

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**S. B. No. 36**

**Senator Schuler**

**Cosponsors: Senators Clancy, Mumper, Schaffer**

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**A B I L L**

To amend sections 504.01, 504.02, and 505.031 of the Revised Code to permit townships with a population of less than five thousand in its unincorporated territory to adopt a limited home rule government under certain conditions. 1  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 504.01, 504.02, and 505.031 of the Revised Code be amended to read as follows: 6  
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**Sec. 504.01.** A township that meets the qualifications of this section may adopt a limited home rule government in the manner provided in this section. 8  
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(A)(1) If a township has a population of less than five thousand in the unincorporated territory of the township, a limited home rule government under which the township exercises limited powers of local self-government and limited police powers may be adopted if all the following apply: 11  
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(a) The electors of the unincorporated territory of the township petition the board of township trustees to adopt limited home rule government; 16  
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(b) The petition has been signed by ten per cent of the electors of the unincorporated territory of the township, as determined by the total number of votes cast in that territory for the office of governor at the most recent general election for that office;

(c) The board of township trustees appoints a township administrator under division (A)(2) of section 505.031 of the Revised Code; and

(d) The total amount certified in the official certificate of estimated resources or in an amended official certificate of estimated resources for the township under section 5705.36 of the Revised Code is at least three million five hundred thousand dollars for the most recently concluded fiscal year.

If the conditions enumerated in this division have been met, the board shall adopt and certify to the board of elections a resolution directing the board of elections to submit to the electors of the unincorporated territory the question whether the township should adopt a limited home rule government. The question shall be voted upon at the next general election occurring at least seventy-five days after certification of the resolution to the board of elections.

(2) If a township has a population of at least five thousand but less than fifteen thousand in the unincorporated territory of the township, the board of township trustees, by a majority vote, may adopt a resolution causing the board of elections to submit to the electors of the unincorporated area of the township the question of whether the township should adopt a limited home rule government under which it exercises limited powers of local self-government and limited police powers, as authorized by this chapter. The question shall be voted upon at the next general election occurring at least seventy-five days after certification of the resolution to the board of elections.

~~(B)~~(3) If a township has a population of fifteen thousand or more in the unincorporated territory of the township, the board of township trustees, after at least one public hearing, may do either of the following:

~~(1)~~(a) By a unanimous vote, adopt a resolution establishing a limited home rule government under which the township exercises limited powers of local self-government and limited police powers as authorized by this chapter. The resolution shall become effective thirty days after the date of its adoption unless within that thirty-day period there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township equal to at least ten per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board of township trustees to submit the question of establishing a limited home rule government to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election occurring at least seventy-five days after the petition is presented. Each part of the petition shall meet the requirements specified in section 3501.38 of the Revised Code. Upon timely receipt of the petition, the board of township trustees shall adopt a resolution causing the board of elections to submit to the electors of the unincorporated area of the township the question of whether the township should adopt a limited home rule government.

~~(2)~~(b) By a majority vote, adopt a resolution causing the board of elections to submit to the electors of the unincorporated area of the township the question of whether the township should adopt a limited home rule government under which it exercises limited powers of local self-government and limited police powers, as authorized by this chapter. The question shall be voted upon at

the next general election occurring at least seventy-five days 83  
after certification of the resolution to the board of elections. 84

~~If the population of the unincorporated territory of any 85  
township that adopts a limited home rule government under division 86  
(B) or (D) of this section is fifteen thousand or more, the 87  
township shall be called an "urban township." 88~~

~~(C) Townships with a population of less than five thousand in 89  
the unincorporated territory of the township are not permitted to 90  
adopt a limited home rule government. 91~~

~~(D)(4) If a township meets the population requirements of 92  
division (A)(2) or (B)(3) of this section, the electors of the 93  
unincorporated area of the township may petition the board of 94  
township trustees to adopt a resolution causing the board of 95  
elections to submit to the electors the question of whether the 96  
township should adopt a limited home rule government. Upon receipt 97  
of a petition signed by ten per cent of the electors of the 98  
unincorporated area of the township, as determined by the total 99  
number of votes cast in that area for the office of governor at 100  
the most recent general election for that office, the board of 101  
township trustees shall adopt the resolution. The question shall 102  
be voted upon at the next general election occurring at least 103  
seventy-five days after the certification of the resolution to the 104  
board of elections. 105~~

(B) If the population of the unincorporated territory of any 106  
township that adopts a limited home rule government under division 107  
(A)(3) or (4) of this section is fifteen thousand or more, the 108  
township shall be called an "urban township." 109

(C) Except as otherwise provided in division (A)(1) of this 110  
section, townships with a population of less than five thousand in 111  
the unincorporated territory of the township are not permitted to 112  
adopt a limited home rule government. 113

**Sec. 504.02.** (A) After certification of a resolution as 114  
provided in division (A), ~~(B)~~, ~~or (D)~~ of section 504.01 of the 115  
Revised Code, the board of elections shall submit the question of 116  
whether to adopt a limited home rule government to the electors of 117  
the unincorporated area of the township, and the ballot language 118  
shall be substantially as follows: 119

"Shall the township of ..... (name) adopt a limited 120  
home rule government, under which government the board of township 121  
trustees, by resolution, may exercise limited powers of local 122  
self-government and limited police powers? 123  
..... For adoption of a limited home rule government 124  
..... Against adoption of a limited home rule government" 125

(B)(1) At least forty-five days before the election on this 126  
question, the board of township trustees shall have notice of the 127  
election and a description of the proposed limited home rule 128  
government published in a newspaper of general circulation in the 129  
township once a week for two consecutive weeks and have the notice 130  
and description posted in five conspicuous places in the 131  
unincorporated area of the township. 132

(2) If a board of elections operates and maintains a web 133  
site, notice of the election and a description of the proposed 134  
limited home rule government shall be posted on that web site for 135  
at least thirty days before the election on this question. 136

(C) If a majority of the votes cast on the proposition of 137  
adopting a limited home rule government is in the affirmative, 138  
that government is adopted and becomes the government of the 139  
township on the first day of January immediately following the 140  
election. 141

**Sec. 505.031.** The (A)(1) Except as otherwise provided in 142  
division (B) of this section, the board of township trustees may 143

appoint a township administrator, who shall be the administrative 144  
head of the township under the direction and supervision of the 145  
board and who shall hold office at the pleasure of the board. 146

(2) The board of township trustees shall appoint a township 147  
administrator before the adoption of a resolution under division 148  
(A)(1) of section 504.01 of the Revised Code directing the board 149  
of elections to submit to the electors of the unincorporated 150  
territory of the township the question of whether the township 151  
should adopt a limited home rule government. The administrator 152  
shall be the administrative head of the township under the 153  
direction and supervision of the board and shall hold office at 154  
the pleasure of the board. 155

(B) In the event that the township administrator is absent 156  
from ~~his~~ that office by reason of illness, death, vacation, 157  
resignation, or removal, the ~~chairman~~ chairperson of the board or 158  
a qualified person designated by ~~him~~ the chairperson with the 159  
approval of the board shall act as township administrator and 160  
perform all duties of such township office, until such time as the 161  
township administrator returns to ~~his~~ official duties or the board 162  
appoints a new township administrator to fill the vacancy. 163

(C) The board shall fix the salary of the township 164  
administrator and cause the same to be paid. 165

**Section 2.** That existing sections 504.01, 504.02, and 505.031 166  
of the Revised Code are hereby repealed. 167