



OHIO TOWNSHIP ASSOCIATION

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Senate Local Government, Public Safety & Veterans Affairs Committee
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Proponent Testimony
SB 43 Building Codes

Good morning Chairman Uecker, members of the Senate Local Government, Public Safety & Veterans Affairs Committee. On behalf of the Ohio Township Association (OTA) and the Coalition of Large Ohio Urban Townships (CLOUT), thank you for the opportunity to testify in support of Senate Bill 43, which would enable limited home rule townships to adopt building codes, regardless if the county has adopted similar codes.

The ability of a township to enact limited home rule has been around for 26 years (HB 77 - 119th General Assembly). When the law was originally crafted, the provision was included in R.C. §504.04(B)(4) prohibiting those townships that enact limited home rule from establishing or revising building codes in counties that already have such a code.

Limited home rule allows a township to adopt, in certain circumstances, building codes and other standard codes published by the state, a department or agency of the state, or a public or private organization which publishes a model or standard code (R.C. §504.13(A)). Standard codes include, but are not limited to, plumbing, piping, boiler, heating, air conditioning, fire, fire hazards, or fire prevention codes. Current law does not allow a limited home rule township to adopt such a code if one has already been adopted by the county commissioners where the township is located. Additionally, if a limited home rule township adopts such a code and the county commissioners subsequently adopt a related code, the township code shall be of no effect one year after the effective date of the county code or at an earlier date, as determined by the board of trustees (R.C. §504.13(B)(2)).

The process for adopting a building or standard code is laid out in R.C. §505.75.

- Required to have at least two public hearings, at a regular or special meeting
- Required to publish notice of hearing time, date and place at least once a week for two weeks prior to the hearing
- Proposed regulations shall be made available to the public at the Board's office
- After two public hearings, the code may be adopted by a unanimous vote of the board of township trustees

Over the last 26 years, the population in townships across Ohio has grown, as have the expectations of residents and businesses for quality services. Clearly, Ohio law acknowledges that limited home rule townships do have the expertise and resources to effectively operate a building department, to establish, revise, and enforce building standard codes, for they are allowed to do so as long as the county has not adopted such. The typical limited home rule township is a large and sophisticated operation, managing police, fire and other critical operations.

Senate Bill 43 would merely grant limited home rule townships the option of adopting residential or commercial building codes and enforcing them or contracting for such enforcement. It is important to note that any such code adopted by a limited home rule township may not conflict with state-adopted codes and would be applied by local township personnel who are intimately familiar with the local needs of the township, its businesses and its residents. Limited home rule townships are pursuing this authority because they can administer efficient building departments capable of quickly processing any needed building permits.

As you heard in Sponsor Bacon's testimony on March 7, there are only 32 townships - out of 1,308 - that have enacted limited home rule pursuant to R.C. Ch. 504. At the very least, these 32 limited home rule townships should be granted the permissive authority to adopt and enforce existing structure and residential building codes.

Mr. Chairman and members of the Committee, the OTA and CLOUT urge your support of SB 43 and urge your favorable referral of this legislation to the full Senate for passage. I appreciate the opportunity to testify and would be happy to answer any questions you may have.