

Sec. 6112.03. Applications for approval of plans for the 109613  
construction and installation of facilities under this chapter 109614  
shall be made in the manner and form prescribed by the director of 109615  
environmental protection and shall be accompanied by plans, 109616  
specifications, and other data that the director may require 109617  
relative to the facilities for which approval of plans is 109618  
requested. Thereafter, the director shall review and act upon the 109619  
application in accordance with law and the rules adopted ~~pursuant~~ 109620  
~~thereto~~ under section 6111.03 of the Revised Code. 109621

Sec. 6112.06. (A) As used in this section: 109622

(1) "Health district" means a city or general health district 109623  
as created by or under authority of Chapter 3709. of the Revised 109624  
Code. 109625

(2) "Household sewage treatment system" has the same meaning 109626  
as in section 3718.01 of the Revised Code and includes a household 109627  
sewage disposal system as defined in rule 3701-29-01 of the 109628  
Administrative Code. 109629

(3) "Property owner" means a person who owns property that is 109630  
served by a household sewage treatment system. 109631

(4) "Repair" has the same meaning as in rules adopted under 109632  
Chapter 3718. of the Revised Code. 109633

(B) A person that intends to design and install a sewerage 109634  
system under section 6112.03 of the Revised Code simultaneously 109635  
shall notify by certified mail each property owner and the board 109636  
of health of the health district in which the property owner's 109637  
parcel of property is located of the person's intention to design 109638  
and install a sewerage system if the owner or operator of the 109639  
sewerage system has determined that the parcel of property is 109640  
reasonably accessible to the sewerage system and the property 109641  
owner may be required to connect to it. The notice shall be sent 109642

not later than two hundred seventy days before the person submits 109643  
an application for a permit to install for the sewerage system in 109644  
accordance with Chapter 6111. of the Revised Code and rules 109645  
adopted under it. The notice shall include a statement indicating 109646  
that if the property owner chooses to postpone connection to the 109647  
sewerage system after receiving the notice, the cost of connecting 109648  
to the sewerage system in the future may be higher. 109649

(C) Except as provided in division (E) of this section, a 109650  
property owner who receives a notice under division (B) of this 109651  
section may elect to postpone connection to the sewerage system 109652  
specified in the notice for a period of not more than fifteen 109653  
years from the date on which the property owner receives a notice 109654  
from the owner or operator of the sewerage system that the 109655  
sewerage system is substantially complete in accordance with 109656  
division (G) of this section if both of the following apply: 109657

(1) The property owner notifies the owner or operator of the 109658  
sewerage system and the board of health of the health district in 109659  
which the affected parcel of property is located that the property 109660  
owner elects to postpone connection to the specified sewerage 109661  
system. The notice shall be in writing and shall be sent by 109662  
certified mail not later than sixty days after the property owner 109663  
has received a notice under division (B) of this section. Not 109664  
later than one hundred eighty days after the board of health 109665  
receives the notice, the board shall evaluate the household sewage 109666  
treatment system serving the affected parcel of property to 109667  
determine if the system operates and is maintained in accordance 109668  
with Chapter 3718. of the Revised Code and with rules adopted 109669  
under that chapter by the director of health and by the board, if 109670  
any. The property owner is responsible for reasonable costs of the 109671  
evaluation. 109672

If the property owner is aware that the property will be 109673  
vacant at any time during the one-hundred-eighty-day period, the 109674

property owner shall notify the board of health of the dates 109675  
during which the property will be vacant. In order for the 109676  
required inspection to occur, the property owner shall ensure that 109677  
the property is occupied for at least ninety consecutive days 109678  
within the one-hundred-eighty-day period and shall notify the 109679  
board of health of the dates of occupancy. Failure to so notify 109680  
the board or so occupy the property constitutes termination of the 109681  
authorization under this section for the property owner to elect 109682  
to postpone connection to the sewerage system. 109683

(2) The applicable board of health determines under division 109684  
(C) (1) of this section that the household sewage treatment system 109685  
operates and is maintained in accordance with Chapter 3718. of the 109686  
Revised Code and with rules adopted under that chapter by the 109687  
director and by the board, if any. The board shall so notify the 109688  
property owner and the owner or operator of the sewerage system. 109689  
However, if the board determines that a nuisance exists under 109690  
section 3718.011 of the Revised Code, the board shall so notify 109691  
the property owner. If the board determines that repairs will 109692  
eliminate the nuisance, the person may make those repairs to the 109693  
system, but shall do so within sixty days after receiving the 109694  
notice. The board shall extend the sixty-day period if weather 109695  
conditions prevent the repair from being made. 109696

The property owner shall connect to the sewerage system if 109697  
the board of health determines either that repairs will not 109698  
eliminate the nuisance or that, after repairs have been made, the 109699  
nuisance has not been eliminated. 109700

(D) (1) Division (C) of this section does not apply to a 109701  
household sewage treatment system that is either a discharging 109702  
system or within an area subject to final findings and orders 109703  
issued by the director of environmental protection under Chapter 109704  
6111. or 6117. of the Revised Code. The notification required by 109705  
division (B) of this section shall be issued to an applicable 109706

property owner regardless of whether the property owner's system 109707  
is a discharging system or inside such an area. 109708

(2) For purposes of this section, a discharging system is one 109709  
of the following: 109710

(a) A household sewage treatment system for which coverage 109711  
under an NPDES permit has been issued or granted under Chapter 109712  
6111. of the Revised Code and rules adopted under it; 109713

(b) A household sewage treatment system for which coverage 109714  
under an NPDES permit would be required, but that has not been 109715  
issued or granted such a permit. 109716

(E) A property owner that has elected to postpone connection 109717  
to a sewerage system in accordance with division (C) of this 109718  
section shall ensure that the household sewage treatment system 109719  
serving the property is maintained and operated in accordance with 109720  
Chapter 3718. of the Revised Code and rules adopted under it for 109721  
fifteen years from the date on which the property owner receives 109722  
notice from the owner or operator of the sewerage system that the 109723  
sewerage system is substantially complete in accordance with 109724  
division (G) of this section. A property owner that elects to 109725  
postpone connection to a sewerage system in accordance with 109726  
division (B) of this section subsequently shall abandon the 109727  
household sewage treatment system serving the property in 109728  
accordance with rules adopted under Chapter 3718. of the Revised 109729  
Code and connect to the sewerage system not later than fifteen 109730  
years from the date on which the property owner receives notice 109731  
that the sewerage system is substantially complete in accordance 109732  
with division (G) of this section. However, if at any time during 109733  
the fifteen-year period the system is not operating in accordance 109734  
with Chapter 3718. of the Revised Code or rules adopted or orders 109735  
issued under that chapter, the board of health shall notify the 109736  
property owner. If the system cannot be brought into compliance 109737  
with the chapter, rules, or orders through a repair made within 109738

sixty days after the property owner receives the notice, the 109739  
property owner shall abandon the system and connect to the 109740  
sewerage system. The board shall extend the sixty-day period if 109741  
weather conditions prevent the repair from being made. 109742

If the property owner transfers ownership of the affected 109743  
parcel of property during the fifteen-year period and the parcel 109744  
of property has not yet been connected to the sewerage system, the 109745  
transferor shall notify the transferee of the requirement to 109746  
connect to the sewerage system and of the date by which connection 109747  
must occur. The notice shall be a written affidavit. The county 109748  
recorder shall index and record a copy of the affidavit in 109749  
accordance with section 317.08 of the Revised Code and in the same 109750  
manner and receive the same fees as for deeds. The transferee is 109751  
subject to the connection requirement established in this 109752  
division. 109753

A person that fails to comply with this division is subject 109754  
to the same enforcement procedures and penalties as if the person 109755  
violated Chapter 3718. of the Revised Code or rules adopted or 109756  
orders issued under it. 109757

(F) If a connection tap to a sewerage system is installed at 109758  
a parcel of property at the time of construction of the sewerage 109759  
system, the property owner, regardless of whether the property 109760  
owner has elected to postpone connection to the sewerage system 109761  
under this section, shall pay the costs of the installation of the 109762  
connection tap in accordance with one of the following: 109763

(1) Pay the total amount at the time of the installation of 109764  
the connection tap; 109765

(2) Make incremental payments in accordance with a payment 109766  
plan agreed to by the applicable political subdivision that has 109767  
acquired or will acquire the sewerage system; 109768

(3) Pay the total amount at any time the parcel of property 109769

is required to connect to the sewerage system under this section. 109770

(G) When a sewerage system has been substantially completed, 109771  
the owner or operator of the sewerage system shall send a notice 109772  
of the substantial completion to all property owners who elect to 109773  
postpone connection to the sewerage system under this section. 109774

Sec. 6117.021. At any time after the formation of a county 109775  
sewer district, the board of county commissioners may enter into a 109776  
contract, on terms and for the period of time that are mutually 109777  
agreed on, with any other public agency under which the public 109778  
agency will conduct projects and activities for the purpose of 109779  
complying with the requirements of phase II of the storm water 109780  
program of the national pollutant discharge elimination system 109781  
established in 40 C.F.R. part 122. 109782

Sec. 6117.062. (A) (1) A board of county commissioners may 109783  
apply to the Ohio public works commission created by section 109784  
164.02 of the Revised Code for an advance of money from the water 109785  
and sewer fund created by section 164.13 of the Revised Code in an 109786  
amount equal to that portion of the costs of an improvement 109787  
authorized under sections 6117.01 to 6117.45 of the Revised Code 109788  
that is to be financed by assessments whose collection is deferred 109789  
pursuant to division (B) of this section. The application for such 109790  
an advance of moneys shall be made in the manner prescribed in 109791  
policies and procedures established by the director of the 109792  
commission. 109793

(2) As used in this section, "assessments" includes 109794  
assessments attributable to tap-in charges under this section and 109795  
other tap-in fees, user charges, and any combination of such 109796  
assessments, fees, and charges authorized under section 6117.06 of 109797  
the Revised Code. 109798

(B) At any time prior to the expiration of the five-day 109799

period provided by section 6117.06 of the Revised Code for the 109800  
filing of written objections, any owner of property ~~which~~ that is 109801  
classified on the general tax list of the county auditor as 109802  
agricultural land and has been assessed for the extension of a 109803  
trunk sewer line over or along such property under sections 109804  
6117.01 to 6117.45 of the Revised Code may file with the board of 109805  
county commissioners a request in writing for deferment of the 109806  
collection of the assessment if the trunk sewer line provides 109807  
sewer facilities to aid in the establishment of new industrial 109808  
plants, the expansion of existing industrial plants, or such other 109809  
industrial development, or provides sewer facilities to aid in the 109810  
establishment of commercial and residential developments. ~~Such~~ 109811  
~~request shall identify~~ The owner of property shall ensure the 109812  
request does all of the following: 109813

(1) Identifies the property in connection with which the 109814  
request for deferment is made, ~~shall describe its;~~ 109815

(2) Describes the property's present use and present 109816  
classification on the general tax list of the county auditor, ~~shall state its;~~ 109817  
~~shall state its;~~ 109818

(3) States the property's estimated market value, showing 109819  
separately the value of the land and the value of the buildings 109820  
thereon, ~~shall state;~~ 109821

(4) States the reasons, if any, why a portion of the benefit 109822  
of the improvement will not be realized until the use of the land 109823  
is changed, ~~and shall state;~~ 109824

(5) States the amount to be deferred. ~~The~~ 109825

The board shall promptly consider such request and may order 109826  
the deferment of the collection of that portion of the assessment 109827  
representing a benefit from the improvement which will not be 109828  
realized until the use of the land is changed. The board may, upon 109829  
request of an owner whose property has been assessed for the 109830

extension of a trunk sewer line over or along such property under 109831  
sections 6117.01 to 6117.45 of the Revised Code, defer all or any 109832  
part of the assessment on property ~~which~~ that is classified on the 109833  
general tax list as agricultural land, by attributing the amount 109834  
of such assessment or part thereof as tap-in charges, if the trunk 109835  
sewer line provides sewer facilities to aid in the establishment 109836  
of new industrial plants, the expansion of existing industrial 109837  
plants, or such other industrial development, or provides sewer 109838  
facilities to aid in the establishment of commercial and 109839  
residential developments. Upon A deferment under this section may 109840  
be conditioned on the approval of the advance of money applied for 109841  
under division (A) of this section, and a maximum length of the 109842  
deferment may be fixed to coincide with the maximum time within 109843  
which the advance must be repaid. The decision on the request for 109844  
deferment of collection of assessments shall be made pursuant to 109845  
standards prescribed in policies and procedures established by the 109846  
director of the commission. 109847

Upon determination and approval of final assessments, the 109848  
board of county commissioners shall certify all deferred 109849  
assessments and a fee equal to two per cent of the amount of the 109850  
deferred assessments to the county auditor. For purposes of this 109851  
section, "assessment," "deferred assessment," or "assessment 109852  
deferred under this section" mean the fee and the deferred 109853  
assessment certified to the county auditor. The county auditor 109854  
shall record an assessment deferred under this section in the 109855  
sewer improvement record. Such record shall be kept until such 109856  
time as the assessments are paid in full or certified for 109857  
collection in installments as provided in this section. During the 109858  
time when the assessment is deferred there shall be a lien on the 109859  
property assessed, which lien shall arise at the time of 109860  
recordation by the county auditor and which shall be in force 109861  
until the assessments are paid in full or certified for collection 109862  
in installments. 109863



~~(B)~~ (C) The board of county commissioners shall defer the 109864  
collection of an assessment, except the amount of such assessment 109865  
or part thereof attributable as tap-in charges, ~~which~~ that has 109866  
been deferred pursuant to division ~~(A)~~ (B) of this section on or 109867  
before January 1, 1987, beyond the expiration of the maximum time 109868  
for the original deferment if the property owner requests in 109869  
writing, no later than six months prior to the expiration of the 109870  
original deferment, that the assessment be further deferred and as 109871  
long as the property owner's land could qualify for placement in 109872  
an agricultural district pursuant to section 929.02 of the Revised 109873  
Code. 109874

The board shall regularly review the use and ownership of the 109875  
property for which the collection of assessments has been deferred 109876  
pursuant to this division, and upon finding that the land could no 109877  
longer qualify for placement in an agricultural district pursuant 109878  
to section 929.02 of the Revised Code, the board shall immediately 109879  
collect, without interest unless payment is late as determined by 109880  
the board, the full amount of the assessment deferred and repay 109881  
the commission the amount of any money advanced by it in regard to 109882  
the assessment. The board shall pay all such amounts to the 109883  
commission in one annual payment or during a longer period as 109884  
approved by the director of the commission. The board shall pay, 109885  
from the general funds of the county, interest annually at the 109886  
interest rate per annum equal to that rate of interest published 109887  
as the 20-bond index rate in "The Bond Buyer" minus four per cent 109888  
per annum or at five per cent per annum, whichever rate is 109889  
greater, for any money not repaid to the commission pursuant to 109890  
this division within one year of the date of the disqualification 109891  
of the property for the continual deferment that requires such 109892  
repayment. The interest rate for any money not repaid to the 109893  
commission shall be calculated one year from the date of the 109894  
disqualification of the property for the continual deferment that 109895  
requires such repayment and annually thereafter. 109896

~~(C)~~(D) The board of county commissioners shall send a notice 109897  
by regular or certified mail to all owners of property on which 109898  
assessments have been deferred pursuant to division ~~(A)~~(B) of this 109899  
section, which lists the expiration of the deferment, not later 109900  
than two hundred ten days prior to the expiration of the deferment 109901  
of those assessments. 109902

~~(D)~~The (E) Except as provided in this division, the board 109903  
shall collect assessments, without interest unless payment is late 109904  
as determined by the board, which that have been deferred pursuant 109905  
to division ~~(A)~~(B) of this section upon expiration of the maximum 109906  
time for which deferments were made, ~~provided that for and repay~~ 109907  
the commission the amount of any money advanced by it in regard to 109908  
such assessments. For a property owner who requests in writing, no 109909  
later than six months prior to the expiration of the deferment 109910  
period, that payment of the deferred assessments be in 109911  
installments, the board of county commissioners upon expiration of 109912  
the deferment period may by resolution further certify for 109913  
collection pursuant to section 6117.33 of the Revised Code, such 109914  
deferred assessments in installments over not more than twenty 109915  
years, as determined by the board, together with interest thereon 109916  
each year on the unpaid balance at the same rate borne by bonds of 109917  
the county ~~which that~~ shall be issued in anticipation thereof as 109918  
provided in Chapter 133. of the Revised Code, and the proceeds of 109919  
the bond issue used to repay such deferred assessments to the 109920  
commission. Prior to the expiration of the maximum time of 109921  
deferment, the board shall regularly review the use of the 109922  
property for which the collection of assessments has been deferred 109923  
and upon finding, pursuant to policies and procedures established 109924  
by the director of the commission, that the use of the land has 109925  
changed from the use at the time of the deferment so that the 109926  
benefit of the improvement can then be realized, the board shall 109927  
immediately collect the full amount of the assessment for the 109928  
portion of the property for which the use has so changed, without 109929

interest unless payment is late as determined by the board, and 109930  
repay the commission the amount of any money advanced by it in 109931  
regard to the assessment. The board shall pay all such amounts to 109932  
the commission in one annual payment or during a longer period as 109933  
approved by the commission. The board shall pay, from the general 109934  
funds of the county, interest annually at the interest rate per 109935  
annum equal to that rate of interest published as the 20-bond 109936  
index rate in "The Bond Buyer" minus four per cent per annum or at 109937  
five per cent per annum, whichever is greater, for any money not 109938  
repaid to the commission pursuant to this division within one year 109939  
of the date of the change in the use of property requiring such 109940  
repayment, or of the date on which payment of a tap-in charge is 109941  
required by law to be made, whichever date is applicable. The 109942  
interest rate for any money not repaid to the commission shall be 109943  
calculated one year from the date of the change in the use of 109944  
property requiring such repayment or from the date on which 109945  
payment of a tap-in charge is required by law to be made, 109946  
whichever date is applicable, and annually thereafter. 109947

Sec. 6117.51. If the board of health of the health district 109948  
within which a new public sewer construction project is proposed 109949  
or located passes a resolution stating that the reason for the 109950  
project is to reduce or eliminate an existing health problem or a 109951  
hazard of water pollution, the board of county commissioners of 109952  
the county, by resolution, may order the owner of any premises 109953  
located in a sewer district in the county, the owner's agent, 109954  
lessee, or tenant, or any other occupant of the premises to 109955  
connect the premises to the sewer for the purpose of discharging 109956  
sewage or other waste that the board determines is originating on 109957  
the premises, to make use of the connection, and to cease the 109958  
discharge of the sewage or other waste into a cesspool, ditch, 109959  
private sewer, privy, septic tank, semipublic disposal system as 109960  
defined in division (B)(1)(a) of section 3709.085 of the Revised 109961

Code, or other outlet if the board finds that the sewer is 109962  
available for use and is accessible to the premises following a 109963  
determination and certification to the board by a registered 109964  
professional engineer designated by it as to the availability and 109965  
accessibility of the sewer. This section does not apply to any of 109966  
the following: 109967

(A) Any discharge authorized by a permit issued under 109968  
division (J) of section 6111.03 of the Revised Code other than a 109969  
discharge to or from a semipublic disposal system as defined in 109970  
division (B) (1) (a) of section 3709.085 of the Revised Code; 109971

(B) Wastes resulting from the keeping of animals; 109972

(C) Any premises that are not served by a common sewage 109973  
collection system when the foundation wall of the structure from 109974  
which sewage or other waste originates is more than two hundred 109975  
feet from the nearest boundary of the right-of-way within which 109976  
the sewer is located; 109977

(D) Any premises that are served by a common sewage 109978  
collection system when both the foundation wall of the structure 109979  
from which the sewage or other waste originates and the common 109980  
sewage collection system are more than two hundred feet from the 109981  
nearest boundary of the right-of-way within which the public sewer 109982  
is located; 109983

(E) Any dwelling house located on property that is listed on 109984  
the county's agricultural land tax list as being valued for tax 109985  
purposes as land devoted exclusively to agricultural use under 109986  
section 5713.31 of the Revised Code, when the foundation wall of 109987  
the dwelling house is two hundred feet or less from the nearest 109988  
boundary of the right-of-way within which the sewer is located, if 109989  
both of the following also apply: 109990

(1) The sewer right-of-way for the property on which the 109991  
dwelling house is located was obtained by appropriation due to a 109992

public exigency pursuant to division (B) of section 307.08, 109993  
6101.181, 6115.211, 6117.39, or 6119.11 of the Revised Code. 109994

(2) The local health department has certified that the 109995  
household sewage disposal system is functioning properly. 109996

The board shall not direct an order under this section to a 109997  
resident tenant unless it determines that the terms of the tenancy 109998  
are such that the owner lacks sufficient rights of access to 109999  
permit the owner to comply with the terms of the order. 110000

An Except as provided in section 6117.52 of the Revised Code, 110001  
an owner, agent, lessee, tenant, or occupant shall comply with the 110002  
order of the board within ninety days after the completion of 110003  
service of the order upon that person as provided in this section. 110004  
The board, upon written application filed prior to the expiration 110005  
of the ninety-day period, may waive compliance with any order 110006  
either temporarily or permanently and conditionally or 110007  
unconditionally. 110008

The order shall include a statement indicating that if after 110009  
receiving the order a person chooses to postpone connection to the 110010  
public sewer in accordance with section 6117.52 of the Revised 110011  
Code, the cost of connecting to the public sewer in the future may 110012  
be higher. 110013

In its resolution, the board shall direct its clerk, or the 110014  
clerk's designee, to serve its order upon the owner, agent, 110015  
lessee, tenant, or occupant. Service of the order shall be made 110016  
personally, by leaving the order at the usual place of residence 110017  
with a person of suitable age and discretion then residing 110018  
therein, or by certified mail addressed to the owner, agent, 110019  
lessee, tenant, or occupant at that person's last known address or 110020  
to the address to which tax bills are sent. If it appears by the 110021  
return of service or the return of the order forwarded by 110022  
certified mail that the owner, agent, lessee, tenant, or occupant 110023

cannot be found, that person shall be served by publication of the 110024  
order once in a newspaper of general circulation within the 110025  
county, or if that person refuses service, that person shall be 110026  
served by ordinary mail addressed to that person's last known 110027  
address or to the address to which tax bills are sent. The return 110028  
of the person serving the order or a certified copy of the return, 110029  
or a returned receipt for the order forwarded by certified mail 110030  
accepted by the addressee or anyone purporting to act for the 110031  
addressee, is prima-facie evidence of the service of the order 110032  
under this section. The return of the person attempting to serve 110033  
the order, or the return to the sender of the order forwarded by 110034  
certified mail with an indication on the return of the refusal of 110035  
the addressee to accept delivery, is prima-facie evidence of the 110036  
refusal of service. 110037

No owner, agent, lessee, tenant, or occupant shall violate an 110038  
order issued under this section. Upon request of the board, the 110039  
prosecuting attorney shall prosecute in a court of competent 110040  
jurisdiction any owner, agent, lessee, tenant, or occupant who 110041  
violates an order issued under this section. Each day that a 110042  
violation continues after conviction for the violation of an order 110043  
issued under this section and the final determination thereof is a 110044  
separate offense. The court, for good cause shown, may grant a 110045  
reasonable additional period of time for compliance after 110046  
conviction. 110047

Any owner, agent, lessee, tenant, or occupant violating an 110048  
order issued under this section also may be enjoined from 110049  
continuing in violation. Upon request of the board, the 110050  
prosecuting attorney shall bring an action in a court of competent 110051  
jurisdiction for an injunction against the owner, agent, lessee, 110052  
tenant, or occupant violating an order. 110053

The Ohio water development authority created under section 110054  
6121.02 of the Revised Code, in addition to its other powers, has 110055

the same power and shall be governed by the same procedures in a 110056  
waste water facilities service area, or in any area adjacent to a 110057  
public sewer operated by the authority, as a board of county 110058  
commissioners in a county sewer district under this section, 110059  
except that the authority shall act by order, and the attorney 110060  
general, upon request of the authority, shall prosecute any person 110061  
who violates an order of the authority issued under this section. 110062

Sec. 6117.52. (A) As used in this section: 110063

(1) "Household sewage treatment system" has the same meaning 110064  
as in section 3718.01 of the Revised Code and includes a household 110065  
sewage disposal system as defined in rule 3701-29-01 of the 110066  
Administrative Code. 110067

(2) "Property owner" means a person who owns property that is 110068  
served by a household sewage treatment system. 110069

(3) "Repair" has the same meaning as in rules adopted under 110070  
Chapter 3718. of the Revised Code. 110071

(B) Except as provided in division (D) of this section, a 110072  
property owner who receives an order issued under section 6117.51 110073  
of the Revised Code may elect to postpone connection to the public 110074  
sewer specified in the order for a period of not more than fifteen 110075  
years from the date on which the property owner receives a notice 110076  
from the board of county commissioners that the public sewer is 110077  
substantially complete in accordance with division (F) of this 110078  
section if both of the following apply: 110079

(1) The property owner notifies the board of county 110080  
commissioners and the board of health of the health district in 110081  
which the property owner's parcel of property is located that the 110082  
property owner elects to postpone connection to the specified 110083  
public sewer. The notice shall be in writing and shall be sent by 110084  
certified mail not later than sixty days after the property owner 110085

has received an order issued under section 6117.51 of the Revised 110086  
Code. Not later than one hundred eighty days after the board of 110087  
health receives the notice, the board shall evaluate the household 110088  
sewage treatment system serving the affected parcel of property to 110089  
determine if the system operates and is maintained in accordance 110090  
with Chapter 3718. of the Revised Code and with rules adopted 110091  
under that chapter by the director of health and by the board, if 110092  
any. The property owner is responsible for reasonable costs of the 110093  
evaluation. 110094

If the property owner is aware that the property will be 110095  
vacant at any time during the one-hundred-eighty-day period, the 110096  
property owner shall notify the board of health of the dates 110097  
during which the property will be vacant. In order for the 110098  
required inspection to occur, the property owner shall ensure that 110099  
the property is occupied for at least ninety consecutive days 110100  
within the one-hundred-eighty-day period and shall notify the 110101  
board of health of the dates of occupancy. Failure to so notify 110102  
the board or so occupy the property constitutes termination of the 110103  
authorization under this section for the property owner to elect 110104  
to postpone connection to the public sewer. 110105

(2) The applicable board of health determines under division 110106  
(B)(1) of this section that the household sewage treatment system 110107  
operates and is maintained in accordance with Chapter 3718. of the 110108  
Revised Code and with rules adopted under that chapter by the 110109  
director and by the board, if any. The board shall so notify the 110110  
property owner and the board of county commissioners. However, if 110111  
the board of health determines that a nuisance exists under 110112  
section 3718.011 of the Revised Code, the board shall so notify 110113  
the property owner. If the board determines that repairs will 110114  
eliminate the nuisance, the property owner may make those repairs 110115  
to the system, but shall do so within sixty days after receiving 110116  
the notice. The board shall extend the sixty-day period if weather 110117



conditions prevent the repair from being made. 110118

The property owner shall connect to the public sewer if the 110119  
board of health determines either that repairs will not eliminate 110120  
the nuisance or that, after repairs have been made, the nuisance 110121  
has not been eliminated. 110122

(C) (1) Division (B) of this section does not apply to a 110123  
household sewage treatment system that is either a discharging 110124  
system or within an area subject to final findings and orders 110125  
issued by the director of environmental protection under this 110126  
chapter or Chapter 6111. of the Revised Code. 110127

(2) For purposes of this section, a discharging system is one 110128  
of the following: 110129

(a) A household sewage treatment system for which coverage 110130  
under an NPDES permit has been issued or granted under Chapter 110131  
6111. of the Revised Code and rules adopted under it; 110132

(b) A household sewage treatment system for which coverage 110133  
under an NPDES permit would be required, but that has not been 110134  
issued or granted such a permit. 110135

(D) A property owner that has elected to postpone connection 110136  
to a public sewer in accordance with division (B) of this section 110137  
shall ensure that the household sewage treatment system serving 110138  
the property is maintained and operated in accordance with Chapter 110139  
3718. of the Revised Code and rules adopted under it for fifteen 110140  
years from the date on which the property owner receives notice 110141  
from the board of county commissioners that the public sewer is 110142  
substantially complete in accordance with division (F) of this 110143  
section. A property owner that elects to postpone connection to a 110144  
public sewer in accordance with division (B) of this section 110145  
subsequently shall abandon the household sewage treatment system 110146  
serving the property in accordance with rules adopted under 110147  
Chapter 3718. of the Revised Code and connect to the public sewer 110148

not later than fifteen years from the date on which the property 110149  
owner receives notice that the public sewer is substantially 110150  
complete in accordance with division (F) of this section. However, 110151  
if at any time during the fifteen-year period the system is not 110152  
operating in accordance with Chapter 3718. of the Revised Code or 110153  
rules adopted or orders issued under that chapter, the board of 110154  
health shall so notify the property owner. If the system cannot be 110155  
brought into compliance with the chapter, rules, or orders through 110156  
a repair made within sixty days after the property owner receives 110157  
the notice, the property owner shall abandon the system and 110158  
connect to the public sewer. The board shall extend the sixty-day 110159  
period if weather conditions prevent the repair from being made. 110160

If the property owner transfers ownership of the affected 110161  
parcel of property during the fifteen-year period and the parcel 110162  
of property has not yet been connected to the public sewer, the 110163  
transferor shall notify the transferee of the requirement to 110164  
connect to the public sewer and of the date by which connection 110165  
must occur. The notice shall be a written affidavit. The county 110166  
recorder shall index and record a copy of the affidavit in 110167  
accordance with section 317.08 of the Revised Code and in the same 110168  
manner and receive the same fees as for deeds. The transferee is 110169  
subject to the connection requirement established in this 110170  
division. 110171

A person that fails to comply with this division is subject 110172  
to the same enforcement procedures and penalties as if the person 110173  
violated Chapter 3718. of the Revised Code or rules adopted or 110174  
orders issued under it. 110175

(E) If a connection tap to a public sewer is installed at a 110176  
parcel of property at the time of construction of the public 110177  
sewer, the property owner, regardless of whether the owner has 110178  
elected to postpone connection to the public sewer under this 110179  
section, shall pay the costs of the installation of the connection 110180

tap in accordance with one of the following: 110181

(1) Pay the total amount at the time of the installation of 110182  
the connection tap; 110183

(2) Make incremental payments in accordance with a payment 110184  
plan agreed to by the board of county commissioners; 110185

(3) Pay the total amount at any time the parcel of property 110186  
is required to connect to the public sewer under this section. 110187

(F) When a public sewer has been substantially completed, the 110188  
applicable board of county commissioners shall send a notice of 110189  
the substantial completion to all property owners who elect to 110190  
postpone connection to the public sewer under this section. 110191

Sec. 6117.521. (A) (1) A board of county commissioners may 110192  
apply to the Ohio public works commission created by section 110193  
164.02 of the Revised Code for an advance of money from the water 110194  
and sewer fund created by section 164.13 of the Revised Code in an 110195  
amount equal to that portion of the costs of an improvement 110196  
authorized under this chapter that is to be financed by 110197  
assessments whose collection is deferred because an owner of a 110198  
parcel of property has elected to postpone connection to a public 110199  
sewer and is authorized to do so in accordance with section 110200  
6117.52 of the Revised Code. The application for such an advance 110201  
of money shall be made in the manner prescribed in policies and 110202  
procedures established by the director of the commission. 110203

(2) As used in this section, "assessments" includes 110204  
assessments attributable to tap-in charges under section 6117.062 110205  
of the Revised Code and other tap-in charges or fees, user 110206  
charges, and any combination of such assessments, fees, and 110207  
charges authorized under section 6117.06 of the Revised Code. 110208

(B) The county auditor shall record an assessment deferred as 110209  
described in division (A) of this section in the sewer improvement 110210

record. The record shall be kept until such time as the 110211  
assessments are paid in full. During the time when an assessment 110212  
is deferred, there shall be a lien on the property assessed, which 110213  
shall arise at the time of recording by the county auditor and 110214  
shall be in force until the assessments are paid in full. 110215

(C) The board of county commissioners regularly shall review 110216  
whether property for which the collection of assessments has been 110217  
deferred as described in division (A) of this section is connected 110218  
to a public sewer. Upon finding that the owner of a parcel of 110219  
property is required to connect to a public sewer for any reason, 110220  
the board immediately shall collect, without interest unless 110221  
payment is late as determined by the board, the full amount of the 110222  
deferred assessment and, upon its collection, repay the commission 110223  
the amount of any money advanced by it in regard to the parcel of 110224  
property. The board shall pay all such amounts to the commission 110225  
in one annual payment or during a longer period as approved by the 110226  
director of the commission. The board shall pay, from the general 110227  
funds of the county, interest annually at the interest rate per 110228  
annum equal to that rate of interest published as the 20-bond 110229  
index rate in "The Bond Buyer" minus four per cent per annum or at 110230  
five per cent per annum, whichever rate is greater, for any money 110231  
not repaid to the commission pursuant to this division within one 110232  
year of the date of the disqualification of the property for the 110233  
deferment that requires such repayment. The interest rate for any 110234  
money not repaid to the commission shall be calculated one year 110235  
from the date of the disqualification of the property for the 110236  
deferment that requires such repayment and annually thereafter. 110237

(D) Unless an owner of a parcel of property is required to 110238  
connect to a public sewer because either the applicable board of 110239  
health determines that a nuisance exists under section 3718.011 of 110240  
the Revised Code or the owner voluntarily elects to connect to the 110241  
public sewer before the end of the fifteen-year period established 110242

in division (D) of section 6117.52 of the Revised Code, the board 110243  
of county commissioners, not later than two hundred ten days prior 110244  
to the expiration of the deferment of assessments on that 110245  
property, shall send a notice by regular or certified mail to the 110246  
owner of the property that specifies the expiration date of the 110247  
deferment. 110248

Sec. 6117.522. A public entity with authority to levy special 110249  
assessments, tap-in charges or fees, user charges, or a 110250  
combination thereof on real property shall not collect an 110251  
assessment, tap-in charge or fee, user charge, or a combination 110252  
thereof for purposes of sewer service on real property concerning 110253  
which the owner of the property is not required to connect to a 110254  
public sewer in accordance with section 6117.52 of the Revised 110255  
Code until the property owner is required to connect to the public 110256  
sewer under that section. 110257

Sec. 6119.60. (A) As used in this section: 110258

(1) "Health district" means a city or general health district 110259  
as created by or under authority of Chapter 3709. of the Revised 110260  
Code. 110261

(2) "Household sewage treatment system" has the same meaning 110262  
as in section 3718.01 of the Revised Code and includes a household 110263  
sewage disposal system as defined in rule 3701-29-01 of the 110264  
Administrative Code. 110265

(3) "Property owner" means a person who owns property that is 110266  
served by a household sewage treatment system. 110267

(4) "Repair" has the same meaning as in rules adopted under 110268  
Chapter 3718. of the Revised Code. 110269

(B) The board of trustees of a regional water and sewer 110270  
district that orders the preparation of design plans for a 110271  
sewerage system under this chapter simultaneously shall notify by 110272

certified mail each property owner and the board of health of the 110273  
health district in which the property owner's parcel of property 110274  
is located of the intention of the board of trustees to install 110275  
the sewerage system if the board of trustees has determined that 110276  
the parcel of property is reasonably accessible to the sewerage 110277  
system and the property owner may be required to connect to it. 110278  
The notice shall include a statement indicating that if the 110279  
property owner chooses to postpone connection to the sewerage 110280  
system after receiving the notice, the cost of connecting to the 110281  
sewerage system in the future may be higher. 110282

(C) Except as provided in division (E) of this section, a 110283  
property owner who receives a notice under division (B) of this 110284  
section may elect to postpone connection to the sewerage system 110285  
specified in the notice for a period of not more than fifteen 110286  
years from the date on which the property owner receives a notice 110287  
from the board of trustees of the regional water and sewer 110288  
district that the sewerage system is substantially complete in 110289  
accordance with division (G) of this section if both of the 110290  
following apply: 110291

(1) The property owner notifies the board of trustees of the 110292  
regional water and sewer district and the board of health of the 110293  
health district in which the affected parcel of property is 110294  
located that the property owner elects to postpone connection to 110295  
the specified sewerage system. The notice shall be in writing and 110296  
shall be sent by certified mail not later than sixty days after 110297  
the property owner has received a notice under division (B) of 110298  
this section. Not later than one hundred eighty days after the 110299  
board of health receives the notice, the board shall evaluate the 110300  
household sewage treatment system serving the affected parcel of 110301  
property to determine if the system operates and is maintained in 110302  
accordance with Chapter 3718. of the Revised Code and with rules 110303  
adopted under that chapter by the director of health and by the 110304

board, if any. The property owner is responsible for reasonable 110305  
costs of the evaluation. 110306

If the property owner is aware that the property will be 110307  
vacant at any time during the one-hundred-eighty-day period, the 110308  
property owner shall notify the board of health of the dates 110309  
during which the property will be vacant. In order for the 110310  
required inspection to occur, the property owner shall ensure that 110311  
the property is occupied for at least ninety consecutive days 110312  
within the one-hundred-eighty-day period and shall notify the 110313  
board of health of the dates of occupancy. Failure to so notify 110314  
the board or so occupy the property constitutes termination of the 110315  
authorization under this section for the property owner to elect 110316  
to postpone connection to the sewerage system. 110317

(2) The applicable board of health determines under division 110318  
(C) (1) of this section that the household sewage treatment system 110319  
operates and is maintained in accordance with Chapter 3718. of the 110320  
Revised Code and with rules adopted under that chapter by the 110321  
director and by the board, if any. The board shall so notify the 110322  
property owner and the board of trustees of the regional water and 110323  
sewer district. However, if the board of health determines that a 110324  
nuisance exists under section 3718.011 of the Revised Code, the 110325  
board shall so notify the property owner. If the board determines 110326  
that repairs will eliminate the nuisance, the person may make 110327  
those repairs to the system, but shall do so within sixty days 110328  
after receiving the notice. The board shall extend the sixty-day 110329  
period if weather conditions prevent the repair from being made. 110330

The property owner shall connect to the sewerage system if 110331  
the board of health determines either that repairs will not 110332  
eliminate the nuisance or that, after repairs have been made, the 110333  
nuisance has not been eliminated. 110334

(D) (1) Division (C) of this section does not apply to a 110335  
household sewage treatment system that is either a discharging 110336

system or within an area subject to final findings and orders 110337  
issued by the director of environmental protection under Chapter 110338  
6111. or 6117. of the Revised Code. The notification required by 110339  
division (B) of this section shall be issued to an applicable 110340  
property owner regardless of whether the property owner's system 110341  
is a discharging system or inside such an area. 110342

(2) For purposes of this section, a discharging system is one 110343  
of the following: 110344

(a) A household sewage treatment system for which coverage 110345  
under an NPDES permit has been issued or granted under Chapter 110346  
6111. of the Revised Code and rules adopted under it; 110347

(b) A household sewage treatment system for which coverage 110348  
under an NPDES permit would be required, but that has not been 110349  
issued or granted such a permit. 110350

(E) A property owner that has elected to postpone connection 110351  
to a sewerage system in accordance with division (C) of this 110352  
section shall ensure that the household sewage treatment system 110353  
serving the property is maintained and operated in accordance with 110354  
Chapter 3718. of the Revised Code and rules adopted under it for 110355  
fifteen years from the date on which the property owner receives 110356  
notice from the board of trustees of the regional water and sewer 110357  
district that the sewerage system is substantially complete in 110358  
accordance with division (G) of this section. A property owner 110359  
that elects to postpone connection to a sewerage system in 110360  
accordance with division (C) of this section subsequently shall 110361  
abandon the household sewage treatment system serving the property 110362  
in accordance with rules adopted under Chapter 3718. of the 110363  
Revised Code and connect to the sewerage system not later than 110364  
fifteen years from the date on which the property owner receives 110365  
notice that the sewerage system is substantially complete in 110366  
accordance with division (G) of this section. However, if at any 110367  
time during the fifteen-year period the system is not operating in 110368



accordance with Chapter 3718. of the Revised Code or rules adopted 110369  
or orders issued under that chapter, the board of health shall so 110370  
notify the property owner. If the system cannot be brought into 110371  
compliance with the chapter, rules, or orders through a repair 110372  
made within sixty days after the property owner receives the 110373  
notice, the property owner shall abandon the system and connect to 110374  
the sewerage system. The board shall extend the sixty-day period 110375  
if weather conditions prevent the repair from being made. 110376

If the property owner transfers ownership of the affected 110377  
parcel of property during the fifteen-year period and the parcel 110378  
of property has not yet been connected to the sewerage system, the 110379  
transferor shall notify the transferee of the requirement to 110380  
connect to the sewerage system and of the date by which connection 110381  
must occur. The notice shall be a written affidavit. The county 110382  
recorder shall index and record a copy of the affidavit in 110383  
accordance with section 317.08 of the Revised Code and in the same 110384  
manner and receive the same fees as for deeds. The transferee is 110385  
subject to the connection requirement established in this 110386  
division. 110387

A person that fails to comply with this division is subject 110388  
to the same enforcement procedures and penalties as if the person 110389  
violated Chapter 3718. of the Revised Code or rules adopted or 110390  
orders issued under it. 110391

(F) If a connection tap to a sewerage system is installed at 110392  
a parcel of property at the time of construction of the sewerage 110393  
system, the property owner, regardless of whether the owner has 110394  
elected to postpone connection to the sewerage system under this 110395  
section, shall pay the costs of the installation of the connection 110396  
tap in accordance with one of the following: 110397

(1) Pay the total amount at the time of the installation of 110398  
the connection tap; 110399

(2) Make incremental payments in accordance with a payment 110400  
plan agreed to by the board of trustees of the regional water and 110401  
sewer district; 110402

(3) Pay the total amount at any time the parcel of property 110403  
is required to connect to the sewerage system under this section. 110404

(G) When a sewerage system has been substantially completed, 110405  
the board of trustees of the applicable regional water and sewer 110406  
district shall send a notice of the substantial completion to all 110407  
property owners who elect to postpone connection to the sewerage 110408  
system under this section. 110409

Sec. 6119.601. (A) (1) The board of trustees of a regional 110410  
water and sewer district may apply to the Ohio public works 110411  
commission created by section 164.02 of the Revised Code for an 110412  
advance of money from the water and sewer fund created by section 110413  
164.13 of the Revised Code in an amount equal to that portion of 110414  
the costs of an improvement authorized under this chapter that is 110415  
to be financed by assessments whose collection is deferred because 110416  
an owner of a parcel of property has elected to postpone 110417  
connection to a sewerage system and is authorized to do so in 110418  
accordance with section 6119.60 of the Revised Code. The 110419  
application for such an advance of money shall be made in the 110420  
manner prescribed in policies and procedures established by the 110421  
director of the commission. 110422

(2) As used in this section, "assessments" includes rentals 110423  
or other charges and any combination of such rentals or charges 110424  
authorized under section 6119.06 or 6119.09 of the Revised Code. 110425

(B) The county auditor shall record an assessment deferred as 110426  
described in division (A) of this section in the sewer improvement 110427  
record. The record shall be kept until such time as the 110428  
assessments are paid in full. During the time when an assessment 110429  
is deferred, there shall be a lien on the property assessed, which 110430

shall arise at the time of recording by the county auditor and 110431  
shall be in force until the assessments are paid in full. 110432

(C) The board of trustees of a regional water and sewer 110433  
district regularly shall review whether property for which the 110434  
collection of assessments has been deferred as described in 110435  
division (A) of this section is connected to a sewerage system. 110436  
Upon finding that the owner of a parcel of property is required to 110437  
connect to a sewerage system for any reason, the board immediately 110438  
shall collect, without interest unless payment is late as 110439  
determined by the board, the full amount of the deferred 110440  
assessment and, upon its collection, repay the commission the 110441  
amount of any money advanced by it in regard to the parcel of 110442  
property. The board shall pay all such amounts to the commission 110443  
in one annual payment or during a longer period as approved by the 110444  
director of the commission. The board shall pay interest annually 110445  
at the interest rate per annum equal to that rate of interest 110446  
published as the 20-bond index rate in "The Bond Buyer" minus four 110447  
per cent per annum or at five per cent per annum, whichever rate 110448  
is greater, for any money not repaid to the commission pursuant to 110449  
this division within one year of the date of the disqualification 110450  
of the property for the deferment that requires such repayment. 110451  
The interest rate for any money not repaid to the commission shall 110452  
be calculated one year from the date of the disqualification of 110453  
the property for the deferment that requires such repayment and 110454  
annually thereafter. 110455

(D) Unless an owner of a parcel of property is required to 110456  
connect to a sewerage system because either the applicable board 110457  
of health determines that a nuisance exists under section 3718.011 110458  
of the Revised Code or the owner voluntarily elects to connect to 110459  
the sewerage system before the end of the fifteen-year period 110460  
established in division (E) of section 6119.60 of the Revised 110461  
Code, the board of trustees of a regional water and sewer 110462

district, not later than two hundred ten days prior to the 110463  
expiration of the deferment of assessments on that property, shall 110464  
send a notice by regular or certified mail to the owner of the 110465  
property that specifies the expiration date of the deferment. 110466

Sec. 6119.602. A public entity with authority to levy special 110467  
assessments, rentals, charges, or a combination thereof on real 110468  
property shall not collect an assessment, rental, charge, or 110469  
combination thereof for purposes of sewer service on real property 110470  
concerning which the owner of the property is not required to 110471  
connect to a sewerage system in accordance with section 6119.60 of 110472  
the Revised Code until the property owner is required to connect 110473  
to the sewerage system under that section. 110474

Sec. 6131.23. The assessments estimated in accordance with 110475  
section 6131.14 of the Revised Code shall be payable in not less 110476  
than two semiannual installments. At the time of the final 110477  
hearing, in the order approving the levying of the assessments, 110478  
the board of county commissioners shall determine how long a 110479  
period of time, in semiannual installments, as taxes are paid, 110480  
shall be given the owners of land benefited to pay the assessments 110481  
that are made for an improvement and whether or not bonds or notes 110482  
shall be issued and sold in anticipation of such payments. If 110483  
bonds or notes are to be issued, the interest shall be added to 110484  
the assessments. If the estimated cost of the improvement does not 110485  
exceed five hundred dollars, not more than two semiannual 110486  
installments, as taxes are paid, shall be given to owners of lands 110487  
benefited to pay the assessments that are made for the 110488  
improvement. If the estimated cost of the improvement exceeds five 110489  
hundred dollars, the board may determine the number of 110490  
installments in which the assessments are to be paid. If any such 110491  
assessment is twenty-five dollars or less, or whenever the unpaid 110492  
balance of any such assessment is twenty-five dollars or less, the 110493