

AN ACT

To amend sections 303.02, 505.48, 505.50, 507.021, 507.03, 507.04, and 519.02 and to enact sections 303.161, 505.07, 505.482, 505.721, and 519.171 of the Revised Code to require that the township clerk personally attend certain meetings of the board of township trustees, to set minimum amounts for township clerk bonds, to permit certain boards of township trustees to request copies of township records, to authorize a township clerk to hire one or more assistants, to provide for the expansion by ballot measure of certain township police districts into township-wide police districts with authority to levy a tax for the newly created police districts, to authorize joint ambulance districts to establish reasonable user charges for their services that may vary among resident and nonresident users, to expand the purposes for which boards of county commissioners and township trustees may adopt zoning resolutions to include the purposes of the public's convenience, comfort, prosperity, and general welfare, to expand county and township zoning power to include landscaping standards and certain architectural standards in residential zones, to authorize counties and townships to create architectural review boards to enforce those landscaping and architectural standards, and to authorize the settlement of township court actions by consent decrees or settlement agreements that may include specified agreements or approvals and that may be required to be the subject of specific public notice and opportunity for public objection.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 303.02, 505.48, 505.50, 507.021, 507.03, 507.04, and 519.02 be amended and sections 303.161, 505.07, 505.482, 505.721, and 519.171 of the Revised Code be enacted to read as follows:

Sec. 303.02. ~~For~~ Except as otherwise provided in this section, in the purpose interest of promoting the public health, safety, and morals convenience, comfort, prosperity, or general welfare, the board of county commissioners may, in accordance with a comprehensive plan, regulate by resolution the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas ~~which that~~ that may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of ~~such~~ the county, and establish reasonable residential landscaping standards and residential architectural standards, excluding exterior building materials, for the unincorporated territory of the county and, for such all these purposes, the board may divide all or any part of the unincorporated territory of the county into districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform; for each class or kind of building or other structure or use; throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

For any activities permitted and regulated under Chapter 1509., 1513., or 1514. of the Revised Code and any related processing activities, the board of county commissioners may regulate under the authority conferred by this section only in the interest of public health or safety.

Sec. 303.161. The board of county commissioners may create an architectural review board to enforce compliance with any zoning standards it may adopt pertaining to landscaping or architectural elements in areas zoned for residential use. The board of county commissioners shall adopt the standards and procedures for the architectural review board to use in reviewing zoning permit applications for compliance with those landscaping or architectural standards. If the board of county commissioners does not create an architectural review board, it may delegate this enforcement authority to the zoning inspector or the zoning commission.

An architectural review board shall consist of no more than five residents of the county. At least one member shall be a licensed architect or

engineer.

Sec. 505.07. Notwithstanding any contrary provision in another section of the Revised Code, section 519.12 of the Revised Code, or any vote of the electors on a petition for zoning referendum, a township may settle any court action by a consent decree or court approved settlement agreement which may include an agreement to rezone any property involved in the action as provided in the decree or court approved settlement agreement without following the procedures in section 519.12 of the Revised Code and also may include township approval of a development plan for any property involved in the action as provided in the decree or court approved settlement agreement, provided that the court makes specific findings of fact that notice has been properly made pursuant to this section, the plaintiff in the action has presented credible prima facie evidence in the form of an expert report from a planner, property economist, or real estate appraiser supporting the plaintiff's claim that the current zoning is invalid or unconstitutional, and the consent decree or court approved settlement agreement is fair and reasonable.

If the subject of the consent decree or court approved settlement agreement involves a zoning issue subject to referendum under section 519.12 of the Revised Code, the board of township trustees shall publish notice of their intent to meet and consider and take action on the decree or court approved settlement agreement and the date and time of the meeting in a newspaper of general circulation in the township at least fifteen days before the meeting. The board shall permit members of the public to express their objections to the consent decree or court approved settlement agreement at the meeting. Copies of the proposed consent decree or court approved settlement agreement shall be available to the public at the township clerk's office during normal business hours.

At least ten days prior to the submission of a proposed consent decree to the court for its review and consideration, the plaintiff in the action involving the consent decree shall publish a notice which shall include the case, case number, and court in which the decree will be filed, intention of the parties therein to file a consent decree in that case, and a description of the real property involved and the proposed change in zoning or permitted use, in a newspaper of general circulation in the township where that real property is located.

An elector in the township involving the property in litigation who circulated the petition for zoning referendum relating to the current zoning of the property has the right to intervene in a case in which the decree or court approved settlement agreement is pending solely for the purpose of

challenging the sufficiency of the evidence submitted pursuant to this section and the adequacy of the notice given pursuant to this section. Any other members of the electorate may intervene only if permitted by the court pursuant to division (B) of Civil Rule 24 and solely for the purpose of challenging the sufficiency of the evidence submitted pursuant to this section and the adequacy of the notice given pursuant to this section.

Sec. 505.48. (A) The board of township trustees of any township may, by resolution adopted by two-thirds of the members of the board, create a township police district comprised of all or a portion of the unincorporated territory of the township as the resolution may specify. If the township police district does not include all of the unincorporated territory of the township, the resolution creating the ~~township police~~ district shall contain a complete and accurate description of the territory of the district and a separate and distinct name for the district. ~~The~~

At any time not less than one hundred twenty days after a township police district is created and operative, the territorial limits of the district may be altered in the manner provided in division (B) of this section or, if applicable, as provided in section 505.482 of the Revised Code.

(B) Except as otherwise provided in section 505.482 of the Revised Code, the territorial limits of ~~the~~ a township police district may be altered by a resolution adopted by a two-thirds vote of the board of township trustees ~~at any time one hundred twenty days or more after the district has been created and is operative.~~ If the township police district imposes a tax, any territory proposed for addition to the district shall become part of the district only after all of the following have occurred:

- (1) Adoption by two-thirds vote of the board of township trustees of a resolution approving the expansion of the territorial limits of the district;
- (2) Adoption by a two-thirds vote of the board of township trustees of a resolution recommending the extension of the tax to the additional territory;
- (3) Approval of the tax by the electors of the territory proposed for addition to the district.

Each resolution of the board adopted under division ~~(A)~~(B)(2) of this section shall state the name of the township police district, a description of the territory to be added, and the rate and termination date of the tax, which shall be the rate and termination date of the tax currently in effect in the ~~police~~ district.

~~(B)~~ The board of trustees shall certify each resolution adopted under division ~~(A)~~(B)(2) of this section to the board of elections in accordance with section 5705.19 of the Revised Code. The election required under division ~~(A)~~(B)(3) of this section shall be held, canvassed, and certified in

the manner provided for the submission of tax levies under section 5705.25 of the Revised Code, except that the question appearing on the ballot shall read:

"Shall the territory within (description of the proposed territory to be added) be added to (name) township police district, and a property tax at a rate of taxation not exceeding (here insert tax rate) be in effect for (here insert the number of years the tax is to be in effect or "a continuing period of time," as applicable)?" ~~¶~~

If the question is approved by at least a majority of the electors voting on it, the joinder shall be effective as of the first day of January of the year following approval, and, on that date, the township police district tax shall be extended to the taxable property within the territory that has been added.

~~A township police district comprising only a part of the unincorporated territory of the township shall be given a separate and distinct name in the resolution authorizing its creation.~~

Sec. 505.482. (A) If a township police district does not include all the unincorporated territory of the township, the remaining unincorporated territory of the township may be added to the district by a resolution adopted by a unanimous vote of the board of township trustees to place the issue of expansion of the district on the ballot for the electors of the entire unincorporated territory of the township. The resolution shall state whether the proposed township police district initially will hire personnel as provided in section 505.49 of the Revised Code or contract for the provision of police protection services or additional police protection services as provided in section 505.43 or 505.50 of the Revised Code.

The ballot measure shall provide for the addition into a new district of all the unincorporated territory of the township not already included in the township police district and for the levy of any tax then imposed by the district throughout the unincorporated territory of the township. The measure shall state the rate of the tax, if any, to be imposed in the district resulting from approval of the measure, which need not be the same rate of any tax imposed by the existing district, and the last year in which the tax will be levied or that it will be levied for a continuous period of time.

(B) The election on the measure shall be held, canvassed, and certified in the manner provided for the submission of tax levies under section 5705.25 of the Revised Code, except that the question appearing on the ballot shall read substantially as follows:

"Shall the unincorporated territory within (name of the township) not already included within the (name of township police district) be added to the township police district to create the (name

of new township police district) township police district?"

The name of the proposed township police district shall be separate and distinct from the name of the existing township police district.

If a tax is imposed in the existing township police district, the question shall be modified by adding, at the end of the question, the following: ", and shall a property tax be levied in the new township police district, replacing the tax in the existing township police district, at a rate not exceeding mills per dollar of taxable valuation, which amounts to (rate expressed in dollars and cents per one thousand dollars in taxable valuation), for (number of years the tax will be levied, or "a continuing period of time")."

If the measure is not approved by a majority of the electors voting on it, the township police district shall continue to occupy its existing territory until altered as provided in this section or section 505.48 of the Revised Code, and any existing tax imposed under section 505.51 of the Revised Code shall remain in effect in the existing district at the existing rate and for as long as provided in the resolution under the authority of which the tax is levied.

Sec. 505.50. The board of township trustees of a township or a township police district may purchase, lease, lease with an option to purchase, or otherwise acquire any police apparatus, equipment, including a public communications system, or materials that the township or township police district requires and may build, purchase, lease, or lease with an option to purchase any building or buildings and site of the building or buildings that are necessary for the police operations of the township or district.

The boards of trustees of any two or more contiguous townships, may, by joint agreement, unite in the joint purchase, lease, lease with an option to purchase, maintenance, use, and operation of police equipment for any other police purpose designated in sections 505.48 to 505.55 of the Revised Code, and to prorate the expense of that joint action on terms mutually agreed upon by the trustees in each affected township.

The board of trustees of ~~any~~ a township or a township police district may enter into a contract with one or more townships, a municipal corporation, a park district created pursuant to section 511.18 or 1545.01 of the Revised Code, or the county sheriff upon any terms that are mutually agreed upon for the provision of police protection services or additional police protection services either on a regular basis or for additional protection in times of emergency. The contract shall be agreed to in each instance by the respective board or boards of township trustees, the board of county commissioners, the board of park commissioners, or the legislative authority of the municipal corporation involved. The contract may provide

for a fixed annual charge to be paid at the time agreed upon in the contract.

Chapter 2744. of the Revised Code, insofar as it is applicable to the operation of police departments, applies to the contracting political subdivisions and police department members when the members are serving outside their own political subdivision pursuant to such a contract. Police department members acting outside the political subdivision in which they are employed may participate in any pension or indemnity fund established by their employer and are entitled to all the rights and benefits of Chapter 4123. of the Revised Code, to the same extent as while performing services within the political subdivision.

Sec. 505.721. As used in this section, "authorized medicare reimbursement rate" means such rate established for the locality under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.

A board of trustees of a joint ambulance district may establish reasonable charges for the use of ambulance or emergency medical services. The board may establish different charges for district residents and nonresidents, and, in its discretion, may waive all or part of the charge for any district resident. The charge for nonresidents shall be an amount not less than the authorized medicare reimbursement rate, except that, if prior to the effective date of this section, the board had different charges for residents and nonresidents and the charge for nonresidents was less than the authorized medicare reimbursement rate, the board may charge nonresidents less than the authorized medicare reimbursement rate.

Charges collected under this section shall be kept in a separate fund designated as the ambulance and emergency medical services fund, and shall be appropriated and administered by the board. The moneys in the fund shall be used for the payment of the costs of the management, maintenance, and operation of ambulance and emergency medical services in the district. If ambulance and emergency medical services are discontinued in the district, any balance remaining in the fund shall be allocated in amounts proportionate to the percentage of the district's total population served and paid accordingly into the general funds of the participating political subdivisions.

Sec. 507.021. (A) ~~The board of township trustees may employ such number of persons as it finds necessary to provide stenographic and clerical assistance to the township clerk or deputy clerk~~ may hire and appoint one or more persons as the clerk finds necessary to provide assistance to the township clerk or deputy clerk. The township clerk may set the compensation of those persons subject to the prior approval of the board of

township trustees. Those persons shall serve at the pleasure of the township clerk or, in the absence of the clerk, the deputy clerk. The township clerk may delegate to an assistant any of the duties the clerk is otherwise required to perform. The appointment of assistants under this section does not relieve the township clerk of responsibility to discharge the duties of the office but shall serve to provide assistance to the clerk in performing those duties.

(B) The compensation of an assistant appointed under this section shall be included in the estimate of contemplated expenditures for the township clerk's office that is submitted to the board of township trustees for approval as provided in section 5705.28 of the Revised Code.

(C) Before serving, an assistant to the township clerk shall give bond for the faithful discharge of the duties of the office as may be delegated by the clerk. The bond shall be payable to the board of township trustees and shall be for the same sum as required under section 507.03 of the Revised Code for the township clerk, with sureties approved by the board, and conditioned for the faithful performance of duties delegated by the clerk. The bond shall be recorded by the township clerk, filed with the county treasurer, and carefully preserved.

Sec. 507.03. The township clerk, before entering upon the discharge of ~~his~~ official duties, shall give a bond, payable to the board of township trustees, with sureties approved by ~~such~~ the board ~~and~~, in ~~such~~ the sum ~~as it determines~~ determined by the board but not less than the sum provided in this section, and conditioned for the faithful performance of ~~his~~ the duties ~~as of the office of township clerk.~~ Such This bond shall be recorded by the clerk, filed with the county treasurer, and carefully preserved.

The minimum sum of the township clerk's bond shall be as follows:

(A) In a township with a budget of fifty thousand dollars or less, ten thousand dollars;

(B) In a township with a budget of more than fifty thousand dollars but not more than one hundred thousand dollars, thirty-five thousand dollars;

(C) In a township with a budget of more than one hundred thousand dollars but not more than two hundred fifty thousand dollars, sixty thousand dollars;

(D) In a township with a budget of more than two hundred fifty thousand dollars but not more than five hundred thousand dollars, eighty-five thousand dollars;

(E) In a township with a budget of more than five hundred thousand dollars but not more than seven hundred fifty thousand dollars, one hundred ten thousand dollars;

(F) In a township with a budget of more than seven hundred fifty

thousand dollars but not more than one million five hundred thousand dollars, one hundred thirty-five thousand dollars;

(G) In a township with a budget of more than one million five hundred thousand dollars but not more than three million five hundred thousand dollars, one hundred sixty thousand dollars;

(H) In a township with a budget of more than three million five hundred thousand dollars but not more than six million dollars, one hundred ninety-five thousand dollars;

(I) In a township with a budget of more than six million dollars but not more than ten million dollars, two hundred twenty thousand dollars;

(J) In a township with a budget of more than ten million dollars, two hundred fifty thousand dollars.

Sec. 507.04. (A) The township clerk shall keep an accurate record of the proceedings of the board of township trustees at all of its meetings, and of all its accounts and transactions, including the acceptance of the bonds of township officers. The clerk shall personally attend at least one meeting of the board during each quarter of every year, unless prevented by the occurrence of an emergency from attending.

(B) In any township where the clerk does not keep the township's records in a public facility, the board of township trustees, once each quarter of each year, may request the clerk to provide the board with copies of township records for its review. If the board makes such a request, it shall tell the clerk which records it wants copies of by indicating the dates or types of the records it is requesting. A request made under this section does not diminish any trustee's right to inspect township records under division (B) of section 149.43 of the Revised Code.

Sec. 519.02. ~~For~~ Except as otherwise provided in this section, in the purpose interest of promoting the public health, safety, and morals convenience, comfort, prosperity, or general welfare, the board of township trustees may, in accordance with a comprehensive plan, regulate by resolution the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas which that may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of such the township, and establish reasonable residential landscaping standards and residential architectural standards, excluding exterior building materials, for the unincorporated territory of the township; and, for such all these purposes, the board may

divide all or any part of the unincorporated territory of the township into districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

For any activities permitted and regulated under Chapter 1509., 1513., or 1514. of the Revised Code and any related processing activities, the board of township trustees may regulate under the authority conferred by this section only in the interest of public health or safety.

Sec. 519.171. The board of township trustees may create an architectural review board to enforce compliance with any zoning standards it may adopt pertaining to landscaping or architectural elements in areas zoned for residential use. The board of township trustees shall adopt the standards and procedures for the architectural review board to use in reviewing zoning permit applications for compliance with those landscaping or architectural standards. If the board of township trustees does not create an architectural review board, it may delegate this enforcement authority to the zoning inspector or the zoning commission.

An architectural review board shall consist of no more than five residents of the unincorporated territory of the township. At least one member shall be a licensed architect or engineer; if a licensed architect or engineer does not reside in the unincorporated territory of the township, that member of the architectural review board may be a resident of the county.

SECTION 2. That existing sections 303.02, 505.48, 505.50, 507.021, 507.03, 507.04, and 519.02 of the Revised Code are hereby repealed.

SECTION 3. It is not the intent of the General Assembly in amending sections 303.02 and 519.02 of the Revised Code in this act to confer any authority on a county or township to preempt state law, including any statute requiring a person to obtain a permit, by including the "general welfare" of the public as a purpose for which a board of county commissioners or board of township trustees may adopt zoning regulations.

SECTION 4. Nothing in this act allows or shall be construed to allow any county or township authority to establish a minimum price for a house or lot.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ___ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____