



Ohio Revised Code

Section 940.19 Petition to supervisors for construction of conservation improvement.

Effective: March 24, 2021

Legislation: House Bill 340 - 133rd General Assembly

(A) An owner of land that is located in a soil and water conservation district may file a petition with the board of supervisors of the district requesting the construction of a conservation work of improvement. Prior to filing a petition, the petitioner shall consult with the district to discuss the proposed drainage improvement and to determine the proper forms and procedures for filing the petition.

(B) The petition shall include all of the following:

(1) A statement of the nature of the work for which a petition is filed, including locating, cleaning, removing obstructions from, constructing, reconstructing, straightening, deepening, widening, altering, boxing, tiling, filling, walling, or arching any ditch, drain, watercourse, floodway, creek, run, or river; changing the course, location, or terminus thereof; or constructing a levee, wall, embankment, jetty, dike, dam, sluice, revetment, reservoir, holding basin, control gate, breakwater, or other structure for the control of water;

(2) A description, including location, of the course and termini of the proposed improvement and the branches, spurs, or laterals, if any are petitioned for;

(3) A statement that the construction of the improvement is necessary and will benefit the petitioner; and

(4) A statement that all costs of engineering, construction, and future maintenance will be assessed to the benefiting parcels of land.

(C) The board shall make a preliminary determination to accept or reject the petition at the board's next scheduled meeting.



(D)(1) The board may reject the petition for any of the following reasons:

(a) The board determines that the information that the petition contains about the proposed improvement is insufficient to enable the board to proceed with the petition under this chapter.

(b) The petition appears to be frivolous.

(c) The district lacks sufficient staff or other resources to proceed with the improvement in accordance with this chapter.

(2) If the board rejects the petition, it shall notify the petitioner in writing of the reasons for the rejection. The petitioner may amend a petition that is rejected due to insufficient information and may subsequently file the amended petition with the board.

(E) If the board accepts the petition for a proposed improvement, the board shall do both of the following:

(1) Establish a date and time for a view of the proposed improvement. The date shall be not fewer than thirty nor more than ninety days after the date on which the petition was accepted. The board shall designate a convenient location at which the view shall occur.

(2) Establish a date and time on and at which and designate a location at which the board will hold a hearing on the proposed improvement. The hearing shall occur not fewer than thirty nor more than ninety days after the date established for the view.

(F) If a petitioner proposes an improvement that would be located in two or more adjoining soil and water conservation districts, the board of supervisors that receives the petition shall provide notice of the petition to the board of supervisors of each other county in which the proposed improvement would be located. The boards then shall create a joint board of supervisors under section 940.34 of the Revised Code and proceed in accordance with that section.