



Ohio Revised Code

Section 6131.47 Notice to remove or alter obstruction.

Effective: March 24, 2021

Legislation: House Bill 340 - 133rd General Assembly

(A) The county engineer shall evaluate all culverts and bridges, except those on state and federal highways, for adequacy of capacity, vertical and horizontal alignment, and stability. The county engineer shall schedule any bridge or culvert that does not conform with the design of the drainage improvement for removal and replacement or repair as the engineer considers necessary.

(B) If the county engineer determines that the culverts and bridges were adequate in capacity or vertical and horizontal alignment at the time of their installation, the removal and replacement shall be made at the expense of the project less any costs, which shall be apportioned by the engineer, for correction, maintenance, or replacement of the culvert or bridge in whole or in part due to deterioration or instability had the structure been left in place. The latter costs shall be specially assessed to the owner.

(C) The county engineer shall schedule in the project plans any culvert or bridge, except those on state and federal highways, that is washed out in whole or part, but that otherwise meets the requirements of the drainage improvement, for such repairs, additions, or other corrective measures necessary to preserve the bridge or culvert. The costs shall be assessed to the appropriate owner.

(D) Fences and floodgates impeding the flow of water shall be removed as a part of the drainage improvement. Replacement may be made by the owner, provided that prior written approval is obtained from the county engineer.

(E) The county engineer shall cause notice to be given to the owner not later than seven days in advance of removal or alteration of a culvert, bridge, fence, or floodgate.

(F) Any owner may furnish the work and material in lieu of a special assessment, provided the owner does all of the following:

(1) Makes written application to the county engineer within ten days after the final hearing;



(2) Furnishes the work and materials in accordance with the specifications for the improvement;

(3) Performs the work so as not to delay the project contractor;

(4) Completes the work prior to the completion of the work on the whole improvement.

(G) If the owner defaults on any or all of these conditions, the county engineer shall recommend to the board of county commissioners that the default be completed by an extra work order to the project contractor and its cost assessed to the owner.