

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**S. B. No. 43**

**Senator Bacon**

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**A BILL**

To amend sections 504.04 and 504.13 of the Revised Code to enable limited home rule townships to adopt building codes regardless of any similar codes adopted by the county in which the township resides.

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

**Section 1.** That sections 504.04 and 504.13 of the Revised Code be amended to read as follows:

**Sec. 504.04.** (A) A township that adopts a limited home rule government may do all of the following by resolution, provided that any of these resolutions, other than a resolution to supply water or sewer services in accordance with sections 504.18 to 504.20 of the Revised Code, may be enforced only by the imposition of civil fines as authorized in this chapter:

(1) Exercise all powers of local self-government within the unincorporated area of the township, other than powers that are in conflict with general laws, except that the township shall comply with the requirements and prohibitions of this chapter, and shall enact no taxes other than those authorized by general law, and except that no resolution adopted pursuant to

this chapter shall encroach upon the powers, duties, and 20  
privileges of elected township officers or change, alter, 21  
combine, eliminate, or otherwise modify the form or structure of 22  
the township government unless the change is required or 23  
permitted by this chapter; 24

(2) Adopt and enforce within the unincorporated area of 25  
the township local police, sanitary, and other similar 26  
regulations that are not in conflict with general laws or 27  
otherwise prohibited by division (B) of this section; 28

(3) Supply water and sewer services to users within the 29  
unincorporated area of the township in accordance with sections 30  
504.18 to 504.20 of the Revised Code; 31

(4) Adopt and enforce within the unincorporated area of 32  
the township any resolution of a type described in section 33  
503.52 or 503.60 of the Revised Code; 34

(5) Establish or revise building standards, building 35  
codes, and other standard codes as provided in section 504.13 of 36  
the Revised Code. 37

(B) No resolution adopted pursuant to this chapter shall 38  
do any of the following: 39

(1) Create a criminal offense or impose criminal 40  
penalties, except as authorized by division (A) of this section 41  
or by section 503.52 of the Revised Code; 42

(2) Impose civil fines other than as authorized by this 43  
chapter; 44

(3) Establish or revise subdivision regulations, road 45  
construction standards, urban sediment rules, or storm water and 46  
drainage regulations, except as provided in section 504.21 of 47

the Revised Code; 48

~~(4) Establish or revise building standards, building codes, and other standard codes except as provided in section 504.13 of the Revised Code;~~ 49 50 51

~~(5)~~ Increase, decrease, or otherwise alter the powers or duties of a township under any other chapter of the Revised Code pertaining to agriculture or the conservation or development of natural resources; 52 53 54 55

~~(6)~~(5) Establish regulations affecting hunting, trapping, fishing, or the possession, use, or sale of firearms; 56 57

~~(7)~~(6) Establish or revise water or sewer regulations, except in accordance with section 504.18, 504.19, or 504.21 of the Revised Code. 58 59 60

Nothing in this chapter shall be construed as affecting the powers of counties with regard to the subjects listed in divisions (B) (3) ~~to (5)~~ and (4) of this section. 61 62 63

(C) Under a limited home rule government, all officers shall have the qualifications, and be nominated, elected, or appointed, as provided in Chapter 505. of the Revised Code, except that the board of township trustees shall appoint a full-time or part-time law director pursuant to section 504.15 of the Revised Code, and except that a five-member board of township trustees approved for the township before September 26, 2003, shall continue to serve as the legislative authority with successive members serving for four-year terms of office until a termination of a limited home rule government under section 504.03 of the Revised Code. 64 65 66 67 68 69 70 71 72 73 74

(D) In case of conflict between resolutions enacted by a board of township trustees and municipal ordinances or 75 76

resolutions, the ordinance or resolution enacted by the 77  
municipal corporation prevails. In case of conflict between 78  
resolutions enacted by a board of township trustees and any 79  
county resolution, the resolution enacted by the board of 80  
township trustees prevails. 81

**Sec. 504.13.** (A) ~~Except as provided in division (B) of~~ 82  
~~this section, the~~ The board of township trustees of a township 83  
that adopts a limited home rule government may adopt, by 84  
resolution, building codes and other standard codes promulgated 85  
by the state, or any department, board, or other agency of the 86  
state, or any code prepared and promulgated by a public or 87  
private organization that publishes a model or standard code, 88  
including, but not limited to, a plumbing code, electrical code, 89  
refrigeration machinery code, piping code, boiler code, heating 90  
code, air conditioning code, or any code pertaining to fire, 91  
fire hazards, and fire prevention. Any codes adopted pursuant to 92  
this section shall be adopted in the manner provided for in 93  
section 505.75 of the Revised Code and shall be made available 94  
as required in section 505.76 of the Revised Code. 95

(B) (1) ~~No township that adopts the limited home rule form-~~ 96  
~~of government shall adopt a code described in division (A) of~~ 97  
~~this section in any county that has adopted a code dealing with~~ 98  
~~the same matter to be regulated.~~ 99

(2) ~~If a board of township trustees in a township that~~ 100  
~~adopts a limited home rule government adopts a code described in~~ 101  
~~division (A) of this section and the board of county~~ 102  
~~commissioners of the county in which the township is located~~ 103  
~~subsequently adopts a code dealing with the same matter to be~~ 104  
~~regulated, the code adopted by the board of township trustees~~ 105  
~~shall be of no effect one year after the effective date of the~~ 106

~~code adopted by the board of county commissioners or at an~~ 107  
~~earlier date, as determined by the board of township trustees. A~~ 108  
township may adopt a code under division (A) of this section 109  
regardless of whether or not the county in which the township 110  
resides has already adopted a code pertaining to the same 111  
subject. 112

(2) A code adopted under division (A) of this section 113  
shall not be affected by a code pertaining to the same matter 114  
that is adopted by the county in which the township resides at 115  
any time in the future. 116

(3) (a) For townships in which there is both a code adopted 117  
under division (A) of this section and a building code adopted 118  
by the county in which the township resides, both codes shall 119  
apply insofar as the two codes are not in conflict. 120

(b) The township code shall prevail in any matters in 121  
which the two codes are in conflict. 122

**Section 2.** That existing sections 504.04 and 504.13 of the 123  
Revised Code are hereby repealed. 124