



## Ohio Revised Code

### Section 1503.54 Violations; remedies.

Effective: January 1, 2016

Legislation: House Bill 64 - 131st General Assembly

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(A)(1) No person shall recklessly fail to comply with an order of the chief of the division of forestry or the chief's designee issued under section 1503.51 of the Revised Code.

(2) In addition to the remedies provided and irrespective of whether an adequate remedy at law exists, the chief may apply to the court of common pleas in the county where a violation of a standard established in rules adopted under section 1503.51 of the Revised Code causes forestry pollution for an order to compel the violator to cease the violation and to remove the pollutant or to comply with the rules adopted under that section, as appropriate.

(3) In addition to the remedies provided and irrespective of whether an adequate remedy at law exists, whenever the chief officially determines that an emergency exists because of forestry pollution, the chief may issue an order, without notice or hearing, stating the existence of the emergency and requiring that action be taken that is necessary to address the emergency. The order shall be effective immediately.

A person to whom the order is issued shall comply with the order immediately, but on application to the chief shall be afforded an adjudication hearing in accordance with Chapter 119. of the Revised Code as soon as possible, but not later than twenty days after the chief's receipt of the application. Following the hearing, the chief shall continue the order in effect, revoke it, or modify it. The order may be appealed in accordance with section 119.12 of the Revised Code. An emergency order shall not remain in effect for more than sixty days after its issuance.

If a person to whom an order is issued does not comply with the order within a reasonable period of time as determined by the chief, the chief or the chief's designee may enter on private or public lands to investigate and take action to mitigate, minimize, remove, or abate the conditions that are the subject of the order.

(B) The attorney general, upon the written request of the chief, shall bring appropriate legal action in



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Franklin county against any person who fails to comply with an order of the chief or the chief's designee issued under section 1503.51 of the Revised Code.