

**As Reported by the Senate Local Government, Public Safety and Veteran
Affairs Committee**

132nd General Assembly

Regular Session

2017-2018

S. B. No. 43

Senator Bacon

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 19
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 49
codes, and other standard codes except as provided in section 50
504.13 of the Revised Code;~~ 51

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

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

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

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

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

(D) In case of conflict between resolutions enacted by a 75

board of township trustees and municipal ordinances or 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