

What Does It Mean To Be A Home Rule Township?

A. How to Become a Home Rule Township (504.01)

1. **Initiation by the board of township trustees to put the question before the voters**
 - a. Must have 5,000 but less than 15,000 people in the unincorporated areas of the township
 - b. Vote by majority of board of township trustees would determine if home rule government is adopted
 - c. If the board of trustees approve home-rule adoption, the question would be voted on by the electors of the unincorporated area of the township at the next general election occurring at least 75 days after certification of the resolution to the board of elections
 1. Vote in favor – limited home rule government would be established in township on the first day of January following the election
 2. Vote against – same form of government

2. **Initiation by a board of township trustees to adopt a resolution and to put the question before the voters to establish limited home rule (504.01)**
 - a. Must have more than 15,000 people living in the unincorporated territory of the township
 - b. Trustees must have at least one public hearing
 - c. May do one of the following:
 1. Trustees may unanimously adopt a resolution establishing home rule
 - a. Resolution will become effective after 30 days after adoption **UNLESS**
 1. Petition is filed requesting the board of trustees submit the question before the voters
 2. Petition must be signed by registered electors of the unincorporated areas
 3. Total must be equal to 10% of the total vote cast for Governor in that area at the most recent election for that office
 4. Vote would determine if home rule government is adopted
 - a. Vote in favor – limited home rule government would be established in township on the first day of January following the election
 - b. Vote against – same form of government
 2. Trustees may by a majority vote adopt a resolution that would submit to the electors of the unincorporated area of the township the question of whether the township should adopt limited home-rule
 - a. The question shall be voted on at the next general election occurring at least 75 days after certification of the resolution to the board of elections

d. Townships that adopt home rule under this method and have 15,000 or more in the unincorporated areas of the township are designated URBAN TOWNSHIPS

3. Initiation by the electors of the unincorporated area of the township

- a. If population requirements are met, as set above in (1) and (2), the electors of the unincorporated areas of the township may petition the board of township trustees to adopt a resolution to cause the board of elections to place the question of home-rule government before the voters in the next general election occurring at least 75 days after the certification of the resolution
- b. Petition must be signed by 10% of the electors of the unincorporated area of the township as determined by the total number of votes cast in that area for the office of Governor at the most recent election.

4. Home Rule Status Adopted

- a. If a majority of voters cast votes in favor of home-rule government, it becomes the form of government on the first day of January immediately following the election
- b. Home-rule status shall remain in effect for at least three years
 - 1. The electors of the unincorporated area of the township may at any time by initiative petition, submit to the voters the question of continuing home-rule government in the township
- c. At the end of three years, if the board of township trustees does not feel that home-rule government is in the best interest of the township, the board can adopt a resolution that puts the question to remain a home-rule township before the voters of the unincorporated area of the township
- d. If a majority of the votes are cast in opposition to continuing home-rule government, the government will be terminated the first day of January immediately following the election
 - 1. If home-rule government is terminated, a board of township trustees must pass a resolution repealing all resolutions adopted pursuant to Chapter 504 of the ORC

B. Powers granted to Home Rule Townships

1. Permits limited home rule townships to provide water and sewer services by contract with any municipal corporation, county sewer district, regional water and sewer district, or any private operator (504.18)

- a. Limited home rule townships can levy special assessments to pay for sewer services and all water supply services
- b. Township may issue non-voted securities in anticipation of those levies

2. Authorizes township to adopt a general plan for sewer and water services (504.19)

- a. After a general plan is adopted, township trustees must immediately notify:

1. the board of county commissioners if any territory is covered by a county water supply facility,
 2. the legislative authority of a municipal corporation that operates a water supply or sewer system in the territory covered in the plan,
 3. the board of trustees of a water and sewer district that includes territory to be covered in plan
- b. The three groups have 30 days from the date of notification to comment or object in writing to the plan
 - c. Within 15 days after receiving the objection the board of township trustees may request mediation
 1. Mediator must be from the Ohio Commission on Dispute Resolution and Conflict Management **OR**
 2. Each party selecting a mediator and then each mediator selecting a third mediator who together must conduct the mediation
 - d. Within 45 days of request for mediation, the mediation must be completed and all agreements must be filed in writing
 - e. To cover the costs of acquiring, constructing, maintaining, improving, repairing, or operating a water supply facility or sewer improvement a board of township trustees may issue maximum 40-year general obligation bonds

3. Hiring of an independent engineer for road projects (5543.01, 5573.01)

- a. County Engineer has charge of and supervision of construction and maintenance of county bridges and highways and roads by boards of township trustees
- b. After notifying or obtaining the approval of the county engineer, a limited home rule township may hire an independent professional engineer to be in charge of or assist the county engineer
- c. When the independent engineer is in charge, all plans must be reviewed by the county engineer

4. Debt limit increase (133.09)

- a. Home rule townships are prohibited from incurring net indebtedness that exceeds an amount equal to 10½% of its tax valuation **OR**
- b. Incurring net indebtedness of 5½% of tax valuation without a vote of the electors
 1. When calculating net indebtedness, none of the following shall be included:
 - a. Self-supporting securities
 - b. Securities issued for the purpose of purchasing, constructing,, improving or extending water or sanitary or surface or storm water sewerage systems
 - c. Securities that are not general obligations of the township
 - d. Voted securities issued for the purposes of redevelopment
 - e. Securities issued for the purpose of acquiring or constructing roads, highways, bridges, or viaducts
 - f. Securities issued for energy conservation measures

5. Provide police protection services (504.04, 504.16)

- a. Township must do one of the following:
 1. Establish a police district that includes the unincorporated area of the township
 2. Establish a joint township police district
 3. Contract to obtain police protection services including enforcement of township resolutions adopted under this section
- b. Township must adopt and enforce police regulations within the unincorporated areas of the township that **MAY NOT**:
 1. Conflict state laws
 2. Create a criminal offense
 3. Impose civil fines otherwise instructed by ORC 504.04
- c. Peace officers serving the township may issue citations to persons who violate resolutions adopted under this section of the ORC that shall contain:
 1. Person must answer to charges within 14 days
 2. Indicate allowable answers to the charge or that a court date will be provided in the case of denial of charge
 3. Specify the answer must be made in person or by mail
 4. Indicate the amount of the fine for the violation of resolution adopted
 - a. Fines may be graduated based on previous violations of the resolution
 - a. No fine shall exceed \$1,000
 - b. Resolutions that establish fines for violations must clearly state the amount for first and subsequent offenses

6. Full or part-time law director (504.15, 504.08, 504.151)

- a. Township trustees must appoint a full or part-time law director **OR**
- b. Enter into a contract with the county prosecuting attorney to serve as the township law director
 1. Township law director **SHALL**:
 - a. Be an attorney licensed to practice in Ohio
 - b. Be the legal advisor to the board of township trustees, clerk and all other township officers
 1. All may require written opinions or instructions from law director
 - c. Prosecute and defend all suits and actions brought forth by the township or that the township is a party to
 - d. Prosecute any violation of a township resolution as provided in Chapter 504 of the ORC
 - e. Review all resolutions to form prior to their introduction by a township trustee
 2. Township law director **MAY**:
 - a. Appoint an assistant law director, prosecutor, clerk, stenographer, or other employee

7. Rules and orders of business (504.09, 504.10, 504.11, 504.12, 504.14)

- a. Board shall determine its own rules and order of business
- b. Board shall keep a journal of its proceedings

- c. A majority of the members constitutes a quorum
- d. Resolutions
 - 1. Board shall determine style and form of resolutions
 - 2. Each resolution adopted pursuant to this section shall be:
 - a. Introduced in written form by a member of the board
 - b. Only contain one subject, except appropriation resolutions
 - c. Be read only by title only unless a vote by majority of the board
 - d. Read on two occasions
 - 1. Board may dispense with this requirement and vote on a resolution after only one hearing
 - e. Vote on resolutions
 - 1. Taken by yeas and nays
 - 2. Passage is a concurrence of a majority of all members
 - a. Emergency measures must be unanimous
 - b. If emergency measures fails to pass unanimously but receives a majority of the votes, the measure passes as a non-emergency measure
 - 3. Resolutions may be proposed by initiative petition by the electors in the unincorporated area of the township
 - a. Resolutions must then be adopted by election by these electors
 - b. Resolutions adopted by the board of township trustees may be submitted to these electors for approval
 - 1. Initiative and referendum petitions shall be filed with the township clerk
 - 2. Initiative and referendum petitions shall contain the signatures of not less than 10% of the total number of electors in the unincorporated area that voted in the last general election for the office of Governor
 - 4. All resolutions take effect 30 days after it is filed with the Clerk, **EXCEPT:**
 - a. Appropriation, questions to the electorate, approval of a revision, codification, recodification, and emergency measures
 - b. These resolutions take effect 10 days after filing with the Clerk
 - 4. Must be recorded in a book or other record prescribed by the board of township trustees
 - a. Records must be established and maintained by clerk
 - b. Records must be furnished upon the request of any person
 - 1. A fee may be established by the board of trustees for the copy cost of the documents

8. Adoption of building codes and other standards (504.13)

- a. May by resolution adopt building codes and other standards, which include but are not limited to:
 - 1. Plumbing Code
 - 2. Electrical Code
 - 3. Refrigeration Machinery Code
 - 4. Piping Code
 - 5. Boiler Code

6. Heating Code

7. Air Conditioning Code

8. Fire, Fire Hazards and Fire Prevention Codes

- b. All codes adopted pursuant to this section must be adopted in the manner provided for in ORC Section 505.75 and shall be made available
- c. If a board of county commissioners has adopted a code in section (a), a limited home-rule township **SHALL NOT** adopt such a code
- d. If a township adopts a code and a board of county commissioners subsequently adopts a code, the township code shall become ineffective one year after the effective date of the commissioners code