



Ohio Administrative Code Rule 901-2-11 Supervision and enforcement.

Effective: [March 21, 2016](#)

(A) The certified local sponsor shall be obligated to monitor and enforce compliance with the terms and conditions of the agricultural easement. Annually, the certified local sponsor shall visit the property to determine if the provisions of the agricultural easement are being complied with. Prior to conducting the monitoring visit, the certified local sponsor shall review the provisions of the agricultural easement.

(B) Written notice of the annual on-site inspection shall be sent by the certified local sponsor to the landowner at least ten days prior to the date of inspection. The annual inspections shall be conducted between eight a.m. and five p.m. on a weekday other than a legal holiday, unless the landowner agrees otherwise. The director and the certified local sponsor shall have the right, with reasonable notice, to inspect the property as long as the agricultural easement is in effect.

(C) Within a reasonable time after conducting an inspection the certified local sponsor shall prepare a written inspection report using the template provided by the director, including but not limited to the following information:

- (1) The identification of the land inspected.
- (2) The name of the owner of the property at the time the easement was originally acquired and the name of the current owner of the land inspected.
- (3) Description of modifications in the number, type, location or use of any buildings or structures on the land since the date of the last annual on-site inspection report.
- (4) A description of deviations from best management practices observed on the restricted land.
- (5) A description of any subsequent legal interests claimed on the protected property.



(D) The certified local sponsor shall provide a copy of the inspection report to the landowner and the director.

(E) If the certified local sponsor's inspection reveals any violations of the easement, the certified local sponsor shall include, with its report sent to the landowner and the director, a notice of violation. The notice shall contain the following:

(1) A description of the action or condition which the certified local sponsor alleges is a violation of the terms of the easement.

(2) A statement of the measures necessary to correct the alleged violation.

(3) A time frame of thirty days for correcting any violation(s).

(4) A statement that failure to correct the violation(s) will lead to civil action.

(F) If the violation(s) are not corrected as outlined to the landowner in the report of paragraph (E) or (F) of this rule, the director or the certified local sponsor shall initiate an action in the court of common pleas of the county in which the restricted land is located seeking an order requiring correction of the violation(s), enjoining further violation of the terms of the easement, and may request additional relief of the court. The director shall be named a party in the initiation of any court proceedings. The above actions may occur unless the certified local sponsor does one of the following::

(1) Determines that the landowner has commenced the necessary corrective measures, or determines that the necessary corrective measures cannot reasonably be completed within the thirty day period described in this subsection, and

(2) Establishes a period not to exceed one hundred eighty days, unless specifically agreed to by the director, within which corrective measures shall be completed.

(3) When the violation is corrected, the certified local sponsor or the director shall issue a letter of no further action required.



(4) If the violation is not corrected within the specified period, the certified local sponsor shall commence and prosecute the enforcement action in the court of common pleas.

(G) The director shall be a party to all enforcement actions filed by the certified local sponsor. The director, at the request of the certified local sponsor, may assist in any court actions. No enforcement action shall be dismissed without the consent of the director.

(H) If at any time the director or the certified local sponsor believes that a violation of the easement could irreversibly diminish or impair the property for agricultural use they may take immediate, appropriate legal action, including obtaining an injunction without notice, to stop the violation or to require the grantor to correct the violation.

(I) Notwithstanding any other rule in this section, the director or the director's designee reserves the right to conduct an inspection of the application property and enforce any violations of the deed of agricultural easement.