

## As Introduced

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H. B. No. 97

Representatives Willamowski, Hagan, McGregor, Seitz, Calvert, Schmidt,  
Schaffer, Faber, Allen, White, Seaver, Ujvagi, Webster, Fessler, Callender,  
Buehrer

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### A B I L L

To amend sections 505.37, 505.50, and 5549.021 of the	1
Revised Code to permit a board of township	2
trustees to enter into a lease or a lease with an	3
option to purchase for police department or road	4
equipment and a board of township trustees, a	5
board of fire district trustees, or a municipal	6
corporation legislative authority to enter into a	7
lease or lease with an option to purchase for	8
fire-fighting equipment.	9

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

<b>Section 1.</b> That sections 505.37, 505.50, and 5549.021 of the	10
Revised Code be amended to read as follows:	11

<b>Sec. 505.37.</b> (A) The board of township trustees may establish	12
all necessary rules to guard against the occurrence of fires and	13
to protect the property and lives of the citizens against damage	14
and accidents, and may, with the approval of the specifications by	15
the prosecuting attorney or, if the township has adopted limited	16
home rule government under <del>chapter</del> <u>Chapter</u> 504 <u>7</u> , of the Revised	17
Code, with the approval of the specifications by the township's	18

law director, purchase, lease, lease with an option to purchase, 19  
or otherwise provide any fire apparatus, mechanical resuscitators, 20  
or other equipment, appliances, materials, fire hydrants, and 21  
water supply for fire-fighting purposes that seems advisable to 22  
the board. The board shall provide for the care and maintenance of 23  
fire equipment, and, for these purposes, may purchase, lease, 24  
lease with an option to purchase, or construct and maintain 25  
necessary buildings, and it may establish and maintain lines of 26  
fire-alarm communications within the limits of the township. The 27  
board may employ one or more persons to maintain and operate 28  
fire-fighting equipment, or it may enter into an agreement with a 29  
volunteer fire company for the use and operation of fire-fighting 30  
equipment. The board may compensate the members of a volunteer 31  
fire company on any basis and in any amount that it considers 32  
equitable. 33

(B) The boards of township trustees of any two or more 34  
townships, or the legislative authorities of any two or more 35  
political subdivisions, or any combination thereof, may, through 36  
joint action, unite in the joint purchase, lease, lease with an 37  
option to purchase, maintenance, use, and operation of 38  
fire-fighting equipment, or for any other purpose designated in 39  
sections 505.37 to 505.42 of the Revised Code, and may prorate the 40  
expense of the joint action on any terms that are mutually agreed 41  
upon. 42

(C) The board of township trustees of any township may, by 43  
resolution, whenever it is expedient and necessary to guard 44  
against the occurrence of fires or to protect the property and 45  
lives of the citizens against damages resulting from their 46  
occurrence, create a fire district of any portions of the township 47  
that it considers necessary. The board may purchase, lease, lease 48  
with an option to purchase, or otherwise provide any fire 49  
apparatus, appliances, materials, fire hydrants, and water supply 50

for fire-fighting purposes, or may contract for the fire 51  
protection for the fire district as provided in section 9.60 of 52  
the Revised Code. The fire district so created shall be given a 53  
separate name by which it shall be known. 54

Additional unincorporated territory of the township may be 55  
added to a fire district upon the board's adoption of a resolution 56  
authorizing the addition. A municipal corporation that is within 57  
or adjoining the township may be added to a fire district upon the 58  
board's adoption of a resolution authorizing the addition and the 59  
municipal legislative authority's adoption of a resolution or 60  
ordinance requesting the addition of the municipal corporation to 61  
the fire district. 62

If the township fire district imposes a tax, additional 63  
unincorporated territory of the township or a municipal 64  
corporation that is within or adjoining the township shall become 65  
part of the fire district only after all of the following have 66  
occurred: 67

(1) Adoption by the board of township trustees of a 68  
resolution approving the expansion of the territorial limits of 69  
the district and, if the resolution proposes to add a municipal 70  
corporation, adoption by the municipal legislative authority of a 71  
resolution or ordinance requesting the addition of the municipal 72  
corporation to the district; 73

(2) Adoption by the board of township trustees of a 74  
resolution recommending the extension of the tax to the additional 75  
territory; 76

(3) Approval of the tax by the electors of the territory 77  
proposed for addition to the district. 78

Each resolution of the board adopted under division (C)(2) of 79  
this section shall state the name of the fire district, a 80  
description of the territory to be added, and the rate and 81

termination date of the tax, which shall be the rate and 82  
termination date of the tax currently in effect in the fire 83  
district. 84

The board of trustees shall certify each resolution adopted 85  
under division (C)(2) of this section to the board of elections in 86  
accordance with section 5705.19 of the Revised Code. The election 87  
required under division (C)(3) of this section shall be held, 88  
canvassed, and certified in the manner provided for the submission 89  
of tax levies under section 5705.25 of the Revised Code, except 90  
that the question appearing on the ballot shall read: 91

"Shall the territory within ..... 92  
(description of the proposed territory to be added) be added to 93  
..... (name) fire district, and a property tax 94  
at a rate of taxation not exceeding ..... (here insert tax rate) 95  
be in effect for ..... (here insert the number of years the 96  
tax is to be in effect or "a continuing period of time," as 97  
applicable)?" 98

If the question is approved by at least a majority of the 99  
electors voting on it, the joinder shall be effective as of the 100  
first day of July of the year following approval, and on that 101  
date, the township fire district tax shall be extended to the 102  
taxable property within the territory that has been added. If the 103  
territory that has been added is a municipal corporation and if it 104  
had adopted a tax levy for fire purposes, the levy is terminated 105  
on the effective date of the joinder. 106

Any municipal corporation may withdraw from a township fire 107  
district created under division (C) of this section by the 108  
adoption by the municipal legislative authority of a resolution or 109  
ordinance ordering withdrawal. On the first day of July of the 110  
year following the adoption of the resolution or ordinance of 111  
withdrawal, the municipal corporation withdrawing ceases to be a 112  
part of the district, and the power of the fire district to levy a 113

tax upon taxable property in the withdrawing municipal corporation 114  
terminates, except that the fire district shall continue to levy 115  
and collect taxes for the payment of indebtedness within the 116  
territory of the fire district as it was composed at the time the 117  
indebtedness was incurred. 118

Upon the withdrawal of any municipal corporation from a 119  
township fire district created under division (C) of this section, 120  
the county auditor shall ascertain, apportion, and order a 121  
division of the funds on hand, moneys and taxes in the process of 122  
collection except for taxes levied for the payment of 123  
indebtedness, credits, and real and personal property, either in 124  
money or in kind, on the basis of the valuation of the respective 125  
tax duplicates of the withdrawing municipal corporation and the 126  
remaining territory of the fire district. 127

A board of township trustees may remove unincorporated 128  
territory of the township from the fire district upon the adoption 129  
of a resolution authorizing the removal. On the first day of July 130  
of the year following the adoption of the resolution, the 131  
unincorporated township territory described in the resolution 132  
ceases to be a part of the district, and the power of the fire 133  
district to levy a tax upon taxable property in that territory 134  
terminates, except that the fire district shall continue to levy 135  
and collect taxes for the payment of indebtedness within the 136  
territory of the fire district as it was composed at the time the 137  
indebtedness was incurred. 138

(D) The board of township trustees of any township, the board 139  
of fire district trustees of a fire district created under section 140  
505.371 of the Revised Code, or the legislative authority of any 141  
municipal corporation may purchase, lease, or lease with an option 142  
to purchase the necessary fire-fighting equipment, buildings, and 143  
sites for the township, fire district, or municipal corporation 144  
and issue securities for that purpose with maximum maturities as 145

provided in section 133.20 of the Revised Code. The board of 146  
township trustees, board of fire district trustees, or legislative 147  
authority may also construct any buildings necessary to house 148  
fire-fighting equipment and issue securities for that purpose with 149  
maximum maturities as provided in section 133.20 of the Revised 150  
Code. The board of township trustees, board of fire district 151  
trustees, or legislative authority may issue the securities of the 152  
township, fire district, or municipal corporation, signed by the 153  
board or designated officer of the municipal corporation and 154  
attested by the signature of the township, fire district, or 155  
municipal clerk, covering any deferred payments and payable at the 156  
times provided, which securities shall bear interest not to exceed 157  
the rate determined as provided in section 9.95 of the Revised 158  
Code, and shall not be subject to Chapter 133. of the Revised 159  
Code. The legislation authorizing the issuance of the securities 160  
shall provide for levying and collecting annually by taxation, 161  
amounts sufficient to pay the interest on and principal of the 162  
securities. The securities shall be offered for sale on the open 163  
market or given to the vendor or contractor if no sale is made. 164

(E) A board of township trustees of any township or a board 165  
of fire district trustees of a fire district created under section 166  
505.371 of the Revised Code may purchase a policy or policies of 167  
liability insurance for the officers, employees, and appointees of 168  
the fire department, fire district, or joint fire district 169  
governed by the board that includes personal injury liability 170  
coverage as to the civil liability of those officers, employees, 171  
and appointees for false arrest, detention, or imprisonment, 172  
malicious prosecution, libel, slander, defamation or other 173  
violation of the right of privacy, wrongful entry or eviction, or 174  
other invasion of the right of private occupancy, arising out of 175  
the performance of their duties. 176

When a board of township trustees cannot, by deed of gift or 177

by purchase and upon terms it considers reasonable, procure land 178  
for a township fire station that is needed in order to respond in 179  
reasonable time to a fire or medical emergency, the board may 180  
appropriate land for that purpose under sections 163.01 to 163.22 181  
of the Revised Code. If it is necessary to acquire additional 182  
adjacent land for enlarging or improving the fire station, the 183  
board may purchase, appropriate, or accept a deed of gift for the 184  
land for these purposes. 185

(F) As used in this division, "emergency medical service 186  
organization" has the same meaning as in section 4766.01 of the 187  
Revised Code. 188

A board of township trustees, by adoption of an appropriate 189  
resolution, may choose to have the Ohio ambulance licensing board 190  
license any emergency medical service organization it operates. If 191  
the board adopts such a resolution, Chapter 4766. of the Revised 192  
Code, except for sections 4766.06 and 4766.99 of the Revised Code, 193  
applies to the organization. All rules adopted under the 194  
applicable sections of that chapter also apply to the 195  
organization. A board of township trustees, by adoption of an 196  
appropriate resolution, may remove its emergency medical service 197  
organization from the jurisdiction of the Ohio ambulance licensing 198  
board. 199

**Sec. 505.50.** The board of township trustees may purchase, 200  
lease, lease with an option to purchase, or otherwise acquire any 201  
police apparatus, equipment, including a public communications 202  
system, or materials that the township police district requires 203  
and may build, purchase, lease, or lease with an option to 204  
purchase any building or buildings and site of the building or 205  
buildings that are necessary for the operations of the district. 206

The boards of trustees of any two or more contiguous 207  
townships, may, by joint agreement, unite in the joint purchase, 208

lease, lease with an option to purchase, maintenance, use, and 209  
operation of police equipment, for any other police purpose 210  
designated in sections 505.48 to 505.55 of the Revised Code, and 211  
to prorate the expense of ~~such~~ that joint action on ~~such~~ terms ~~as~~ 212  
~~are~~ mutually agreed upon by the trustees in each affected 213  
township. 214

The board of trustees of any township may enter into a 215  
contract with one or more townships, a municipal corporation, a 216  
park district created pursuant to section 511.18 or 1545.01 of the 217  
Revised Code, or the county sheriff upon any terms that are 218  
mutually agreed upon for the provision of police protection 219  
services or additional police protection services either on a 220  
regular basis or for additional protection in times of emergency. 221  
The contract shall be agreed to in each instance by the respective 222  
board or boards of township trustees, the board of county 223  
commissioners, the board of park commissioners, or the legislative 224  
authority of the municipal corporation involved. ~~Such~~ The contract 225  
may provide for a fixed annual charge to be paid at the time 226  
agreed upon in the contract. 227

Chapter 2744. of the Revised Code, insofar as it is 228  
applicable to the operation of police departments, applies to the 229  
contracting political subdivisions and police department members 230  
when ~~such~~ the members are serving outside their own political 231  
subdivision pursuant to such a contract. Police department members 232  
acting outside the political subdivision in which they are 233  
employed may participate in any pension or indemnity fund 234  
established by their employer and are entitled to all the rights 235  
and benefits of Chapter 4123. of the Revised Code, to the same 236  
extent as while performing services within the political 237  
subdivision. 238

**Sec. 5549.021. (A)** A board of township trustees may purchase 239



machinery, tools, trucks, and other equipment for use in 240  
constructing, maintaining, and repairing roads and, subject to 241  
Chapter 133. of the Revised Code, may issue for that purpose 242  
general obligation bonds of the township for which the full faith 243  
and credit of the township shall be pledged. 244

(B) A board of township trustees may enter into a lease for 245  
machinery, tools, trucks, and other equipment for use in 246  
constructing, maintaining, and repairing roads, including a lease 247  
with an option to purchase. Any lease with an option to purchase 248  
shall require the board to pay a cash down payment of at least 249  
three-twentieths of the total cost. If the board sells used 250  
equipment as part of a lease with option to purchase, the cash 251  
down payment may be reduced by the amount of the selling price of 252  
the used equipment. A lease with an option to purchase may be 253  
entered into only with the lowest responsive and responsible 254  
bidder of the equipment after advertising for bids in the manner 255  
provided in section 5575.01 of the Revised Code. 256

**Section 2.** That existing sections 505.37, 505,50, and 257  
5549.021 of the Revised Code are hereby repealed. 258