

As Introduced

**126th General Assembly
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H. B. No. 433

**Representatives Carano, Bocchieri, McGregor, J., Yuko, Patton, S., Hartnett,
Fende, Perry**

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A B I L L

To amend sections 505.391, 505.82, 505.94, and 1
4513.10 of the Revised Code to provide urban 2
townships with broader authority to regulate 3
traffic, pedestrians, and obstructions during a 4
declared emergency, to subject parked or stopped 5
vehicles in urban townships to the same lighting 6
provisions as specified for vehicles in municipal 7
corporations, to allow urban townships to adopt a 8
reasonable fee without a specified limit for 9
transient vendor registrations, and to allow urban 10
townships to charge for subsequent false fire 11
alarms occurring any time after a notice of a 12
previous false alarm is sent. 13

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

Section 1. That sections 505.391, 505.82, 505.94, and 4513.10 14
of the Revised Code be amended to read as follows: 15

Sec. 505.391. If, after the fire department of a township, 16
township fire district, or joint fire district, or a private fire 17
company with which the fire department of a township, township 18
fire district, or joint fire district contracts for fire 19

protection, responds to a false alarm from an automatic fire alarm 20
system at a commercial establishment or residential building, the 21
board of township trustees gives written notice by certified mail 22
that it may assess a charge of up to three hundred dollars for 23
each subsequent false alarm within a period of thirty days after 24
any false alarm by that system or, if the township is or the 25
district includes an urban township as defined in division (B)(2) 26
of section 504.01 of the Revised Code, for each subsequent false 27
alarm by that system, the board of township trustees may assess 28
that charge. This notice shall be mailed to the owner and the 29
lessee, if any, of the building in which the system is installed. 30
After the board gives this notice, the board need not give any 31
additional written notices before assessing a charge for a false 32
alarm as provided by this section. If not paid within sixty days 33
after the owner or lessee receives a written notice by certified 34
mail that a charge has been assessed, the charge shall be entered 35
upon the real property tax list and tax duplicate, shall be a lien 36
upon the property served, and shall be collected as other taxes. 37
Charges collected under this section shall be returned to the 38
township general fund. 39

As used in this section, "commercial establishment" means a 40
building or buildings in an area used primarily for 41
nonresidential, commercial purposes. 42

Sec. 505.82. (A) If a board of township trustees by a 43
unanimous vote or, in the event of the unavoidable absence of one 44
trustee, by an affirmative vote of two trustees adopts a 45
resolution declaring that an emergency exists that threatens life 46
or property within the unincorporated territory of the township or 47
that such an emergency is imminent, the board may exercise the 48
powers described in divisions (A)(1) and (2) and (B) of this 49
section or, if the township is an urban township, the powers 50
described in division (E) of this section during the emergency for 51

a period of time not exceeding six months following the adoption 52
of the resolution. The resolution shall state the specific time 53
period for which the emergency powers are in effect. 54

(1) If an owner of an undedicated road or stream bank in the 55
unincorporated territory of the township has not provided for the 56
removal of snow, ice, debris, or other obstructions from the road 57
or bank, the board may provide for that removal. Prior to 58
providing for the removal, the board shall give, or make a good 59
faith attempt to give, oral notice to the owner or owners of the 60
road or bank of the board's intent to clear the road or bank and 61
to impose a service charge for doing so. The board shall establish 62
just and equitable service charges for the removal to be paid, 63
except as provided in division (B) of this section, by the owners 64
of the road or bank. 65

The board shall keep a record of the costs incurred by the 66
township in removing snow, ice, debris, or other obstructions from 67
the road or bank. The service charges shall be based on these 68
costs and shall be in an amount sufficient to recover these costs. 69
If there is more than one owner of the road or bank, the board, 70
except as provided in division (B) of this section, shall allocate 71
the service charges among the owners on an equitable basis. The 72
board shall notify, in writing, each owner of the road or bank of 73
the amount of the service charges and shall certify the charges to 74
the county auditor. The service charges shall constitute a lien 75
upon the property. The auditor shall place the service charges on 76
a special duplicate to be collected as other taxes and returned to 77
the township general fund. 78

(2) The board may contract for the immediate acquisition, 79
replacement, or repair of equipment needed for the emergency 80
situation, without following the competitive bidding requirements 81
of section 5549.21 or any other section of the Revised Code. 82

(B) In lieu of collecting service charges from owners for the 83

removal of snow or ice from an undedicated road by the board of township trustees as provided in division (A)(1) of this section, the board may enter into a contract with a developer whereby the developer agrees to pay the service charges for the snow and ice removal instead of the owners.

(C) The removal of snow, ice, debris, or other obstructions from an undedicated road by a board of township trustees acting pursuant to a resolution adopted under division (A) of this section does not constitute approval or acceptance of the undedicated road.

(D) As used in this section:

(1) "~~undedicated~~ Undedicated road" means a road that has not been approved and accepted by the board of county commissioners and is not a part of the state, county, or township road systems as provided in section 5535.01 of the Revised Code.

(2) "Urban township" has the same meaning as in section 504.01 of the Revised Code.

(E) The board of township trustees of an urban township may adopt resolutions for use during an emergency declared under this section. The resolutions may pertain to the regulation of traffic, parking, and pedestrians, the removal of snow, ice, debris, or other obstructions, and any other subjects necessary to expedite the flow and direction of traffic on township roads, to eliminate congestion on township roads, and to provide for the safety of passengers and pedestrians in the township during a declared emergency.

(F) Nothing in this section shall be construed to waive the requirement under section 1517.16 of the Revised Code that approval of plans be obtained from the director of natural resources or the director's representative prior to modifying or causing the modification of the channel of any watercourse in a

wild, scenic, or recreational river area outside the limits of a 115
municipal corporation. 116

Sec. 505.94. (A) A board of township trustees ~~may~~, by 117
resolution, may require the registration of all transient vendors 118
within the unincorporated territory of the township and may 119
regulate the time, place, and manner in which these vendors may 120
sell, offer for sale, or solicit orders for future delivery of 121
goods, or the board ~~may~~, by resolution, may prohibit these 122
activities within that territory. If the board requires the 123
registration of all transient vendors, it may establish a 124
reasonable registration fee, not to exceed seventy-five dollars 125
for a registration period or, if the township is an urban township 126
as defined in division (B)(2) of section 504.01 of the Revised 127
Code, not to exceed a reasonable amount for a registration period, 128
and this registration shall be valid for a period of at least 129
ninety days after the date of registration. Any board of township 130
trustees that provides for the registration and regulation, or 131
prohibition, of transient vendors under this section shall notify 132
the prosecuting attorney of the county in which the township is 133
located of its registration and regulatory requirements or 134
prohibition. No transient vendor shall fail to register or to 135
comply with regulations or prohibitions established by a board of 136
township trustees under this division. 137

This division does not authorize a board of township trustees 138
to apply a resolution it adopts under this division to any person 139
invited by an owner or tenant to visit the owner's or tenant's 140
premises to sell, offer for sale, or solicit orders for future 141
delivery of goods. 142

(B) As used in this section: 143

(1) "Goods" means goods, wares, services, merchandise, 144
periodicals, and other articles or publications. 145

(2) "Transient vendor" means any person who opens a temporary place of business for the sale of goods or who, on the streets or while traveling about the township, either sells or offers for sale goods, or solicits orders for future delivery of goods where payment is required prior to the delivery of the goods. "Transient vendor" does not include any person who represents any entity exempted from taxation under section 5709.04 of the Revised Code, that notifies the board of township trustees that its representatives are present in the township for the purpose of either selling or offering for sale goods, or soliciting orders for future delivery of goods, and does not include a person licensed under Chapter 4707. of the Revised Code.

Sec. 4513.10. (A) Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or a shoulder adjacent ~~thereto~~ to a roadway open to traffic, whether attended or unattended, during the times mentioned in section 4513.03 of the Revised Code, ~~such that~~ such that vehicle shall be equipped with one or more lights ~~which that~~ that shall exhibit a white or amber light on the roadway side visible from a distance of five hundred feet to the front of ~~such that~~ such that vehicle, and a red light visible from a distance of five hundred feet to ~~the~~ its rear. No lights need be displayed upon any such vehicle when it is stopped or parked within a municipal corporation or urban township where there is sufficient light to reveal any person or substantial object within a distance of five hundred feet upon ~~such a~~ a highway. Any lighted headlights upon a parked vehicle shall be depressed or dimmed.

As used in this division, "urban township" has the same meaning as in section 504.01 of the Revised Code.

(B) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code.

Section 2. That existing sections 505.391, 505.82, 505.94, 177
and 4513.10 of the Revised Code are hereby repealed. 178