

INFORMATIONAL BACKGROUND

1. House Bill 77 was enacted by the 119th General Assembly and signed by Governor Voinovich on June 18, 1991 allowing Limited Home Rule. Since that time, amendments were made on June 17, 1999, September 5, 2001, and September 25, 2003.
2. As a general rule, the townships that have chosen to adopt this form of government have relatively large populations with the average being 28,000.
3. Limited Home Rule permits any legislation not specifically prohibited by the Ohio Revised Code (ORC). It enables townships to enact legislation in a broad range of areas that it cannot do as a statutory township. Attachments are permitted (***Attachment "A"***) and non-permitted legislation (***Attachment "B"***) under Limited Home Rule.

AUTHORIZED POWERS **(THINGS THAT CAN (but do not have to) BE DONE)**

1. Changes in Limits in Debt Issuance:
 - a. Under the traditional form of township government, there are limits on the amount of indebtedness that can be incurred equal to 5% of the total assessed property valuation in the township. A commitment to increase debt requires a vote of the residents. Such debt can be committed only up to 10 years.
 - b. Limited Home Rule townships can expand upon debt options. The debt can be incurred up to 10% of assessed property value and of that 10%, 5.5% can be incurred on a trustee vote. The time period over which debt can be carried increases in some instances from 10 years to 30 years.
2. Hiring of an Engineer:
 - a. Home rule gives township's authority to hire an independent engineer to work on roadway projects in the township with the approval of the County Engineer.
3. Authority to Provide Sewer Services:
 - a. Home Rule allows townships to become a provider of sanitary sewer services under certain conditions and through several methods.

REQUIRED LEGISLATION
(THINGS THAT MUST BE DONE)

1. Hire township law director on a full or part-time basis. If township wishes to enter into contract with county prosecuting attorney to serve as law director, Board of County Commissioners must approve. The Board of Trustees sets the law director's salary.
2. Establish a police district. The township can create an individual police district, a joint police district with other townships, or contract for police services.
3. Resolutions must be drafted for the Trustee meeting and must be read at two different township meetings before passage. The second reading may be waived by a majority vote of the trustees.
4. Resolutions can only contain one subject matter in its title.

PROCEDURE FOR ADOPTION OF HOME RULE

1. Populations less than 5,000 – not permitted to adopt limited home rule government.
2. Populations 5,000 through 14,999 – township trustees, by majority vote, may adopt resolution to have an election on the question of adopting limited home rule. If voters approve, home rule becomes effective on January 1 following election. Process may also be initiated by initiative petition of electorate.
3. Populations 15,000 or more (urban township). One public hearing, then township trustees may establish:
 - a. By unanimous vote, effective 30 days after the date of its adoption unless petition by electors requesting vote at special election is submitted within 30 days after passage.
 - or
 - b. By majority vote, resolution causing board of elections to submit question to electors. If passed by voters, it becomes effective January 1 of following year.
4. Home Rule may be terminated after three years if the trustees adopt a resolution to put the issue on the ballot at a general election. Electors may initiate termination prior to the expiration of three years.

ADVANTAGES

1. Authority in areas not previously permitted to legislate.
2. More powerful and efficient means of enforcing resolutions, collecting fines, and penalties for infractions:
 - a. Civil fines up to \$1,000 may be imposed – resolution must clearly define the violation and fine.
 - b. Violator has 14 days to pay or provide answers for violations (payments for fines go into General Fund).
 - c. If nothing happens in 14 days, Township Fiscal Officer notifies Courts of violation.
3. Direct promotion of quality of life for residents.
4. Greater debt issuance authority – this will allow township to have greater flexibility, lower interest rates, and lower issuance costs as investors feel more confident in guarantee of home rule:
 - a. Rating agencies (e.g. Moody's) look very highly on Limited Home Rule Townships – can acquire higher bond rating which allows for lower debt costs.
 - b. Can combine different debt obligations under one General Obligation bond rather than having separate bonds for separate items. Larger issues allow for better rates.
 - c. Although this provides greater flexibility in issuing debt, the township still needs to show it can pay it back and how it will affect the future budgets. Consequently, full financial analysis still must be performed before any issuance would occur.
5. Police and certain water and sanitary service self-reliant.
6. Improved residential, industrial, and business development within the township.

DISADVANTAGES

1. Home rule townships must hire a township law director on full or part-time basis. This has the possibility of increasing legal fees.
2. Authority is broad, but not precise, resulting in court challenges on basis that resolution exceeds the grant of authority under Chapter 504.
3. Court decisions only final authority in most cases.
4. Chapter 504 gives townships general home rule powers, then limits the powers by listing areas that townships are prohibited from legislating.
5. While townships can establish resolutions that impose civil penalties, these can only be enforced as civil violations (as opposed to criminal). Prosecution of an offense must be performed by the township Law Director, and any fines levied are civil judgments which must then be collected. This process can be unwieldy and expensive.

ATTACHMENT "A"

PERMISSIBLE LEGISLATION UNDER LIMITED HOME RULE

- Passing curfew restrictions for minors.
- Regulating part-time employment of off-duty police officers.
- Establishing reimbursement procedures of other political subdivisions.
- Prohibiting tampering with township property.
- Limiting speed on township roads.
- Passing nuisance and public safety resolutions.
- Prohibiting storage of abandoned junk vehicles.
- Instituting recycling measures.
- Instituting emergency traffic/parking ordinances.
- Restricting or expanding use of township facilities.
- Building, plumbing, electrical, refrigeration, machinery, piping, boiler, heating, air conditioning, fire, fire hazard, fire prevention codes (where county has not adopted such codes).
- Broader powers to enforce zoning codes.
- Regulation of parking, noise control, abating nuisances.
- Regulation of manufacturers, dealers, peddlers, and amusements.
- Regulation of transient dealers and solicitors.
- Establishing speed limits on township roads.
- Regulation of noxious weeds, brush, and litter.
- Broader power to deal with other political subdivisions.
- Prohibit tampering with township property.
- Regulating public gatherings, concerts, etc.
- Regulation of parks and public facilities.
- Impounding animals.
- Regulation of street vendors.
- Regulation of wharves and docks.
- Regulation of shows and games.
- Regulation of erection of fences and signs.
- Regulating nuisance and public safety.
- Regulation of recycling.
- Traffic and parking regulations.
- Regulation of use of township facilities.
- Appropriate funds for community projects.

Civil fines, up to \$1,000, may be imposed

ATTACHMENT "B"

NON-PERMITTED LEGISLATION UNDER LIMITED HOME RULE

- No resolution may be in conflict with the general laws of the State. Limited Home Rule grants broad authorizations to townships to act legislatively, so long as the action does not conflict with Ohio law, specifically in Section 504 of the Ohio Revised Code.
- No tax other than as authorized under the general laws. A township wide income tax cannot be imposed.
- May not encroach upon the powers, duties, and privileges of elected township officials.
- May not modify the form or structure of the township government unless required by law.
- May not create a criminal offense or impose criminal penalties.
- May not impose civil fines other than as authorized.
- May not establish or revise subdivision regulations, road construction standards, urban sediment rules, or storm water drainage regulations.
- May not establish or revise building codes or standards or other standard codes except as authorized.
- Townships' powers relative to agriculture or the conservation or development of natural resources may not be increased, decreased, or altered in any way.
- No ability to establish regulations effecting hunting, trapping, fishing, or the possession, use, or sale of firearms.
- No power to establish or revise water or sewer regulations except as stated.