



Ohio Legislative Service Commission

Bill Analysis

Bethany Boyd

H.B. 393

128th General Assembly
(As Introduced)

Reps. Gerberry, Blessing

BILL SUMMARY

- Revises the notice requirements for a subsequent notice given by a board of township trustees to a landowner for the abatement, control, or removal of vegetation, garbage, refuse, or other debris that is on the owner's land if the landowner was sent a notice within the preceding 12 months for the same parcel of land.

CONTENT AND OPERATION

Notice requirements for nuisances on township property

(R.C. 505.87(A) and (B))

Under continuing law, a board of township trustees may provide for the abatement, control, or removal of vegetation, garbage, refuse, or 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))

The bill does not change the manner in which a 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 has sent a notice of a nuisance to the landowner within the preceding 12 months regarding the same parcel of land, the board must send the notice to the landowner by ordinary mail if the owner is a resident of the township or is a nonresident whose address is known, and by ordinary 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 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 seven 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 seven days.

HISTORY

ACTION	DATE
Introduced	12-10-09

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