintenance of the appliance, restrict the ingress or egress 8813
of ~~repairpersons~~repair persons to the manufactured home park 8814
for the purpose of installation, service, or maintenance of the 8815
appliance, nor restrict the making of any interior improvement 8816
in a home, if the installation or improvement is in compliance 8817
with applicable building codes and other provisions of law and 8818
if adequate utility services are available for the installation 8819
or improvement. 8820

(F) No park operator shall require a ~~tenant-lessee~~ to 8821
lease or an owner to purchase a manufactured or mobile home from 8822
the park operator or any specific person as a condition of or 8823
prerequisite to entering into a rental agreement. 8824

(G) No park operator shall require an owner to use the 8825
services of the park operator or any other specific person for 8826
installation of the manufactured or mobile home on the 8827
residential premises or for the performance of any service. 8828

(H) No park operator shall: 8829

(1) Deny any owner the right to sell the owner's 8830
manufactured home within the manufactured home park if the owner 8831
gives the park operator ten days' notice of the intention to 8832
sell the home; 8833

(2) Require the owner to remove the home from the 8834
manufactured home park solely on the basis of the sale of the 8835
home; 8836

(3) Unreasonably refuse to enter into a rental agreement 8837

with a purchaser of a home located within the operator's 8838
manufactured home park; 8839

(4) Charge any ~~tenant-lessee~~ or owner any fee, charge, or 8840
assessment, including a rental fee, that is not set forth in the 8841
rental agreement or, if the rental agreement is oral, is not set 8842
forth in a written disclosure given to the ~~tenant-lessee~~ or 8843
owner prior to the ~~tenant-lessee~~ or owner entering into a rental 8844
agreement; 8845

(5) Charge any owner any fee, charge, or assessment 8846
because of the transfer of ownership of a home or because a home 8847
is moved out of or into the manufactured home park, except a 8848
charge for the actual costs and expenses that are incurred by 8849
the park operator in moving the home out of or into the 8850
manufactured home park, or in installing the home in the 8851
manufactured home park and that have not been reimbursed by 8852
another ~~tenant-lessee~~ or owner. 8853

(I) If the park operator violates any provision of 8854
divisions (A) to (H) of this section, the ~~tenant-lessee~~ or owner 8855
may recover actual damages resulting from the violation, and, if 8856
the ~~tenant-lessee~~ or owner obtains a judgment, reasonable 8857
attorneys' fees, or terminate the rental agreement. 8858

(J) No rental agreement shall require a ~~tenant-lessee~~ or 8859
owner to sell, lease, or sublet the ~~tenant's-lessee's~~ or owner's 8860
interest in the rental agreement or the manufactured or mobile 8861
home that is or will be located on the lot that is the subject 8862
of the rental agreement to any specific person or through any 8863
specific person as the person's agent. 8864

(K) No park operator shall enter into a rental agreement 8865
with the owner of a manufactured or mobile home for the use of 8866

residential premises, if the rental agreement requires the owner 8867
of the home, as a condition to the owner's renting, occupying, 8868
or remaining on the residential premises, to pay the park 8869
operator or any other person specified in the rental agreement a 8870
fee or any sum of money based on the sale of the home, unless 8871
the owner of the home uses the park operator or other person as 8872
the owner's agent in the sale of the home. 8873

(L) A park operator and a ~~tenant~~-lessee or owner may 8874
include in a rental agreement any terms and conditions, 8875
including any term relating to rent, the duration of an 8876
agreement, and any other provisions governing the rights and 8877
obligations of the parties that are not inconsistent with or 8878
prohibited by sections 4781.36 to 4781.52 of the Revised Code or 8879
any other rule of law. 8880

(M) Notwithstanding any other provision of the Revised 8881
Code, the owner of a manufactured or mobile home may utilize the 8882
services of a manufactured housing dealer or broker licensed 8883
under Chapter 4781. of the Revised Code or a person properly 8884
licensed under Chapter 4735. of the Revised Code to sell or 8885
lease the home. 8886

Sec. 4905.90. As used in sections 4905.90 to 4905.96 of 8887
the Revised Code: 8888

(A) "Contiguous property" includes, but is not limited to, 8889
a manufactured home park as defined in section 4781.01 of the 8890
Revised Code; a public or publicly subsidized housing project; 8891
an apartment complex; a condominium complex; a college or 8892
university; an office complex; a shopping center; a hotel; an 8893
industrial park; and a race track. 8894

(B) "Gas" means natural gas, flammable gas, or gas which 8895

is toxic or corrosive. 8896

(C) "Gathering line" and the "gathering of gas" have the 8897
same meaning as in the Natural Gas Pipeline Safety Act and the 8898
rules adopted by the United States department of transportation 8899
pursuant to the Natural Gas Pipeline Safety Act, including 49 8900
C.F.R. part 192, as amended. 8901

(D) "Gas gathering pipeline" means a gathering line that 8902
is not regulated under the Natural Gas Pipeline Safety Act and 8903
the rules adopted by the United States department of 8904
transportation pursuant to the Natural Gas Pipeline Safety Act, 8905
including 49 C.F.R. part 192, as amended. "Gas gathering 8906
pipeline" includes a pipeline used to collect and transport raw 8907
natural gas or transmission quality gas to the inlet of a gas 8908
processing plant, the inlet of a distribution system, or to a 8909
transmission line. 8910

(E) "Gas processing plant" means a plant that processes 8911
raw natural gas into merchantable products, including 8912
transmission quality gas or natural gas liquids and also may 8913
include a plant that treats raw natural gas to remove impurities 8914
such as carbon dioxide, helium, nitrogen or water. 8915

(F) "Intrastate pipe-line transportation" has the same 8916
meaning as in 82 Stat. 720 (1968), 49 U.S.C.A. App. 1671, as 8917
amended, but excludes the gathering of gas exempted by the 8918
Natural Gas Pipeline Safety Act. 8919

(G) "MAOP" means the maximum pressure at which a gas 8920
gathering pipeline, a processing plant gas stub pipeline, or any 8921
segment of such a pipeline may be operated under sections 8922
4905.90 to 4905.96 of the Revised Code. 8923

(H) "Master-meter system" means a pipe-line system that 8924

distributes gas within a contiguous property for which the 8925
system operator purchases gas for resale to consumers, including 8926
tenants and lessees as defined in section 5321.01 of the Revised 8927
Code. Such pipe-line system supplies consumers who purchase the 8928
gas directly through a meter, or by paying rent, or by other 8929
means. The term includes a master-meter system as defined in 49 8930
C.F.R. 191.3, as amended. The term excludes a pipeline within a 8931
manufactured home, mobile home, or a building. 8932

(I) "Natural Gas Pipeline Safety Act" means the "Natural 8933
Gas Pipeline Safety Act of 1968," 82 Stat. 720, 49 U.S.C.A. App. 8934
1671 et seq., as amended. 8935

(J) "Operator" means any of the following: 8936

(1) A gas company or natural gas company as defined in 8937
section 4905.03 of the Revised Code, except that division (E) of 8938
that section does not authorize the public utilities commission 8939
to relieve any producer of gas, as a gas company or natural gas 8940
company, of compliance with sections 4905.90 to 4905.96 of the 8941
Revised Code or the pipe-line safety code created under section 8942
4905.91 of the Revised Code; 8943

(2) A pipe-line company, as defined in section 4905.03 of 8944
the Revised Code, when engaged in the business of transporting 8945
gas by pipeline; 8946

(3) A public utility that is excepted from the definition 8947
of "public utility" under division (A) (2) or (3) of section 8948
4905.02 of the Revised Code, when engaged in supplying or 8949
transporting gas by pipeline within this state; 8950

(4) Any person that owns, operates, manages, controls, or 8951
leases any of the following: 8952

(a) Intrastate pipe-line transportation facilities within 8953

this state; 8954

(b) Gas gathering lines within this state which are not 8955
exempted by the Natural Gas Pipeline Safety Act; 8956

(c) A master-meter system within this state. 8957

"Operator" does not include an ultimate consumer who owns 8958
a service line, as defined in 49 C.F.R. 192.3, as amended, on 8959
the real property of that ultimate consumer. 8960

(K) "Operator of a master-meter system" means a person 8961
described under division (J) (4) (c) of this section. An operator 8962
of a master-meter system is not a public utility under section 8963
4905.02 or a gas or natural gas company under section 4905.03 of 8964
the Revised Code. 8965

(L) "Person" means: 8966

(1) In addition to those defined in division (C) of 8967
section 1.59 of the Revised Code, a joint venture or a municipal 8968
corporation; 8969

(2) Any trustee, receiver, assignee, or personal 8970
representative of persons defined in division (L) (1) of this 8971
section. 8972

(M) "Processing plant gas stub pipeline" means a gas 8973
pipeline that transports transmission quality gas from the 8974
tailgate of a gas processing plant to the inlet of an interstate 8975
or intrastate transmission line and that is considered an 8976
extension of the gas processing plant, is not for public use, 8977
and is not regulated under the Natural Gas Pipeline Safety Act 8978
and the rules adopted by the United States department of 8979
transportation pursuant to the Natural Gas Pipeline Safety Act, 8980
including 49 C.F.R. part 92, as amended. 8981

(N) "Safety audit" means the public utilities commission's audit of the premises, pipe-line facilities, and the records, maps, and other relevant documents of a master-meter system to determine the operator's compliance with sections 4905.90 to 4905.96 of the Revised Code and the pipe-line safety code.

(O) "Safety inspection" means any inspection, survey, or testing of a master-meter system which is authorized or required by sections 4905.90 to 4905.96 of the Revised Code and the pipe-line safety code. The term includes, but is not limited to, leak surveys, inspection of regulators and critical valves, and monitoring of cathodic protection systems, where applicable.

(P) "Safety-related condition" means any safety-related condition defined in 49 C.F.R. 191.23, as amended.

(Q) "Total Mcfs of gas it supplied or delivered" means the sum of the following volumes of gas that an operator supplied or delivered, measured in units per one thousand cubic feet:

- (1) Residential sales;
- (2) Commercial and industrial sales;
- (3) Other sales to public authorities;
- (4) Interdepartmental sales;
- (5) Sales for resale;
- (6) Transportation of gas.

(R) "Transmission quality gas" means gas consisting predominantly of methane that meets all downstream specifications for transportation in an intrastate or interstate transmission pipeline and that is suitable for use by public consumers.

(S) "Raw natural gas" has the same meaning as in section 4906.01 of the Revised Code. 9009
9010

Sec. 4905.94. (A) To the extent known to the commission, 9011
the commission shall notify an operator of a master-meter system 9012
that the operator is subject to sections 4905.90 to 4905.96 of 9013
the Revised Code, the pipe-line safety code, safety inspections, 9014
and safety audits. 9015

(B) (1) Each operator of a master-meter system shall 9016
conduct safety inspections as required by sections 4905.90 to 9017
4905.96 of the Revised Code and the pipe-line safety code. On or 9018
before the fifteenth day of March in each year, each operator of 9019
a master-meter system shall file with the commission a report 9020
stating for that master-meter system: 9021

(a) The operator's business address and phone number, and 9022
the operator's headquarters address and phone number, if 9023
different; 9024

(b) The number of residential, commercial, and industrial 9025
consumers ~~or~~ tenants, or lessees as defined in section 5321.01 9026
of the Revised Code served by the master-meter system; 9027

(c) The material composition of pipe used in the master- 9028
meter system; 9029

(d) The pipe-line footage of the master-meter system; 9030

(e) For the calender year next preceding the annual 9031
report, the number of corrosion leaks found, corrosion leaks 9032
corrected, other leaks found, and other leaks corrected; 9033

(f) The name of the party that performed the safety 9034
inspection for the calendar year next preceding the annual 9035
report; 9036

(g) The name of the natural gas company currently transporting gas to the operator; 9037
9038

(h) Any other information the commission requires to administer and enforce sections 4905.90 to 4905.96 of the Revised Code and the pipe-line safety code. 9039
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9041

(2) If any annual report received by the commission pursuant to this division is defective or erroneous, the commission may require the operator to amend the report within a prescribed time. Any such amendments shall be filed with the commission. 9042
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(C) (1) The commission may direct or order the natural gas company distributing gas to a master-meter system to perform a safety inspection when the public interest so requires, when an operator of a master-meter system has violated or failed to comply with division (B) of this section or has failed to conduct any safety inspection required by sections 4905.90 to 4905.96 of the Revised Code and the pipe-line safety code, or upon request of the operator of the master-meter system. When the commission directs or orders a safety inspection under this division, it shall so notify the natural gas company in writing and send a copy of the notice to the operator of the master-meter system. 9047
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(2) The operator of a master-meter system shall permit employees and agents of a natural gas company to perform a safety inspection pursuant to division (C) (1) of this section and to review the operator's maps and records. The natural gas company shall report the findings of the safety inspection to the commission within thirty days after the inspection. 9059
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(D) The commission shall permit a natural gas company to 9065

recover all reasonable, actual expenses incurred in connection 9066
with its activities pursuant to this section, including, but not 9067
limited to, expenses incurred in performing safety inspections 9068
and in disconnecting and reconnecting service. If the company 9069
cannot recover such expenses within ninety days after directly 9070
billing the operator of the master-meter system, the commission 9071
shall permit the company to recover such expenses from all of 9072
its customers pursuant to a schedule of rates and charges. Upon 9073
its own initiative or upon application of the company, the 9074
commission may adjust the schedule to allow recovery of such 9075
expenses. The schedule and application shall be reviewed without 9076
adherence to section 4909.18 or 4909.19 of the Revised Code. 9077

(E) A natural gas company and its respective officers, 9078
directors, employees, and agents are not liable in damages in a 9079
civil action for injuries, death, or loss to persons or property 9080
arising from their participation in or acts or omissions in 9081
connection with developing, adopting, or approving a plan for 9082
safety inspections for, performing a safety inspection of, or 9083
terminating or restoring service to a master-meter system under 9084
this section, except where such participation or acts or 9085
omissions constitute reckless, willful, or wanton misconduct. 9086

(F) The commission shall conduct safety audits to verify 9087
any finding contained in any report of a safety inspection, 9088
investigate any complaint to determine compliance with sections 9089
4905.90 to 4905.96 of the Revised Code and the pipe-line safety 9090
code, ensure compliance with those sections and the pipe-line 9091
safety code, or review or verify corrective action for any 9092
violation or noncompliance with those sections or the pipe-line 9093
safety code that was committed by an operator of a master-meter 9094
system. 9095

(G) The commission by rule shall establish standards for 9096
determining unsafe conditions, gas leaks, or other safety 9097
hazards that require termination of service pursuant to division 9098
(H) (1) of this section. The standards shall incorporate, but not 9099
be limited to, the guidelines on gas leaks of the gas piping 9100
technology committee's guide for gas transmission and 9101
distribution systems. 9102

(H) (1) A natural gas company shall terminate service to a 9103
master-meter system or a pipe-line facility within a master- 9104
meter system when the company makes both of the following 9105
determinations: 9106

(a) In accordance with rules adopted under division (G) of 9107
this section, that an unsafe condition, gas leak, or other 9108
safety hazard on that system or pipe-line facility poses an 9109
immediate or significant danger to life or health which requires 9110
immediate corrective action to protect the public safety; 9111

(b) That the operator of the master-meter system has not 9112
taken immediate and sufficient corrective action. 9113

A natural gas company that so terminates service shall 9114
provide the operator of the master-meter system or its agent 9115
with personal notice, or with written notice on the premises if 9116
the operator or agent is not found on the premises, and shall 9117
post written notice in common areas, multi-unit buildings, or 9118
other conspicuous locations on the premises. 9119

(2) The commission may issue an order directing that a 9120
natural gas company terminate service to a master-meter system 9121
upon all of the following having occurred: 9122

(a) The commission has sent a notice of probable 9123
noncompliance by certified mail to the operator or the operator 9124

has refused access for a safety audit; 9125

(b) The operator has continued to refuse access for a 9126
safety audit or has failed to comply and undertake corrective 9127
action in response to a notice of probable noncompliance from 9128
the commission; 9129

(c) The commission has initiated a gas pipe-line safety 9130
proceeding pursuant to section 4905.95 of the Revised Code; 9131

(d) The commission has found the operator has violated or 9132
failed to comply with sections 4905.90 to 4905.96 of the Revised 9133
Code or the pipe-line safety code. 9134

(3) A natural gas company may terminate service to a 9135
master-meter system for nonpayment of expenses incurred pursuant 9136
to division (C) of this section when both of the following 9137
conditions are met: 9138

(a) The operator of the master-meter system has failed to 9139
make payment within ninety days after it received the company's 9140
billing; 9141

(b) The company's notice and disconnection procedures 9142
comply with sections 4933.12 and 4933.122 of the Revised Code 9143
and the commission's rules for disconnecting service to master- 9144
metered premises. 9145

(I) Nothing in this section relieves an operator of a 9146
master-meter system from complying with sections 4905.90 to 9147
4905.96 of the Revised Code and the pipe-line safety code. 9148

Sec. 4933.12. (A) Except as provided in division (C) of 9149
this section and division (E) of section 5117.11 of the Revised 9150
Code, if any person supplied with gas neglects or refuses to pay 9151
the amount due for the gas or for rent of articles hired by the 9152

person from a natural gas company or a gas company, the company 9153
may stop the gas from entering the premises of the person. In 9154
such cases, after twenty-four hours' notice, the officers, 9155
servants, or workers of the company may enter the premises of 9156
such persons, between eight a.m. and four p.m., take away such 9157
property of the company, and disconnect any meter from the mains 9158
or pipes of the company. 9159

(B) The company shall not refuse to furnish gas on account 9160
of arrearages due it for gas furnished to persons formerly 9161
receiving services at the premises as customers of the company, 9162
provided the former customers are not continuing to reside at 9163
the premises. 9164

(C) The company shall not, for any reason, unless required 9165
by the consumer for safety reasons, or unless tampering with 9166
utility company equipment or theft of gas or utility company 9167
equipment has occurred, stop gas from entering the premises of 9168
any residential consumer for the period beginning on the 9169
fifteenth day of November and ending on the fifteenth day of the 9170
following April, unless both of the following apply: 9171

(1) The account of the consumer is in arrears thirty days 9172
or more. 9173

(2) If the occupant of residential premises is a ~~tenant-~~ 9174
lessee, as defined in section 5321.01 of the Revised Code, whose 9175
landlord- lessor, as defined in section 5321.01 of the Revised 9176
Code, is responsible for payment for the service provided by the 9177
company, the company has, five days previously, notified the 9178
occupant of its intent to discontinue service to the occupant. 9179

(D) No company shall stop the gas from entering any 9180
residential premises between the fifteenth day of November and 9181

the fifteenth day of April because of a failure to pay the 9182
amount due for the gas unless the company, at the time it sends 9183
or delivers to the premises notices of termination, informs the 9184
occupant of the premises where to obtain state and federal aid 9185
for payment of utility bills and for home weatherization and 9186
information on local government aid for payment of utility bills 9187
and for home weatherization. 9188

(E) On or before the first day of November, a county human 9189
services department may request a company to give prior 9190
notification of any residential service terminations to occur 9191
during the period beginning on the fifteenth day of November 9192
immediately following the department's request and ending on the 9193
fifteenth day of the following April. If a department makes such 9194
a written request, at least twenty-four hours before the company 9195
terminates services to a residential customer in the county 9196
during that period for failure to pay the amount due for 9197
service, the company shall provide written notice to the 9198
department of the residential customer whose service the company 9199
so intends to terminate. No company that has received such a 9200
request shall terminate such service during that period unless 9201
it has provided the notice required under this division. 9202

(F) No company shall stop gas from entering the 9203
residential premises of any residential consumer who is deployed 9204
on active duty for nonpayment for gas supplied to the 9205
residential premises. 9206

Upon return of a residential consumer from active duty, 9207
the company shall offer the residential consumer a period equal 9208
to at least the period of deployment on active duty to pay any 9209
arrears incurred during the period of deployment. The company 9210
shall inform the residential consumer that, if the period the 9211

company offers presents a hardship to the consumer, the consumer 9212
may request a longer period to pay the arrearages and, in the 9213
case of a company that is a public utility as defined in section 9214
4905.02 of the Revised Code, may request the assistance of the 9215
public utilities commission to obtain a longer period. No late 9216
payment fees or interest shall be charged to the residential 9217
consumer during the period of deployment or the repayment 9218
period. 9219

If a company that is a public utility determines that 9220
amounts owed by a residential consumer who is deployed on active 9221
duty are uncollectible, the company may file an application with 9222
the public utilities commission for approval of authority to 9223
recover the amounts. The recovery shall be through a rider on 9224
the base rates of customers of the company or through other 9225
means as may be approved by the commission, provided that any 9226
amount approved to be recovered through a rider or other means 9227
shall not be considered by the commission in any subsequent rate 9228
determination. 9229

As used in this division, "active duty" means active duty 9230
pursuant to an executive order of the president of the United 9231
States, an act of the congress of the United States, or section 9232
5919.29 or 5923.21 of the Revised Code. 9233

Sec. 4933.121. (A) Except as provided in division (E) of 9234
section 5117.11 of the Revised Code, an electric light company 9235
shall not, for any reason, unless requested by the consumer for 9236
safety reasons, or unless tampering with utility company 9237
equipment or theft of electricity or utility company equipment 9238
has occurred, cease to provide electricity to any residential 9239
consumer for the period beginning on the fifteenth day of 9240
November and ending on the fifteenth day of the following April, 9241

unless both of the following apply: 9242

(1) The account of the consumer is in arrears thirty days 9243
or more. 9244

(2) If the occupant of residential premises is a ~~tenant-~~ 9245
lessee, as defined in section 5321.01 of the Revised Code, whose 9246
landlord- lessor, as defined in section 5321.01 of the Revised 9247
Code, is responsible for payment for the service provided by the 9248
company, the company has, five days previously, notified the 9249
occupant of its intent to discontinue service to the occupant. 9250

(B) The company shall not refuse to furnish electricity on 9251
account of arrearages due it for electricity furnished to 9252
persons formerly receiving services at the premises as customers 9253
of the company, provided the former customers are not continuing 9254
to reside at the premises. 9255

(C) No company shall cease to provide electricity to any 9256
residential premises between the fifteenth day of November and 9257
the fifteenth day of April because of a failure to pay the 9258
amount due for the electricity unless the company, at the time 9259
it sends or delivers to the premises notices of termination, 9260
informs the occupant of the premises where to obtain state and 9261
federal aid for payment of utility bills and for home 9262
weatherization and information on local government aid for 9263
payment of utility bills and for home weatherization. 9264

(D) On or before the first day of November, a county human 9265
services department may request a company to give prior 9266
notification of any residential service terminations to occur 9267
during the period beginning on the fifteenth day of November 9268
immediately following the department's request and ending on the 9269
fifteenth day of the following April. If a department makes such 9270

a written request, at least twenty-four hours before the company 9271
terminates services to a residential customer in the county 9272
during that period for failure to pay the amount due for 9273
service, the company shall provide written notice to the 9274
department of the residential customer whose service the company 9275
so intends to terminate. No company that has received such a 9276
request shall terminate such service during that period unless 9277
it has provided the notice required under this division. 9278

(E) No company shall cease to provide electricity to the 9279
residential premises of any residential consumer who is deployed 9280
on active duty for nonpayment for electricity provided to the 9281
residential premises. 9282

Upon return of a residential consumer from active duty, 9283
the company shall offer the residential consumer a period equal 9284
to at least the period of deployment on active duty to pay any 9285
arrearages incurred during the period of deployment. The company 9286
shall inform the residential consumer that, if the period the 9287
company offers presents a hardship to the consumer, the consumer 9288
may request a longer period to pay the arrearages and, in the 9289
case of a company that is a public utility as defined in section 9290
4905.02 of the Revised Code, may request the assistance of the 9291
public utilities commission to obtain a longer period. No late 9292
payment fees or interest shall be charged to the residential 9293
consumer during the period of deployment or the repayment 9294
period. 9295

If a company that is a public utility determines that 9296
amounts owed by a residential consumer who is deployed on active 9297
duty are uncollectible, the company may file an application with 9298
the public utilities commission for approval of authority to 9299
recover the amounts. The recovery shall be through a rider on 9300

the base rates of customers of the company or through other 9301
means as may be approved by the commission, provided that any 9302
amount approved to be recovered through a rider or other means 9303
shall not be considered by the commission in any subsequent rate 9304
determination. 9305

As used in this division, "active duty" means active duty 9306
pursuant to an executive order of the president of the United 9307
States, an act of the congress of the United States, or section 9308
5919.29 or 5923.21 of the Revised Code. 9309

Sec. 5117.08. (A) (1) On or before the tenth day of 9310
October, the director of development shall begin to prepare and 9311
certify to each energy company that provides energy for home 9312
heating a list containing the name and account number of each 9313
head of household determined eligible for a credit under 9314
divisions (A) and (B) of section 5117.07 of the Revised Code and 9315
served by that company, the address of the household, and the 9316
source of the heat produced by the primary heating system in the 9317
residence of the applicant. The director, for good cause, may 9318
certify addenda to such lists, containing the names of any heads 9319
of household whose names were not included in the earlier lists 9320
but who, except for failure to meet the deadline requirements of 9321
sections 5117.01 to 5117.12 of the Revised Code, would have been 9322
certified in the original lists. Within thirty days of receipt 9323
of such list and in any month for which a credit is required 9324
under sections 5117.01 to 5117.12 of the Revised Code, the 9325
company may verify that each head of household on the director's 9326
list receives energy for home heating at the household address 9327
appearing on such list or that the source of heat produced by 9328
the primary heating system in the household is energy supplied 9329
by the company. If the company determines that a person listed 9330
does not receive energy for home heating at such address or that 9331

the source of the heat produced by the primary heating system in 9332
the residence of such person is not supplied by the company, it 9333
shall notify the director of such fact and may refuse to grant 9334
the credit provided under division (A) of section 5117.07 of the 9335
Revised Code. Upon receipt of such notice, the director shall 9336
determine the accuracy of the determination of the company and, 9337
should the director not concur with the company, shall order the 9338
company to provide the credit. 9339

(2) The good faith exercise by any company of any power of 9340
refusal granted under division (A) (1) of this section does not 9341
subject such company to any penalty or liability provided under 9342
division (A) of section 5117.11 of the Revised Code. 9343

(B) (1) Nothing in sections 5117.01 to 5117.12 of the 9344
Revised Code shall be construed to abridge the right of an 9345
otherwise eligible applicant to receive a credit or payment 9346
because the applicant has either changed the location of the 9347
applicant's residence or the nature of the occupancy of the 9348
applicant's residence, as between a ~~tenant~~-lessee, as defined in 9349
section 5321.01 of the Revised Code, or an owner, at a time that 9350
could, as a result of the operation of sections 5117.01 to 9351
5117.12 of the Revised Code, cause the applicant to be 9352
disqualified from receiving, or continuing to receive, the 9353
credit or payment. 9354

(2) Where a person who submits a form or information 9355
required under sections 5117.01 to 5117.10 of the Revised Code 9356
does so in a timely fashion but, because of the occurrence of an 9357
error or omission with respect to such form or information, 9358
either on the person's own part or on the part of those persons 9359
required by sections 5117.01 to 5117.12 of the Revised Code to 9360
take administrative, executive, or ministerial action regarding 9361

such form or information, the certification of eligibility by 9362
the director to an energy company takes place after the 9363
expiration of a deadline imposed under sections 5117.01 to 9364
5117.12 of the Revised Code, the company shall grant the credit 9365
within thirty days and, whenever appropriate, grant the credit 9366
on a retroactive basis. 9367

(3) The director shall adopt a rule ensuring that the 9368
requirements of divisions (B) (1) and (2) of this section are 9369
effectuated. 9370

Sec. 5301.61. No person having an interest in real 9371
property, buyer, lessee, including a lessee as defined in 9372
section 5321.01 of the Revised Code, tenant, or occupant of real 9373
property, knowing that such real property is mortgaged or the 9374
subject of a land contract, shall remove, or cause or permit the 9375
removal of any improvement or fixture from such real property 9376
without the consent of the mortgagee, vendor under the land 9377
contract, or other person authorized to give such consent. 9378

Sec. 5303.01. An action may be brought by a person in 9379
possession of real property, ~~by himself personally~~ or as a 9380
tenant or lessee, as that term is defined in section 5321.01 of 9381
the Revised Code, against any person who claims an interest 9382
therein adverse to ~~him~~ the person in possession, for the purpose 9383
of determining such adverse interest. Such action may be brought 9384
also by a person out of possession, having, or claiming to have, 9385
an interest in remainder or reversion in real property, against 9386
any person who claims to have an interest therein, adverse to 9387
~~him~~ the person out of possession, for the purpose of determining 9388
the interests of the parties therein. 9389

Whenever the state or any agency or political subdivision 9390
thereof has, or appears to have, an interest in real property 9391

adverse to the person in possession claiming the right thereto, 9392
the state or such agency or such political subdivision may be 9393
made a party in any action brought under this section. 9394

The clerk of the court shall cause to be recorded in the 9395
deed records of each county in which any part of the real 9396
property lies, a certified copy of the judgment or decree 9397
determining the interests of the parties. The usual fees of the 9398
clerk and recorder shall be taxed as part of the costs of the 9399
case. 9400

Sec. 5311.01. As used in this chapter, except as otherwise 9401
provided: 9402

(A) "Agent" means any person who represents a developer or 9403
who acts for or on behalf of a developer in selling or offering 9404
to sell any ownership interest in a condominium development. 9405
"Agent" does not include an attorney whose representation of a 9406
developer consists solely of rendering legal services. 9407

(B) "Additional property" means land, including surface 9408
and air rights, or improvements to land that are described in an 9409
original declaration and that may be added in the future to an 9410
expandable condominium property. 9411

(C) "Affiliate of a developer" means any person who 9412
controls a developer or is controlled by a developer. For the 9413
purposes of this division: 9414

(1) A person "controls" a developer if any of the 9415
following applies: 9416

(a) The person is a general partner, officer, member, 9417
manager, director, or employer of the developer. 9418

(b) The person owns, controls, holds with power to vote, 9419

or holds proxies representing more than twenty per cent of the 9420
voting interest in the developer, doing so either directly or 9421
indirectly, acting in concert with one or more other persons, or 9422
through one or more subsidiaries. 9423

(c) The person controls, in any manner, the election of a 9424
majority of the developer's directors. 9425

(d) The person has contributed more than twenty per cent 9426
of the developer's capital. 9427

(2) A person "is controlled by" a developer if any of the 9428
following applies: 9429

(a) The developer is a general partner, member, manager, 9430
officer, director, or employer of the person. 9431

(b) The developer owns, controls, holds with power to 9432
vote, or holds proxies representing more than twenty per cent of 9433
the voting interest in the person, doing so either directly or 9434
indirectly, acting in concert with one or more other persons, or 9435
through one or more subsidiaries. 9436

(c) The developer controls, in any manner, the election of 9437
a majority of the person's directors. 9438

(d) The developer has contributed more than twenty per 9439
cent of the person's capital. 9440

(3) "Control" does not exist for purposes of division (C) 9441
(1) or (2) of this section if a person or developer holds any 9442
power described in either of those divisions solely as security 9443
for an obligation and that power is not exercised. 9444

(D) "Body of water" means a stream, lake, pond, marsh, 9445
river, or other body of natural or artificial surface water. 9446

(E) "Common assessments" means assessments that are	9447
charged proportionately against all units for common purposes.	9448
(F) "Common elements" means, unless otherwise provided in	9449
the declaration, the following parts of the condominium	9450
property:	9451
(1) The land described in the declaration;	9452
(2) All other areas, facilities, places, and structures	9453
that are not part of a unit, including, but not limited to, the	9454
following:	9455
(a) Foundations, columns, girders, beams, supports,	9456
supporting walls, roofs, halls, corridors, lobbies, stairs,	9457
stairways, fire escapes, entrances, and exits of buildings;	9458
(b) Basements, yards, gardens, parking areas, garages, and	9459
storage spaces;	9460
(c) Premises for the lodging of janitors or persons in	9461
charge of the property;	9462
(d) Installations of central services, including, but not	9463
limited to, power, light, gas, hot and cold water, heating,	9464
refrigeration, air conditioning, and incinerating;	9465
(e) Elevators, tanks, pumps, motors, fans, compressors,	9466
ducts, and, in general, all apparatus and installations existing	9467
for common use;	9468
(f) Community and commercial facilities that are not	9469
listed in division (F) (2) (a), (b), (c), (d), or (e) of this	9470
section but provided for in the declaration;	9471
(g) All parts of the condominium property that are not	9472
listed in division (F) (2) (a), (b), (c), (d), (e), or (f) of this	9473

section that are necessary or convenient to its existence, 9474
maintenance, and safety, that are normally in common use, or 9475
that have been designated as common elements in the declaration 9476
or drawings. 9477

(G) "Common expenses" means expenses designated as common 9478
expenses in this chapter or in the declaration. 9479

(H) "Common losses" means the amount by which the common 9480
expenses during any period of time exceeds the common 9481
assessments and common profits during that period. 9482

(I) "Common profits" means the amount by which the total 9483
income received from any of the following exceeds expenses 9484
allocable to the particular income, rental, fee, or charge: 9485

(1) Assessments charged for special benefits to specific 9486
units; 9487

(2) Rents received from the rental of equipment or space 9488
in common elements; 9489

(3) Any other fee, charge, or income other than common 9490
assessments. 9491

(J) "Common surplus" means the amount by which common 9492
assessments collected during any period exceed common expenses. 9493

(K) "Condominium" means a form of real property ownership 9494
in which a declaration has been filed submitting the property to 9495
the condominium form of ownership pursuant to this chapter and 9496
under which each owner has an individual ownership interest in a 9497
unit with the right to exclusive possession of that unit and an 9498
undivided ownership interest with the other unit owners in the 9499
common elements of the condominium property. 9500

(L) "Condominium development" means a condominium property 9501

in which two or more individual residential or water slip units, 9502
together with their undivided interests in the common elements 9503
of the property, are offered for sale pursuant to a common 9504
promotional plan. 9505

(M) "Condominium instruments" means the declaration and 9506
accompanying drawings and plans, the bylaws of the unit owners 9507
association, the condominium development disclosure statement 9508
described in section 5311.26 of the Revised Code, any contracts 9509
pertaining to the management of the condominium property, and 9510
any other documents, contracts, or instruments establishing 9511
ownership of or exerting control over a condominium property or 9512
unit. 9513

(N) "Condominium ownership interest" means a fee simple 9514
estate or a ninety-nine-year leasehold estate, renewable 9515
forever, in a unit, together with an appurtenant undivided 9516
interest in the common elements. 9517

(O) "Condominium property" means all real and personal 9518
property submitted to the provisions of this chapter, including 9519
land, the buildings, improvements, and structures on that land, 9520
the land under a water slip, the buildings, improvements, and 9521
structures that form or that are utilized in connection with 9522
that water slip, and all easements, rights, and appurtenances 9523
belonging to the land or to the land under a water slip. 9524

(P) "Conversion condominium development" means a 9525
condominium development that was operated as a rental property 9526
and occupied by tenants or lessees immediately prior to the 9527
submission of the property to the provisions of this chapter. 9528

(Q) "Convertible unit" means a unit that may be converted 9529
into one or more units and common elements, including limited 9530

common elements. 9531

(R) "Declaration" means the instrument by which property 9532
is submitted to the provisions of this chapter. "Declaration" 9533
includes all amendments to that declaration. 9534

(S) "Developer" means any person who directly or 9535
indirectly sells or offers for sale condominium ownership 9536
interests in a condominium development. "Developer" includes the 9537
declarant of a condominium development and any successor to that 9538
declarant who stands in the same relation to the condominium 9539
development as the declarant. 9540

(T) "Exclusive use area" means common elements that the 9541
declaration reserves for delegation by the board of directors to 9542
the use of a certain unit or units, to the exclusion of other 9543
units. 9544

(U) "Expandable condominium property" means a condominium 9545
property in which the original declaration reserves the right to 9546
add additional property. 9547

(V) "Leasehold condominium development" means a 9548
condominium development in which each unit owner owns a ninety- 9549
nine-year leasehold estate, renewable forever, in the owner's 9550
unit, in the land upon which that unit is situated, or in both, 9551
together with an undivided leasehold interest in the common 9552
elements, with all leasehold interests due to expire at the same 9553
time. 9554

(W) "Limited common elements" means the common elements 9555
that the declaration designates as being reserved for use by a 9556
certain unit or units, to the exclusion of the other units. 9557

(X) "Offer" includes any inducement or solicitation to 9558
encourage a person to acquire a condominium ownership interest 9559

in a condominium development. 9560

(Y) "Par value" means a number, expressed in dollars, 9561
points, or as a percentage or fraction, attached to a unit by 9562
the declaration. 9563

(Z) "Purchaser" means a person who purchases a condominium 9564
ownership interest for consideration pursuant to an agreement 9565
for the conveyance or transfer of that interest for 9566
consideration. 9567

(AA) "Sale of a condominium ownership interest" means the 9568
execution by both parties of an agreement for the conveyance or 9569
transfer for consideration of a condominium ownership interest. 9570
"Sale of a condominium ownership interest" does not include a 9571
transfer of one or more units from the developer to another 9572
developer, a subsidiary of the developer, or a financial 9573
institution for the purpose of facilitating the sale or 9574
development of the remaining or unsold portion of the 9575
condominium property or additional property. 9576

(BB) "Unit" means the part of the condominium property 9577
that is designated as a unit in the declaration, is delineated 9578
as a unit on the drawings prepared pursuant to section 5311.07 9579
of the Revised Code, and is one of the following: 9580

(1) A residential unit, in which the designated part of 9581
the condominium property is devoted in whole or in part to use 9582
as a residential dwelling consisting of one or more rooms on one 9583
or more floors of a building. A "residential unit" may include 9584
exterior portions of the building, spaces in a carport, and 9585
parking spaces as described and designated in the declaration 9586
and drawings. 9587

(2) A water slip unit, which consists of the land that is 9588

under the water in a water slip and the land that is under the piers or wharves that form the water slip, and that is used for the mooring of watercraft.

(3) A commercial unit in which the property is designated for separate ownership or occupancy solely for commercial purposes, industrial purposes, or other nonresidential or nonwater slip use.

(CC) "Unit owner" means a person who owns a condominium ownership interest in a unit.

(DD) "Unit owners association" means the organization that administers the condominium property and that consists of all the owners of units in a condominium property.

(EE) "Watercraft" has the same meaning as in section 1546.01 of the Revised Code.

(FF) "Water slip" means a channel of water between piers or wharves.

(GG) "Lessee" has the same meaning as in section 5321.01 of the Revised Code.

Sec. 5311.16. Unless otherwise provided by the declaration or bylaws, the board of directors shall insure all unit owners, their tenants or lessees, as defined in section 5321.01 of the Revised Code, and all persons lawfully in possession or control of any part of the condominium property for the amount that it determines against liability for personal injury or property damage arising from or relating to the common elements and shall obtain for the benefit of all unit owners, fire and extended coverage insurance on all buildings and structures of the condominium property in an amount not less than eighty per cent of the fair market value. The cost of the insurance is a common

expense. 9618

Sec. 5311.19. (A) All unit owners, their tenants or 9619
lessees, as defined in section 5321.01 of the Revised Code, all 9620
persons lawfully in possession and control of any part of a 9621
condominium property, and the unit owners association of a 9622
condominium property shall comply with all covenants, 9623
conditions, and restrictions set forth in a deed to which they 9624
are subject or in the declaration, the bylaws, or the rules of 9625
the unit owners association, as lawfully amended. Violations of 9626
those covenants, conditions, or restrictions shall be grounds 9627
for the unit owners association or any unit owner to commence a 9628
civil action for damages, injunctive relief, or both, and an 9629
award of court costs and reasonable attorney's fees in both 9630
types of action. 9631

(B) (1) Except as otherwise provided in the declaration or 9632
the bylaws, a unit owners association may initiate eviction 9633
proceedings, pursuant to Chapters 5321. and 1923. of the Revised 9634
Code, to evict a tenant or lessee for a violation of division 9635
(A) of this section. The action shall be brought by the unit 9636
owners association, as the unit owner's agent, in the name of 9637
the unit owner. 9638

(2) In addition to any procedures required by Chapters 9639
5321. and 1923. of the Revised Code, the unit owners association 9640
shall give the unit owner at least ten days written notice of 9641
the intended eviction action. 9642

(3) The costs of any eviction action brought pursuant to 9643
division (B) (1) of this section, including reasonable attorney's 9644
fees, shall be charged to the unit owner and shall be the 9645
subject of a special assessment against the offending unit and 9646
made a lien against that unit. 9647

Sec. 5311.25. (A) (1) Except as provided in division (A) (2) 9648
of this section, any deposit or down payment made in connection 9649
with the sale of a condominium ownership interest shall be held 9650
in trust or escrow until delivered at settlement, returned to or 9651
otherwise credited to the purchaser, or forfeited to the 9652
developer. If a deposit or down payment of more than two 9653
thousand dollars is held for more than ninety days and is not 9654
withdrawn pursuant to division (A) (2) of this section, interest 9655
at a rate equal to the prevailing rate payable by federally 9656
insured financial institutions in the county of the condominium 9657
property on daily interest accounts for any period exceeding 9658
ninety days shall be credited to the purchaser at settlement or 9659
upon return or other credit made to the purchaser or added to 9660
any forfeiture to the developer. Interest is payable only on the 9661
amount of the deposit or down payment that exceeds two thousand 9662
dollars. 9663

(2) (a) If a contract for the sale of a condominium 9664
ownership interest contains the legend described in division (A) 9665
(2) (b) of this section, a developer may, in accordance with the 9666
contractual provisions, withdraw a deposit or down payment from 9667
trust or escrow upon the commencement of construction of the 9668
structure of the condominium property in which the purchaser's 9669
unit will be located and use the moneys in the actual 9670
construction and development of the condominium property. The 9671
developer shall not use the moneys for advertising purposes or 9672
for the salaries, commissions, or expenses of agents. 9673

(b) A contract that permits withdrawals of a deposit or 9674
down payment for the purposes described in division (A) (2) (a) of 9675
this section shall include the following legend conspicuously 9676
printed or stamped in boldface type on the contract's first page 9677
and immediately above the signature of the purchaser: "Purchaser 9678

acknowledges that, pursuant to this contract, the developer may
withdraw and then use for construction and development of the
condominium property any deposit or down payment that the
purchaser makes prior to closing."

(3) Deposits and down payments held in trust or escrow in
accordance with division (A) (1) of this section are not subject
to attachment, garnishment, or other legal process by creditors
of the developer, agents, or the purchaser of the condominium
ownership interest.

(B) Except in the capacity as a unit owner of unsold
condominium ownership interests, the developer or agent shall
not retain a property interest in any of the common elements
after unit owners other than the developer assume control of the
unit owners association except as follows:

(1) In a leasehold condominium development, the developer
or agent may retain the same interest in the common elements as
the developer or agent retains in the entire condominium
development.

(2) In an expandable condominium property, the developer
may retain an interest consistent with the declaration and
necessary to ensure both of the following, whether or not the
condominium property is expanded to include the additional
property:

(a) Ingress and egress over the common elements for the
benefit of the additional property;

(b) The availability of utilities from and to the common
elements for the benefit of the additional property.

(3) The developer may retain the right to enter upon the
condominium property to fulfill any warranty obligations to the

unit owners association or to unit owners. 9708

(C) The owners of condominium ownership interests that 9709
have been sold by the developer or an agent shall assume control 9710
of the common elements and of the unit owners association as 9711
prescribed in divisions (C) and (D) of section 5311.08 of the 9712
Revised Code. 9713

(D) Unless a contract or other agreement is renewed by a 9714
vote of the unit owners exercising a majority of the voting 9715
power of the unit owners association, neither the unit owners 9716
association nor the unit owners shall be subject to either of 9717
the following: 9718

(1) For more than ninety days subsequent to the date that 9719
the unit owners other than the developer assume control of the 9720
unit owners association, any management contract executed prior 9721
to that assumption of control; 9722

(2) For more than one year subsequent to an assumption of 9723
control, any other contract executed prior to that assumption of 9724
control, except for contracts for necessary utility services. 9725

(E) (1) Except as provided in division (E) (4) of this 9726
section, the developer shall furnish both of the following: 9727

(a) A minimum of a two-year warranty covering the full 9728
cost of labor and materials for any repair or replacement of 9729
roof and structural components, and mechanical, electrical, 9730
plumbing, and common service elements serving the condominium 9731
property or additional property as a whole, occasioned or 9732
necessitated by a defect in material or workmanship; 9733

(b) A one-year warranty covering the full cost of labor 9734
and materials for any repair or replacement of structural, 9735
mechanical, and other elements pertaining to each unit 9736

occasioned or necessitated by a defect in material or 9737
workmanship. 9738

(2) The two-year warranty shall commence as follows: 9739

(a) For a condominium development other than an expandable 9740
condominium development, on the date the deed or other evidence 9741
of ownership is filed for record following the sale of the first 9742
condominium ownership interest in the development to a purchaser 9743
in good faith for value; 9744

(b) (i) For an expandable condominium development, for 9745
property submitted by the original declaration, on the date the 9746
deed or other evidence of ownership is filed for record 9747
following the sale of the first condominium ownership interest 9748
in the property to a purchaser in good faith for value; 9749

(ii) For an expandable condominium development, for any 9750
additional property submitted by amendment to the declaration, 9751
on the date the deed or other evidence of ownership is filed for 9752
record following the sale of the first condominium ownership 9753
interest in the additional property to a purchaser in good faith 9754
for value. 9755

(3) The one-year warranty for each unit shall commence on 9756
the date the deed or other evidence of ownership is filed for 9757
record following the developer's sale and conveyance of the 9758
condominium ownership interest in the unit to a purchaser in 9759
good faith for value. 9760

(4) The valid assignment by the developer of the express 9761
and implied warranty of the manufacturer satisfies the 9762
developer's obligation under this section with respect to 9763
ranges, refrigerators, washing machines, clothes dryers, hot 9764
water heaters, and other similar appliances installed and 9765

furnished as part of the unit by the developer. The developer's 9766
warranty under division (E) (1) of this section is limited to the 9767
installation of the appliances. 9768

(5) All warranties made to the developer that exceed time 9769
periods specified in division (E) (1) of this section with 9770
respect to any part of a unit shall be assigned to the purchaser 9771
of that unit and warranties with respect to any part of the 9772
common elements shall be assigned to the unit owners 9773
association. 9774

(F) The developer shall assume the rights and obligations 9775
of a unit owner in the developer's capacity as owner of 9776
condominium ownership interests not yet sold, including the 9777
obligation to pay common expenses attaching to those interests, 9778
from the date the declaration is filed for record even if the 9779
construction of the units and the appurtenant common elements 9780
subject to the condominium ownership interests has not started 9781
or is not complete. 9782

(G) In a conversion condominium development, the developer 9783
shall offer each tenant or lessee an option, exercisable within 9784
not less than ninety days after notice, to purchase a 9785
condominium ownership interest in the development that the 9786
tenant or lessee occupies and at a price that is not greater 9787
than the price at which the unit will be offered to the general 9788
public for the subsequent one hundred eighty-day period. The 9789
developer shall give each tenant or lessee written notice of not 9790
less than one hundred twenty days prior to the conversion or 9791
intended conversion, during which time the tenant or lessee may 9792
not be evicted to accommodate or facilitate the sale of any unit 9793
if the tenant or lessee is not in default under the tenant's or 9794
lessee's terms of tenancy. The ninety-day and ~~one hundred~~ 9795

~~twenty-day~~ one-hundred-twenty-day notice periods may run 9796
concurrently and may be waived in writing by a tenant or lessee. 9797
If two or more tenants or lessees occupy a unit in a conversion 9798
condominium development, the option to purchase shall be given 9799
jointly to those tenants or lessees. 9800

(H) Except as provided in section 5311.24 of the Revised 9801
Code, no developer or agent, directly or indirectly, shall sell 9802
or offer to sell a condominium ownership interest in a 9803
condominium development unless the condominium instruments 9804
include a statement that sets forth the requirements of this 9805
section and sections 5311.26 and 5311.27 of the Revised Code. 9806

Sec. 5312.11. (A) An owners association may assess an 9807
individual lot for any of the following: 9808

(1) Enforcement assessments and individual assessments for 9809
utility service that are imposed or levied in accordance with 9810
the declaration, as well as expenses the board incurs in 9811
collecting those assessments; 9812

(2) Costs of maintenance, repair, or replacement incurred 9813
due to the willful or negligent act of an owner or occupant of a 9814
lot or their family, ~~tenants~~ lessees, as defined in section 9815
5321.01 of the Revised Code, guests, or invitees, including, but 9816
not limited to, attorney's fees, court costs, and other 9817
expenses; 9818

(3) Costs associated with the enforcement of the 9819
declaration or the rules and regulations of the owners 9820
association, including, but not limited to, attorney's fees, 9821
court costs, and other expenses; 9822

(4) Costs or charges the declaration or bylaws permit. 9823

(B) Unless otherwise provided by the declaration, bylaws, 9824

or rules, the owners association shall credit any amount it 9825
receives from a lot owner pursuant to this section in the 9826
following order: 9827

(1) To interest owed to the owners association; 9828

(2) To administrative late fees or enforcement assessments 9829
owed to the owners association; 9830

(3) To collection costs, attorney's fees, and paralegal 9831
fees the owners association incurred in collecting the 9832
assessment; 9833

(4) To the oldest principal amounts the owner owes to the 9834
owners association for the common expenses chargeable against 9835
the dwelling unit or lot. 9836

(C) Prior to imposing a charge for damages or an 9837
enforcement assessment pursuant to this section, the board of 9838
directors shall give the owner a written notice that includes 9839
all of the following: 9840

(1) A description of the property damage or violation; 9841

(2) The amount of the proposed charge or assessment; 9842

(3) A statement that the owner has a right to a hearing 9843
before the board to contest the proposed charge or assessment; 9844

(4) A statement setting forth the procedures to request a 9845
hearing; 9846

(5) A reasonable date by which the owner must cure a 9847
continuing violation to avoid the proposed charge or assessment, 9848
if such an opportunity to cure is applicable. 9849

(D) (1) To request a hearing, the owner shall deliver a 9850
written notice to the board not later than the tenth day after 9851

receiving the notice this division requires. If the owner fails 9852
to make a timely request for a hearing, the right to that 9853
hearing is waived, and the board immediately may impose a charge 9854
for damages or an enforcement assessment pursuant to this 9855
section. 9856

(2) If an owner requests a hearing, at least seven days 9857
prior to the hearing the board shall provide the owner with a 9858
written notice that includes the date, time, and location of the 9859
hearing. 9860

(3) The board shall not levy a charge or assessment before 9861
holding any hearing requested pursuant to this section. 9862

(4) Within thirty days following a hearing at which the 9863
board imposes a charge or assessment, the owners association 9864
shall deliver a written notice of the charge or assessment to 9865
the owner. 9866

(5) Any written notice that this section requires shall be 9867
delivered to the owner or any occupant of the dwelling unit by 9868
personal delivery, by certified mail, return receipt requested, 9869
or by regular mail. 9870

Sec. 5315.05. (A) A former borrower and a former lender 9871
who are party to a lease with option to purchase agreement under 9872
divisions (A) (2) and (3) of section 5315.04 of the Revised Code 9873
are governed by Chapter 5321. of the Revised Code. 9874

(1) The former borrower-lessee is responsible for all of 9875
the obligations of a ~~tenant-lessee~~ under section 5321.05 of the 9876
Revised Code as well as the duties under divisions (A) (1) to (6) 9877
of section 5321.04 of the Revised Code. 9878

(2) Divisions (A) (1) to (6) of section 5321.04 of the 9879
Revised Code do not apply to a lender-lessor participating in 9880

the D.O.L.L.A.R. deed program in accordance with this chapter. 9881

(B) A former borrower-lessee who defaults or otherwise 9882
fails to meet the terms of a lease with option to purchase 9883
agreement executed pursuant to this chapter forfeits the former 9884
borrower-lessee's right to purchase the real property under 9885
division (B) of section 5315.04 of the Revised Code and has no 9886
further right of possession or occupancy and shall be subject to 9887
a forcible entry and detainer action under section 5321.03 and 9888
Chapter 1923. of the Revised Code. 9889

Sec. 5321.01. As used in this chapter: 9890

(A) ~~"Tenant"~~ "Lessee" means a person entitled under a 9891
rental agreement to the use and occupancy of residential 9892
premises to the exclusion of others. 9893

(B) ~~"Landlord"~~ "Lessor" means the owner, lessor, or 9894
sublessor of residential premises, the agent of the owner, 9895
lessor, or sublessor, or any person authorized by the owner, 9896
lessor, or sublessor to manage the premises or to receive rent 9897
from a ~~tenant~~ lessee under a rental agreement. 9898

(C) "Residential premises" means a dwelling unit for 9899
residential use and occupancy and the structure of which it is a 9900
part, the facilities and appurtenances in it, and the grounds, 9901
areas, and facilities for the use of ~~tenants~~ lessees generally 9902
or the use of which is promised the ~~tenant~~ lessee. "Residential 9903
premises" includes a dwelling unit that is owned or operated by 9904
a college or university. "Residential premises" does not include 9905
any of the following: 9906

(1) Prisons, jails, workhouses, and other places of 9907
incarceration or correction, including, but not limited to, 9908
halfway houses or residential arrangements that are used or 9909

occupied as a requirement of a community control sanction, a	9910
post-release control sanction, or parole;	9911
(2) Hospitals and similar institutions with the primary	9912
purpose of providing medical services, and homes licensed	9913
pursuant to Chapter 3721. of the Revised Code;	9914
(3) Tourist homes, hotels, motels, recreational vehicle	9915
parks, recreation camps, combined park-camps, temporary park-	9916
camps, and other similar facilities where circumstances indicate	9917
a transient occupancy;	9918
(4) Elementary and secondary boarding schools, where the	9919
cost of room and board is included as part of the cost of	9920
tuition;	9921
(5) Orphanages and similar institutions;	9922
(6) Farm residences furnished in connection with the	9923
rental of land of a minimum of two acres for production of	9924
agricultural products by one or more of the occupants;	9925
(7) Dwelling units subject to sections 3733.41 to 3733.49	9926
of the Revised Code;	9927
(8) Occupancy by an owner of a condominium unit;	9928
(9) Occupancy in a facility licensed as an SRO facility	9929
pursuant to Chapter 3731. of the Revised Code, if the facility	9930
is owned or operated by an organization that is exempt from	9931
taxation under section 501(c)(3) of the "Internal Revenue Code	9932
of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an	9933
entity or group of entities in which such an organization has a	9934
controlling interest, and if either of the following applies:	9935
(a) The occupancy is for a period of less than sixty days.	9936

(b) The occupancy is for participation in a program 9937
operated by the facility, or by a public entity or private 9938
charitable organization pursuant to a contract with the 9939
facility, to provide either of the following: 9940

(i) Services licensed, certified, registered, or approved 9941
by a governmental agency or private accrediting organization for 9942
the rehabilitation of mentally ill persons, persons with 9943
developmental disabilities, adults or juveniles convicted of 9944
criminal offenses, or persons suffering from substance abuse; 9945

(ii) Shelter for juvenile runaways, victims of domestic 9946
violence, or homeless persons. 9947

(10) Emergency shelters operated by organizations exempt 9948
from federal income taxation under section 501(c)(3) of the 9949
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 9950
501, as amended, for persons whose circumstances indicate a 9951
transient occupancy, including homeless people, victims of 9952
domestic violence, and juvenile runaways. 9953

(D) "Rental agreement" means any agreement or lease, 9954
written or oral, which establishes or modifies the terms, 9955
conditions, rules, or any other provisions concerning the use 9956
and occupancy of residential premises by one of the parties. 9957

(E) "Security deposit" means any deposit of money or 9958
property to secure performance by the ~~tenant~~-lessee under a 9959
rental agreement. 9960

(F) "Dwelling unit" means a structure or the part of a 9961
structure that is used as a home, residence, or sleeping place 9962
by one person who maintains a household or by two or more 9963
persons who maintain a common household. 9964

(G) "Controlled substance" has the same meaning as in 9965

section 3719.01 of the Revised Code. 9966

(H) "Student ~~tenant~~lessee" means a person who occupies a 9967
dwelling unit owned or operated by the college or university at 9968
which the person is a student, and who has a rental agreement 9969
that is contingent upon the person's status as a student. 9970

(I) "Recreational vehicle park," "recreation camp," 9971
"combined park-camp," and "temporary park-camp" have the same 9972
meanings as in section 3729.01 of the Revised Code. 9973

(J) "Community control sanction" has the same meaning as 9974
in section 2929.01 of the Revised Code. 9975

(K) "Post-release control sanction" has the same meaning 9976
as in section 2967.01 of the Revised Code. 9977

(L) "School premises" has the same meaning as in section 9978
2925.01 of the Revised Code. 9979

(M) "Sexually oriented offense" and "child-victim oriented 9980
offense" have the same meanings as in section 2950.01 of the 9981
Revised Code. 9982

(N) "Preschool or child day-care center premises" has the 9983
same meaning as in section 2950.034 of the Revised Code. 9984

Sec. 5321.02. (A) Subject to section 5321.03 of the 9985
Revised Code, a ~~landlord-landlord~~ may not retaliate against a 9986
~~tenant-lessee~~ by increasing the ~~tenant's-lessee's~~ rent, 9987
decreasing services that are due to the ~~tenant-lessee~~, or 9988
bringing or threatening to bring an action for possession of the 9989
~~tenant's-lessee's~~ premises because: 9990

(1) The ~~tenant-lessee~~ has complained to an appropriate 9991
governmental agency of a violation of a building, housing, 9992
health, or safety code that is applicable to the premises, and 9993

the violation materially affects health and safety;	9994
(2) The tenant-lessee has complained to the landlord-	9995
lessor of any violation of section 5321.04 of the Revised Code;	9996
(3) The tenant-lessee joined with other tenants-lessees	9997
for the purpose of negotiating or dealing collectively with the	9998
landlord-lessor on any of the terms and conditions of a rental	9999
agreement.	10000
(B) If a landlord-lessor acts in violation of division (A)	10001
of this section the tenant-lessee may:	10002
(1) Use the retaliatory action of the landlord-lessor as a	10003
defense to an action by the landlord-lessor to recover	10004
possession of the premises;	10005
(2) Recover possession of the premises; or	10006
(3) Terminate the rental agreement.	10007
In addition, the tenant-lessee may recover from the	10008
landlord-lessor any actual damages together with reasonable	10009
attorneys' fees.	10010
(C) Nothing in division (A) of this section shall prohibit	10011
a landlord-lessor from increasing the rent to reflect the cost	10012
of improvements installed by the landlord-lessor in or about the	10013
premises or to reflect an increase in other costs of operation	10014
of the premises.	10015
Sec. 5321.03. (A) Notwithstanding section 5321.02 of the	10016
Revised Code, a landlord-lessor may bring an action under	10017
Chapter 1923. of the Revised Code for possession of the premises	10018
if:	10019
(1) The tenant-lessee is in default in the payment of	10020

rent; 10021

(2) The violation of the applicable building, housing, health, or safety code that the ~~tenant-lessee~~ complained of was primarily caused by any act or lack of reasonable care by the ~~tenant-lessee~~, or by any other person in the ~~tenant's-lessee's~~ household, or by anyone on the premises with the consent of the ~~tenant-lessee~~; 10022
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(3) Compliance with the applicable building, housing, health, or safety code would require alteration, remodeling, or demolition of the premises which would effectively deprive the ~~tenant-lessee~~ of the use of the dwelling unit; 10028
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10030
10031

(4) A ~~tenant-lessee~~ is holding over the ~~tenant's-lessee's~~ term. 10032
10033

(5) The residential premises are located within one thousand feet of any school premises or preschool or child day-care center premises, and both of the following apply regarding the ~~tenant-lessee~~ or other occupant who resides in or occupies the premises: 10034
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10038

(a) The ~~tenant's-lessee's~~ or other occupant's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code. 10039
10040
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(b) The state registry of sex offenders and child-victim offenders indicates that the ~~tenant-lessee~~ or other occupant was convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense. 10042
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(B) The maintenance of an action by the ~~landlord-lessor~~ under this section does not prevent the ~~tenant-lessee~~ from 10048
10049

recovering damages for any violation by the ~~landlord~~-lessor of 10050
the rental agreement or of section 5321.04 of the Revised Code. 10051

(C) This section does not apply to a dwelling unit 10052
occupied by a student ~~tenant~~lessee. 10053

Sec. 5321.031. A college or university may terminate a 10054
rental agreement with a student ~~tenant~~-lessee prior to the 10055
expiration of the term of the agreement and require that the 10056
student vacate the dwelling unit only when the termination 10057
follows a hearing in which it was determined by the college or 10058
university that the student violated a term of the rental 10059
agreement or violated the college's or university's code of 10060
conduct or other policies and procedures. The hearing must be 10061
preceded by a written notice to the student, must include a 10062
right to be heard, and must otherwise comply with the college's 10063
or university's procedures for disciplinary hearings. The 10064
written rental agreement must specify the conditions under which 10065
the rental agreement may be terminated and specify the college's 10066
or university's notice and hearing procedures that will be 10067
followed in making a determination under this section. 10068

Sec. 5321.04. (A) A ~~landlord~~-lessor who is a party to a 10069
rental agreement shall do all of the following: 10070

(1) Comply with the requirements of all applicable 10071
building, housing, health, and safety codes that materially 10072
affect health and safety; 10073

(2) Make all repairs and do whatever is reasonably 10074
necessary to put and keep the premises in a fit and habitable 10075
condition; 10076

(3) Keep all common areas of the premises in a safe and 10077
sanitary condition; 10078

- (4) Maintain in good and safe working order and condition 10079
all electrical, plumbing, sanitary, heating, ventilating, and 10080
air conditioning fixtures and appliances, and elevators, 10081
supplied or required to be supplied by the ~~landlord~~lessor; 10082
- (5) When the ~~landlord~~lessor is a party to any rental 10083
agreements that cover four or more dwelling units in the same 10084
structure, provide and maintain appropriate receptacles for the 10085
removal of ashes, garbage, rubbish, and other waste incidental 10086
to the occupancy of a dwelling unit, and arrange for their 10087
removal; 10088
- (6) Supply running water, reasonable amounts of hot water, 10089
and reasonable heat at all times, except where the building that 10090
includes the dwelling unit is not required by law to be equipped 10091
for that purpose, or the dwelling unit is so constructed that 10092
heat or hot water is generated by an installation within the 10093
exclusive control of the ~~tenant~~lessee and supplied by a direct 10094
public utility connection; 10095
- (7) Not abuse the right of access conferred by division 10096
(B) of section 5321.05 of the Revised Code; 10097
- (8) Except in the case of emergency or if it is 10098
impracticable to do so, give the ~~tenant~~lessee reasonable notice 10099
of the ~~landlord's~~lessor's intent to enter and enter only at 10100
reasonable times. Twenty-four hours is presumed to be a 10101
reasonable notice in the absence of evidence to the contrary. 10102
- (9) Promptly commence an action under Chapter 1923. of the 10103
Revised Code, after complying with division (C) of section 10104
5321.17 of the Revised Code, to remove a ~~tenant~~lessee from 10105
particular residential premises, if the ~~tenant~~lessee fails to 10106
vacate the premises within three days after the giving of the 10107

notice required by that division and if the ~~landlord-landlord~~ lessor has 10108
actual knowledge of or has reasonable cause to believe that the 10109
~~tenant-tenant~~ lessee, any person in the ~~tenant's-tenant's~~ lessee's household, or 10110
any person on the premises with the consent of the ~~tenant-tenant~~ lessee 10111
previously has or presently is engaged in a violation as 10112
described in division (A) (6) (a) (i) of section 1923.02 of the 10113
Revised Code, whether or not the ~~tenant-tenant~~ lessee or other person 10114
has been charged with, has pleaded guilty to or been convicted 10115
of, or has been determined to be a delinquent child for an act 10116
that, if committed by an adult, would be a violation as 10117
described in that division. Such actual knowledge or reasonable 10118
cause to believe shall be determined in accordance with that 10119
division. 10120

(10) Comply with the rights of ~~tenants-tenants~~ lessees under the 10121
Servicemembers Civil Relief Act, 117 Stat. 2835, 50 U.S.C. App. 10122
501. 10123

(B) If the ~~landlord-landlord~~ lessor makes an entry in violation of 10124
division (A) (8) of this section, makes a lawful entry in an 10125
unreasonable manner, or makes repeated demands for entry 10126
otherwise lawful that have the effect of harassing the 10127
~~tenant-tenant~~ lessee, the ~~tenant-tenant~~ lessee may recover actual damages 10128
resulting from the entry or demands, obtain injunctive relief to 10129
prevent the recurrence of the conduct, and obtain a judgment for 10130
reasonable attorney's fees, or may terminate the rental 10131
agreement. 10132

Sec. 5321.05. (A) A ~~tenant-tenant~~ lessee who is a party to a 10133
rental agreement shall do all of the following: 10134

(1) Keep that part of the premises that ~~he~~ the lessee 10135
occupies and uses safe and sanitary; 10136

- (2) Dispose of all rubbish, garbage, and other waste in a clean, safe, and sanitary manner; 10137
10138
- (3) Keep all plumbing fixtures in the dwelling unit or used by ~~him~~ the lessee as clean as their condition permits; 10139
10140
- (4) Use and operate all electrical and plumbing fixtures properly; 10141
10142
- (5) Comply with the requirements imposed on ~~tenants~~ lessees by all applicable state and local housing, health, and safety codes; 10143
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- (6) Personally refrain and forbid any other person who is on the premises with ~~his~~ the -lessee's permission from intentionally or negligently destroying, defacing, damaging, or removing any fixture, appliance, or other part of the premises; 10146
10147
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- (7) Maintain in good working order and condition any range, ~~refrigerator~~ refrigerator, washer, dryer, dishwasher, or other appliances supplied by the ~~landlord~~ lessor and required to be maintained by the ~~tenant~~ lessee under the terms and conditions of a written rental agreement; 10150
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10152
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10154
- (8) Conduct ~~himself~~ self and require other persons on the premises with ~~his~~ the -lessee's consent to conduct themselves in a manner that will not disturb ~~his~~ the -lessee's neighbors' peaceful enjoyment of the premises; 10155
10156
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10158
- (9) Conduct ~~himself~~ self, and require persons in ~~his~~ the lessee's household and persons on the premises with ~~his~~ the lessee's consent to conduct themselves, in connection with the premises so as not to violate the prohibitions contained in Chapters 2925. and 3719. of the Revised Code, or in municipal ordinances that are substantially similar to any section in either of those chapters, which relate to controlled substances. 10159
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(B) The ~~tenant-lessee~~ shall not unreasonably withhold 10166
consent for the ~~landlord-lessor~~ to enter into the dwelling unit 10167
in order to inspect the premises, make ordinary, necessary, or 10168
agreed repairs, decorations, alterations, or improvements, 10169
deliver parcels that are too large for the ~~tenant's-lessee's~~ 10170
mail facilities, supply necessary or agreed services, or exhibit 10171
the dwelling unit to prospective or actual purchasers, 10172
mortgagees, ~~tenants-lessees~~, ~~workmen-workers~~, or contractors. 10173

(C) (1) If the ~~tenant-lessee~~ violates any provision of this 10174
section, other than division (A) (9) of this section, the 10175
~~landlord-lessor~~ may recover any actual damages that result from 10176
the violation together with reasonable attorney's fees. This 10177
remedy is in addition to any right of the ~~landlord-lessor~~ to 10178
terminate the rental agreement, to maintain an action for the 10179
possession of the premises, or to obtain injunctive relief to 10180
compel access under division (B) of this section. 10181

(2) If the ~~tenant-lessee~~ violates division (A) (9) of this 10182
section and if the ~~landlord-lessor~~ has actual knowledge of or 10183
has reasonable cause to believe that the ~~tenant-lessee~~, any 10184
person in the ~~tenant's-lessee's~~ household, or any person on the 10185
premises with the consent of the ~~tenant-lessee~~ previously has or 10186
presently is engaged in a violation as described in division (A) 10187
(6) (a) (i) of section 1923.02 of the Revised Code, whether or not 10188
the ~~tenant-lessee~~ or other person has been charged with, has 10189
pleaded guilty to or been convicted of, or has been determined 10190
to be a delinquent child for an act that, if committed by an 10191
adult, would be a violation as described in that division, then 10192
the ~~landlord-lessor~~ promptly shall give the notice required by 10193
division (C) of section 5321.17 of the Revised Code. If the 10194
~~tenant-lessee~~ fails to vacate the premises within three days 10195
after the giving of that notice, then the ~~landlord-lessor~~ 10196

promptly shall comply with division (A) (9) of section 5321.04 of 10197
the Revised Code. For purposes of this division, actual 10198
knowledge or reasonable cause to believe as described in this 10199
division shall be determined in accordance with division (A) (6) 10200
(a) (i) of section 1923.02 of the Revised Code. 10201

Sec. 5321.051. (A) (1) No ~~tenant-lessee~~ of any residential 10202
premises located within one thousand feet of any school premises 10203
or preschool or child day-care center premises shall allow any 10204
person to occupy those residential premises if both of the 10205
following apply regarding the person: 10206

(a) The person's name appears on the state registry of sex 10207
offenders and child-victim offenders maintained under section 10208
2950.13 of the Revised Code. 10209

(b) The state registry of sex offenders and child-victim 10210
offenders indicates that the person was convicted of or pleaded 10211
guilty to either a sexually oriented offense that is not a 10212
registration-exempt sexually oriented offense or a child-victim 10213
oriented offense in a criminal prosecution and was not sentenced 10214
to a serious youthful offender dispositional sentence for that 10215
offense. 10216

(2) If a ~~tenant-lessee~~ allows occupancy in violation of 10217
this section or a person establishes a residence or occupies 10218
residential premises in violation of section 2950.034 of the 10219
Revised Code, the ~~landlord-lessor~~ for the residential premises 10220
that are the subject of the rental agreement or other tenancy 10221
may terminate the rental agreement or other tenancy of the 10222
~~tenant-lessee~~ and all other occupants. 10223

(B) If a ~~landlord-lessor~~ is authorized to terminate a 10224
rental agreement or other tenancy pursuant to division (A) of 10225

this section but does not so terminate the rental agreement or 10226
other tenancy, the ~~landlord~~lessor is not liable in a tort or 10227
other civil action in damages for any injury, death, or loss to 10228
person or property that allegedly results from that decision. 10229

Sec. 5321.06. A ~~landlord~~lessor and a ~~tenant~~lessee may 10230
include in a rental agreement any terms and conditions, 10231
including any term relating to rent, the duration of an 10232
agreement, and any other provisions governing the rights and 10233
obligations of the parties that are not inconsistent with or 10234
prohibited by Chapter 5321. of the Revised Code or any other 10235
rule of law. 10236

Sec. 5321.07. (A) If a ~~landlord~~lessor fails to fulfill 10237
any obligation imposed upon ~~him~~ the lessor by section 5321.04 of 10238
the Revised Code, other than the obligation specified in 10239
division (A)(9) of that section, or any obligation imposed upon 10240
~~him~~ the lessor by the rental agreement, if the conditions of 10241
the residential premises are such that the ~~tenant~~lessee 10242
reasonably believes that a ~~landlord~~lessor has failed to fulfill 10243
any such obligations, or if a governmental agency has found that 10244
the premises are not in compliance with building, housing, 10245
health, or safety codes that apply to any condition of the 10246
premises that could materially affect the health and safety of 10247
an occupant, the ~~tenant~~lessee may give notice in writing to the 10248
~~landlord~~lessor, specifying the acts, omissions, or code 10249
violations that constitute noncompliance. The notice shall be 10250
sent to the person or place where rent is normally paid. 10251

(B) If a ~~landlord~~lessor receives the notice described in 10252
division (A) of this section and after receipt of the notice 10253
fails to remedy the condition within a reasonable time 10254
considering the severity of the condition and the time necessary 10255

to remedy it, or within thirty days, whichever is sooner, and if 10256
the ~~tenant-lessee~~ is current in rent payments due under the 10257
rental agreement, the ~~tenant-lessee~~ may do one of the following: 10258

(1) Deposit all rent that is due and thereafter becomes 10259
due the ~~landlord-lessor~~ with the clerk of the municipal or 10260
county court having jurisdiction in the territory in which the 10261
residential premises are located; 10262

(2) Apply to the court for an order directing the ~~landlord-~~ 10263
~~lessor~~ to remedy the condition. As part of the application, the 10264
~~tenant-lessee~~ may deposit rent pursuant to division (B) (1) of 10265
this section, may apply for an order reducing the periodic rent 10266
due the ~~landlord-lessor~~ until the ~~landlord-lessor~~ remedies the 10267
condition, and may apply for an order to use the rent deposited 10268
to remedy the condition. In any order issued pursuant to this 10269
division, the court may require the ~~tenant-lessee~~ to deposit 10270
rent with the clerk of court as provided in division (B) (1) of 10271
this section. 10272

(3) Terminate the rental agreement. 10273

(C) This section does not apply to any ~~landlord-lessor~~ who 10274
is a party to rental agreements that cover three or fewer 10275
dwelling units and who provides notice of that fact in a written 10276
rental agreement or, in the case of an oral tenancy, delivers 10277
written notice of that fact to the ~~tenant-lessee~~ at the time of 10278
initial occupancy by the ~~tenant-lessee~~. 10279

(D) This section does not apply to a dwelling unit 10280
occupied by a student ~~tenant-lessee~~. 10281

Sec. 5321.08. (A) Whenever a ~~tenant-lessee~~ deposits rent 10282
with the clerk of a court as provided in section 5321.07 of the 10283
Revised Code, the clerk shall give written notice of this fact 10284

to the ~~landlord-lessor~~ and to ~~his~~ the ~~-lessor's~~ agent, if any. 10285

(B) The clerk shall place all rent deposited with ~~him~~ the
clerk in a separate rent escrow account in the name of the clerk 10286
in a bank or building and loan association domiciled in this 10287
state. 10288
10289

(C) The clerk shall keep in a separate docket an account 10290
of each deposit, with the name and address of the ~~tenant~~ lessee, 10291
and the name and address of the ~~landlord-lessor~~ and of ~~his~~ the
lessor's agent, if any. 10292
10293

(D) For ~~his~~ the clerk's costs, the clerk may charge a fee 10294
of one per cent of the amount of the rent deposited, which shall 10295
be assessed as court costs. 10296

(E) All interest that has accrued on the rent deposited by 10297
the clerk of a county court under division (B) of this section 10298
shall be paid into the treasury of the political subdivision for 10299
which the clerk performs ~~his~~ official duties. All interest that 10300
has accrued on the rent deposited by the clerk of a municipal 10301
court under division (B) of this section shall be paid into the 10302
city treasury as defined in division (B) of section 1901.03 of 10303
the Revised Code. 10304

Sec. 5321.09. (A) A ~~landlord-lessor~~ who receives notice 10305
that rent due ~~him~~ the ~~-lessor~~ has been deposited with a clerk of 10306
a municipal or county court pursuant to section 5321.07 of the 10307
Revised Code, may do any of the following: 10308

(1) Apply to the clerk of the court for release of the 10309
rent on the ground that the condition contained in the notice 10310
given pursuant to division (A) of section 5321.07 of the Revised 10311
Code has been remedied. The clerk shall forthwith release the 10312
rent, less costs, to the ~~landlord-lessor~~ if the ~~tenant-lessee~~ 10313

gives written notice to the clerk that the condition has been 10314
remedied. 10315

(2) Apply to the court for release of the rent on the 10316
ground that the ~~tenant-lessee~~ did not comply with the notice 10317
requirement of division (A) of section 5321.07 of the Revised 10318
Code, or that the ~~tenant-lessee~~ was not current in rent payments 10319
due under the rental agreement at the time the ~~tenant-lessee~~ 10320
initiated rent deposits with the clerk of the court under 10321
division (B) (1) of section 5321.07 of the Revised Code. 10322

(3) Apply to the court for release of the rent on the 10323
ground that there was no violation of any obligation imposed 10324
upon the ~~landlord-lessor~~ by section 5321.04 of the Revised Code, 10325
other than the obligation specified in division (A) (9) of that 10326
section, any obligation imposed upon ~~him~~ the -lessor by the 10327
rental agreement, or any obligation imposed upon ~~him~~ the -lessor 10328
by any building, housing, health, or safety code, or that the 10329
condition contained in the notice given pursuant to division (A) 10330
of section 5321.07 of the Revised Code has been remedied. 10331

(B) The ~~tenant-lessee~~ shall be named as a party to any 10332
action filed by the ~~landlord-lessor~~ under this section, and 10333
shall have the right to file an answer and counterclaim, as in 10334
other civil actions. A trial shall be held within sixty days of 10335
the date of the filing of the ~~landlord's-lessor's~~ complaint, 10336
unless, for good cause shown, the court continues the period for 10337
trial. 10338

(C) If the court finds that there was no violation of any 10339
obligation imposed upon the ~~landlord-lessor~~ by section 5321.04 10340
of the Revised Code, other than the obligation specified in 10341
division (A) (9) of that section, any obligation imposed upon ~~him~~ 10342
the -lessor by the rental agreement, or any obligation imposed 10343

upon ~~him~~ the ~~lessor~~ by any building, housing, health, or safety 10344
code, that the condition contained in the notice given pursuant 10345
to division (A) of section 5321.07 of the Revised Code has been 10346
remedied, that the ~~tenant-lessee~~ did not comply with the notice 10347
requirement of division (A) of section 5321.07 of the Revised 10348
Code, or that the ~~tenant-lessee~~ was not current in rent payments 10349
at the time the ~~tenant-lessee~~ initiated rent deposits with the 10350
clerk of court under division (B) (1) of section 5321.07 of the 10351
Revised Code, the court shall order the release to the ~~landlord-~~ 10352
~~lessor~~ of rent on deposit with the clerk, less costs. 10353

(D) If the court finds that the condition contained in the 10354
notice given pursuant to division (A) of section 5321.07 of the 10355
Revised Code was the result of an act or omission of the 10356
~~tenant-lessee~~, or that the ~~tenant-lessee~~ intentionally acted in 10357
bad faith in proceeding under section 5321.07 of the Revised 10358
Code, the ~~tenant-lessee~~ shall be liable for damages caused to 10359
the ~~landlord-lessor~~ and costs, together with reasonable 10360
attorney's fees if the ~~tenant-lessee~~ intentionally acted in bad 10361
faith. 10362

Sec. 5321.10. (A) If a ~~landlord-lessor~~ brings an action 10363
for the release of rent deposited with a clerk of court, the 10364
court may, during the pendency of the action, upon application 10365
of the ~~landlord-lessor~~, release part of the rent on deposit for 10366
payment of the periodic interest on a mortgage on the premises, 10367
the periodic principal payments on a mortgage on the premises, 10368
the insurance premiums for the premises, real estate taxes on 10369
the premises, utility services, repairs, and other customary and 10370
usual costs of operating the premises as a rental unit. 10371

(B) In determining whether to release rent for the 10372
payments described in division (A) of this section, the court 10373

shall consider the amount of rent the ~~landlord-landlord~~ lessor receives 10374
from other rental units in the buildings of which the 10375
residential premises are a part, the cost of operating those 10376
units, and the costs which may be required to remedy the 10377
condition contained in the notice given pursuant to division (A) 10378
of section 5321.07 of the Revised Code. 10379

Sec. 5321.11. If the ~~tenant-tenant~~ lessee fails to fulfill any 10380
obligation imposed upon ~~him~~ the -lessee by section 5321.05 of 10381
the Revised Code that materially affects health and safety, 10382
other than the obligation described in division (A) (9) of that 10383
section, the ~~landlord-landlord~~ lessor may deliver a written notice of 10384
this fact to the ~~tenant-tenant~~ lessee specifying the act or omission 10385
that constitutes noncompliance with the pertinent obligations 10386
and specifying that the rental agreement will terminate upon a 10387
date specified in the notice, not less than thirty days after 10388
receipt of the notice. If the ~~tenant-tenant~~ lessee fails to remedy the 10389
condition specified in the notice, the rental agreement shall 10390
terminate as provided in the notice. 10391

Sec. 5321.13. (A) No provision of this chapter may be 10392
modified or waived by any oral or written agreement except as 10393
provided in division (F) of this section. 10394

(B) No warrant of attorney to confess judgment shall be 10395
recognized in any rental agreement or in any other agreement 10396
between a ~~landlord-landlord~~ lessor and ~~tenant-tenant~~ lessee for the recovery of 10397
rent or damages to the residential premises. 10398

(C) No agreement to pay the ~~landlord's-landlord's~~ lessor's or 10399
~~tenant's-tenant's~~ lessee's attorney's fees shall be recognized in any 10400
rental agreement for residential premises or in any other 10401
agreement between a ~~landlord-landlord~~ lessor and ~~tenant-tenant~~ lessee. 10402

(D) No agreement by a ~~tenant-lessee~~ to the exculpation or 10403
limitation of any liability of the ~~landlord-lessor~~ arising under 10404
law or to indemnify the ~~landlord-lessor~~ for that liability or 10405
its related costs shall be recognized in any rental agreement or 10406
in any other agreement between a ~~landlord-lessor~~ and 10407
~~tenant-lessee~~. 10408

(E) A rental agreement, or the assignment, conveyance, 10409
trust deed, or security instrument of the ~~landlord's-lessor's~~ 10410
interest in the rental agreement may not permit the receipt of 10411
rent free of the obligation to comply with section 5321.04 of 10412
the Revised Code. 10413

(F) The ~~landlord-lessor~~ may agree to assume responsibility 10414
for fulfilling any duty or obligation imposed on a ~~tenant-lessee~~ 10415
by section 5321.05 of the Revised Code, other than the 10416
obligation specified in division (A) (9) of that section. 10417

Sec. 5321.131. (A) No ~~landlord-lessor~~ shall include any 10418
restriction in a rental agreement against, or otherwise prohibit 10419
on a ~~tenant's-lessee's~~ rental property, any of the following: 10420

(1) The display of the flag of the United States or the 10421
national league of families POW/MIA flag if the flag is 10422
displayed in accordance with any of the following: 10423

(a) The patriotic customs set forth in 4 U.S.C. 5-10, and 10424
36 U.S.C. 902, governing the display and use of the flag; 10425

(b) Federal law, state law, or any local ordinance or 10426
resolution; 10427

(c) A proclamation of the president of the United States 10428
or the governor of the state. 10429

(2) The display of the state flag as defined in section 10430

5.01 of the Revised Code if the flag is displayed in accordance 10431
with state law, any local ordinance or resolution, or 10432
proclamation by the governor of the state; 10433

(3) The display of a service flag approved by the United 10434
States secretary of defense for display in a window of the 10435
residence of a member of the immediate family of an individual 10436
serving in the armed forces of the United States. A service flag 10437
includes a blue star banner, a gold star banner, and any other 10438
flag the secretary of defense designates as a service flag. 10439

(B) (1) A ~~tenant-lessee~~ who requests to display the flag of 10440
the United States or the national league of families POW/MIA 10441
flag at the rental property as provided in division (A) (1) of 10442
this section through the use of a flag pole shall contact the 10443
~~landlord-lessor~~ with reasonable notice before installation of 10444
the flag pole to discuss the following: 10445

(a) Placement in compliance with any local zoning 10446
restrictions and the required underground utility service 10447
requests (OUPS); 10448

(b) Cost of the materials and installation; 10449

(c) Installation in a workerlike manner if installed at 10450
the ~~tenant's-lessee's~~ request and expense; 10451

(d) Any lighting required to comply with division (A) (1) 10452
(a) of this section; 10453

(e) The appropriate size of the flag and flag pole, which 10454
shall be consistent with the size and character of the building. 10455

(2) A ~~tenant-lessee~~ who requests to display the flag of 10456
the United States or the national league of families POW/MIA 10457
flag at the rental property as provided in division (A) (1) of 10458

this section through the use of a bracket to be permanently 10459
affixed to the unit, shall contact the ~~landlord~~lessor with 10460
reasonable notice before installation of the bracket to discuss 10461
the following: 10462

(a) Placement in compliance with any local zoning 10463
restrictions; 10464

(b) Cost of the materials and installation; 10465

(c) Preferred location of the bracket with installation to 10466
be performed in a workerlike manner if installed at the ~~tenant's~~
lessee's request and expense; 10467
10468

(d) Any lighting required to comply with division (A) (1) 10469
(a) of this section; 10470

(e) The appropriate size of the flag and flag pole, which 10471
shall be consistent with the size and character of the building. 10472

(C) A ~~landlord~~lessor who does not receive the 10473
notifications required under division (B) of this section is not 10474
liable for any damages, fines, or costs associated with any 10475
issues arising from the placement of the flag pole or the 10476
bracket by the ~~tenant~~lessee. 10477

(D) Any violation of this section is against public policy 10478
and unenforceable. Any provision of a rental agreement that 10479
violates this section is an unconscionable term under section 10480
5321.14 of the Revised Code. 10481

(E) Nothing in division (B) of this section exempts a 10482
~~tenant~~lessee from a provision in a lease agreement that 10483
requires a ~~tenant~~lessee, at the termination of a lease, to 10484
return the premises in the same condition as they were in when 10485
the ~~tenant~~lessee took possession. 10486

Sec. 5321.15. (A) No ~~landlord-landlord~~ lessor of residential premises shall initiate any act, including termination of utilities or services, exclusion from the premises, or threat of any unlawful act, against a ~~tenant-tenant~~ lessee, or a ~~tenant-tenant~~ lessee whose right to possession has terminated, for the purpose of recovering possession of residential premises, other than as provided in Chapters 1923., 5303., and 5321. of the Revised Code.

(B) No ~~landlord-landlord~~ lessor of residential premises shall seize the furnishings or possessions of a ~~tenant-tenant~~ lessee, or of a ~~tenant-tenant~~ lessee whose right to possession has terminated, for the purpose of recovering rent payments, other than in accordance with an order issued by a court of competent jurisdiction.

(C) A ~~landlord-landlord~~ lessor who violates this section is liable in a civil action for all damages caused to a ~~tenant-tenant~~ lessee, or to a ~~tenant-tenant~~ lessee whose right to possession has terminated, together with reasonable attorneys fees.

Sec. 5321.16. (A) Any security deposit in excess of fifty dollars or one month's periodic rent, whichever is greater, shall bear interest on the excess at the rate of five per cent per annum if the ~~tenant-tenant~~ lessee remains in possession of the premises for six months or more, and shall be computed and paid annually by the ~~landlord-landlord~~ lessor to the ~~tenant-tenant~~ lessee.

(B) Upon termination of the rental agreement any property or money held by the ~~landlord-landlord~~ lessor as a security deposit may be applied to the payment of past due rent and to the payment of the amount of damages that the ~~landlord-landlord~~ lessor has suffered by reason of the ~~tenant's-tenant's~~ lessee's noncompliance with section 5321.05 of the Revised Code or the rental agreement. Any deduction from the security deposit shall be itemized and

identified by the ~~landlord-landlord~~ lessor in a written notice delivered 10517
to the ~~tenant-tenant~~ lessee together with the amount due, within thirty 10518
days after termination of the rental agreement and delivery of 10519
possession. The ~~tenant-tenant~~ lessee shall provide the ~~landlord-landlord~~ lessor 10520
in writing with a forwarding address or new address to which the 10521
written notice and amount due from the ~~landlord-landlord~~ lessor may be 10522
sent. If the ~~tenant-tenant~~ lessee fails to provide the ~~landlord-landlord~~ lessor 10523
with the forwarding or new address as required, the ~~tenant-~~ 10524
lessee shall not be entitled to damages or attorneys fees under 10525
division (C) of this section. 10526

(C) If the ~~landlord-landlord~~ lessor fails to comply with division 10527
(B) of this section, the ~~tenant-tenant~~ lessee may recover the property 10528
and money due ~~him~~ the lessor, together with damages in an amount 10529
equal to the amount wrongfully withheld, and reasonable 10530
attorneys fees. 10531

Sec. 5321.17. (A) Except as provided in division (C) of 10532
this section, the ~~landlord-landlord~~ lessor or the ~~tenant-tenant~~ lessee may 10533
terminate or fail to renew a week-to-week tenancy by notice 10534
given the other at least seven days prior to the termination 10535
date specified in the notice. 10536

(B) Except as provided in division (C) of this section, 10537
the ~~landlord-landlord~~ lessor or the ~~tenant-tenant~~ lessee may terminate or fail 10538
to renew a month-to-month tenancy by notice given the other at 10539
least thirty days prior to the periodic rental date. 10540

(C) If a ~~tenant-tenant~~ lessee violates division (A) (9) of section 10541
5321.05 of the Revised Code and if the ~~landlord-landlord~~ lessor has 10542
actual knowledge of or has reasonable cause to believe that the 10543
~~tenant-tenant~~ lessee, any person in the ~~tenant's-tenant's~~ lessee's household, or 10544
any person on the residential premises with the consent of the 10545
~~tenant-tenant~~ lessee previously has or presently is engaged in a 10546

violation as described in division (A) (6) (a) (i) of section 10547
1923.02 of the Revised Code, the ~~landlord-landlord~~ shall terminate 10548
the week-to-week tenancy, month-to-month tenancy, or other 10549
rental agreement with the ~~tenant-tenant~~ by giving a notice of 10550
termination to the ~~tenant-tenant~~ in accordance with this 10551
division. The notice shall specify that the tenancy or other 10552
rental agreement is terminated three days after the giving of 10553
the notice, and the ~~landlord-landlord~~ may give the notice whether 10554
or not the ~~tenant-tenant~~ or other person has been charged with, 10555
has pleaded guilty to or been convicted of, or has been 10556
determined to be a delinquent child for an act that, if 10557
committed by an adult, would be a violation as described in 10558
division (A) (6) (a) (i) of section 1923.02 of the Revised Code. If 10559
the ~~tenant-tenant~~ fails to vacate the premises within three days 10560
after the giving of that notice, then the ~~landlord-landlord~~ 10561
promptly shall comply with division (A) (9) of section 5321.04 of 10562
the Revised Code. For purposes of this division, actual 10563
knowledge or reasonable cause to believe as described in this 10564
division shall be determined in accordance with division (A) (6) 10565
(a) (i) of section 1923.02 of the Revised Code. 10566

(D) This section does not apply to a termination based on 10567
the breach of a condition of a rental agreement or the breach of 10568
a duty and obligation imposed by law, except that it does apply 10569
to a breach of the obligation imposed upon a ~~tenant-tenant~~ by 10570
division (A) (9) of section 5321.05 of the Revised Code. 10571

Sec. 5321.18. (A) Every written rental agreement for 10572
residential premises shall contain the name and address of the 10573
owner and the name and address of the owner's agent, if any. If 10574
the owner or the owner's agent is a corporation, partnership, 10575
limited partnership, association, trust, or other entity, the 10576
address shall be the principal place of business in the county 10577

in which the residential property is situated or if there is no 10578
place of business in such county then its principal place of 10579
business in this state, and shall include the name of the person 10580
in charge thereof. 10581

(B) If the rental agreement is oral, the ~~landlord~~lessor, 10582
at the commencement of the term of occupancy, shall deliver to 10583
~~tenant-lessee~~ a written notice containing the information 10584
required in division (A) of this section. 10585

(C) If the ~~landlord-lessee~~ fails to provide the notice of 10586
the name and address of the owner and owner's agent, if any, 10587
required under division (A) or (B) of this section, the notices 10588
to the ~~landlord-lessee~~ required under division (A) of section 10589
5321.07 and division (A) of section 5321.08 of the Revised Code 10590
shall be waived by the ~~landlord-lessee and his~~ the lessor's 10591
agent. 10592

Sec. 5323.01. As used in this chapter: 10593

(A) "Hotel" has the same meaning as in section 3731.01 of 10594
the Revised Code. 10595

(B) "Manufactured home" has the same meaning as in section 10596
3781.06 of the Revised Code. 10597

(C) "Mobile home" and "recreational vehicle" have the same 10598
meanings as in section 4501.01 of the Revised Code. 10599

(D) "Political subdivision" means a county that has a 10600
population of more than two hundred thousand according to the 10601
most recent decennial census or a township, municipal 10602
corporation, or other body corporate and politic that is located 10603
in a county that has a population of more than two hundred 10604
thousand according to the most recent decennial census and is 10605
responsible for government activities in a geographic area 10606

smaller than that of the state. 10607

(E) "Residential rental property" means real property that 10608
is located in a county that has a population of more than two 10609
hundred thousand according to the most recent decennial census 10610
and on which is located one or more dwelling units leased or 10611
otherwise rented to ~~tenants-lessees~~ solely for residential 10612
purposes, or a mobile home park or other permanent or 10613
semipermanent site at which lots are leased or otherwise rented 10614
to ~~tenants-lessees~~ for the parking of a manufactured home, 10615
mobile home, or recreational vehicle that is used solely for 10616
residential purposes. "Residential rental property" does not 10617
include a hotel or a college or university dormitory. 10618

Sec. 5579.05. (A) Upon receiving written information that 10619
noxious weeds, wild parsnip, wild carrot, oxeye daisy, wild 10620
mustard, or other harmful weeds are growing on land in a 10621
township, other than land owned or managed by the department of 10622
natural resources, or park land owned or managed by the state or 10623
a political subdivision, the board of township trustees shall 10624
notify the owner, ~~lessee, agent, or tenant-lessee, including a~~ 10625
lessee as defined in section 5321.01 of the Revised Code, having 10626
charge of the land of the receipt of the information and of the 10627
obligations imposed by this section. Within five days after the 10628
notification is given, the person notified shall cut or destroy 10629
the weeds or show the board why there is no need for doing so. 10630

If the person in charge of the land is a resident of the 10631
township or a nonresident whose address is known, the notice 10632
shall be sent to ~~his~~ the resident's or nonresident's address by 10633
certified mail. If the person's address is unknown, it is 10634
sufficient to publish the notice once in a newspaper of general 10635
circulation in the county. 10636

(B) Upon receiving information that wild parsnip, wild carrot, oxeye daisy, wild mustard, or noxious weeds are growing in a township on land owned or managed by the department of natural resources, or on park land owned or managed by the state or a political subdivision, the board of township trustees shall notify the county extension agent for the county in which the township is located of the receipt of the information. Within five days after the notification is given, the extension agent shall meet in committee with a person designated for this purpose by the governing authority of the land and, if the land is within a soil and water conservation district, with a supervisor of the district designated by the district supervisors, to consider ways to deal with the problem, and shall, within such five days, report the committee's findings and recommendations to the board of township trustees.

This section and sections 5579.06 and 5579.07 of the Revised Code do not apply to persons subject to section 4959.11 of the Revised Code.

Sec. 5579.06. If the owner, ~~lessee, agent, or tenant~~ lessee, including a lessee as defined in section 5321.01 of the Revised Code, having charge of the land mentioned in division (A) of section 5579.05 of the Revised Code fails to comply with that division, the board of township trustees shall cause the weeds to be cut or destroyed and may employ the necessary labor, materials, and equipment to perform the task. All expenses incurred shall, when approved by the board, be paid out of the township general fund from moneys not otherwise appropriated.

Sec. 5709.081. (A) Real and tangible personal property owned by a political subdivision that is a public recreational facility for athletic events shall be exempt from taxation if

all of the following apply: 10667

(1) The property is controlled and managed by a political 10668
subdivision or a county-related corporation or by a similar 10669
corporation under the direct control of a political subdivision 10670
and whose members and trustees are chosen or appointed by the 10671
subdivision; 10672

(2) All revenues and receipts derived by the subdivision 10673
or corporation that controls and manages the property, after 10674
deducting amounts needed to pay necessary expenses for the 10675
operation and management of the property, accrue to the 10676
political subdivision owning the property; 10677

(3) The property is not occupied and used for more than 10678
seven days in any calendar month by any private entity for 10679
profit or for more than a total of fifteen days in any calendar 10680
month by all such private entities for profit; 10681

(4) The property is under the direction and control of the 10682
political subdivision or managing corporation whenever it is 10683
being used by a private entity for profit; 10684

(5) The primary user or users of the property, if such a 10685
primary user exists, are controlled and managed by the political 10686
subdivision or corporation that controls and manages the 10687
property. 10688

(B) Tangible personal property, and all buildings, 10689
structures, fixtures, and improvements of any kind to the land, 10690
that are constructed or, in the case of personal property, 10691
acquired after March 2, 1992, and are part of or used in a 10692
public recreational facility used by a major league professional 10693
athletic team or a class A to class AAA minor league affiliate 10694
of a major league baseball team for a significant portion of its 10695

home schedule, and land acquired by a political subdivision in 10696
1999 for such purposes or originally leased from a political 10697
subdivision, such political subdivision qualifying as such 10698
pursuant to division (H) of this section, in 1998 for such 10699
purposes, are declared to be public property used for a public 10700
purpose and are exempt from taxation, if all of the following 10701
apply: 10702

(1) Such property, or the land upon which such property is 10703
located if such land was originally leased in 1998 from a 10704
political subdivision that qualifies as such pursuant to 10705
division (H) of this section, is owned by one or more political 10706
subdivisions or by a corporation controlled by such 10707
subdivisions; 10708

(2) Such property was or is any of the following: 10709

(a) Constructed or, in the case of personal property, 10710
acquired pursuant to an agreement with a municipal corporation 10711
to implement a development, redevelopment, or renewal plan for 10712
an area declared by the municipal corporation to be a slum or 10713
blighted area, as those terms are defined in section 725.01 of 10714
the Revised Code; 10715

(b) Financed in whole or in part with public obligations 10716
as defined in section 5709.76 of the Revised Code or otherwise 10717
paid for in whole or in part by one or more political 10718
subdivisions; 10719

(c) An improvement or addition to property defined in 10720
division (B) (2) (a) or (b) of this section. 10721

(3) Such property is controlled and managed by either of 10722
the following: 10723

(a) One or more of the political subdivisions or the 10724

corporation that owns it; 10725

(b) A designee, tenant, lessee as defined in section 10726
5321.01 of the Revised Code, or agent of such political 10727
subdivision or subdivisions or corporation pursuant to a 10728
management, lease, or similar written agreement. 10729

(4) The primary user or users of such property, if a 10730
primary user or primary users exist, either: 10731

(a) Are controlled and managed by one or more of the 10732
political subdivisions or the corporation that owns the 10733
property; or 10734

(b) Operate under leases, licenses, management agreements, 10735
or similar arrangements with, and providing for the payment of 10736
rents, revenues, or other remuneration to, one or more of the 10737
political subdivisions or the corporation that owns the 10738
property. 10739

(5) Any residual cash accrues to the political subdivision 10740
or subdivisions that own the property or that control the 10741
corporation that owns the property, and is used for the public 10742
purposes of the subdivision or subdivisions. As used in division 10743
(B) (5) of this section, "residual cash" means any revenue and 10744
receipts derived from the property by the political subdivision 10745
or subdivisions or corporation that owns the property and that 10746
are available for unencumbered use by the political subdivision 10747
or subdivisions or corporation, after deducting amounts needed 10748
to make necessary expenditures, pay debt service, and provide 10749
for working capital related to the ownership, management, 10750
operation, and use of the property, including payments of taxes 10751
on the taxable part of the public recreational facility, 10752
contractually obligated payments or deposits into reserves or 10753

otherwise, and service payments under section 307.699 of the Revised Code. 10754
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(C) The exemption provided in division (B) of this section also applies to both of the following: 10756
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(1) The property during its construction or, in the case of tangible personal property, acquisition during the construction period, if the owner meets the condition of division (B)(1) of this section and has agreements that provide for the satisfaction of all other conditions of division (B) of this section upon the completion of the construction; 10758
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(2) Any improvement or addition made after March 2, 1992, to a public recreational facility that was constructed before March 2, 1992, as long as all other conditions in division (B) of this section are met. 10764
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(D) A corporation that owns property exempt from taxation under division (B) of this section is a public body for the purposes of section 121.22 of the Revised Code. The corporation's records are public records for the purposes of section 149.43 of the Revised Code, except records related to matters set forth in division (G) of section 121.22 of the Revised Code and records related to negotiations that are not yet completed for financing, leases, or other agreements. 10768
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(E) The exemption under division (B) of this section applies to property that is owned by the political subdivision or subdivisions or the corporation that owns the public recreational facility. Tangible personal property owned by users, managers, or lessees of the facility is taxable when used in the public recreational facility. 10776
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(F) All real property constituting a public recreational 10782

facility, including the land on which the facility is situated, 10783
that is owned by a municipal corporation and used primarily by 10784
an independent professional minor league baseball team for a 10785
significant portion of its home schedule is declared to be 10786
public property used for a public purpose, and is exempt from 10787
taxation, if the facility is constructed in 2008 or thereafter, 10788
the team operates at the facility under a lease, license, 10789
management agreement, or similar arrangement with the municipal 10790
corporation that requires the team to pay rent, revenue, or 10791
other remuneration to the municipal corporation, and any 10792
residual cash, as defined in division (B) (5) of this section, 10793
that accrues to the municipal corporation is used for the public 10794
purposes of the municipal corporation. 10795

For the purposes of this division, an independent 10796
professional minor league baseball team is a baseball team that 10797
employs professional players and that is a member of an 10798
established league composed of teams that are not affiliated 10799
with a constituent member club of the association known as major 10800
league baseball. 10801

(G) Nothing in this section or in any other section of the 10802
Revised Code prohibits or otherwise precludes an agreement 10803
between a political subdivision, or a corporation controlled by 10804
a political subdivision, that owns or operates a public 10805
recreational facility that is exempted from taxation under 10806
division (A), (B), or (F) of this section and the board of 10807
education of a school district or the legislative authority of a 10808
municipal corporation, or both, in which all or a part of that 10809
facility is located, providing for payments to the school 10810
district or municipal corporation, or both, in lieu of taxes 10811
that otherwise would be charged against real and tangible 10812
personal property exempted from taxation under this section, for 10813

a period of time and under such terms and conditions as the 10814
legislative authority of the political subdivision and the board 10815
of education or municipal legislative authority, or both, may 10816
agree, which agreements are hereby specifically authorized. 10817

(H) As used in this section, "political subdivision" 10818
includes the state or an agency of the state if the city, local, 10819
or exempted village school district in which the property is 10820
situated expressly consents to exempting the property from 10821
taxation. 10822

Sec. 5709.101. Real property satisfying all of the 10823
following conditions shall be exempt from taxation: 10824

(A) If any part of the property is held out for rent to 10825
tenants, or lessees as defined in section 5321.01 of the Revised 10826
Code, less than seventy-five per cent of the square footage of 10827
that part is leased by one or more tenants or lessees. 10828

(B) On the tax lien date, it is owned by a municipal 10829
corporation to which the property was conveyed by a community 10830
improvement corporation as defined in section 1724.01 of the 10831
Revised Code. 10832

(C) It was conveyed to that community improvement 10833
corporation by the United States government or any of its 10834
agencies. 10835

(D) It is subject to an agreement under which that 10836
municipal corporation is required to convey the property to that 10837
community improvement corporation before the property may be 10838
developed. 10839

Sec. 5709.45. (A) As used in sections 5709.45 to 5709.47 10840
of the Revised Code: 10841

(1) "Downtown redevelopment district" or "district" means 10842
an area not more than ten acres enclosed by a continuous 10843
boundary in which at least one historic building is being, or 10844
will be, rehabilitated. 10845

(2) "Historic building" and "rehabilitation" have the same 10846
meanings as in section 149.311 of the Revised Code. 10847

(3) "Public infrastructure improvement" has the same 10848
meaning as in section 5709.40 of the Revised Code. 10849

(4) "Improvement" means the increase in the assessed value 10850
of real property that would first appear on the tax list after 10851
the effective date of an ordinance adopted under this section 10852
were it not for the exemption granted by the ordinance. 10853

(5) "Innovation district" means an area located entirely 10854
within a downtown redevelopment district, enclosed by a 10855
continuous boundary, and equipped with a high-speed broadband 10856
network capable of download speeds of at least one hundred 10857
gigabits per second. 10858

(6) "Qualified business" means a business primarily 10859
engaged, or primarily organized to engage, in a trade or 10860
business that involves research and development, technology 10861
transfer, bio-technology, information technology, or the 10862
application of new technology developed through research and 10863
development or acquired through technology transfer. 10864

(7) "Information technology" means the branch of 10865
technology devoted to the study and application of data and the 10866
processing thereof; the automatic acquisition, storage, 10867
manipulation or transformation, management, movement, control, 10868
display, switching, interchange, transmission or reception of 10869
data, and the development or use of hardware, software, 10870

firmware, and procedures associated with this processing. 10871
"Information technology" includes matters concerned with the 10872
furtherance of computer science and technology, design, 10873
development, installation, and implementation of information 10874
systems and applications that in turn will be licensed or sold 10875
to a specific target market. "Information technology" does not 10876
include the creation of a distribution method for existing 10877
products and services. 10878

(8) "Research and development" means designing, creating, 10879
or formulating new or enhanced products, equipment, or 10880
processes, and conducting scientific or technological inquiry 10881
and experimentation in the physical sciences with the goal of 10882
increasing scientific knowledge that may reveal the bases for 10883
new or enhanced products, equipment, or processes. 10884

(9) "Technology transfer" means the transfer of technology 10885
from one sector of the economy to another, including the 10886
transfer of military technology to civilian applications, 10887
civilian technology to military applications, or technology from 10888
public or private research laboratories to military or civilian 10889
applications. 10890

(B) For the purposes of promoting rehabilitation of 10891
historic buildings, creating jobs, and encouraging economic 10892
development in commercial and mixed-use commercial and 10893
residential areas, and for the purpose of funding transportation 10894
improvements that will benefit such areas, the legislative 10895
authority of a municipal corporation may adopt an ordinance 10896
creating a downtown redevelopment district and declaring 10897
improvements to parcels within the district to be a public 10898
purpose and exempt from taxation. Downtown redevelopment 10899
districts shall not be created in areas used exclusively for 10900

residential purposes and shall not be utilized for development 10901
or redevelopment of residential areas. 10902

The ordinance shall specify all of the following: 10903

(1) The boundary of the district; 10904

(2) The county treasurer's permanent parcel number 10905
associated with each parcel included in the district; 10906

(3) The parcel or parcels within the district that include 10907
a historic building that is being or will be rehabilitated; 10908

(4) The proposed life of the district; 10909

(5) An economic development plan for the district that 10910
includes all of the following: 10911

(a) A statement describing the principal purposes and 10912
goals to be served by creating the district; 10913

(b) An explanation of how the municipal corporation will 10914
collaborate with businesses and property owners within the 10915
district to develop strategies for achieving such purposes and 10916
goals; 10917

(c) A plan for using the service payments provided for in 10918
section 5709.46 of the Revised Code to promote economic 10919
development and job creation within the district. 10920

Not more than seventy per cent of improvements to parcels 10921
within a downtown redevelopment district may be exempted from 10922
taxation under this section. A district may not include a parcel 10923
that is exempted from taxation under this section or section 10924
5709.40 or 5709.41 of the Revised Code on the effective date of 10925
the ordinance. Except as provided in division (F) of this 10926
section, the life of a downtown redevelopment district shall not 10927

exceed ten years. 10928

A municipal corporation may adopt more than one ordinance 10929
under division (B) of this section. A single such ordinance may 10930
create more than one downtown redevelopment district. 10931

(C) For the purposes of attracting and facilitating growth 10932
of qualified businesses and supporting the economic development 10933
efforts of business incubators and accelerators, the legislative 10934
authority of a municipal corporation may designate an innovation 10935
district within a proposed or existing downtown redevelopment 10936
district. The life of the innovation district shall be identical 10937
to the downtown redevelopment district in which the innovation 10938
district is located. In addition to the requirements in division 10939
(B) of this section, an ordinance creating a downtown 10940
redemption district that includes an innovation district 10941
shall specify all of the following: 10942

(1) The boundary of the innovation district; 10943

(2) The permanent parcel number associated with each 10944
parcel included in the innovation district; 10945

(3) An economic development plan for the innovation 10946
district that meets the criteria prescribed by division (B) (5) 10947
of this section. 10948

(D) At least thirty days before adopting an ordinance 10949
under division (B) of this section, the legislative authority of 10950
the municipal corporation shall conduct a public hearing on the 10951
proposed ordinance and the accompanying economic development 10952
plan. At least thirty days before the public hearing, the 10953
legislative authority shall give notice of the public hearing 10954
and the proposed ordinance by first class mail to every real 10955
property owner whose property is located within the boundaries 10956

of the proposed district that is the subject of the proposed ordinance. 10957
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(E) Revenue derived from downtown redevelopment district service payments may be used by the municipal corporation for any of the following purposes: 10959
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(1) To finance or support loans, deferred loans, or grants to owners of historic buildings within the downtown redevelopment district. Such loans or grants shall be awarded upon the condition that the loan or grant amount may be used by the owner only to rehabilitate the historic building. A municipal corporation that awards a loan or grant under this division shall develop a plan for tracking the loan or grant recipient's use of the loan or grant and monitoring the progress of the recipient's rehabilitation project. 10962
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(2) To make contributions to a special improvement district for use under section 1710.14 of the Revised Code, to a community improvement corporation for use under section 1724.12 of the Revised Code, or to a nonprofit corporation, as defined in section 1702.01 of the Revised Code, the primary purpose of which is redeveloping historic buildings and historic districts for use by the corporation to rehabilitate a historic building within the downtown redevelopment district or to otherwise promote or enhance the district. Amounts contributed under division (E) (2) of this section shall not exceed the property tax revenue that would have been generated by twenty per cent of the assessed value of the exempted improvements within the downtown redevelopment district. 10971
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(3) To finance or support loans to owners of one or more buildings located within the district that do not qualify as historic buildings. Such loans shall be awarded upon the 10984
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condition that the loan amount may be used by the owner only to 10987
make repairs and improvements to the building or buildings. A 10988
municipal corporation that awards a loan under this division 10989
shall develop a plan for tracking the loan recipient's use of 10990
the loan and monitoring the progress of the recipient's repairs 10991
or improvements. 10992

(4) To finance public infrastructure improvements within 10993
the downtown redevelopment district. If revenue generated by the 10994
downtown redevelopment district will be used to finance public 10995
infrastructure improvements, the economic development plan 10996
described by division (B) (5) of this section shall identify 10997
specific projects that are being or will be undertaken within 10998
the district and describe how such infrastructure improvements 10999
will accommodate additional demands on the existing 11000
infrastructure within the district. A municipal corporation 11001
shall not use service payments derived from a downtown 11002
redemption district to repair or replace police or fire 11003
equipment. 11004

(5) To finance or support loans, deferred loans, or grants 11005
to qualified businesses or to incubators and accelerators that 11006
provide services and capital to qualified businesses within an 11007
innovation district. Such loans or grants shall be awarded upon 11008
the condition that the loan or grant shall be used by the 11009
recipient to start or develop one or more qualified businesses 11010
within the innovation district. A municipal corporation that 11011
awards a loan or grant under this division shall develop a plan 11012
for tracking the loan or grant recipient's use of the loan or 11013
grant and monitoring the establishment and growth of the 11014
qualified business. 11015

(F) Notwithstanding division (B) of this section, 11016

improvements to parcels located within a downtown redevelopment district may be exempted from taxation under this section for up to thirty years if either of the following apply:

(1) The ordinance creating the redevelopment district specifies that payments in lieu of taxes shall be paid to the city, local, or exempted village, and joint vocational school district or districts in which the redevelopment district is located in the amount of the taxes that would have been payable to the school district or districts if the improvements had not been exempted from taxation.

(2) The municipal corporation creating the district obtains the approval under division (G) of this section of the board of education of each city, local, and exempted village school district within which the district will be located.

(G) (1) The legislative authority of a municipal corporation seeking the approval of a school district for the purpose of division (G) (2) of this section shall send notice of the proposed ordinance to the school district not later than forty-five business days before it intends to adopt the ordinance. The notice shall include a copy of the proposed ordinance and shall indicate the date on which the legislative authority intends to adopt the ordinance. The board of education of the school district, by resolution adopted by a majority of the board, may do any of the following:

(a) Approve the exemption for the number of years specified in the proposed ordinance;

(b) Disapprove the exemption for the number of years in excess of ten;

(c) Approve the exemption on the condition that the

legislative authority and the board negotiate an agreement 11046
providing for compensation to the school district equal in value 11047
to a percentage of the amount of taxes exempted in the eleventh 11048
and subsequent years of the exemption period or other mutually 11049
agreeable compensation. If an agreement is negotiated under this 11050
division, the legislative authority shall compensate all joint 11051
vocational school districts within which the downtown 11052
redevelopment district is located at the same rate and under the 11053
same terms received by the city, local, or exempted village 11054
school district. 11055

(2) The board of education shall certify a resolution 11056
adopted under division (G)(1) of this section to the legislative 11057
authority of the municipal corporation not later than fourteen 11058
days before the date the legislative authority intends to adopt 11059
the ordinance as indicated in the notice. If the board of 11060
education approves the ordinance or negotiates a mutually 11061
acceptable compensation agreement with the legislative 11062
authority, the legislative authority may enact the ordinance in 11063
its current form. If the board disapproves of the ordinance and 11064
fails to negotiate a mutually acceptable compensation agreement 11065
with the legislative authority, the legislative authority may 11066
exempt improvements to parcels within the downtown redevelopment 11067
district for not more than ten years. If the board fails to 11068
certify a resolution to the legislative authority within the 11069
time prescribed by this division, the legislative authority may 11070
adopt the ordinance and may exempt improvements to parcels 11071
within the downtown redevelopment district for the period of 11072
time specified in the notice delivered to the board of 11073
education. The legislative authority may adopt the ordinance at 11074
any time after the board of education certifies its resolution 11075
approving the exemption to the legislative authority or, if the 11076

board approves the exemption on the condition that a mutually 11077
acceptable compensation agreement be negotiated, at any time 11078
after the compensation agreement is agreed to by the board and 11079
the legislative authority. 11080

(3) If a board of education has adopted a resolution 11081
waiving its right to approve exemptions from taxation under this 11082
section and the resolution remains in effect, approval of 11083
exemptions by the board is not required under division (G) of 11084
this section. If a board of education has adopted a resolution 11085
allowing a legislative authority to deliver the notice required 11086
under division (G) (1) of this section fewer than forty-five 11087
business days before the legislative authority's adoption of the 11088
ordinance, the legislative authority shall deliver the notice to 11089
the board not later than the number of days before such adoption 11090
as prescribed by the board in its resolution. If a board of 11091
education adopts a resolution waiving its right to approve 11092
agreements or shortening the notification period, the board 11093
shall certify a copy of the resolution to the legislative 11094
authority. If the board of education rescinds such a resolution, 11095
it shall certify notice of the rescission to the legislative 11096
authority. 11097

(4) If the legislative authority is not required by 11098
division (G) of this section to notify the board of education of 11099
the legislative authority's intent to create a downtown 11100
redevelopment district, the legislative authority shall comply 11101
with the notice requirements imposed under section 5709.83 of 11102
the Revised Code, unless the board has adopted a resolution 11103
under that section waiving its right to receive such a notice. 11104

(H) Service payments in lieu of taxes that are 11105
attributable to any amount by which the effective tax rate of 11106

either a renewal levy with an increase or a replacement levy 11107
exceeds the effective tax rate of the levy renewed or replaced, 11108
or that are attributable to an additional levy, for a levy 11109
authorized by the voters for any of the following purposes on or 11110
after January 1, 2006, and which are provided pursuant to an 11111
ordinance creating a downtown redevelopment district under 11112
division (B) of this section shall be distributed to the 11113
appropriate taxing authority as required under division (C) of 11114
section 5709.46 of the Revised Code in an amount equal to the 11115
amount of taxes from that additional levy or from the increase 11116
in the effective tax rate of such renewal or replacement levy 11117
that would have been payable to that taxing authority from the 11118
following levies were it not for the exemption authorized under 11119
division (B) of this section: 11120

(1) A tax levied under division (L) of section 5705.19 or 11121
section 5705.191 of the Revised Code for community ~~mental-~~ 11122
~~retardation and~~ developmental disabilities programs and services 11123
pursuant to Chapter 5126. of the Revised Code; 11124

(2) A tax levied under division (Y) of section 5705.19 of 11125
the Revised Code for providing or maintaining senior citizens 11126
services or facilities; 11127

(3) A tax levied under section 5705.22 of the Revised Code 11128
for county hospitals; 11129

(4) A tax levied by a joint-county district or by a county 11130
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 11131
for alcohol, drug addiction, and mental health services or 11132
facilities; 11133

(5) A tax levied under section 5705.23 of the Revised Code 11134
for library purposes; 11135

(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;	11136 11137 11138
(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;	11139 11140 11141 11142
(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;	11143 11144 11145
(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;	11146 11147 11148 11149
(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;	11150 11151
(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;	11152 11153 11154 11155 11156
(12) A tax levied under section 3709.29 of the Revised Code for a general health district program.	11157 11158
(I) An exemption from taxation granted under this section commences with the tax year specified in the ordinance so long as the year specified in the ordinance commences after the effective date of the ordinance. If the ordinance specifies a year commencing before the effective date of the ordinance or specifies no year whatsoever, the exemption commences with the	11159 11160 11161 11162 11163 11164

tax year in which an exempted improvement first appears on the 11165
tax list and that commences after the effective date of the 11166
ordinance. In lieu of stating a specific year, the ordinance may 11167
provide that the exemption commences in the tax year in which 11168
the value of an improvement exceeds a specified amount or in 11169
which the construction of one or more improvements is completed, 11170
provided that such tax year commences after the effective date 11171
of the ordinance. 11172

Except as otherwise provided in this division, the 11173
exemption ends on the date specified in the ordinance as the 11174
date the improvement ceases to be a public purpose or the 11175
downtown redevelopment district expires, whichever occurs first. 11176
The exemption of an improvement within a downtown redevelopment 11177
district may end on a later date, as specified in the ordinance, 11178
if the legislative authority and the board of education of the 11179
city, local, or exempted village school district within which 11180
the parcel or district is located have entered into a 11181
compensation agreement under section 5709.82 of the Revised Code 11182
with respect to the improvement, and the board of education has 11183
approved the term of the exemption under division (G) of this 11184
section, but in no case shall the improvement be exempted from 11185
taxation for more than thirty years. Exemptions shall be claimed 11186
and allowed in the same manner as in the case of other real 11187
property exemptions. If an exemption status changes during a 11188
year, the procedure for the apportionment of the taxes for that 11189
year is the same as in the case of other changes in tax 11190
exemption status during the year. 11191

(J) Additional municipal financing of the projects and 11192
services described in division (E) of this section may be 11193
provided by any methods that the municipal corporation may 11194
otherwise use for financing such projects and services. If the 11195

municipal corporation issues bonds or notes to finance such 11196
projects and services and pledges money from the municipal 11197
downtown redevelopment district fund to pay the interest on and 11198
principal of the bonds or notes, the bonds or notes are not 11199
subject to Chapter 133. of the Revised Code. 11200

(K) The municipal corporation, not later than fifteen days 11201
after the adoption of an ordinance under this section, shall 11202
submit to the director of development services a copy of the 11203
ordinance. On or before the thirty-first day of March of each 11204
year, the municipal corporation shall submit a status report to 11205
the director of development services. The report shall indicate, 11206
in the manner prescribed by the director, the progress of the 11207
projects and services during each year that an exemption remains 11208
in effect, including a summary of the receipts from service 11209
payments in lieu of taxes; expenditures of money from the funds 11210
created under section 5709.47 of the Revised Code; a description 11211
of the projects and services financed with such expenditures; 11212
and a quantitative summary of changes in employment and private 11213
investment resulting from each project and service. 11214

(L) Nothing in this section shall be construed to prohibit 11215
a legislative authority from declaring to be a public purpose 11216
improvements with respect to more than one parcel. 11217

(M) (1) The owner of real property located in a downtown 11218
redemption district may enter into an agreement with the 11219
municipal corporation that created the district to impose a 11220
redemption charge on the property to cover all or part of the 11221
cost of services, facilities, and improvements provided within 11222
the district under division (E) of this section. The agreement 11223
shall include the following: 11224

(a) The amount of the redemption charge. The 11225

redevelopment charge may be a fixed dollar amount or an amount 11226
determined on the basis of the assessed valuation of the 11227
property or all or part of the profits, gross receipts, or other 11228
revenues of a business operating on the property, including 11229
rentals received from leases of the property. If the property is 11230
leased to one or more tenants or to one or more lessees as 11231
defined in section 5321.01 of the Revised Code, the 11232
redevelopment charge may be itemized as part of the lease rate. 11233

(b) The termination date of the redevelopment charge. The 11234
redevelopment charge shall not be charged after the expiration 11235
or termination of the downtown redevelopment district. 11236

(c) The terms by which the municipal corporation shall 11237
collect the redevelopment charge. 11238

(d) The purposes for which the redevelopment charge may be 11239
used by the municipal corporation. The redevelopment charge 11240
shall be used only for those purposes described by division (E) 11241
of this section. The agreement may specify any or all of such 11242
purposes. 11243

(2) Redevelopment charges collected by a municipal 11244
corporation under division (M) of this section shall be 11245
deposited to the municipal downtown redevelopment district fund 11246
created under section 5709.47 of the Revised Code. 11247

(3) An agreement by a property owner under division (M) of 11248
this section is hereby deemed to be a covenant running with the 11249
land. The covenant is fully binding on behalf of and enforceable 11250
by the municipal corporation against any person acquiring an 11251
interest in the land and all of that person's successors and 11252
assigns. 11253

(4) No purchase agreement for real estate or any interest 11254

in real estate upon which a redevelopment charge is levied shall 11255
be enforceable by the seller or binding upon the purchaser 11256
unless the purchase agreement specifically refers to the 11257
redevelopment charge. If a conveyance of such real estate or 11258
interest in such real estate is made pursuant to a purchase 11259
agreement that does not make such reference, the redevelopment 11260
charge shall continue to be a covenant running with the land 11261
fully binding on behalf of and enforceable by the municipal 11262
corporation against the person accepting the conveyance pursuant 11263
to the purchase agreement. 11264

(5) If a redevelopment charge is not paid when due, the 11265
overdue amount shall be collected according to the terms of the 11266
agreement. If the agreement does not specify a procedure for 11267
collecting overdue redevelopment charges, the municipal 11268
corporation may certify the charge to the county auditor. The 11269
county auditor shall enter the unpaid charge on the tax list and 11270
duplicate of real property opposite the parcel against which it 11271
is charged and certify the charge to the county treasurer. The 11272
unpaid redevelopment charge is a lien on property against which 11273
it is charged from the date the charge is entered on the tax 11274
list, and shall be collected in the manner provided for the 11275
collection of real property taxes. Once the charge is collected, 11276
it shall be paid immediately to the municipal corporation. 11277

Sec. 5727.02. As used in this chapter, "public utility," 11278
"electric company," "natural gas company," "pipe-line company," 11279
"water-works company," "water transportation company," or 11280
"heating company" does not include any of the following: 11281

(A) (1) Except as provided in division (A) (2) of this 11282
section, any person that is engaged in some other primary 11283
business to which the supplying of electricity, heat, natural 11284

gas, water, water transportation, steam, or air to others is 11285
incidental. 11286

(2) For tax year 2009 and each tax year thereafter, a 11287
person that is engaged in some other primary business to which 11288
the supplying of electricity to others is incidental shall be 11289
treated as an "electric company" and a "public utility" for 11290
purposes of this chapter solely to the extent required by 11291
section 5727.031 of the Revised Code. 11292

(3) For purposes of division (A) of this section and 11293
section 5727.031 of the Revised Code: 11294

(a) "Supplying of electricity" means generating, 11295
transmitting, or distributing electricity. 11296

(b) A person that leases to others energy facilities with 11297
an aggregate nameplate capacity in this state of two hundred 11298
fifty kilowatts or less per lease is not supplying electricity 11299
to others. 11300

(c) A person that owns, or leases from another person, 11301
energy facilities with an aggregate nameplate capacity in this 11302
state of two hundred fifty kilowatts or less is not supplying 11303
electricity to others, regardless of whether the owner or lessee 11304
engages in net metering as defined in section 4928.01 of the 11305
Revised Code. 11306

(d) A political subdivision of this state that owns an 11307
energy facility is not supplying electricity to others 11308
regardless of the nameplate capacity of the facility if the 11309
primary purpose of the facility is to supply electricity for the 11310
political subdivision's own use. As used in this division, 11311
"political subdivision" means a county, township, municipal 11312
corporation, or any other body corporate and politic that is 11313

responsible for government activities in a geographic area 11314
smaller than that of the state. 11315

(B) Any person that supplies electricity, natural gas, 11316
water, water transportation, steam, or air to its tenants or its 11317
lessees as defined in section 5321.01 of the Revised Code, 11318
whether for a separate charge or otherwise; 11319

(C) Any person whose primary business in this state 11320
consists of producing, refining, or marketing petroleum or its 11321
products. 11322

(D) Any person whose primary business in this state 11323
consists of producing or gathering natural gas rather than 11324
supplying or distributing natural gas to consumers. 11325

Sec. 5812.45. (A) If a trustee makes or expects to make a 11326
principal disbursement described in this section, the trustee 11327
may transfer an appropriate amount from income to principal in 11328
one or more accounting periods to reimburse principal or to 11329
provide a reserve for future principal disbursements. 11330

(B) Principal disbursements to which division (A) of this 11331
section applies include all of the following, but only to the 11332
extent that the trustee has not been and does not expect to be 11333
reimbursed by a third party: 11334

(1) An amount chargeable to income but paid from principal 11335
because it is unusually large, including extraordinary repairs; 11336

(2) A capital improvement to a principal asset, whether in 11337
the form of changes to an existing asset or the construction of 11338
a new asset, including special assessments; 11339

(3) Disbursements made to prepare property for rental, 11340
including tenant or lessee allowances, leasehold improvements, 11341

and broker's commissions~~r~~. As used in division (B) (3) of this section, "lessee" has the same meaning as in section 5321.01 of the Revised Code. 11342
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(4) Periodic payments on an obligation secured by a principal asset to the extent that the amount transferred from income to principal for depreciation is less than the periodic payments; 11345
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(5) Disbursements described in division (A) (7) of section 5812.43 of the Revised Code. 11349
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(C) If the asset whose ownership gives rise to the disbursements becomes subject to a successive income interest after an income interest ends, a trustee may continue to transfer amounts from income to principal as provided in division (A) of this section. 11351
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Sec. 6103.02. (A) For the purpose of preserving and promoting the public health and welfare, a board of county commissioners may acquire, construct, maintain, and operate any public water supply facilities within its county for one or more sewer districts and may provide for their protection and prevent their pollution and unnecessary waste. The board may negotiate and enter into a contract with any public agency or any person for the management, maintenance, operation, and repair of the facilities on behalf of the county, upon the terms and conditions as may be agreed upon with the agency or person and as may be determined by the board to be in the interests of the county. By contract with any public agency or any person operating public water supply facilities within or without its county, the board also may provide a supply of water to a sewer district from the facilities of the public agency or person. 11356
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(B) The county sanitary engineer or sanitary engineering department, in addition to other assigned duties, shall assist the board in the performance of its duties under this chapter and shall be charged with other duties and services in relation to the board's duties as the board prescribes.

(C) The board may adopt, publish, administer, and enforce rules for the construction, maintenance, protection, and use of county-owned or county-operated public water supply facilities outside municipal corporations and of public water supply facilities within municipal corporations that are owned or operated by the county or that are supplied with water from water supply facilities owned or operated by the county, including, but not limited to, rules for the establishment and use of any connections, the termination in accordance with reasonable procedures of water service for nonpayment of county water rates and charges, and the establishment and use of security deposits to the extent considered necessary to ensure the payment of county water rates and charges. The rules shall not be inconsistent with the laws of the state or any applicable rules of the director of environmental protection.

(D) No public water supply facilities shall be constructed in any county outside municipal corporations by any person, except for the purpose of supplying water to those municipal corporations, until the plans and specifications for the facilities have been approved by the board. Construction shall be done under the supervision of the county sanitary engineer. Any person constructing public water supply facilities shall pay to the county all expenses incurred by the board in connection with the construction.

(E) The county sanitary engineer or the county sanitary

engineer's authorized assistants or agents, when properly 11401
identified in writing or otherwise and after written notice is 11402
delivered to the owner at least five days in advance or mailed 11403
at least five days in advance by first class or certified mail 11404
to the owner's tax mailing address, may enter upon any public or 11405
private property for the purpose of making, and may make, 11406
surveys or inspections necessary for the design or evaluation of 11407
county public water supply facilities. This entry is not a 11408
trespass and is not to be considered an entry in connection with 11409
any appropriation of property proceedings under sections 163.01 11410
to 163.22 of the Revised Code that may be pending. No person or 11411
public agency shall forbid the county sanitary engineer or the 11412
county sanitary engineer's authorized assistants or agents to 11413
enter, or interfere with their entry, upon the property for the 11414
purpose of making the surveys or inspections. If actual damage 11415
is done to property by the making of the surveys or inspections, 11416
the board shall pay the reasonable value of the damage to the 11417
property owner, and the cost shall be included in the cost of 11418
the facilities and may be included in any special assessments 11419
levied and collected to pay that cost. 11420

(F) The board shall fix reasonable rates, including 11421
penalties for late payments, for water supplied to public 11422
agencies and persons when the source of supply or the facilities 11423
for its distribution are owned or operated by the county and may 11424
change the rates from time to time as it considers advisable. 11425
When the source of the water supply to be used by the county is 11426
owned by another public agency or person, the schedule of rates 11427
to be charged by the public agency or person shall be approved 11428
by the board at the time it enters into a contract for the use 11429
of water from the public agency or person. 11430

When the distribution facilities are owned by the county, 11431

the board also may fix reasonable charges to be collected for 11432
the privilege of connecting to the distribution facilities and 11433
may require that, prior to the connection, the charges be paid 11434
in full or, if determined by the board to be equitable in a 11435
resolution relating to the payment of the charges, may require 11436
their payment in installments, as considered adequate by the 11437
board, at the times, in the amounts, and with the security, 11438
carrying charges, and penalties as may be determined by the 11439
board in that resolution to be fair and appropriate. No public 11440
agency or person shall be permitted to connect to those 11441
facilities until the charges have been paid in full or provision 11442
for their payment in installments has been made. If the 11443
connection charges are to be paid in installments, the board 11444
shall certify, to the county auditor, information sufficient to 11445
identify each parcel of property served by a connection and, 11446
with respect to each parcel, the total of the charges to be paid 11447
in installments, the amount of each installment, and the total 11448
number of installments to be paid. The county auditor shall 11449
record and maintain the information so supplied in the 11450
waterworks record provided for in section 6103.16 of the Revised 11451
Code until the connection charges are paid in full. The board 11452
may include amounts attributable to connection charges being 11453
paid in installments in its billings of rates and other charges 11454
for water supplied. In addition, the board may consider payments 11455
made to a school district under section 6103.25 of the Revised 11456
Code when the board establishes rates and other charges for 11457
water supplied. 11458

A board may establish discounted rates or charges or may 11459
establish another mechanism for providing a reduction in rates 11460
or charges for persons who are sixty-five years of age or older. 11461
The board shall establish eligibility requirements for such 11462

discounted or reduced rates or charges, including a requirement 11463
that a person be eligible for the homestead exemption or qualify 11464
as a low- and moderate-income person. 11465

(G) When any rates or charges are not paid when due, the 11466
board may do any or all of the following: 11467

(1) Certify the unpaid rates or charges, together with any 11468
penalties, to the county auditor. The county auditor shall place 11469
the certified amount upon the real property tax list and 11470
duplicate against the property served by the connection. The 11471
certified amount shall be a lien on the property from the date 11472
placed on the real property tax list and duplicate and shall be 11473
collected in the same manner as taxes, except that, 11474
notwithstanding section 323.15 of the Revised Code, a county 11475
treasurer shall accept a payment in that amount when separately 11476
tendered as payment for the full amount of the unpaid rates or 11477
charges and associated penalties. The lien shall be released 11478
immediately upon payment in full of the certified amount. 11479

(2) Collect the unpaid rates or charges, together with any 11480
penalties, by actions at law in the name of the county from an 11481
owner, tenant, lessee as defined in section 5321.01 of the 11482
Revised Code, or other person or public agency that is liable 11483
for the payment of the rates or charges; 11484

(3) Terminate, in accordance with established rules, the 11485
water service to the particular property unless and until the 11486
unpaid rates or charges, together with any penalties, are paid 11487
in full; 11488

(4) Apply, to the extent required, any security deposit 11489
made in accordance with established rules to the payment of the 11490
unpaid rates and charges, together with any penalties, for water 11491

service to the particular property. 11492

All moneys collected as rates, charges, or penalties fixed 11493
or established in accordance with division (F) of this section 11494
for water supply purposes in or for any sewer district shall be 11495
paid to the county treasurer and kept in a separate and distinct 11496
water fund established by the board to the credit of the 11497
district. 11498

Each board that fixes water rates or charges may render 11499
estimated bills periodically, provided that at least quarterly 11500
it shall schedule an actual reading of each customer's meter so 11501
as to render a bill for the actual amount shown by the meter 11502
reading to be due, with credit for prior payments of any 11503
estimated bills submitted for any part of the billing period, 11504
except that estimated bills may be rendered if a customer's 11505
meter is not accessible for a timely reading or if the 11506
circumstances preclude a scheduled reading. Each board also 11507
shall establish procedures providing a fair and reasonable 11508
opportunity for the resolution of billing disputes. 11509

When property to which water service is provided is about 11510
to be sold, any party to the sale or an agent of a party may 11511
request the board to have the meter at that property read and to 11512
render, within ten days following the date on which the request 11513
is made, a final bill for all outstanding rates and charges for 11514
water service. The request shall be made at least fourteen days 11515
prior to the transfer of the title of the property. 11516

At any time prior to a certification under division (G) (1) 11517
of this section, the board shall accept any partial payment of 11518
unpaid water rates or charges in the amount of ten dollars or 11519
more. 11520

Except as otherwise provided in any proceedings 11521
authorizing or providing for the security for and payment of any 11522
public obligations, or in any indenture or trust or other 11523
agreement securing public obligations, moneys in the water fund 11524
shall be applied first to the payment of the cost of the 11525
management, maintenance, and operation of the water supply 11526
facilities of, or used or operated for, the sewer district, 11527
which cost may include the county's share of management, 11528
maintenance, and operation costs under cooperative contracts for 11529
the acquisition, construction, or use of water supply facilities 11530
and, in accordance with a cost allocation plan adopted under 11531
division (H) of this section, payment of all allowable direct 11532
and indirect costs of the district, the county sanitary engineer 11533
or sanitary engineering department, or a federal or state grant 11534
program, incurred for the purposes of this chapter, and shall be 11535
applied second to the payment of debt charges payable on any 11536
outstanding public obligations issued or incurred for the 11537
acquisition or construction of water supply facilities for or 11538
serving the district, or for the funding of a bond retirement or 11539
other fund established for the payment of or security for the 11540
obligations. Any surplus remaining may be applied to the 11541
acquisition or construction of those facilities or for the 11542
payment of contributions to be made, or costs incurred, for the 11543
acquisition or construction of those facilities under 11544
cooperative contracts. Moneys in the water fund shall not be 11545
expended other than for the use and benefit of the district. 11546

(H) A board of county commissioners may adopt a cost 11547
allocation plan that identifies, accumulates, and distributes 11548
allowable direct and indirect costs that may be paid from the 11549
water fund of the sewer district created pursuant to division 11550
(G) of this section, and that prescribes methods for allocating 11551

those costs. The plan shall authorize payment from the fund of 11552
only those costs incurred by the district, the county sanitary 11553
engineer or sanitary engineering department, or a federal or 11554
state grant program, and those costs incurred by the general and 11555
other funds of the county for a common or joint purpose, that 11556
are necessary and reasonable for the proper and efficient 11557
administration of the district under this chapter. The plan 11558
shall not authorize payment from the fund of any general 11559
government expense required to carry out the overall 11560
governmental responsibilities of a county. The plan shall 11561
conform to United States office of management and budget 11562
Circular A-87, "Cost Principles for State, Local, and Indian 11563
Tribal Governments," published May 17, 1995. 11564

Sec. 6115.17. (A) The board of directors of any sanitary 11565
district, or its employees or agents, including contractors and 11566
their employees, and the board of appraisers of the sanitary 11567
district and its assistants, may enter upon lands within or 11568
without the district to make surveys and examinations to 11569
accomplish the necessary preliminary purposes of the district, 11570
or to have access to the work. They shall be liable, however, 11571
for actual damage done, but no unnecessary damage shall be done. 11572
In the case of a district organized wholly or partly for the 11573
reduction of populations of biting arthropods, the board of 11574
directors or its employees or agents may enter upon any lands 11575
within the district and inspect them to ascertain whether the 11576
owner, tenant, lessee as defined in section 5321.01 of the 11577
Revised Code, agent, or other person having charge of the lands 11578
is complying with the regulations of the board of directors 11579
pertaining to the prevention and elimination of stagnant water 11580
or other breeding places for biting arthropods. 11581

(B) No person or corporation shall prevent any entrance 11582

upon lands authorized by division (A) of this section. Whoever 11583
violates this section shall be subject to a writ of injunction 11584
issued upon application of the board of directors by a court of 11585
proper jurisdiction. 11586

Sec. 6115.24. In the case of a sanitary district 11587
established wholly or partly for reducing populations of biting 11588
arthropods, the board of directors of the sanitary district may 11589
make and enforce regulations pertaining to the prevention and 11590
elimination of stagnant water or other breeding places for 11591
biting arthropods in the district. The regulations may, among 11592
other things, prohibit the owner, tenant, lessee, agent, or 11593
other person having charge of any land in the district from 11594
constructing or maintaining thereon any pond or pool, either 11595
natural or artificial, or any other receptacle of water, 11596
portable or otherwise, under conditions which may cause any such 11597
land, or anything situated thereon, to become a breeding place 11598
for biting arthropods. 11599

No owner, tenant, lessee, agent, or other person having 11600
charge of any land, in the district, after five days' written 11601
notice of a regulation and any violation thereof, shall fail to 11602
comply with the regulation. Each day's violation of the 11603
regulation, after notice thereof, is a separate offense. The 11604
board, or any of its agents or employees, shall give the written 11605
notice of the regulation and its violation to such owner, 11606
tenant, lessee, agent, or other person, either by personally 11607
delivering a copy of the notice to such owner, tenant, lessee, 11608
agent, or other person, or by posting a copy of the notice for 11609
not less than five days in a conspicuous place on the land 11610
whereon the violation of the regulation exists. The notice shall 11611
set forth a copy of the regulation and also a description of the 11612
land whereon the violation exists. 11613

If the owner, tenant, lessee, agent, or other person 11614
having charge of any land in the district, after the notice 11615
provided for in this section has been given, fails to comply 11616
with the regulation, the board, in addition to or without regard 11617
to enforcing the penalty provided for in division (B) of section 11618
6115.99 of the Revised Code, may, through its agents and 11619
employees, enter upon the land whereon the violation of the 11620
regulation exists and abate the conditions existing thereon 11621
which constitute the violation. A written statement describing 11622
the land and setting forth the total amount of all expense 11623
incurred by the board in abating such conditions shall then be 11624
filed with the county auditor, and that amount shall be entered 11625
upon the tax duplicate by the auditor and be a lien upon the 11626
land from and after the date of the entry, and shall be 11627
collected by the county treasurer as other assessments. The 11628
amount, when so collected, shall be paid by the county treasurer 11629
to the treasurer of the sanitary district. 11630

As used in this section, "lessee" has the same meaning as 11631
in section 5321.01 of the Revised Code. 11632

Sec. 6117.02. (A) The board of county commissioners shall 11633
fix reasonable rates, including penalties for late payments, for 11634
the use, or the availability for use, of the sanitary facilities 11635
of a sewer district to be paid by every person and public agency 11636
whose premises are served, or capable of being served, by a 11637
connection directly or indirectly to those facilities when those 11638
facilities are owned or operated by the county and may change 11639
the rates from time to time as it considers advisable. When the 11640
sanitary facilities to be used by the county are owned by 11641
another public agency or person, the schedule of rates to be 11642
charged by the public agency or person for the use of the 11643
facilities by the county, or the formula or other procedure for 11644

their determination, shall be approved by the board at the time 11645
it enters into a contract for that use. 11646

(B) The board also shall establish reasonable charges to 11647
be collected for the privilege of connecting to the sanitary 11648
facilities of the district, with the requirement that, prior to 11649
the connection, the charges shall be paid in full, or, if 11650
determined by the board to be equitable in a resolution relating 11651
to the payment of the charges, provision considered adequate by 11652
the board shall be made for their payment in installments at the 11653
times, in the amounts, and with the security, carrying charges, 11654
and penalties as may be found by the board in that resolution to 11655
be fair and appropriate. No public agency or person shall be 11656
permitted to connect to those facilities until the charges have 11657
been paid in full or provision for their payment in installments 11658
has been made. If the connection charges are to be paid in 11659
installments, the board shall certify to the county auditor 11660
information sufficient to identify each parcel of property 11661
served by a connection and, with respect to each parcel, the 11662
total of the charges to be paid in installments, the amount of 11663
each installment, and the total number of installments to be 11664
paid. The auditor shall record and maintain the information 11665
supplied in the sewer improvement record provided for in section 11666
6117.33 of the Revised Code until the connection charges are 11667
paid in full. The board may include amounts attributable to 11668
connection charges being paid in installments in its billings of 11669
rates and charges for the use of sanitary facilities. 11670

(C) When any of the sanitary rates or charges are not paid 11671
when due, the board may do any or all of the following as it 11672
considers appropriate: 11673

(1) Certify the unpaid rates or charges, together with any 11674

penalties, to the county auditor, who shall place them upon the 11675
real property tax list and duplicate against the property served 11676
by the connection. The certified amount shall be a lien on the 11677
property from the date placed on the real property tax list and 11678
duplicate and shall be collected in the same manner as taxes, 11679
except that, notwithstanding section 323.15 of the Revised Code, 11680
a county treasurer shall accept a payment in that amount when 11681
separately tendered as payment for the full amount of the unpaid 11682
sanitary rates or charges and associated penalties. The lien 11683
shall be released immediately upon payment in full of the 11684
certified amount. 11685

(2) Collect the unpaid rates or charges, together with any 11686
penalties, by actions at law in the name of the county from an 11687
owner, tenant, lessee as defined in section 5321.01 of the 11688
Revised Code, or other person or public agency that is liable 11689
for the payment of the rates or charges; 11690

(3) Terminate, in accordance with established rules, the 11691
sanitary service to the particular property and, if so 11692
determined, any county water service to that property, unless 11693
and until the unpaid sanitary rates or charges, together with 11694
any penalties, are paid in full; 11695

(4) Apply, to the extent required, any security deposit 11696
made in accordance with established rules to the payment of 11697
sanitary rates and charges for service to the particular 11698
property. 11699

All moneys collected as sanitary rates, charges, or 11700
penalties fixed or established in accordance with divisions (A) 11701
and (B) of this section for any sewer district shall be paid to 11702
the county treasurer and kept in a separate and distinct 11703
sanitary fund established by the board to the credit of the 11704

district. Except as otherwise provided in any proceedings 11705
authorizing or providing for the security for and payment of any 11706
public obligations, or in any indenture or trust or other 11707
agreement securing public obligations, moneys in the sanitary 11708
fund shall be applied first to the payment of the cost of the 11709
management, maintenance, and operation of the sanitary 11710
facilities of, or used or operated for, the district, which cost 11711
may include the county's share of management, maintenance, and 11712
operation costs under cooperative contracts for the acquisition, 11713
construction, or use of sanitary facilities and, in accordance 11714
with a cost allocation plan adopted under division (E) of this 11715
section, payment of all allowable direct and indirect costs of 11716
the district, the county sanitary engineer or sanitary 11717
engineering department, or a federal or state grant program, 11718
incurred for sanitary purposes under this chapter, and shall be 11719
applied second to the payment of debt charges payable on any 11720
outstanding public obligations issued or incurred for the 11721
acquisition or construction of sanitary facilities for or 11722
serving the district, or for the funding of a bond retirement or 11723
other fund established for the payment of or security for the 11724
obligations. Any surplus remaining may be applied to the 11725
acquisition or construction of those facilities or for the 11726
payment of contributions to be made, or costs incurred, for the 11727
acquisition or construction of those facilities under 11728
cooperative contracts. Moneys in the sanitary fund shall not be 11729
expended other than for the use and benefit of the district. 11730

(D) The board may fix reasonable rates and charges, 11731
including connection charges and penalties for late payments, to 11732
be paid by any person or public agency owning or having 11733
possession or control of any properties that are connected with, 11734
capable of being served by, or otherwise served directly or 11735

indirectly by, drainage facilities owned or operated by or under 11736
the jurisdiction of the county, including, but not limited to, 11737
properties requiring, or lying within an area of the district 11738
requiring, in the judgment of the board, the collection, 11739
control, or abatement of waters originating or accumulating in, 11740
or flowing in, into, or through, the district, and may change 11741
those rates and charges from time to time as it considers 11742
advisable. In addition, the board may fix the rates and charges 11743
in order to pay the costs of complying with the requirements of 11744
phase II of the storm water program of the national pollutant 11745
discharge elimination system established in 40 C.F.R. part 122. 11746

The rates and charges shall be payable periodically as 11747
determined by the board, except that any connection charges 11748
shall be paid in full in one payment, or, if determined by the 11749
board to be equitable in a resolution relating to the payment of 11750
those charges, provision considered adequate by the board shall 11751
be made for their payment in installments at the times, in the 11752
amounts, and with the security, carrying charges, and penalties 11753
as may be found by the board in that resolution to be fair and 11754
appropriate. The board may include amounts attributable to 11755
connection charges being paid in installments in its billings of 11756
rates and charges for the services provided by the drainage 11757
facilities. In the case of rates and charges that are fixed in 11758
order to pay the costs of complying with the requirements of 11759
phase II of the storm water program of the national pollutant 11760
discharge elimination system established in 40 C.F.R. part 122, 11761
the rates and charges may be paid annually or semiannually with 11762
real property taxes, provided that the board certifies to the 11763
county auditor information that is sufficient for the auditor to 11764
identify each parcel of property for which a rate or charge is 11765
levied and the amount of the rate or charge. 11766

When any of the drainage rates or charges are not paid 11767
when due, the board may do any or all of the following as it 11768
considers appropriate: 11769

(1) Certify the unpaid rates or charges, together with any 11770
penalties, to the county auditor, who shall place them upon the 11771
real property tax list and duplicate against the property to 11772
which the rates or charges apply. The certified amount shall be 11773
a lien on the property from the date placed on the real property 11774
tax list and duplicate and shall be collected in the same manner 11775
as taxes, except that notwithstanding section 323.15 of the 11776
Revised Code, a county treasurer shall accept a payment in that 11777
amount when separately tendered as payment for the full amount 11778
of the unpaid drainage rates or charges and associated 11779
penalties. The lien shall be released immediately upon payment 11780
in full of the certified amount. 11781

(2) Collect the unpaid rates or charges, together with any 11782
penalties, by actions at law in the name of the county from an 11783
owner, tenant, lessee as defined in section 5321.01 of the 11784
Revised Code, or other person or public agency that is liable 11785
for the payment of the rates or charges; 11786

(3) Terminate, in accordance with established rules, the 11787
drainage service for the particular property until the unpaid 11788
rates or charges, together with any penalties, are paid in full; 11789

(4) Apply, to the extent required, any security deposit 11790
made in accordance with established rules to the payment of 11791
drainage rates and charges applicable to the particular 11792
property. 11793

All moneys collected as drainage rates, charges, or 11794
penalties in or for any sewer district shall be paid to the 11795

county treasurer and kept in a separate and distinct drainage fund established by the board to the credit of the district. Except as otherwise provided in any proceedings authorizing or providing for the security for and payment of any public obligations, or in any indenture or trust or other agreement securing public obligations, moneys in the drainage fund shall be applied first to the payment of the cost of the management, maintenance, and operation of the drainage facilities of, or used or operated for, the district, which cost may include the county's share of management, maintenance, and operation costs under cooperative contracts for the acquisition, construction, or use of drainage facilities and, in accordance with a cost allocation plan adopted under division (E) of this section, payment of all allowable direct and indirect costs of the district, the county sanitary engineer or sanitary engineering department, or a federal or state grant program, incurred for drainage purposes under this chapter, and shall be applied second to the payment of debt charges payable on any outstanding public obligations issued or incurred for the acquisition or construction of drainage facilities for or serving the district, or for the funding of a bond retirement or other fund established for the payment of or security for the obligations. Any surplus remaining may be applied to the acquisition or construction of those facilities or for the payment of contributions to be made, or costs incurred, for the acquisition or construction of those facilities under cooperative contracts. Moneys in the drainage fund shall not be expended other than for the use and benefit of the district.

(E) A board of county commissioners may adopt a cost allocation plan that identifies, accumulates, and distributes allowable direct and indirect costs that may be paid from each

of the funds of the district created pursuant to divisions (C) 11827
and (D) of this section, and that prescribes methods for 11828
allocating those costs. The plan shall authorize payment from 11829
each of those funds of only those costs incurred by the 11830
district, the county sanitary engineer or sanitary engineering 11831
department, or a federal or state grant program, and those costs 11832
incurred by the general and other funds of the county for a 11833
common or joint purpose, that are necessary and reasonable for 11834
the proper and efficient administration of the district under 11835
this chapter and properly attributable to the particular fund of 11836
the district. The plan shall not authorize payment from either 11837
of the funds of any general government expense required to carry 11838
out the overall governmental responsibilities of a county. The 11839
plan shall conform to United States office of management and 11840
budget Circular A-87, "Cost Principles for State, Local, and 11841
Indian Tribal Governments," published May 17, 1995. 11842

(F) A board of county commissioners may establish 11843
discounted rates or charges or may establish another mechanism 11844
for providing a reduction in rates or charges for persons who 11845
are sixty-five years of age or older. The board shall establish 11846
eligibility requirements for such discounted or reduced rates or 11847
charges, including a requirement that a person be eligible for 11848
the homestead exemption or qualify as a low- and moderate-income 11849
person. 11850

Sec. 6117.51. If the board of health of the health 11851
district within which a new public sewer construction project is 11852
proposed or located passes a resolution stating that the reason 11853
for the project is to reduce or eliminate an existing health 11854
problem or a hazard of water pollution, the board of county 11855
commissioners of the county, by resolution, may order the owner 11856
of any premises located in a sewer district in the county, the 11857

owner's agent, lessee, or tenant, or any other occupant of the 11858
premises to connect the premises to the sewer for the purpose of 11859
discharging sewage or other waste that the board determines is 11860
originating on the premises, to make use of the connection, and 11861
to cease the discharge of the sewage or other waste into a 11862
cesspool, ditch, private sewer, privy, septic tank, semipublic 11863
disposal system as defined in division (B)(1)(a) of section 11864
3709.085 of the Revised Code, or other outlet if the board finds 11865
that the sewer is available for use and is accessible to the 11866
premises following a determination and certification to the 11867
board by a registered professional engineer designated by it as 11868
to the availability and accessibility of the sewer. This section 11869
does not apply to any of the following: 11870

(A) Any discharge authorized by a permit issued under 11871
division (J) of section 6111.03 of the Revised Code other than a 11872
discharge to or from a semipublic disposal system as defined in 11873
division (B)(1)(a) of section 3709.085 of the Revised Code; 11874

(B) Wastes resulting from the keeping of animals; 11875

(C) Any premises that are not served by a common sewage 11876
collection system when the foundation wall of the structure from 11877
which sewage or other waste originates is more than two hundred 11878
feet from the nearest boundary of the right-of-way within which 11879
the sewer is located; 11880

(D) Any premises that are served by a common sewage 11881
collection system when both the foundation wall of the structure 11882
from which the sewage or other waste originates and the common 11883
sewage collection system are more than two hundred feet from the 11884
nearest boundary of the right-of-way within which the public 11885
sewer is located; 11886

(E) Any dwelling house located on property that is listed 11887
on the county's agricultural land tax list as being valued for 11888
tax purposes as land devoted exclusively to agricultural use 11889
under section 5713.31 of the Revised Code, when the foundation 11890
wall of the dwelling house is two hundred feet or less from the 11891
nearest boundary of the right-of-way within which the sewer is 11892
located, if both of the following also apply: 11893

(1) The sewer right-of-way for the property on which the 11894
dwelling house is located was obtained by appropriation due to a 11895
public exigency pursuant to division (B) of section 307.08, 11896
6101.181, 6115.211, 6117.39, or 6119.11 of the Revised Code. 11897

(2) The local health department has certified that the 11898
household sewage disposal system is functioning properly. 11899

The board shall not direct an order under this section to 11900
a resident tenant or a lessee as defined in section 5321.01 of 11901
the Revised Code unless it determines that the terms of the 11902
tenancy or lease are such that the owner lacks sufficient rights 11903
of access to permit the owner to comply with the terms of the 11904
order. 11905

An owner, agent, lessee, tenant, or occupant shall comply 11906
with the order of the board within ninety days after the 11907
completion of service of the order upon that person as provided 11908
in this section. The board, upon written application filed prior 11909
to the expiration of the ninety-day period, may waive compliance 11910
with any order either temporarily or permanently and 11911
conditionally or unconditionally. 11912

In its resolution, the board shall direct its clerk, or 11913
the clerk's designee, to serve its order upon the owner, agent, 11914
lessee, tenant, or occupant. Service of the order shall be made 11915

personally, by leaving the order at the usual place of residence 11916
with a person of suitable age and discretion then residing 11917
therein, or by certified mail addressed to the owner, agent, 11918
lessee, tenant, or occupant at that person's last known address 11919
or to the address to which tax bills are sent. If it appears by 11920
the return of service or the return of the order forwarded by 11921
certified mail that the owner, agent, lessee, tenant, or 11922
occupant cannot be found, that person shall be served by 11923
publication of the order once in a newspaper of general 11924
circulation within the county, or if that person refuses 11925
service, that person shall be served by ordinary mail addressed 11926
to that person's last known address or to the address to which 11927
tax bills are sent. The return of the person serving the order 11928
or a certified copy of the return, or a returned receipt for the 11929
order forwarded by certified mail accepted by the addressee or 11930
anyone purporting to act for the addressee, is prima-facie 11931
evidence of the service of the order under this section. The 11932
return of the person attempting to serve the order, or the 11933
return to the sender of the order forwarded by certified mail 11934
with an indication on the return of the refusal of the addressee 11935
to accept delivery, is prima-facie evidence of the refusal of 11936
service. 11937

No owner, agent, lessee, tenant, or occupant shall violate 11938
an order issued under this section. Upon request of the board, 11939
the prosecuting attorney shall prosecute in a court of competent 11940
jurisdiction any owner, agent, lessee, tenant, or occupant who 11941
violates an order issued under this section. Each day that a 11942
violation continues after conviction for the violation of an 11943
order issued under this section and the final determination 11944
thereof is a separate offense. The court, for good cause shown, 11945
may grant a reasonable additional period of time for compliance 11946

after conviction. 11947

Any owner, agent, lessee, tenant, or occupant violating an 11948
order issued under this section also may be enjoined from 11949
continuing in violation. Upon request of the board, the 11950
prosecuting attorney shall bring an action in a court of 11951
competent jurisdiction for an injunction against the owner, 11952
agent, lessee, tenant, or occupant violating an order. 11953

The Ohio water development authority created under section 11954
6121.02 of the Revised Code, in addition to its other powers, 11955
has the same power and shall be governed by the same procedures 11956
in a waste water facilities service area, or in any area 11957
adjacent to a public sewer operated by the authority, as a board 11958
of county commissioners in a county sewer district under this 11959
section, except that the authority shall act by order, and the 11960
attorney general, upon request of the authority, shall prosecute 11961
any person who violates an order of the authority issued under 11962
this section. 11963

As used in this section, "lessee" includes a lessee as 11964
defined in section 5321.01 of the Revised Code. 11965

Sec. 6119.06. Upon the declaration of the court of common 11966
pleas organizing the regional water and sewer district pursuant 11967
to section 6119.04 of the Revised Code and upon the qualifying 11968
of its board of trustees and the election of a president and a 11969
secretary, said district shall exercise in its own name all the 11970
rights, powers, and duties vested in it by Chapter 6119. of the 11971
Revised Code, and, subject to such reservations, limitations and 11972
qualifications as are set forth in this chapter, such district 11973
may: 11974

(A) Adopt bylaws for the regulation of its affairs, the 11975

conduct of its business, and notice of its actions;	11976
(B) Adopt an official seal;	11977
(C) Maintain a principal office and suboffices at such places within the district as it designates;	11978 11979
(D) Sue and plead in its own name; be sued and impleaded in its own name with respect to its contracts or torts of its members, employees, or agents acting within the scope of their employment, or to enforce its obligations and covenants made under sections 6119.09, 6119.12, and 6119.14 of the Revised Code. Any such actions against the district shall be brought in the court of common pleas of the county in which the principal office of the district is located, or in the court of common pleas of the county in which the cause of action arose, and all summonses, exceptions, and notices of every kind shall be served on the district by leaving a copy thereof at the principal office with the person in charge thereof or with the secretary of the district.	11980 11981 11982 11983 11984 11985 11986 11987 11988 11989 11990 11991 11992
(E) Assume any liability or obligation of any person or political subdivision, including a right on the part of such district to indemnify and save harmless the other contracting party from any loss, cost, or liability by reason of the failure, refusal, neglect, or omission of such district to perform any agreement assumed by it or to act or discharge any such obligation;	11993 11994 11995 11996 11997 11998 11999
(F) Make loans and grants to any person or political subdivisions for the design, acquisition, or construction of water resource projects by such person or political subdivisions and adopt rules, regulations, and procedures for making such loans and grants;	12000 12001 12002 12003 12004

(G) Acquire, construct, reconstruct, enlarge, improve,	12005
furnish, equip, maintain, repair, operate, lease or rent to or	12006
from, or contract for operation by or for, a political	12007
subdivision or person, water resource projects within or without	12008
the district;	12009
(H) Make available the use or service of any water	12010
resource project to one or more persons, one or more political	12011
subdivisions, or any combination thereof;	12012
(I) Levy and collect taxes and special assessments;	12013
(J) Issue bonds and notes and refunding bonds and notes as	12014
provided in Chapter 6119. of the Revised Code;	12015
(K) Acquire by gift or purchase, hold, and dispose of real	12016
and personal property in the exercise of its powers and the	12017
performance of its duties under Chapter 6119. of the Revised	12018
Code;	12019
(L) Dispose of, by public or private sale, or lease any	12020
real or personal property determined by the board of trustees to	12021
be no longer necessary or needed for the operation or purposes	12022
of the district;	12023
(M) Acquire, in the name of the district, by purchase or	12024
otherwise, on such terms and in such manner as it considers	12025
proper, or by the exercise of the right of condemnation in the	12026
manner provided by section 6119.11 of the Revised Code, such	12027
public or private lands, including public parks, playgrounds, or	12028
reservations, or parts thereof or rights therein, rights-of-way,	12029
property, rights, easements, and interests as it considers	12030
necessary for carrying out Chapter 6119. of the Revised Code,	12031
but excluding the acquisition by the exercise of the right of	12032
condemnation of any waste water facility or water management	12033

facility owned by any person or political subdivision, and 12034
compensation shall be paid for public or private lands so taken; 12035

(N) Adopt rules and regulations to protect augmented flow 12036
by the district in waters of the state, to the extent augmented 12037
by a water resource project, from depletion so it will be 12038
available for beneficial use, to provide standards for the 12039
withdrawal from waters of the state of the augmented flow 12040
created by a water resource project which is not returned to the 12041
waters of the state so augmented, and to establish reasonable 12042
charges therefor, if considered necessary by the district; 12043

(O) Make and enter into all contracts and agreements and 12044
execute all instruments necessary or incidental to the 12045
performance of its duties and the execution of its powers under 12046
Chapter 6119. of the Revised Code; 12047

(P) Enter into contracts with any person or any political 12048
subdivision to render services to such contracting party for any 12049
service the district is authorized to provide; 12050

(Q) Enter into agreements for grants or the receipt and 12051
repayment of loans from a board of township trustees under 12052
section 505.705 of the Revised Code; 12053

(R) Make provision for, contract for, or sell any of its 12054
by-products or waste; 12055

(S) Exercise the power of eminent domain in the manner 12056
provided in Chapter 6119. of the Revised Code; 12057

(T) Remove or change the location of any fence, building, 12058
railroad, canal, or other structure or improvement located in or 12059
out of the district, and in case it is not feasible or 12060
economical to move any such building, structure, or improvement 12061
situated in or upon lands required, and if the cost is 12062

determined by the board to be less than that of purchase or 12063
condemnation, to acquire land and construct, acquire, or install 12064
therein or thereon buildings, structures, or improvements 12065
similar in purpose, to be exchanged for such buildings, 12066
structures, or improvements under contracts entered into between 12067
the owner thereof and the district; 12068

(U) Receive and accept, from any federal or state agency, 12069
grants for or in aid of the construction of any water resource 12070
project, and receive and accept aid or contributions from any 12071
source of money, property, labor, or other things of value, to 12072
be held, used, and applied only for the purposes for which such 12073
grants and contributions are made; 12074

(V) Purchase fire and extended coverage and liability 12075
insurance for any water resource project and for the principal 12076
office and suboffices of the district, insurance protecting the 12077
district and its officers and employees against liability for 12078
damage to property or injury to or death of persons arising from 12079
its operations, and any other insurance the district may agree 12080
to provide under any resolution authorizing its water resource 12081
revenue bonds or in any trust agreement securing the same; 12082

(W) (1) Charge, alter, and collect rentals and other 12083
charges for the use of services of any water resource project as 12084
provided in section 6119.09 of the Revised Code. Such district 12085
may refuse the services of any of its projects if any of such 12086
rentals or other charges, including penalties for late payment, 12087
are not paid by the user thereof, and, if such rentals or other 12088
charges are not paid when due and upon certification of 12089
nonpayment to the county auditor, such rentals or other charges 12090
constitute a lien upon the property so served, shall be placed 12091
by the auditor upon the real property tax list and duplicate, 12092

and shall be collected in the same manner as other taxes. 12093

(2) A district shall not certify to the county auditor for 12094
placement upon the tax list and duplicate and the county auditor 12095
shall not place upon the tax list or duplicate as a charge 12096
against the property the amount of unpaid rentals or other 12097
charges including any penalties for late payment as described in 12098
division (W) (1) of this section if any of the following apply: 12099

(a) The property served has been transferred or sold to an 12100
electing subdivision as defined in section 5722.01 of the 12101
Revised Code, regardless of whether the electing subdivision is 12102
still the owner of the property, and the unpaid rentals or other 12103
charges including penalties for late payment have arisen from a 12104
period of time prior to the transfer or confirmation of sale to 12105
the electing subdivision. 12106

(b) The property served has been sold to a purchaser at 12107
sheriff's sale or auditor's sale, the unpaid rentals or other 12108
charges including penalties for late payment have arisen from a 12109
period of time prior to the confirmation of sale, and the 12110
purchaser is not the owner of record of the property immediately 12111
prior to the judgment of foreclosure nor any of the following: 12112

(i) A member of that owner's immediate family; 12113

(ii) A person with a power of attorney appointed by that 12114
owner who subsequently transfers the property to the owner; 12115

(iii) A sole proprietorship owned by that owner or a 12116
member of that owner's immediate family; 12117

(iv) A partnership, trust, business trust, corporation, or 12118
association of which the owner or a member of the owner's 12119
immediate family owns or controls directly or indirectly more 12120
than fifty per cent. 12121

(c) The property served has been forfeited to this state 12122
for delinquent taxes, unless the owner of record redeems the 12123
property. 12124

(3) Upon valid written notice to the county auditor by any 12125
owner possessing an ownership interest of record of the property 12126
or an electing subdivision previously in the chain of title to 12127
the property that the unpaid water rents or charges together 12128
with any penalties have been certified for placement or placed 12129
upon the tax list and duplicate as a charge against the property 12130
in violation of division (W) (2) of this section, the county 12131
auditor shall promptly remove such charge from the tax 12132
duplicate. This written notice to the county auditor shall 12133
include all of the following: 12134

(a) The parcel number of the property; 12135

(b) The common address of the property; 12136

(c) The date of the recording of the transfer of the 12137
property to the owner or electing subdivision; 12138

(d) The charge allegedly placed in violation of division 12139
(W) (2) of this section. 12140

(4) When title to property is transferred to a county land 12141
reutilization corporation, any lien placed on the property under 12142
this division shall be extinguished, and the corporation shall 12143
not be held liable for any rentals or charges certified under 12144
this division with respect to the property, if the rentals or 12145
charges were incurred before the date of the transfer to the 12146
corporation and if the corporation did not incur the rentals or 12147
charges, regardless of whether the rentals or charges were 12148
certified, or the lien was attached, before the date of 12149
transfer. In such a case, the corporation and its successors in 12150

title shall take title to the property free and clear of any 12151
such lien and shall be immune from liability in any collection 12152
action brought with respect to such rentals or charges. If a 12153
lien placed on property is extinguished as provided in this 12154
division, the district shall retain the ability to recoup the 12155
rents and charges incurred with respect to the property from any 12156
owner, tenant, lessee as defined in section 5321.01 of the 12157
Revised Code, or other person liable to pay such rents and 12158
charges before the property was transferred to the corporation. 12159

(X) Provide coverage for its employees under Chapters 12160
145., 4123., and 4141. of the Revised Code; 12161

(Y) Merge or combine with any other regional water and 12162
sewer district into a single district, which shall be one of the 12163
constituent districts, on terms so that the surviving district 12164
shall be possessed of all rights, capacity, privileges, powers, 12165
franchises, and authority of the constituent districts and shall 12166
be subject to all the liabilities, obligations, and duties of 12167
each of the constituent districts and all rights of creditors of 12168
such constituent districts shall be preserved unimpaired, 12169
limited in lien to the property affected by such liens 12170
immediately prior to the time of the merger and all debts, 12171
liabilities, and duties of the respective constituent districts 12172
shall thereafter attach to the surviving district and may be 12173
enforced against it, and such other terms as are agreed upon, 12174
provided two-thirds of the members of each of the boards consent 12175
to such merger or combination. Such merger or combination shall 12176
become legally effective unless, prior to the ninetieth day 12177
following the later of the consents, qualified electors residing 12178
in either district equal in number to a majority of the 12179
qualified electors voting at the last general election in such 12180
district file with the secretary of the board of trustees of 12181

their regional water and sewer district a petition of 12182
remonstrance against such merger or combination. The secretary 12183
shall cause the board of elections of the proper county or 12184
counties to check the sufficiency of the signatures on such 12185
petition. 12186

(Z) Exercise the powers of the district without obtaining 12187
the consent of any other political subdivision, provided that 12188
all public or private property damaged or destroyed in carrying 12189
out the powers of the district shall be restored or repaired and 12190
placed in its original condition as nearly as practicable or 12191
adequate compensation made therefor by the district; 12192

(AA) Require the owner of any premises located within the 12193
district to connect the owner's premises to a water resource 12194
project determined to be accessible to such premises and found 12195
to require such connection so as to prevent or abate pollution 12196
or protect the health and property of persons in the district. 12197
Such connection shall be made in accordance with procedures 12198
established by the board of trustees of such district and 12199
pursuant to such orders as the board may find necessary to 12200
ensure and enforce compliance with such procedures. 12201

(BB) Do all acts necessary or proper to carry out the 12202
powers granted in Chapter 6119. of the Revised Code. 12203

Section 2. That existing sections 163.15, 163.51, 163.59, 12204
163.60, 173.08, 174.03, 307.79, 504.21, 505.391, 505.511, 12205
505.94, 723.16, 731.51, 731.53, 735.29, 743.04, 940.01, 971.34, 12206
1349.52, 1531.01, 1531.13, 1531.14, 1533.01, 1533.02, 1533.03, 12207
1533.10, 1533.11, 1533.111, 1533.32, 1728.01, 1923.01, 1923.02, 12208
1923.04, 1923.051, 1923.061, 1923.062, 1923.12, 1923.15, 12209
2111.25, 2111.31, 2305.131, 2308.02, 2329.66, 2746.01, 2923.126, 12210
2923.16, 2933.56, 2933.581, 2933.76, 2933.77, 3707.01, 3729.14, 12211

3735.40, 3735.41, 3735.42, 3735.59, 3735.67, 3746.23, 3767.05, 12212
3767.10, 3767.41, 3781.104, 3796.24, 3905.55, 4112.01, 4112.02, 12213
4112.055, 4399.03, 4513.601, 4722.01, 4735.01, 4735.021, 12214
4735.18, 4735.51, 4735.75, 4749.01, 4781.01, 4781.40, 4905.90, 12215
4905.94, 4933.12, 4933.121, 5117.08, 5301.61, 5303.01, 5311.01, 12216
5311.16, 5311.19, 5311.25, 5312.11, 5315.05, 5321.01, 5321.02, 12217
5321.03, 5321.031, 5321.04, 5321.05, 5321.051, 5321.06, 5321.07, 12218
5321.08, 5321.09, 5321.10, 5321.11, 5321.13, 5321.131, 5321.15, 12219
5321.16, 5321.17, 5321.18, 5323.01, 5579.05, 5579.06, 5709.081, 12220
5709.101, 5709.45, 5727.02, 5812.45, 6103.02, 6115.17, 6115.24, 12221
6117.02, 6117.51, and 6119.06 of the Revised Code are hereby 12222
repealed. 12223

Section 3. The General Assembly, applying the principle 12224
stated in division (B) of section 1.52 of the Revised Code that 12225
amendments are to be harmonized if reasonably capable of 12226
simultaneous operation, finds that the following sections, 12227
presented in this act as composites of the sections as amended 12228
by the acts indicated, are the resulting versions of the 12229
sections in effect prior to the effective date of the sections 12230
as presented in this act: 12231

Section 940.01 of the Revised Code as amended by both H.B. 12232
166 and H.B. 340 of the 133rd General Assembly. 12233

Section 4905.90 of the Revised Code as amended by both 12234
H.B. 487 and S.B. 315 of the 129th General Assembly. 12235