

**As Reported by the House Local Government and Townships  
Committee**

**124th General Assembly  
Regular Session  
2001-2002**

**Sub. H. B. No. 366**

**REPRESENTATIVES Core, Kearns, Hollister, Hagan, Reinhard, Willamowski,  
Lendrum, Flowers, Roman, Carano, Coates, Distel, Fessler, McGregor,  
Otterman, Schmidt, Setzer, Sferra, Stapleton, Strahorn, Widowfield**

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**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

(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 47

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 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  
permit.

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The same county regulations that apply to county roads shall 80  
apply to township roads. Except as provided in divisions (C) and 81  
(D) of this section, upon their effective date, the county 82  
regulations shall apply to all county and township roads in the 83  
unincorporated area of the county. 84

(C) On or after the appropriate date provided in division (A) 85  
of this section for adopting regulations under that division, the 86  
board of township trustees of a township other than an urban 87  
township may adopt the regulations authorized by that division. If 88  
such a board of township trustees adopts regulations, and a board 89  
of county commissioners later adopts regulations under division 90  
(B) of this section that apply to the same township roads, then, 91  
one year after the effective date of the county regulations, the 92  
regulations adopted by the board of township trustees shall be 93  
void, and the regulations adopted by the board of county 94  
commissioners shall apply to those township roads. However, the 95  
board of township trustees may establish an earlier date for the 96  
county regulations to take effect and the township regulations to 97  
be void by adopting a resolution establishing an earlier date and 98  
sending a certified copy of that resolution to the board of county 99  
commissioners. 100

(D) Except as otherwise provided in this division, if an 101  
urban township adopts regulations under division (A) of this 102  
section and the county also adopts regulations under division (B) 103  
of this section that affect township roads in that township, the 104  
county regulations shall have no effect on the township roads in 105  
that township. If the urban township adopts its regulations after 106  
the county adopts its regulations, however, the county regulations 107  
shall remain in effect for one year after the township regulations 108  
are adopted unless the board of county commissioners establishes 109  
an earlier date for the county regulations to expire within that 110  
urban township. After the earlier established date or one year, 111

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  
regulations if the county engineer certifies to the board a

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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

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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 205

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 of township trustees may adopt access management regulations or

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

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

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

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(1) Homebuilders;

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(2) Realtors;

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(3) Professional surveyors;

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(4) Attorneys;

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(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 297  
of, the permit. No modifications or amendments to the permit shall 298

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 county engineer, board of township trustees, planning commission, or other person administering the regulations shall approve or

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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