



Ohio Revised Code

Section 6137.11 Permanent base for maintenance assessments.

Effective: March 24, 2021

Legislation: House Bill 340 - 133rd General Assembly

(A) The original schedule of benefit assessments upon owners for the construction of any improvement shall be maintained by the county auditor as the permanent assessment base for maintenance. The county auditor shall levy the maintenance assessments in such percentage of the permanent assessment base as is authorized by the board of county commissioners.

(B) Before certifying the percentage of the permanent assessment base to be levied in any one year for the maintenance fund, the board of county commissioners shall consider any recommendation by the county engineer and any application by an owner for increase or reduction of the permanent assessment base as it applies to an owner.

(C)(1) After six annual maintenance fund assessments have been made upon the owners benefiting from an improvement, the board of county commissioners shall review the permanent assessment base and may increase or decrease the respective benefit apportionments in accordance with changes in benefits that have occurred during the intervening six years.

(2) Any increase or reduction of the permanent assessment base with respect to an owner shall be made for the purpose of correcting an inequity that has arisen due to increase or decrease in the proportionate share of benefits accruing to the owner as the result of the construction and maintenance of the improvement.

(3) If the board of county commissioners proposes changes to the permanent assessment base of an owner, the board shall conduct a hearing on those changes. The board shall conduct the hearing not less than twenty nor more than thirty days from the date the proposed changes are to be adopted.

(4) The clerk of the board shall send to each owner in the area benefited by the improvement a notice by first-class mail in a five-day return envelope with the words "Legal Notice" printed in plain view on the face of the envelope. The clerk shall include in the notice a statement of the amount of the present permanent assessment base, the proposed new permanent assessment base amount with



respect to each owner so changed, and the date of a hearing on the change.

(D) At the expiration of six years from the date of the first review of the permanent assessment base, and at six-year intervals thereafter, the board of county commissioners may again review the permanent assessment base and shall set a hearing on any proposed changes in accordance with the procedures established in division (C) of this section.

(E) The board of county commissioners at any time may add to the schedule of benefited owners any other owner who, in the judgment of the board, is benefited by the operation and maintenance of the improvement as the result of new conditions that have arisen since the improvement was constructed. The clerk of the board shall provide such an owner notice in writing of the owner's permanent assessment base and the date of a hearing in accordance with the procedures established in division (C) of this section for any owner whose permanent assessment base has been changed by the board. Notice to such an owner shall be sent by the same type of mail as the board uses for owners whose permanent assessment base has been changed.

(F) A hearing on the changes in, or additions to, the permanent assessment base may be adjourned from time to time by the board of county commissioners and, upon conclusion of the hearing, the revised permanent assessment base shall be certified to the county auditor and shall become the permanent assessment base, except as changed from time to time with respect to individual owners.

(G) If the board of county commissioners finds that any owner was not assessed for the construction of an improvement, but now is receiving substantial benefit therefrom, or was assessed for construction, but now is receiving substantially greater benefits therefrom, the board, after providing a thirty day notice pursuant to section 6131.07 of the Revised Code, may hold a hearing and determine an equitable amount as an equalization assessment to be paid by the owner. The equalization assessment shall be divided into the same number of payments as the assessments for the construction of the improvement, and the payment shall be added to the next succeeding maintenance assessments of the owner until the entire amount of the equalization assessment has been paid.

(H) Any owner affected by an increase in the permanent assessment base as it applies to the owner, or who has been added to the schedule of benefited owners, or who has been determined to be



subject to an equalization assessment, all as provided in this section, may appeal to the court of common pleas from a final order made by the board of county commissioners, in the manner provided by sections 6131.25 to 6131.36 of the Revised Code, the question of whether any such assessment is levied according to benefits.

(I) In the case of drainage maintenance districts for which the board of county commissioners has authorized a single maintenance fund, a review of the permanent assessment base shall be made not later than six years after the creation of the drainage maintenance district, and at six-year intervals thereafter, by the same procedure as provided by this section for review of the permanent assessment base with respect to a single improvement, and it shall not be necessary to review the entire permanent assessment base for any improvement included in the maintenance district until the board reviews the permanent assessment base for the entire district.