

SUPREME COURT OF OHIO

Rumpke Sanitary Landfill, Inc. v. State of Ohio; Colerain Township et al.

Rumpke, 128 Ohio St. 3d 41 (Ohio 2010) · No. 2009-2004 · Decided December 16, 2010

SUMMARY

The Ohio Supreme Court held that a township is not a necessary party to a declaratory-judgment action challenging legislation under the one-subject rule of the Ohio Constitution. The court concluded that such a challenge concerns the General Assembly’s authority to enact the bill, rather than the underlying statutory provisions, and that Colerain Township had no legally protectable interest in that authority. The court affirmed the denial of Colerain’s motions to intervene and the state’s motion to dismiss for failure to join the township.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	O'Donnell, J.; Brown, C.J.; Cupp, J.; Lanzinger, J.; Lundberg Stratton, J.; O'Connor, J.; Pfeifer, J.
JURISDICTION	Ohio
DECIDED	December 16, 2010
DOCKET	2009-2004
DISPOSITION	affirmed
PROCEDURAL POSTURE	Colerain Township appealed the denial of its motion to intervene in Rumpke's declaratory-judgment and injunction action. The State also appealed the denial of its motion to dismiss for failure to join Colerain as a necessary party. The Supreme Court of Ohio accepted discretionary review.
STANDARD OF REVIEW	The denial of intervention as of right is reviewed for abuse of discretion. Whether a party has a legally protectable interest making it necessary under the declaratory-judgment and joinder statutes presents a legal question addressed under the governing statutes and rules.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion; binding precedent in Ohio.
PARTIES	The State of Ohio, Colerain Township and its trustees v. Rumpke Sanitary Landfill, Inc.

TOPICS

intervention joinder constitutional law municipal law appellate procedure

PRACTICE AREAS

civil procedure constitutional law municipal law appellate procedure

QUESTIONS PRESENTED

1. Whether a township is a necessary party under R.C. 2721.12 and Civ.R. 19(A) to a declaratory-judgment action challenging a General Assembly enactment as violating the Ohio Constitution's one-subject rule.
2. Whether Colerain Township was entitled to intervene as of right under Civ.R. 24(A).

HOLDINGS

1. A constitutional challenge to a General Assembly enactment based on violation of the one-subject rule challenges the General Assembly's authority to enact the bill, not the underlying statutory provisions contained in the bill.
2. A township is not a necessary party to a constitutional challenge to a General Assembly enactment based on violation of the one-subject rule of the Ohio Constitution.
3. Colerain was not entitled to intervene as of right because it had no legal interest in Rumpke's one-subject-rule challenge.

KEY QUOTATIONS

“Thus, a constitutional challenge to an enactment of the General Assembly based on violation of the one-subject rule is a challenge to the authority of the General Assembly to enact the bill, not a challenge to the underlying statutory provisions of the bill.” (at 46; ¶ 20)

“Because a township has no legally protectable interest in the authority of the General Assembly to enact a bill, a township is not a necessary party to a constitutional challenge to the bill premised on a violation of the one-subject rule of the Ohio Constitution.” (at 46-47; ¶ 21)

FACTUAL BACKGROUND

Rumpke and its subsidiaries operated a sanitary landfill in Colerain Township and sought to expand it after the township denied a zoning-change application. Rumpke separately sued Colerain, asserting that its status as a public utility exempted it from township zoning restrictions. While that litigation was pending, the General Assembly enacted amendments defining privately owned solid-waste facilities as outside the definition of public utility for specified zoning purposes, and Rumpke challenged those amendments as violating the Ohio Constitution's one-subject rule.

PROCEDURAL HISTORY

Rumpke filed a declaratory-judgment action against the State challenging amendments to R.C. 303.211 and 519.211 as violating the one-subject rule of the Ohio Constitution. Colerain sought intervention, and the State

moved to dismiss for failure to join Colerain. The Hamilton County Court of Common Pleas denied both motions, declared the amendments unconstitutional, and permanently enjoined their implementation. The First District Court of Appeals affirmed, and the Supreme Court of Ohio affirmed the appellate judgment.

DISPOSITION

affirmed

CASES CITED

- Gen. Acc. Ins. Co. v. Ins. Co. of N. Am., 44 Ohio St. 3d 17, 22, 540 N.E.2d 266 (1989)
- Driscoll v. Austintown Assoc., 42 Ohio St. 2d 263, 273, 328 N.E.2d 395 (1975)
- Schriber Sheet Metal & Roofers v. Shook, 64 Ohio App. 276, 285, 28 N.E.2d 699 (1940)
- Huggins v. John Morrell & Co., 176 Ohio St. 171, 175, 198 N.E.2d 448 (1964)
- In re Schmidt, 25 Ohio St. 3d 331, 336, 496 N.E.2d 952 (1986)
- Cincinnati v. Whitman, 44 Ohio St. 2d 58, 337 N.E.2d 773 (1975)
- Portage Cty. Bd. of Commrs. v. Akron, 109 Ohio St. 3d 106, 2006-Ohio-954, 846 N.E.2d 478
- Natl. Solid Wastes Mgt. Assn. v. Stark-Tuscarawas-Wayne Joint Solid Waste Mgt. Dist., 124 Ohio St. 3d 197, 2009-Ohio-6765, 920 N.E.2d 978
- State ex rel. Ohio Academy of Trial Lawyers v. Sheward, 86 Ohio St. 3d 451, 495, 715 N.E.2d 1062 (1999)
- State ex rel. Dix v. Celeste, 11 Ohio St. 3d 141, 142-143, 464 N.E.2d 153 (1984)
- Ohio Dept. of Adm. Servs., Office of Collective Bargaining v. State Emp. Relations Bd., 54 Ohio St. 3d 48, 51, 562 N.E.2d 125 (1990)
- Rumpke Sanitary Landfill, Inc. v. State, 124 Ohio St. 3d 1442, 2010-Ohio-188, 920 N.E.2d 373

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