

*Ohio Revised Code: Chapter 6131*

THE OHIO DRAINAGE LAWS  
PETITION PROCEDURE

## *ORC 6131*

- Commonly known as the County Ditch Petition Law
- Intended for multi-property, watershed scope drainage improvements
- Provides a means for all landowners receiving benefits from a drainage improvement project to share in the construction and maintenance costs of the project

## *ORC 6131: What improvements may be requested?*

- Construction, reconstruction, or any change in the course, location, or terminus of any ditch, drain, subsurface drain, watercourse, or floodway
- The removal of obstructions such as silt bars, log jams, debris, and drift from any ditch, drain, watercourse, floodway, river, creek, or run

# *ORC 6131: Single County Petition Procedures*

1. Petition filed by an owners or public body
2. Viewing
3. 1<sup>st</sup> Hearing
4. Preparation of plans and assessment schedule
5. 2<sup>nd</sup> Hearing
6. Bidding & Construction
7. Levying of Assessments
8. Maintenance

## *ORC 6131: Filing the Petition*

- Filed with the clerk of the Board of County Commissioners
- Must state the nature and location of the work petitioned for
- Requires a \$500 bond (plus \$2 for every parcel over 200 parcels)
- May be amended upon written application and approval of the Commissioners
- Consultation with County Engineer & SWCD recommended prior to filing any petition

## *ORC 6131: The View and 1<sup>st</sup> Hearing*

- The View is a chance for the Commissioners, Engineer, and interested land owners to gather field information on the project
- County Engineer files a preliminary report at the 1<sup>st</sup> hearing which includes an estimate of cost, feasibility, and cost/benefit analysis
- Owners may testify either for or against the proposed improvement or request an amendment
- Commissioners vote to either approve or dismiss the petition
- No changes may be made to the petition once it has been approved at the 1<sup>st</sup> hearing

## *ORC 6131: Preparation of Plans*

- County Engineer, or their representative (SWCD), surveys and develops plans and cost estimates for the project
- Schedule of assessments is developed based on the estimated cost of the project and the benefits for each parcel in the watershed

## *ORC 6131: Benefits*

ORC 6131 defines benefits as “advantages to land and owners, ..., resulting from drainage, conservation, control and management of water and environmental, wildlife, and recreational improvements.”

Factors relevant to whether such advantages result include:

- The watershed or entire land area drained or affected by the improvement
- The total volume of water draining into or through the improvement, and the amount of water contributed by each land owner
- The use to be made of the improvement by any owner, public corporation, or the State of Ohio



## *ORC 6131: Benefits*

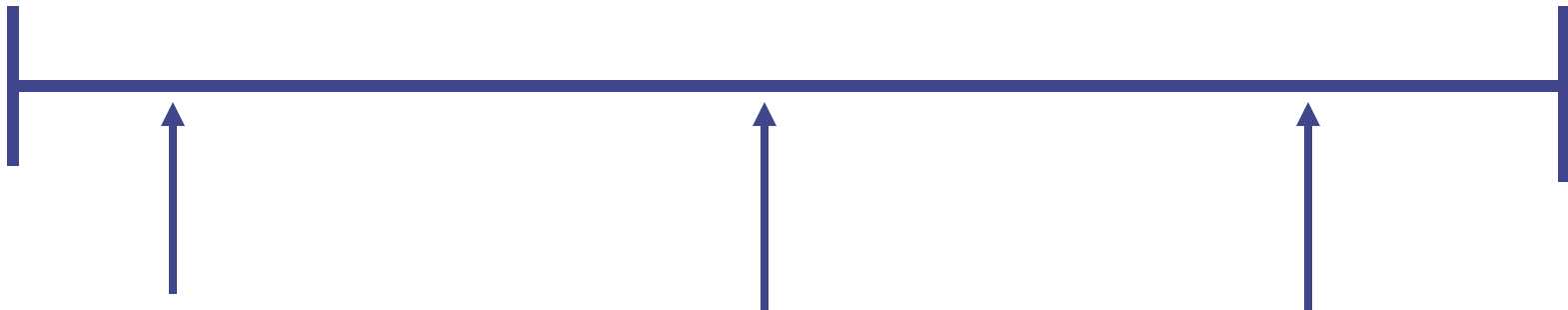
Uplands which have been removed from their natural state by deforestation, cultivation, artificial drainage, urban development, or other man-made causes will be considered as benefited by an improvement required to dispose of the accelerated flow of water from said uplands.

## *ORC 6131: Schedule of Assessments*

- Each parcel in the watershed is assessed a portion of the cost of constructing and maintaining the proposed improvement
- Assessments are determined on a parcel-specific basis
- Parcels are assessed based on the amount of benefit that will be received from the project
- Parcels are only assessed for that part of the proposed improvement which is downstream of that parcel
- All parcels in the watershed are assessed including, rights-of-way, those owned by local or state government, and utilities

Least  
Benefit

Most  
Benefit



Woodland

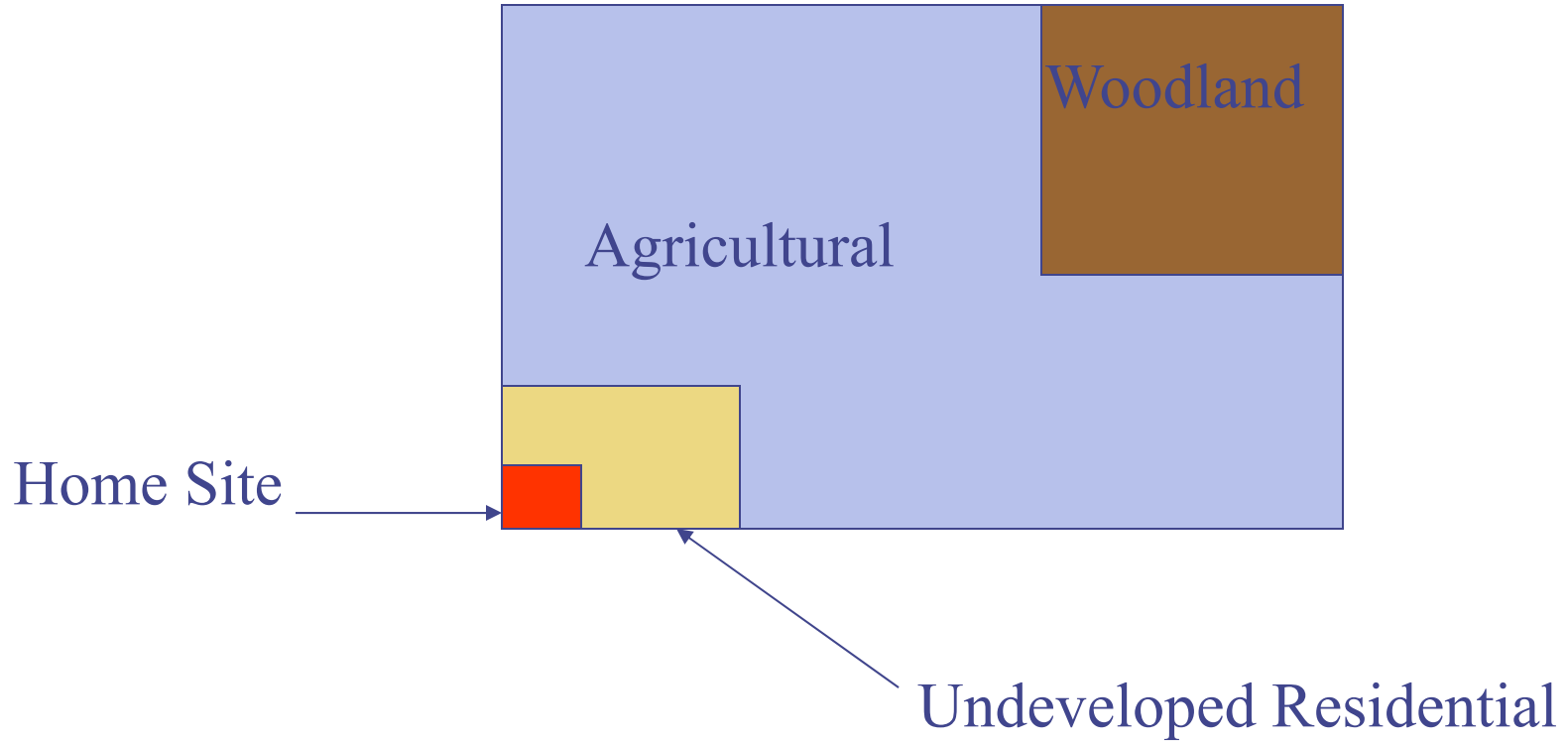
Agricultural

Home Site

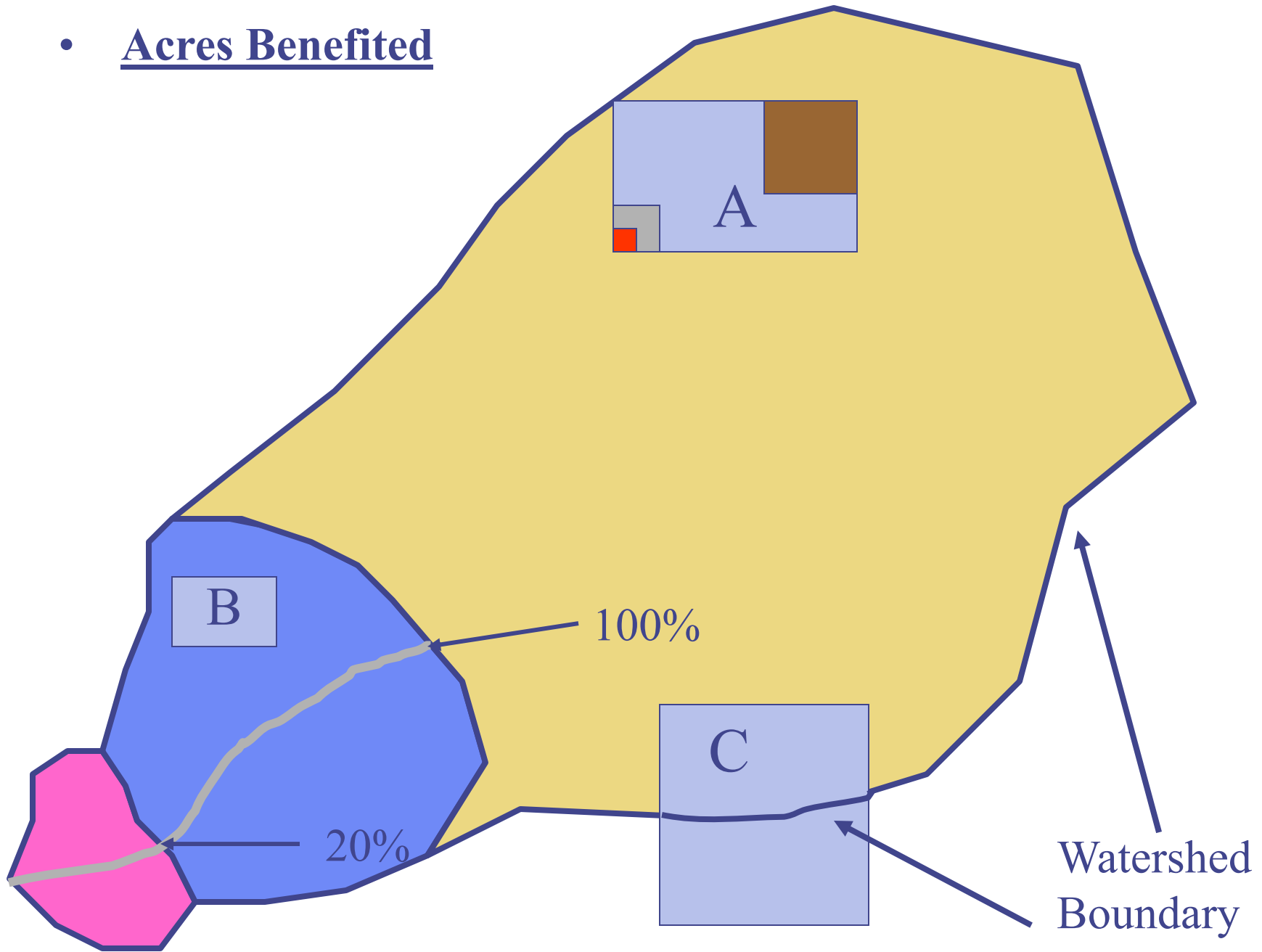
Undeveloped  
Residential

- Land Use

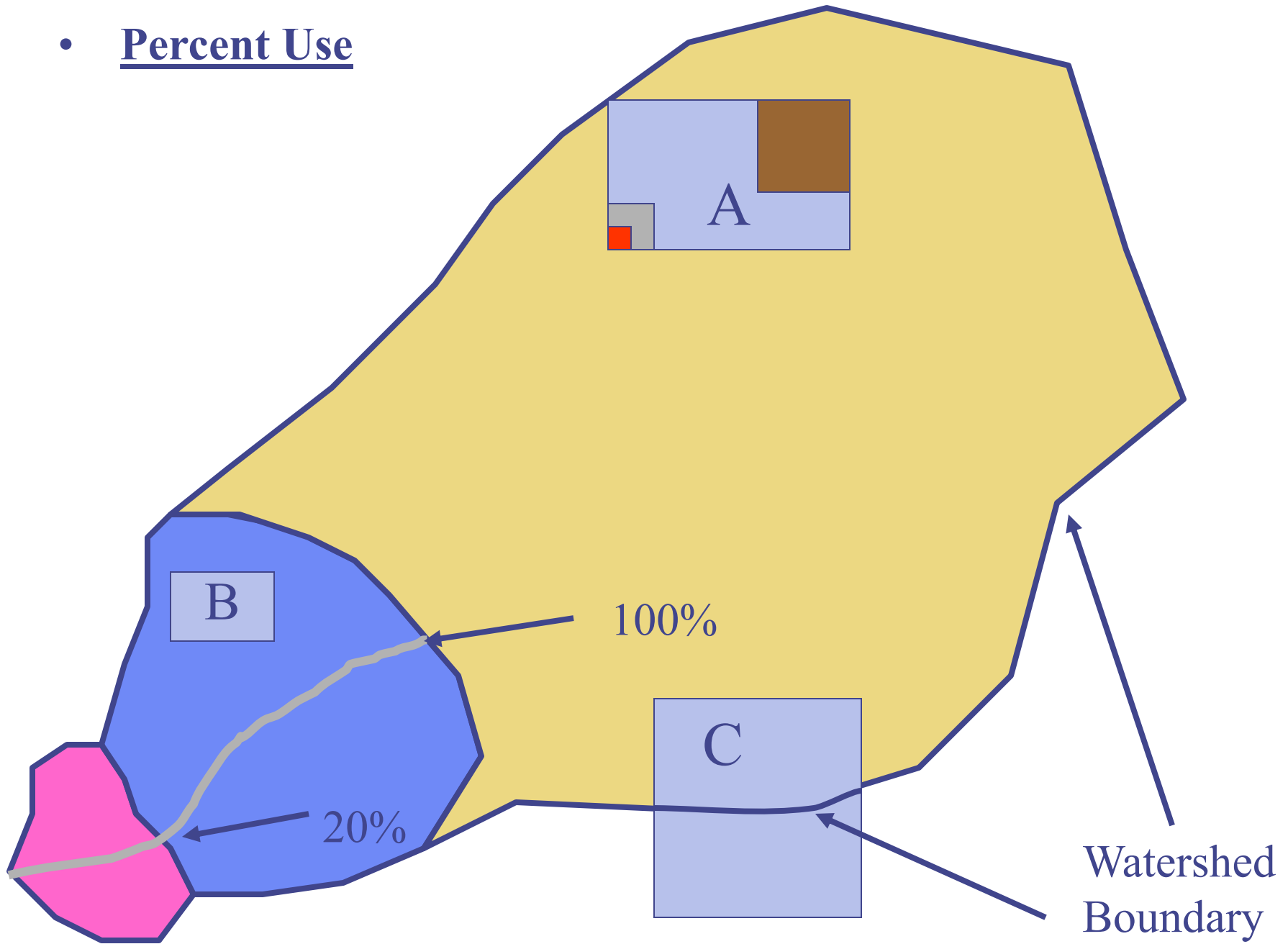
Parcel A



- Acres Benefited



- Percent Use



## *ORC 6131: 2<sup>nd</sup> Hearing*

- Commissioners hear all evidence, plans, and reports submitted by the County Engineer
- Land owners are given the opportunity to testify either for or against the petition
- Commissioners vote to either approve the proposed improvement, including the project plans and schedule of assessments, or to dismiss the petition

## *ORC 6131: Appeals*

Any owner opposed to the granting or dismissal of the petition, or any owner who claims that the assessment levied against them is excessive, or is not in proportion to benefits, may make an appeal to the court of common pleas. This requires a bond equal to that paid upon the filing of the petition.



## *ORC 6131: Bidding and Construction*

- County Engineer advertises the project for public bid
- Contract is awarded to the lowest, best bid
- County Engineer, or their representative (SWCD) supervises the construction of the project to certify that it is being completed according to the approved plans and specifications
- Upon completion of the project, the approved schedule of assessments will be reduced pro rata by the difference between the estimated cost and the final cost

## *ORC 6131: Maintenance*

- Project is placed on County's Drainage Maintenance Program (ORC 6137) following completion
- County Engineer has general charge and supervision of the maintenance program
- Maintenance assessments are levied annually or as-needed and are based on the schedule of assessments developed for the construction of the improvement
- Maintenance funds are project-specific
- All projects on maintenance are inspected annually
- Land owners may make requests for maintenance to the Drainage Maintenance Coordinator

## ORC 6131: QUESTIONS?

This presentation has outlined the main provisions of the Ohio Drainage Laws Petition Procedure. It is not intended to be a complete transcript of Ohio Revised Code 6131. In specific cases, direct reference should be made to ORC 6131, 6133, 6135, and 6137. In many instances, the help of a qualified attorney may be necessary.

### *Sources:*

- *The Ohio Drainage Laws Petition Procedure, Bulletin #428, The Ohio State University Cooperative Extension Service, Nolte, Byron H., Revised April 1985.*
- *Ohio Revised Code, Sections 6131 and 6137.*