

As Passed by the Senate

**127th General Assembly
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Am. S. B. No. 36

Senator Schuler

Cosponsors: Senators Clancy, Mumper, Schaffer, Cates, Wilson, Kearney

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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 at least three thousand five hundred but less
than five thousand in its unincorporated territory
to adopt a limited home rule government under
certain conditions.

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:

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.

(A)(1) If a township has a population of at least three
thousand five hundred but 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:

(a) The electors of the unincorporated territory of the
township petition the board of township trustees to adopt limited

home rule government; 20

(b) The petition has been signed by ten per cent of the 21
electors of the unincorporated territory of the township, as 22
determined by the total number of votes cast in that territory for 23
the office of governor at the most recent general election for 24
that office; 25

(c) The board of township trustees appoints a township 26
administrator under division (A)(2) of section 505.031 of the 27
Revised Code; and 28

(d) The total amount certified in the official certificate of 29
estimated resources or in an amended official certificate of 30
estimated resources for the township under section 5705.36 of the 31
Revised Code is at least three million five hundred thousand 32
dollars for the most recently concluded fiscal year. 33

If the conditions enumerated in this division have been met, 34
the board shall adopt and certify to the board of elections a 35
resolution directing the board of elections to submit to the 36
electors of the unincorporated territory the question whether the 37
township should adopt a limited home rule government. The question 38
shall be voted upon at the next general election occurring at least 39
seventy-five days after certification of the resolution to the 40
board of elections. 41

(2) If a township has a population of at least five thousand 42
but less than fifteen thousand in the unincorporated territory of 43
the township, the board of township trustees, by a majority vote, 44
may adopt a resolution causing the board of elections to submit to 45
the electors of the unincorporated area of the township the 46
question of whether the township should adopt a limited home rule 47
government under which it exercises limited powers of local 48
self-government and limited police powers, as authorized by this 49
chapter. The question shall be voted upon at the next general 50

election occurring at least seventy-five days after certification 51
of the resolution to the board of elections. 52

~~(B)~~(3) If a township has a population of fifteen thousand or 53
more in the unincorporated territory of the township, the board of 54
township trustees, after at least one public hearing, may do 55
either of the following: 56

~~(1)~~(a) By a unanimous vote, adopt a resolution establishing a 57
limited home rule government under which the township exercises 58
limited powers of local self-government and limited police powers 59
as authorized by this chapter. The resolution shall become 60
effective thirty days after the date of its adoption unless within 61
that thirty-day period there is presented to the board of township 62
trustees a petition, signed by a number of registered electors 63
residing in the unincorporated area of the township equal to at 64
least ten per cent of the total vote cast for all candidates for 65
governor in that area at the most recent general election at which 66
a governor was elected, requesting the board of township trustees 67
to submit the question of establishing a limited home rule 68
government to the electors of that area for approval or rejection 69
at a special election to be held on the day of the next primary or 70
general election occurring at least seventy-five days after the 71
petition is presented. Each part of the petition shall meet the 72
requirements specified in section 3501.38 of the Revised Code. 73
Upon timely receipt of the petition, the board of township 74
trustees shall adopt a resolution causing the board of elections 75
to submit to the electors of the unincorporated area of the 76
township the question of whether the township should adopt a 77
limited home rule government. 78

~~(2)~~(b) By a majority vote, adopt a resolution causing the 79
board of elections to submit to the electors of the unincorporated 80
area of the township the question of whether the township should 81
adopt a limited home rule government under which it exercises 82

limited powers of local self-government and limited police powers, 83
as authorized by this chapter. The question shall be voted upon at 84
the next general election occurring at least seventy-five days 85
after certification of the resolution to the board of elections. 86

~~If the population of the unincorporated territory of any 87
township that adopts a limited home rule government under division 88
(B) or (D) of this section is fifteen thousand or more, the 89
township shall be called an "urban township." 90~~

~~(C) Townships with a population of less than five thousand in 91
the unincorporated territory of the township are not permitted to 92
adopt a limited home rule government. 93~~

~~(D)(4) If a township meets the population requirements of 94
division (A)(2) or (B)(3) of this section, the electors of the 95
unincorporated area of the township may petition the board of 96
township trustees to adopt a resolution causing the board of 97
elections to submit to the electors the question of whether the 98
township should adopt a limited home rule government. Upon receipt 99
of a petition signed by ten per cent of the electors of the 100
unincorporated area of the township, as determined by the total 101
number of votes cast in that area for the office of governor at 102
the most recent general election for that office, the board of 103
township trustees shall adopt the resolution. The question shall 104
be voted upon at the next general election occurring at least 105
seventy-five days after the certification of the resolution to the 106
board of elections. 107~~

(B) If the population of the unincorporated territory of any 108
township that adopts a limited home rule government under division 109
(A)(3) or (4) of this section is fifteen thousand or more, the 110
township shall be called an "urban township." 111

(C) Except as otherwise provided in division (A)(1) of this 112
section, townships with a population of less than five thousand in 113

the unincorporated territory of the township are not permitted to 114
adopt a limited home rule government. 115

Sec. 504.02. (A) After certification of a resolution as 116
provided in division (A), ~~(B), or (D)~~ of section 504.01 of the 117
Revised Code, the board of elections shall submit the question of 118
whether to adopt a limited home rule government to the electors of 119
the unincorporated area of the township, and the ballot language 120
shall be substantially as follows: 121

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

..... For adoption of a limited home rule government 126

..... Against adoption of a limited home rule government" 127

(B)(1) At least forty-five days before the election on this 128
question, the board of township trustees shall have notice of the 129
election and a description of the proposed limited home rule 130
government published in a newspaper of general circulation in the 131
township once a week for two consecutive weeks and have the notice 132
and description posted in five conspicuous places in the 133
unincorporated area of the township. 134

(2) If a board of elections operates and maintains a web 135
site, notice of the election and a description of the proposed 136
limited home rule government shall be posted on that web site for 137
at least thirty days before the election on this question. 138

(C) If a majority of the votes cast on the proposition of 139
adopting a limited home rule government is in the affirmative, 140
that government is adopted and becomes the government of the 141
township on the first day of January immediately following the 142
election. 143

Sec. 505.031. The (A)(1) Except as otherwise provided in 144
division (B) of this section, the board of township trustees may 145
appoint a township administrator, who shall be the administrative 146
head of the township under the direction and supervision of the 147
board and who shall hold office at the pleasure of the board. 148

(2) The board of township trustees shall appoint a township 149
administrator before the adoption of a resolution under division 150
(A)(1) of section 504.01 of the Revised Code directing the board 151
of elections to submit to the electors of the unincorporated 152
territory of the township the question of whether the township 153
should adopt a limited home rule government. The administrator 154
shall be the administrative head of the township under the 155
direction and supervision of the board and shall hold office at 156
the pleasure of the board. 157

(B) In the event that the township administrator is absent 158
from ~~his~~ that office by reason of illness, death, vacation, 159
resignation, or removal, the ~~chairman~~ chairperson of the board or 160
a qualified person designated by ~~him~~ the chairperson with the 161
approval of the board shall act as township administrator and 162
perform all duties of such township office, until such time as the 163
township administrator returns to ~~his~~ official duties or the board 164
appoints a new township administrator to fill the vacancy. 165

(C) The board shall fix the salary of the township 166
administrator and cause the same to be paid. 167

Section 2. That existing sections 504.01, 504.02, and 505.031 168
of the Revised Code are hereby repealed. 169