



Ohio Legislative Service Commission

Bill Analysis

Wendy H. Gridley

Sub. H.B. 393

128th General Assembly
(As Passed by the House)

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

BILL 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.

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, 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) and (E))

The bill 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 expenses incurred entered on the tax duplicate as a lien upon the land and collected as are other taxes.

HISTORY

ACTION

DATE

Introduced	12-10-09
Reported, H. Local Gov't & Public Administration	03-03-10
Passed House (97-1)	05-19-10

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