

As Reported by the House State and Local Government Committee

132nd General Assembly

Regular Session

2017-2018

H. B. No. 470

Representative Edwards

Cosponsors: Representatives Hambley, Perales

A BILL

To amend sections 515.01 and 5705.19 of the Revised 1
Code to authorize a property tax levy 2
specifically to fund lighting for roads and 3
public places. 4

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

Section 1. That sections 515.01 and 5705.19 of the Revised 5
Code be amended to read as follows: 6

Sec. 515.01. The board of township trustees may provide 7
artificial lights for any road, highway, public place, or 8
building under its supervision or control, or for any territory 9
within the township and outside the boundaries of any municipal 10
corporation, when the board determines that the public safety or 11
welfare requires that the road, highway, public place, building, 12
or territory shall be lighted. The lighting may be procured 13
either by the township installing a lighting system or by 14
contracting with any person or corporation to furnish lights. 15

If lights are furnished under contract, the contract may 16
provide that the equipment employed may be owned by the township 17
or by the person or corporation supplying the lights. 18

If the board determines to procure lighting by contract 19
and the total estimated cost of the contract exceeds fifty 20
thousand dollars, the board shall prepare plans and 21
specifications for the lighting equipment and shall, for two 22
weeks, advertise for bids for furnishing the lighting equipment, 23
either by posting the advertisement in three conspicuous places 24
in the township or by publication of the advertisement once a 25
week, for two consecutive weeks, in a newspaper of general 26
circulation in the township. Any such contract for lighting 27
shall be made with the lowest and best bidder. 28

The board may also cause notice to be inserted in trade 29
papers or other publications designated by it or to be 30
distributed by electronic means, including posting the notice on 31
the board's internet web site. If the board posts the notice on 32
its web site, it may eliminate the second notice otherwise 33
required to be published in a newspaper of general circulation 34
in the township, provided that the first notice published in 35
such newspaper meets all of the following requirements: 36

(A) It is published at least two weeks before the opening 37
of bids. 38

(B) It includes a statement that the notice is posted on 39
the board's internet web site. 40

(C) It includes the internet address of the board's 41
internet web site. 42

(D) It includes instructions describing how the notice may 43
be accessed on the board's internet web site. 44

No lighting contract awarded by the board shall be made to 45
cover a period of more than twenty years. The cost of installing 46
and operating any lighting system or any light furnished under 47

contract shall be paid from the general fund of the township 48
treasury or, if the board levies a tax pursuant to division (ZZ) 49
of section 5705.19 of the Revised Code, from the special fund 50
created to receive the proceeds of that tax. 51

Sec. 5705.19. This section does not apply to school 52
districts, county school financing districts, or lake facilities 53
authorities. 54

The taxing authority of any subdivision at any time and in 55
any year, by vote of two-thirds of all the members of the taxing 56
authority, may declare by resolution and certify the resolution 57
to the board of elections not less than ninety days before the 58
election upon which it will be voted that the amount of taxes 59
that may be raised within the ten-mill limitation will be 60
insufficient to provide for the necessary requirements of the 61
subdivision and that it is necessary to levy a tax in excess of 62
that limitation for any of the following purposes: 63

(A) For current expenses of the subdivision, except that 64
the total levy for current expenses of a detention facility 65
district or district organized under section 2151.65 of the 66
Revised Code shall not exceed two mills and that the total levy 67
for current expenses of a combined district organized under 68
sections 2151.65 and 2152.41 of the Revised Code shall not 69
exceed four mills; 70

(B) For the payment of debt charges on certain described 71
bonds, notes, or certificates of indebtedness of the subdivision 72
issued subsequent to January 1, 1925; 73

(C) For the debt charges on all bonds, notes, and 74
certificates of indebtedness issued and authorized to be issued 75
prior to January 1, 1925; 76

(D) For a public library of, or supported by, the	77
subdivision under whatever law organized or authorized to be	78
supported;	79
(E) For a municipal university, not to exceed two mills	80
over the limitation of one mill prescribed in section 3349.13 of	81
the Revised Code;	82
(F) For the construction or acquisition of any specific	83
permanent improvement or class of improvements that the taxing	84
authority of the subdivision may include in a single bond issue;	85
(G) For the general construction, reconstruction,	86
resurfacing, and repair of streets, roads, and bridges in	87
municipal corporations, counties, or townships;	88
(H) For parks and recreational purposes;	89
(I) For providing and maintaining fire apparatus,	90
mechanical resuscitators, underwater rescue and recovery	91
equipment, or other fire equipment and appliances, buildings and	92
sites therefor, or sources of water supply and materials	93
therefor, for the establishment and maintenance of lines of	94
fire-alarm communications, for the payment of firefighting	95
companies or permanent, part-time, or volunteer firefighting,	96
emergency medical service, administrative, or communications	97
personnel to operate the same, including the payment of any	98
employer contributions required for such personnel under section	99
145.48 or 742.34 of the Revised Code, for the purchase of	100
ambulance equipment, for the provision of ambulance, paramedic,	101
or other emergency medical services operated by a fire	102
department or firefighting company, or for the payment of other	103
related costs;	104
(J) For providing and maintaining motor vehicles,	105

communications, other equipment, buildings, and sites for such	106
buildings used directly in the operation of a police department,	107
for the payment of salaries of permanent or part-time police,	108
communications, or administrative personnel to operate the same,	109
including the payment of any employer contributions required for	110
such personnel under section 145.48 or 742.33 of the Revised	111
Code, for the payment of the costs incurred by townships as a	112
result of contracts made with other political subdivisions in	113
order to obtain police protection, for the provision of	114
ambulance or emergency medical services operated by a police	115
department, or for the payment of other related costs;	116
(K) For the maintenance and operation of a county home or	117
detention facility;	118
(L) For community developmental disabilities programs and	119
services pursuant to Chapter 5126. of the Revised Code, except	120
that such levies shall be subject to the procedures and	121
requirements of section 5705.222 of the Revised Code;	122
(M) For regional planning;	123
(N) For a county's share of the cost of maintaining and	124
operating schools, district detention facilities, forestry	125
camps, or other facilities, or any combination thereof,	126
established under section 2151.65 or 2152.41 of the Revised Code	127
or both of those sections;	128
(O) For providing for flood defense, providing and	129
maintaining a flood wall or pumps, and other purposes to prevent	130
floods;	131
(P) For maintaining and operating sewage disposal plants	132
and facilities;	133
(Q) For the purpose of purchasing, acquiring,	134

constructing, enlarging, improving, equipping, repairing,	135
maintaining, or operating, or any combination of the foregoing,	136
a county transit system pursuant to sections 306.01 to 306.13 of	137
the Revised Code, or of making any payment to a board of county	138
commissioners operating a transit system or a county transit	139
board pursuant to section 306.06 of the Revised Code;	140
(R) For the subdivision's share of the cost of acquiring	141
or constructing any schools, forestry camps, detention	142
facilities, or other facilities, or any combination thereof,	143
under section 2151.65 or 2152.41 of the Revised Code or both of	144
those sections;	145
(S) For the prevention, control, and abatement of air	146
pollution;	147
(T) For maintaining and operating cemeteries;	148
(U) For providing ambulance service, emergency medical	149
service, or both;	150
(V) For providing for the collection and disposal of	151
garbage or refuse, including yard waste;	152
(W) For the payment of the police officer employers'	153
contribution or the firefighter employers' contribution required	154
under sections 742.33 and 742.34 of the Revised Code;	155
(X) For the construction and maintenance of a drainage	156
improvement pursuant to section 6131.52 of the Revised Code;	157
(Y) For providing or maintaining senior citizens services	158
or facilities as authorized by section 307.694, 307.85, 505.70,	159
or 505.706 or division (EE) of section 717.01 of the Revised	160
Code;	161
(Z) For the provision and maintenance of zoological park	162

services and facilities as authorized under section 307.76 of	163
the Revised Code;	164
(AA) For the maintenance and operation of a free public	165
museum of art, science, or history;	166
(BB) For the establishment and operation of a 9-1-1	167
system, as defined in section 128.01 of the Revised Code;	168
(CC) For the purpose of acquiring, rehabilitating, or	169
developing rail property or rail service. As used in this	170
division, "rail property" and "rail service" have the same	171
meanings as in section 4981.01 of the Revised Code. This	172
division applies only to a county, township, or municipal	173
corporation.	174
(DD) For the purpose of acquiring property for,	175
constructing, operating, and maintaining community centers as	176
provided for in section 755.16 of the Revised Code;	177
(EE) For the creation and operation of an office or joint	178
office of economic development, for any economic development	179
purpose of the office, and to otherwise provide for the	180
establishment and operation of a program of economic development	181
pursuant to sections 307.07 and 307.64 of the Revised Code, or	182
to the extent that the expenses of a county land reutilization	183
corporation organized under Chapter 1724. of the Revised Code	184
are found by the board of county commissioners to constitute the	185
promotion of economic development, for the payment of such	186
operations and expenses;	187
(FF) For the purpose of acquiring, establishing,	188
constructing, improving, equipping, maintaining, or operating,	189
or any combination of the foregoing, a township airport, landing	190
field, or other air navigation facility pursuant to section	191

505.15 of the Revised Code;	192
(GG) For the payment of costs incurred by a township as a result of a contract made with a county pursuant to section 505.263 of the Revised Code in order to pay all or any part of the cost of constructing, maintaining, repairing, or operating a water supply improvement;	193 194 195 196 197
(HH) For a board of township trustees to acquire, other than by appropriation, an ownership interest in land, water, or wetlands, or to restore or maintain land, water, or wetlands in which the board has an ownership interest, not for purposes of recreation, but for the purposes of protecting and preserving the natural, scenic, open, or wooded condition of the land, water, or wetlands against modification or encroachment resulting from occupation, development, or other use, which may be styled as protecting or preserving "greenspace" in the resolution, notice of election, or ballot form. Except as otherwise provided in this division, land is not acquired for purposes of recreation, even if the land is used for recreational purposes, so long as no building, structure, or fixture used for recreational purposes is permanently attached or affixed to the land. Except as otherwise provided in this division, land that previously has been acquired in a township for these greenspace purposes may subsequently be used for recreational purposes if the board of township trustees adopts a resolution approving that use and no building, structure, or fixture used for recreational purposes is permanently attached or affixed to the land. The authorization to use greenspace land for recreational use does not apply to land located in a township that had a population, at the time it passed its first greenspace levy, of more than thirty-eight thousand within a county that had a population, at that time, of at least eight	198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222

hundred sixty thousand.	223
(II) For the support by a county of a crime victim	224
assistance program that is provided and maintained by a county	225
agency or a private, nonprofit corporation or association under	226
section 307.62 of the Revised Code;	227
(JJ) For any or all of the purposes set forth in divisions	228
(I) and (J) of this section. This division applies only to a	229
township.	230
(KK) For a countywide public safety communications system	231
under section 307.63 of the Revised Code. This division applies	232
only to counties.	233
(LL) For the support by a county of criminal justice	234
services under section 307.45 of the Revised Code;	235
(MM) For the purpose of maintaining and operating a jail	236
or other detention facility as defined in section 2921.01 of the	237
Revised Code;	238
(NN) For purchasing, maintaining, or improving, or any	239
combination of the foregoing, real estate on which to hold, and	240
the operating expenses of, agricultural fairs operated by a	241
county agricultural society or independent agricultural society	242
under Chapter 1711. of the Revised Code. This division applies	243
only to a county.	244
(OO) For constructing, rehabilitating, repairing, or	245
maintaining sidewalks, walkways, trails, bicycle pathways, or	246
similar improvements, or acquiring ownership interests in land	247
necessary for the foregoing improvements;	248
(PP) For both of the purposes set forth in divisions (G)	249
and (OO) of this section.	250

(QQ) For both of the purposes set forth in divisions (H)	251
and (HH) of this section. This division applies only to a	252
township.	253
(RR) For the legislative authority of a municipal	254
corporation, board of county commissioners of a county, or board	255
of township trustees of a township to acquire agricultural	256
easements, as defined in section 5301.67 of the Revised Code,	257
and to supervise and enforce the easements.	258
(SS) For both of the purposes set forth in divisions (BB)	259
and (KK) of this section. This division applies only to a	260
county.	261
(TT) For the maintenance and operation of a facility that	262
is organized in whole or in part to promote the sciences and	263
natural history under section 307.761 of the Revised Code.	264
(UU) For the creation and operation of a county land	265
reutilization corporation and for any programs or activities of	266
the corporation found by the board of directors of the	267
corporation to be consistent with the purposes for which the	268
corporation is organized;	269
(VV) For construction and maintenance of improvements and	270
expenses of soil and water conservation district programs under	271
Chapter 940. of the Revised Code;	272
(WW) For the OSU extension fund created under section	273
3335.35 of the Revised Code for the purposes prescribed under	274
section 3335.36 of the Revised Code for the benefit of the	275
citizens of a county. This division applies only to a county.	276
(XX) For a municipal corporation that withdraws or	277
proposes by resolution to withdraw from a regional transit	278
authority under section 306.55 of the Revised Code to provide	279

transportation services for the movement of persons within,	280
from, or to the municipal corporation;	281
(YY) For any combination of the purposes specified in	282
divisions (NN), (VV), and (WW) of this section. This division	283
applies only to a county;	284
<u>(ZZ) For installing, operating, and maintaining lighting</u>	285
<u>for streets, roads, highways, or public places.</u>	286
The resolution shall be confined to the purpose or	287
purposes described in one division of this section, to which the	288
revenue derived therefrom shall be applied. The existence in any	289
other division of this section of authority to levy a tax for	290
any part or all of the same purpose or purposes does not	291
preclude the use of such revenues for any part of the purpose or	292
purposes of the division under which the resolution is adopted.	293
The resolution shall specify the amount of the increase in	294
rate that it is necessary to levy, the purpose of that increase	295
in rate, and the number of years during which the increase in	296
rate shall be in effect, which may or may not include a levy	297
upon the duplicate of the current year. The number of years may	298
be any number not exceeding five, except as follows:	299
(1) When the additional rate is for the payment of debt	300
charges, the increased rate shall be for the life of the	301
indebtedness.	302
(2) When the additional rate is for any of the following,	303
the increased rate shall be for a continuing period of time:	304
(a) For the current expenses for a detention facility	305
district, a district organized under section 2151.65 of the	306
Revised Code, or a combined district organized under sections	307
2151.65 and 2152.41 of the Revised Code;	308

(b) For providing a county's share of the cost of 309
maintaining and operating schools, district detention 310
facilities, forestry camps, or other facilities, or any 311
combination thereof, established under section 2151.65 or 312
2152.41 of the Revised Code or under both of those sections. 313

(3) When the additional rate is for either of the 314
following, the increased rate may be for a continuing period of 315
time: 316

(a) For the purposes set forth in division (I), (J), (U), 317
or (KK) of this section; 318

(b) For the maintenance and operation of a joint 319
recreation district. 320

(4) When the increase is for the purpose or purposes set 321
forth in division (D), (G), (H), (T), (Z), (CC), or (PP) of this 322
section, the tax levy may be for any specified number of years 323
or for a continuing period of time, as set forth in the 324
resolution. 325

A levy for one of the purposes set forth in division (G), 326
(I), (J), or (U) of this section may be reduced pursuant to 327
section 5705.261 or 5705.31 of the Revised Code. A levy for one 328
of the purposes set forth in division (G), (I), (J), or (U) of 329
this section may also be terminated or permanently reduced by 330
the taxing authority if it adopts a resolution stating that the 331
continuance of the levy is unnecessary and the levy shall be 332
terminated or that the millage is excessive and the levy shall 333
be decreased by a designated amount. 334

A resolution of a detention facility district, a district 335
organized under section 2151.65 of the Revised Code, or a 336
combined district organized under both sections 2151.65 and 337

2152.41 of the Revised Code may include both current expenses 338
and other purposes, provided that the resolution shall apportion 339
the annual rate of levy between the current expenses and the 340
other purpose or purposes. The apportionment need not be the 341
same for each year of the levy, but the respective portions of 342
the rate actually levied each year for the current expenses and 343
the other purpose or purposes shall be limited by the 344
apportionment. 345

Whenever a board of county commissioners, acting either as 346
the taxing authority of its county or as the taxing authority of 347
a sewer district or subdistrict created under Chapter 6117. of 348
the Revised Code, by resolution declares it necessary to levy a 349
tax in excess of the ten-mill limitation for the purpose of 350
constructing, improving, or extending sewage disposal plants or 351
sewage systems, the tax may be in effect for any number of years 352
not exceeding twenty, and the proceeds of the tax, 353
notwithstanding the general provisions of this section, may be 354
used to pay debt charges on any obligations issued and 355
outstanding on behalf of the subdivision for the purposes 356
enumerated in this paragraph, provided that any such obligations 357
have been specifically described in the resolution. 358

A resolution adopted by the legislative authority of a 359
municipal corporation that is for the purpose in division (XX) 360
of this section may be combined with the purpose provided in 361
section 306.55 of the Revised Code, by vote of two-thirds of all 362
members of the legislative authority. The legislative authority 363
may certify the resolution to the board of elections as a 364
combined question. The question appearing on the ballot shall be 365
as provided in section 5705.252 of the Revised Code. 366

A levy for the purpose set forth in division (BB) of this 367

section may be imposed in all or a portion of the territory of a 368
subdivision. If the 9-1-1 system to be established and operated 369
with levy funds excludes territory located within the 370
subdivision, the resolution adopted under this section, or a 371
resolution proposing to renew such a levy that was imposed in 372
all of the territory of the subdivision, may describe the area 373
served or to be served by the system and specify that the 374
proposed tax would be imposed only in the areas receiving or to 375
receive the service. Upon passage of such a resolution, the 376
board of elections shall submit the question of the tax levy 377
only to those electors residing in the area or areas in which 378
the tax would be imposed. If the 9-1-1 system would serve the 379
entire subdivision, the resolution shall not exclude territory 380
from the tax levy. 381

The resolution shall go into immediate effect upon its 382
passage, and no publication of the resolution is necessary other 383
than that provided for in the notice of election 384

When the electors of a subdivision or, in the case of a 385
qualifying library levy for the support of a library association 386
or private corporation, the electors of the association library 387
district or, in the case of a 9-1-1 system levy serving only a 388
portion of the territory of a subdivision, the electors of the 389
portion of the subdivision in which the levy would be imposed 390
have approved a tax levy under this section, the taxing 391
authority of the subdivision may anticipate a fraction of the 392
proceeds of the levy and issue anticipation notes in accordance 393
with section 5705.191 or 5705.193 of the Revised Code. 394

Section 2. That existing sections 515.01 and 5705.19 of 395
the Revised Code are hereby repealed. 396

Section 3. Section 5705.19 of the Revised Code is 397

presented in this act as a composite of the section as amended 398
by Sub. H.B. 158, Am. Sub. H.B. 277, Sub. H.B. 413, and Am. Sub. 399
H.B. 483, all of the 131st General Assembly. The General 400
Assembly, applying the principle stated in division (B) of 401
section 1.52 of the Revised Code that amendments are to be 402
harmonized if reasonably capable of simultaneous operation, 403
finds that the composite is the resulting version of the section 404
in effect prior to the effective date of the section as 405
presented in this act. 406