



## Ohio Administrative Code

### Rule 1501:21-21-05 Removal or correction of unsafe dams, and levees.

Effective: May 18, 2023

---

(A) If the owner fails to perform such repairs, maintenance, remedial measures, or other measures within the required time period as may have been ordered by the chief, the chief will so notify the owner of the noncompliance. If the chief's intention is to remove or correct the unsafe structure, at the expense of the owner, pursuant to division (G) of section 1521.062 of the Revised Code, the chief will so notify the owner in writing. The cost of any such removal or correction, together with a proper description of the owner's property, may be certified by the chief to the county auditor and placed by the county auditor upon the tax duplicate. Such cost is a lien upon such lands from the date of entry and shall be collected as other taxes and returned to the division.

(B) If the chief is unable to identify the owner of a dam or levee under paragraph (V) of rule 1501:21-3-01 of the Administrative Code, or if an owner identified by the chief denies ownership of the structure, the chief may employ any of the following remedial means pursuant to division (H) of section 1521.062 of the Revised Code without further notice:

(1) Lower the water level of the lake or reservoir by releasing water;

(2) Completely drain the lake or reservoir;

(3) Take such other measures or action as the chief considers necessary to safeguard life, health, and property, including, but not limited to, breaching the dam or levee.

The cost of this remedy shall be recoverable from any person ultimately determined to be the owner of the dam or levee by a court of competent jurisdiction. The chief may continue in full charge and control of such dam or levee until the ownership of the structure can be declared by such court.