

**[INSERT NAME] TOWNSHIP
[INSERT NAME] COUNTY, OHIO**

**NOTICE OF RIGHTS AND RESPONSIBILITIES UNDER
OHIO PARTITION FENCE LAW
R.C. 971.09(A)(2)**

According to Ohio Revised Code 971.09(A)(2), Ohio law requires a board of township trustees to notify a property owner who intends to file a partition fence complaint before the board of township trustees of the following information:

1. In lieu of filing a complaint with the board of township trustees, Ohio Revised Code 971.09(A)(1)(a) allows an aggrieved owner the right to file a partition fence action directly with the court of common pleas in the county where the land, partition fence or proposed partition fence is located.

2. The findings of the board of township trustees may create the following financial and maintenance responsibilities for an owner who files a partition fence complaint, pursuant to Chapter 971 of the Ohio Revised Code:
 - a. An assignment of an equitable share of the costs and responsibilities for building and maintaining in good repair the partition fence. Such costs and responsibilities may include any necessary clearing of land, any building or modifying of the fence to meet the standards for preferred partition fences as established in R.C. 971.01(F), and future obligations to maintain the fence in good repair. An owner's equitable share of costs and responsibilities may range from zero to 100% of the total cost or responsibility for building and maintaining a partition fence. The board determines each owner's equitable share of costs and responsibilities based on factors such as topography, the presence of streams, creeks, waterways, trees, vines and other waterways and vegetation, the level of risk of trespassers, the importance of marking division lines between properties and the number and type of livestock owned by each party.

 - b. An assessment against each owner for an equal share of the costs incurred by the township for making a decision on a partition fence complaint. Such costs may include but are not limited to serving notice upon affected owners, viewing the fence or land at issue, conducting a hearing, and certifying and recording the partition fence decision.

- c. An assessment and lien against real property. Where an owner fails to build or maintain a partition fence as assigned in a decision on a partition fence complaint, the board of township trustees may cause the work to be performed by a responsible bidder and assess the costs against the owner's real property, along with additional incidental costs incurred by the township in securing the work. The amounts shall become a lien against the property until collected.
- d. Participation in binding arbitration if requested by the opposing owner. If an owner does not agree with this board's assignment of costs and responsibilities, the owner may request to the court of common pleas that the matter be submitted to binding arbitration pursuant to R.C. 971.09(G).

Ohio Revised Code 971.09(A)(2) requires an owner to sign, date and return this Notice of Rights and Responsibilities under Ohio Partition Fence Law prior to filing a partition fence complaint with the board of township trustees.

Acknowledgement

As an owner or legal representative of an owner intending to file a partition fence complaint with the board of township trustees pursuant to Chapter 971.09 of the Ohio Revised Code, I/we acknowledge receipt of the foregoing Notice of Rights and Responsibilities under Ohio Partition Fence Law.

Owner/Representative	Date
Owner/Representative	Date
Owner/Representative	Date

Address or legal description of the parcel where the partition fence or proposed partition fence at issue is located _____
