

As Passed by the House

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REPRESENTATIVES Core, Kearns, Hollister, Hagan, Reinhard, Willamowski,
Lendrum, Flowers, Roman, Carano, Coates, Distel, Fessler, McGregor,
Otterman, Schmidt, Setzer, Sferra, Stapleton, Strahorn, Widowfield, Sulzer,
Seitz, Ogg, Allen, Niehaus, Metzger, Schneider, Fedor, Seaver, Peterson,
Latell, Damschroder, Perry, Manning, Calvert, Womer Benjamin

A B I L L

To amend section 711.131 and to enact sections 5552.01 1
to 5552.11 and 5552.99 of the Revised Code to allow 2
counties to regulate access to county and township 3
roads and townships to regulate access to township 4
roads, and to permit the local platting authority 5
to require compliance with those regulations before 6
a parcel of land is subdivided without a plat. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 711.131 be amended and sections 8
5552.01, 5552.02, 5552.03, 5552.04, 5552.05, 5552.06, 5552.07, 9
5552.08, 5552.09, 5552.10, 5552.11, and 5552.99 of the Revised 10
Code be enacted to read as follows: 11

Sec. 711.131. Notwithstanding ~~the provisions of~~ sections 12
711.001 to 711.13, ~~inclusive,~~ of the Revised Code, a proposed 13
division of a parcel of land along an existing public street, not 14
involving the opening, widening, or extension of any street or 15
road, and involving no more than five lots after the original 16

tract has been completely subdivided, may be submitted to the 17
authority having approving jurisdiction of plats under the 18
~~provisions of~~ section 711.05, 711.09, or 711.10 of the Revised 19
Code for approval without plat. If ~~such~~ the authority acting 20
through a properly designated representative ~~thereof~~ is satisfied 21
that ~~such~~ the proposed division is not contrary to applicable 22
platting, subdividing, ~~or zoning,~~ or access management 23
regulations, it shall within seven working days after submission 24
approve ~~such~~ the proposed division and, on presentation of a 25
conveyance of ~~said~~ the parcel, shall stamp the ~~same~~ conveyance 26
"approved by (planning authority); no plat required" and have it 27
signed by its clerk, secretary, or other official as may be 28
designated by it. ~~Such~~ The planning authority may require the 29
submission of a sketch and ~~such~~ other information ~~as~~ that is 30
pertinent to its determination ~~hereunder~~ under this section. 31

Sec. 5552.01. As used in this chapter: 32

(A) "Metropolitan planning organization" has the same meaning 33
as in division (A)(7) of section 3704.14 of the Revised Code. 34
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(B) "Urban township" means a township that has a population 36
in the unincorporated area of the township of fifteen thousand or 37
more and that has adopted a limited home rule government under 38
section 504.02 of the Revised Code. 39

Sec. 5552.02. (A) Except as provided in divisions (C) and (D) 40
of this section, for the purposes of promoting traffic safety and 41
efficiency and maintaining proper traffic capacity and traffic 42
flow, a board of township trustees may adopt, by resolution, 43
regulations for the management of access onto township roads in 44
the unincorporated area of the township in accordance with 45
sections 5552.05 and 5552.06 of the Revised Code. As part of those 46

regulations, the board may require permits, including interim and
temporary permits, for the construction, reconstruction, use, and
maintenance of any point of access from public or private property
onto those township roads. If the board adopts regulations that
require permits, the regulations shall include standards that will
be used for the approval or denial of a permit.

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Notwithstanding anything to the contrary in this division, a
board of township trustees of a township other than an urban
township may not adopt regulations authorized by this division
until the date that is one year after the effective date of this
section, and then only if the county does not adopt or initiate
the process of adopting regulations under division (B) of this
section within that one-year period. If the county initiates the
process of adopting regulations under division (B) of this section
within that one-year period but does not actually adopt
regulations under division (B) of this section within two years
after the effective date of this section, the township may adopt
regulations authorized by this division on or after the date that
is two years after the effective date of this section.

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(B) For the purposes of promoting traffic safety and
efficiency and maintaining proper traffic capacity and traffic
flow, the board of county commissioners may adopt, by resolution,
regulations for the management of access onto county and township
roads in the unincorporated area of the county in accordance with
sections 5552.04 and 5552.06 of the Revised Code. As part of those
regulations, the board may require permits, including interim and
temporary permits, for the construction, reconstruction, use, and
maintenance of any point of access from public or private property
onto those county and township roads. If the board adopts
regulations that require permits, the regulations shall include
standards that will be used for the approval or denial of a

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permit.

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The same county regulations that apply to county roads shall
apply to township roads. Except as provided in divisions (C) and
(D) of this section, upon their effective date, the county
regulations shall apply to all county and township roads in the
unincorporated area of the county.

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(C) On or after the appropriate date provided in division (A)
of this section for adopting regulations under that division, the
board of township trustees of a township other than an urban
township may adopt the regulations authorized by that division. If
such a board of township trustees adopts regulations, and a board
of county commissioners later adopts regulations under division
(B) of this section that apply to the same township roads, then,
one year after the effective date of the county regulations, the
regulations adopted by the board of township trustees shall be
void, and the regulations adopted by the board of county
commissioners shall apply to those township roads. However, the
board of township trustees may establish an earlier date for the
county regulations to take effect and the township regulations to
be void by adopting a resolution establishing an earlier date and
sending a certified copy of that resolution to the board of county
commissioners.

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(D) Except as otherwise provided in this division, if an
urban township adopts regulations under division (A) of this
section and the county also adopts regulations under division (B)
of this section that affect township roads in that township, the
county regulations shall have no effect on the township roads in
that township. If the urban township adopts its regulations after
the county adopts its regulations, however, the county regulations
shall remain in effect for one year after the township regulations
are adopted unless the board of county commissioners establishes
an earlier date for the county regulations to expire within that

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urban township. After the earlier established date or one year,
whichever is applicable, only the township regulations shall apply
to the township roads in that urban township, although the county
regulations shall continue to apply to the county roads in that
urban township.

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(E) Any county regulations adopted under this section shall
be, to the extent possible, consistent with county zoning
regulations and coordinated with any existing township zoning
regulations. Any township regulations adopted under this section
shall be, to the extent possible, consistent with any county or
township zoning regulations in effect in the township.

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Sec. 5552.03. (A) Regulations adopted under this chapter do
not apply to subdivisions subject to plat approval under section
711.05 or 711.10 of the Revised Code, and nothing in this chapter
limits the authority granted in those sections for subdivision
regulations to provide for the proper arrangement of streets or
other highways in relation to existing or planned streets or
highways or to the county or regional plan.

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(B) Regulations adopted under this chapter do apply to
subdivisions subject to approval without plat under section
711.131 of the Revised Code.

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Sec. 5552.04. (A) The process of adopting county access
management regulations provided for in division (B) of section
5552.02 of the Revised Code may be initiated in any of the
following ways:

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(1) The board of county commissioners may adopt a resolution
proposing the consideration of access management regulations on
its own initiative.

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(2) The board of county commissioners shall adopt a
resolution proposing the consideration of access management

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regulations if the county engineer certifies to the board a
written request for the board to do so.

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(3) The board of county commissioners shall adopt a
resolution proposing the consideration of access management
regulations if a majority of the boards of township trustees of
townships within the county certify to the board of county
commissioners resolutions requesting the board to do so.

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(B) Upon adoption of a resolution proposing the consideration
of access management regulations under division (A) of this
section, the board of county commissioners shall request the
county engineer to draft proposed regulations. The engineer shall
prepare proposed regulations and, when they are complete, send a
copy of them to each member of the advisory committee appointed
under division (C) of this section along with a notice of the time
and place of the first meeting of the advisory committee. That
meeting shall take place within thirty days after the completion
of the engineer's proposed regulations.

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(C) Upon adoption of a resolution under division (A) of this
section, the board of county commissioners shall establish an
advisory committee to review the county engineer's proposed
regulations prepared under division (B) of this section. The board
shall appoint to the committee the county engineer or the
engineer's designee, a registered surveyor in private practice, a
representative of the homebuilding industry, a licensed realtor, a
representative of a county or regional planning commission with
jurisdiction in the county, a professional engineer with expertise
in traffic engineering, a representative of the metropolitan
planning organization, where applicable, at least three township
trustees from any townships located in the county selected by the
local county association representing the township trustees and
clerks in that county, a member of the board of county
commissioners, and any other person the board chooses to appoint.

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At its initial meeting held as provided in the notice sent by 174
the county engineer under division (B) of this section, the 175
advisory committee shall elect one member to serve as the 176
chairperson of the committee. Within two hundred seventy days 177
after that initial meeting, the advisory committee shall provide 178
the board of county commissioners with a copy of the engineer's 179
proposed regulations, the committee's recommendations about each 180
of the proposed regulations, and any other recommendations about 181
the access management regulations the committee considers 182
appropriate. 183

(D) Upon receiving the advisory committee's recommendations 184
under division (C) of this section, the board of county 185
commissioners shall hold hearings as provided in section 5552.06 186
of the Revised Code. 187

Sec. 5552.05. (A) The process of adopting township access 188
management regulations provided for in division (A) of section 189
5552.02 of the Revised Code may be initiated in any of the 190
following ways: 191

(1) The board of township trustees may adopt a resolution 192
proposing the consideration of access management regulations on 193
its own initiative. 194

(2) The board of township trustees shall adopt a resolution 195
proposing the consideration of access management regulations if 196
the county engineer certifies to the board a written request for 197
the board to do so. 198

(B) Upon adoption of a resolution proposing the consideration 199
of access management regulations under division (A) of this 200
section, the board of township trustees shall request the county 201
engineer to draft proposed regulations. The engineer shall prepare 202
proposed regulations and, when they are complete, send a copy of 203
them to each member of the advisory committee appointed under 204

division (C) of this section along with a notice of the time and
place of the first meeting of the advisory committee. That meeting
shall take place within thirty days after the completion of the
engineer's proposed regulations.

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(C) Upon adoption of a resolution under division (A) of this
section, the board of township trustees shall establish an
advisory committee to review the county engineer's proposed
regulations prepared under division (B) of this section. The board
shall appoint to the committee the county engineer or the
engineer's designee, a registered surveyor in private practice, a
representative of the homebuilding industry, a licensed realtor, a
representative of a county or regional planning commission with
jurisdiction in the county, a professional engineer with expertise
in traffic engineering, a representative of the metropolitan
planning organization, where applicable, three residents of the
township, and any other person the board chooses to appoint.

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At its initial meeting held as provided in the notice sent by
the county engineer under division (B) of this section, the
advisory committee shall elect one member to serve as the
chairperson of the committee. Within two hundred seventy days
after that initial meeting, the advisory committee shall provide
the board of township trustees with a copy of the engineer's
proposed regulations, the committee's recommendations about each
of the proposed regulations, and any other recommendations about
the access management regulations the committee considers
appropriate.

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(D) Upon receiving the advisory committee's recommendations
under division (C) of this section, the board of township trustees
shall hold hearings as provided in section 5552.06 of the Revised
Code.

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Sec. 5552.06. (A) A board of county commissioners or a board

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of township trustees may adopt access management regulations or 236
any amendments to those regulations after holding at least two 237
public hearings at regular or special sessions of the board. The 238
board shall consider the county engineer's proposed regulations 239
prepared under division (B) of section 5552.04 or 5552.05 of the 240
Revised Code and all comments on those regulations. The board, in 241
its discretion, may, but need not, adopt any or all of those 242
proposed regulations. After the public hearings, the board may 243
decide not to adopt any access management regulations. 244

The board shall publish notice of the public hearings in a 245
newspaper of general circulation in the county or township, as 246
applicable, once a week for at least two weeks immediately 247
preceding the hearings. The notice shall include the time, date, 248
and place of each hearing. Copies of any proposed regulations or 249
amendments shall be made available to the public at the board's 250
office and, if the county engineer administers or is proposed to 251
administer a point of access permit, in the engineer's office. 252

(B) In addition to the notice required by division (A) of 253
this section, not less than thirty days before holding a public 254
hearing, a board of county commissioners shall send a copy of the 255
county engineer's proposed regulations, a copy of the advisory 256
committee's recommendations, and a request for written comments to 257
the board of township trustees of each township in the county, the 258
department of transportation district deputy director for the 259
district in which the county is located, a representative of the 260
metropolitan planning organization, where applicable, and at least 261
the local professional associations representing the following 262
professions: 263

(1) Homebuilders; 264

(2) Realtors; 265

(3) Professional surveyors; 266

(4) Attorneys; 267

(5) Professional engineers. 268

(C) In addition to the notice required by division (A) of 269
this section, a board of township trustees shall send a copy of 270
the county engineer's proposed regulations, a copy of the advisory 271
committee's recommendations, and a request for written comments, 272
not less than thirty days before holding a public hearing, to the 273
department of transportation district deputy director for the 274
district in which the township is located, a representative of the 275
metropolitan planning organization, where applicable, and at least 276
the local professional associations representing the professions 277
listed in division (B) of this section. 278

Sec. 5552.07. A board of county commissioners or board of 279
township trustees that adopts access management regulations under 280
section 5552.02 of the Revised Code shall include in those 281
regulations the designation of a board to hear and decide appeals 282
when it is alleged that there is error in any order, requirement, 283
decision, or determination made by an administrative official in 284
the enforcement of the regulations. This appellate board may be 285
the board itself acting in an administrative capacity, or some 286
other board appointed by the board of county commissioners or 287
board of township trustees, whichever is applicable. The 288
regulations also shall authorize that appellate board to grant 289
variances that are not contrary to the public interest from the 290
terms of the regulations where, owing to special conditions, a 291
literal enforcement of the regulations will result in unnecessary 292
hardship, and so that the spirit of the regulations will be 293
observed and substantial justice done. 294

Sec. 5552.08. (A) A permit issued under access management 295
regulations adopted under section 5552.02 of the Revised Code 296

shall prescribe the limitations on, as well as the permitted uses of, the permit. No modifications or amendments to the permit shall be made once it is issued. To be subject to a different permit, a person shall apply for a new permit that specifically supersedes the existing permit.

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(B) A board of county commissioners or a board of township trustees, as applicable, may charge a permit fee not to exceed the actual cost of administering the permit.

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Sec. 5552.09. Any access management regulations adopted under section 5552.02 of the Revised Code become effective on the thirty-first day following the date of their adoption unless otherwise indicated in the regulations. The board adopting the regulations shall publish notice of their adoption, and of their availability at the board's office, in at least one newspaper of general circulation in the county or township, as applicable, within ten days after their adoption. The board also shall provide a copy of the regulations to the department of transportation district deputy director for the district in which the county or township is located.

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Sec. 5552.10. The board of county commissioners shall designate the county engineer to administer county access management regulations, except that if the engineer declines to administer the regulations, the board may designate another person, or a planning commission, to administer them. If a board of township trustees adopts access management regulations, the board may administer the regulations or may appoint the township clerk or any other person to administer them, with the advice of the county engineer.

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If the access management regulations apply to a subdivision and a permit request is filed pertaining to the subdivision, the

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county engineer, board of township trustees, planning commission, 327
or other person administering the regulations shall approve or 328
disapprove the permit request within the time period for approval 329
of a subdivision without a plat specified in section 711.131 of 330
the Revised Code. 331

Sec. 5552.11. (A) No access management regulation, or 332
amendment to an access management regulation, adopted under 333
section 5552.02 of the Revised Code shall be construed to affect 334
any access point that exists, or on which construction has begun, 335
before the effective date of the regulation or amendment. 336

(B) Division (A) of this section does not prohibit access 337
management regulations adopted under section 5552.02 of the 338
Revised Code from regulating the reconstruction or relocation of 339
access points or from applying when land use is changed in a way 340
that significantly increases the types of traffic or traffic 341
volume on a street or highway. 342

(C) No access management regulation, or amendment to an 343
access management regulation, adopted under section 5552.02 of the 344
Revised Code shall be construed to affect the state highway system 345
or modify any access management standards or procedures 346
established by the director of transportation under sections 347
5501.31 and 5515.01 of the Revised Code. 348

Sec. 5552.99. Whoever violates an access management 349
regulation adopted under section 5552.02 of the Revised Code shall 350
be fined not more than five hundred dollars for each offense. Each 351
day of violation is a separate offense. 352

Section 2. That existing section 711.131 of the Revised Code 353
is hereby repealed. 354

Section 3. Chapter 5552. of the Revised Code shall be called 355
"Road Access Management." 356