



# Ohio Legislative Service Commission

## Bill Analysis

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### Am. H.B. 375\*

131st General Assembly  
(As Reported by H. Local Government)

**Reps.** Brown and Arndt, LaTourette

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## BILL SUMMARY

- Authorizes a township to require the removal of snow and ice from sidewalks abutting property and to impose a fine for failure to do so.
- Allows a township to cause the removal of snow and ice from sidewalks abutting property when the abutting property owner, occupant, or person has failed to do so.
- Allows a township to use lawful means to collect from an owner, occupant, or person a fine or expenses incurred in the removal of snow and ice.

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## CONTENT AND OPERATION

### Township resolution to require snow and ice removal

The bill authorizes a board of township trustees to adopt a resolution to require an owner, occupant, or person having charge of a lot or parcel of land in the unincorporated area of the township to remove snow and ice from abutting sidewalks. The resolution must specify a reasonable amount of time within which the owner, occupant, or person must comply with the requirement. And, the resolution may specify circumstances under which individuals can be exempt from the requirement, including for age, infirmity, disability, or extended absence. The township must charge any person who violates the resolution a fine of not greater than \$50 per day.

The township may cause the removal of snow and ice from the sidewalk of an owner, occupant, or person who has not complied with the resolution. The expenses the

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\* This analysis was prepared before the report of the House Local Government Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

township incurs in the removal must be paid from the township general fund from moneys not otherwise appropriated.

A board of township trustees may utilize any lawful means to collect a fine assessed against an owner, occupant, or person or the expenses incurred in the removal of snow and ice from the owner, occupant, or person's sidewalk. The board may direct the township fiscal officer to certify the fine or expenses and a description of the land to the county auditor, who must place the fine or expenses on the tax duplicate as a lien on the land, to be collected as other taxes and returned to the township general fund.

Finally, the bill specifies that no person complying with a township's resolution is liable for personal injuries allegedly caused by the person's compliance unless the alleged conduct is willful and wanton.<sup>1</sup>

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## COMMENT

In Ohio, there is no duty on the part of a *property owner* to remove snow and ice from sidewalks. Because there is no such duty, property owners are not liable for injuries caused to invited guests or any others who may slip and fall on natural accumulations of snow and ice.<sup>2</sup> The Ohio Supreme Court has considered a city ordinance that imposed penalties on property owners for failure to keep sidewalks in repair and free from snow or any nuisance. The Court held that the ordinance does not create a duty on the owner or occupant to the public at large, nor does it subject the owner to civil liability even where the ordinance requires the owner to remove snow and ice.<sup>3</sup>

Considering the holding in the *Lopatkovich* case, a township resolution adopted under the bill may not impart a duty or civil liability on township residents. Willful and wanton conduct, under common law and under the bill, is actionable.

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## HISTORY

### ACTION

### DATE

Introduced  
Reported, H. Local Gov't  
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10-19-15  
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<sup>1</sup> R.C. 505.872.

<sup>2</sup> *Brinkman v. Ross*, 68 Ohio St.3d 82 (1993). Snow and ice that remain after shoveling and plowing, and ice that forms when piles of snow melt, are considered natural accumulations under Ohio law.

<sup>3</sup> *Lopatkovich v. City of Tiffin*, 28 Ohio St.3d 204 (1986).

