



## Ohio Revised Code

### Section 6137.03 Annual drainage improvement maintenance assessment.

Effective: March 24, 2021

Legislation: House Bill 340 - 133rd General Assembly

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(A)(1) The maintenance fund shall be maintained, as needed, by an assessment levied not more often than once annually upon the benefited owners apportioned on the basis of the estimated benefits for all costs of the improvement.

(2) An assessment shall represent such a percentage of the estimated benefits as is estimated by the engineer and found adequate by the board or joint board to effect the purpose of section 6137.02 of the Revised Code, except that at no time shall a maintenance fund have an unencumbered balance greater than twenty per cent of the permanent assessment base for maintenance established under section 6137.11 of the Revised Code.

(3) The minimum assessment shall be two dollars.

(B) A maintenance assessment shall be made by the board of county commissioners or the joint board of county commissioners upon the substantial completion of a drainage improvement. The maintenance assessment shall be certified by the clerk of the board or joint board to the county auditor in case of a single county improvement, and to the county auditor of each affected county in a joint county improvement. The auditor or auditors shall place the assessment on the next succeeding tax duplicate to be collected and paid as other special assessments are collected and paid.

(C) With respect to a single county improvement, the county engineer shall inspect the drainage improvements in the county. On or before the first day of July of each year, the county engineer shall report to the board of county commissioners both of the following:

(1) The county engineer's findings regarding the present condition of the drainage improvements in the county;

(2) An estimate of the amount of funds necessary to repair and maintain the improvements for the following year.



With regard to a joint county improvement, the county engineer of each applicable county shall make such a report to the joint board.

(D)(1) The board shall use the county engineer's estimate to determine the annual drainage maintenance assessments, which shall be based on a percentage of the permanent assessment base.

(2) On or before the second Monday of September in each year, the board shall direct the county auditor or auditors, as applicable, to place the maintenance assessments on the tax duplicate.

(E)(1) With respect to a single county improvement, the county auditor shall place maintenance assessments received for a drainage improvement into the maintenance fund designated for the drainage improvement.

(2) With respect to a joint county improvement, the county auditor of each county that is not the lead county shall place maintenance assessments received for a drainage improvement into the maintenance fund designated for the drainage improvement. Twice a year, each county auditor of a county that is not a lead county shall transfer money in that fund to the county auditor of the lead county, who shall deposit the money into the joint drainage improvement's maintenance fund. The county auditor of the lead county shall place maintenance assessments received in the lead county for the drainage improvement into the joint drainage improvement's maintenance fund.