



Ohio Legislative Service Commission

Final Analysis

Wendy H. Gridley

Sub. H.B. 393

128th General Assembly
(As Passed by the General Assembly)

- Reps.** Gerberry and Blessing, Chandler, Weddington, Blair, Boose, Derickson, Domenick, Luckie, Ruhl, Slesnick, Yuko, Balderson, Batchelder, Beck, Bolon, Bubp, Combs, Daniels, Evans, Garland, Goodwin, Grossman, Hackett, Harris, Harwood, Koziura, Lehner, Letson, Lundy, Mallory, McClain, McGregor, Mecklenborg, Moran, Morgan, Newcomb, Patten, Phillips, Pillich, Pryor, Sayre, Snitchler, Stautberg, Uecker, B. Williams, Winburn
- Sens.** Fedor, Grendell, Turner, Cafaro, Faber, Gillmor, Morano, Niehaus, Sawyer, Schiavoni, Schuring, Seitz, Smith, Wilson, Harris, Strahorn

Effective date: Emergency, June 18, 2010

ACT SUMMARY

- Revises the notice requirements for notice of a subsequent nuisance determination given by a board of township trustees to a landowner and any lienholders for the abatement, control, or removal of vegetation, garbage, refuse, or other debris that is on the owner's land if a prior nuisance determination was made within 12 consecutive months for the same parcel of land.
- For a subsequent nuisance determination, shortens from seven to four days the time period within which the landowner must abate the nuisance before the board of township trustees provides for the abatement.
- Allows for sheriffs' and coroners' offices to be located at a location other than the county seat of justice.
- Extends the date by which the Ohio Commission on Local Government Reform and Collaboration must submit its report from July 1, 2010, to September 1, 2010.

* This version updates the effective date of the act.

- Extends the date by which the Ohio Legislative Commission on the Education and Preservation of State History must issue its report and findings from July 1, 2010, to September 1, 2010.
- Increases the maximum amount of recording fees that, with the approval of a board of county commissioners, may be earmarked for a county recorder's equipment and operations fund from \$4 to \$7 per recording.
- Authorizes a board of county commissioners that provides financial assistance to a county agricultural society also to provide such assistance from the county's permanent improvement fund.
- Authorizes the board of county commissioners of a single-county solid waste management district to make a loan to a port authority in the same county for use by the authority to assist facilities that provide general health services in that county.
- Adopts the spotted salamander as the state amphibian and the bullfrog as the state frog.

CONTENT AND OPERATION

Notice requirements for nuisances on township property

(R.C. 505.87)

Under continuing law, a board of township trustees may provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the board determines that the landowner's maintenance of that vegetation, garbage, refuse, or other debris constitutes a nuisance. At least seven days before providing for the abatement, control, or removal of such a nuisance, the board of township trustees must notify the landowner and any lienholders of record that (1) the board has determined there is a nuisance on the land and the landowner must abate, control, or remove the nuisance and (2) if the nuisance is not abated, controlled, or removed within seven days, the board will provide for the abatement, control, or removal, and any expenses the board incurs in performing that task will be entered upon the tax duplicate as a lien upon the land.

Continuing law provides that notice of a nuisance must be sent to the landowner by certified mail if the owner is a resident of the township or is a nonresident whose address is known, and by certified mail to lienholders of record. Alternatively, if the owner is a resident of the township or is a nonresident whose address is known, the board may give notice to the owner by having its agents or employees post the notice on the principal structure on the land and then photograph the posted notice with a

camera that is capable of recording the date of the photograph on the photograph. If the owner's address is unknown and cannot reasonably be obtained, the notice must be published once in a newspaper of general circulation in the township.

Subsequent nuisance notices for the same parcel of land

(R.C. 505.87(C) and (E))

The act does not change the manner in which the first notice of a nuisance is given, but revises the manner in which notice of a nuisance is given to a landowner for a subsequent nuisance determination regarding the same parcel of land. If the board of township trustees determines within 12 consecutive months after a prior nuisance determination that the same owner's maintenance of vegetation, garbage, refuse, or other debris on the same land in the township constitutes a nuisance, at least four days before providing for the abatement, control, or removal of the nuisance, the board must send notice of the subsequent nuisance determination to the landowner and to any lienholders of record by first class mail. Failure of delivery of the notice does not invalidate any action to abate, control, or remove the nuisance. Alternatively, the board may give notice to the owner by having its agents or employees post the notice on the principal structure on the land and photograph that posted notice with a camera capable of recording the date of the photograph on the photograph.

If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to post the notice on the board of township trustee's Internet web site for four consecutive days. If the board does not maintain an Internet web site, the board must post the notice in a conspicuous location in the board's office for four consecutive days.

If the landowner fails to abate, control, or remove the nuisance within four days after the notice is given, the board of township trustees must provide for the nuisance abatement, control, or removal, with all expenses incurred in doing so being entered on the tax duplicate as a lien upon the land and collected as are other taxes.

Location of county sheriffs' and coroners' offices

Under continuing law, the sheriff's office must be maintained at the county seat of justice in such rooms as the board of county commissioners provides for that purpose. Similarly, there may be established in the county seat of justice suitable quarters, laboratories, and equipment necessary for the proper performance of the duties of the coroner. (R.C. 311.06 and R.C. 313.07.)

The act provides that with the consent of the sheriff or coroner, as the case may be, the board of county commissioners may provide by resolution for the establishment of the primary office in the case of the sheriff, or for the primary quarters, laboratory,

and equipment in the case of the coroner, at a location outside the county seat of justice. The adoption of the resolution must be entered on the journal of the board, and the board must give reasonable notice of its action as required under the Open Meetings Act.

Ohio Commission on Local Government Reform and Collaboration; emergency clause

The Ohio Commission on Local Government Reform and Collaboration was created in Am. Sub. H.B. 562 of the 127th General Assembly to develop recommendations on ways to increase the efficiency and effectiveness of local government operations, to achieve cost savings for taxpayers, and to facilitate economic development in Ohio. The Commission is required to issue a report of its findings and recommendations to the President of the Senate, the Speaker of the House of Representatives, and the Governor not later than July 1, 2010. The act extends the date by which the Commission is required to issue its report to September 1, 2010. (Sections 6 and 7.) The act declares an emergency in order to accomplish this purpose (Section 8).

Ohio Legislative Commission on the Education and Preservation of State History

Am. Sub. H.B. 1 of the 128th General Assembly created the Ohio Legislative Commission on the Education and Preservation of State History to review the overall delivery of services and instruction on Ohio's history by organizations that have individually received in the previous two bienniums a total of at least \$1 million in funding through legislative appropriations for their operations. The review must include a specified needs assessment, a comparison with similar organizations inside and outside Ohio, and recommendations. The Commission is required to issue a report of its findings and recommendations to the President of the Senate, the Speaker of the House of Representatives, and the Governor not later than July 1, 2010. The act extends this date to September 1, 2010. (Sections 4 and 5.)

Equipment and operation funds administered by county recorders

(R.C. 317.321)

Under continuing law, a county recorder may propose to the board of county commissioners the creation of a special fund to pay for the recorder's equipment needs or for contract services. This equipment and operations fund is funded by part of the recording fees that are imposed under the law governing the filing of records for

recording with the recorder's office.¹ Subject to the approval of the board of county commissioners, under prior law, the amount earmarked for the fund could not exceed \$4 per recording. The act increases the maximum amount of recording fees that may be earmarked for the equipment and operations fund from \$4 to \$7 per recording.

Financial assistance to county agricultural societies

(R.C. 1711.15)

Ongoing law specifies that in any county in which there is a duly organized county agricultural society, the board of county commissioners or the county agricultural society may purchase or lease, for a term of not less than 20 years, real estate on which to hold fairs under the management and control of the county agricultural society and may erect suitable buildings on the real estate and otherwise improve it. In counties in which there is a county agricultural society that has purchased, or leased, for a term of not less than 20 years, real estate as a site on which to hold fairs or in which title to the site is vested in fee in the county, the board of county commissioners may erect or repair buildings or otherwise improve the site and pay the rental of it, or contribute to or pay any other form of indebtedness of the society, if the Director of Agriculture has certified to the board that the county agricultural society is complying with all laws and rules governing the operation of county agricultural societies. The board may appropriate from the general fund of the county any amount that it considers necessary for any of those purposes. The act also authorizes a board to provide such financial assistance from the county's permanent improvement fund.

State amphibian and state frog

The act designates the salamander, *Ambystoma maculatum*, commonly known as the spotted salamander, as the official amphibian of the state. (R.C. 5.033.)

The act also designates the frog, *Rana catesbeiana*, commonly known as the bullfrog, as the official frog of the state. (R.C. 5.034.)

Solid waste management district loan to a port authority

Continuing law specifies ten purposes for which money in a solid waste management district's fund may be used. The act states in an uncodified section that notwithstanding those purposes, beginning on the section's effective date and ending 90 days thereafter, the board of county commissioners of a solid waste management

¹ Continuing law requires a county recorder to charge for recording and indexing an instrument a base fee of \$14 for the first two pages and a base fee of \$4 for each subsequent page (R.C. 317.32(A), not in the act).

district that consists of a single county may enter into an agreement with a port authority that is in existence on the section's effective date to loan money to the port authority if (1) the balance of the district's fund is greater than \$1 million on the date on which the loan is made and (2) the port authority to which the loan will be made is located in the same county as the solid waste management district. (R.C. 3734.57, not in the act.)

The act prohibits the amount of the loan from exceeding 75% of the balance of the district's fund, as the balance exists on the date on which the loan is made. In addition, the port authority must repay the loan not later than 180 days after the date on which the loan is made. The act requires the port authority to use money from the loan to assist facilities that provide general health services and that are located in the same county as the port authority. (Section 3.)

HISTORY

ACTION	DATE
Introduced	12-10-09
Reported, H. Local Gov't & Public Administration	03-03-10
Passed House (97-1)	05-19-10
Reported, S. State & Local Gov't & Veterans Affairs	06-02-10
Passed Senate (32-0)	06-03-10
House concurred in Senate amendments (91-7)	06-03-10

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