



OHIO TOWNSHIP ASSOCIATION

6500 Taylor Road, Ste. A
Blacklick, OH 43004

Phone: (614) 863-0045 Fax: (614) 863-9751
www.OhioTownships.org

House Bill 315 Township Omnibus Bill Proponent Testimony November 19, 2024 Senate Local Government Committee

Chairwoman O'Brien, Vice Chair Gavarone, Ranking Member DeMora, and members of the Senate Local Government Committee. I am Kyle Brooks, Director of Governmental Affairs for the Ohio Township Association (OTA). I appreciate the opportunity to provide proponent testimony on House Bill 315, better known as the township omnibus bill.

As many of you know, townships are creatures of statute. Any updates to the function of Ohio townships under the law must be addressed in the Ohio Revised Code – no matter how big or small. For this reason, the OTA pursues omnibus bills to address multiple township-related items at once.

House Bill 315 and its fifteen provisions come as a mixture of direct requests from townships across the state and legislative priorities voted on by the OTA Board of Directors. I will briefly summarize the provisions included in HB 315.

Alters Township Public Notice Requirements

Ohio law requires townships to publish public notices in a newspaper of general circulation within the township. Unfortunately, with the closure of many newspapers and reduced circulation of others, it has become increasingly difficult and expensive for townships to publish public notices. HB 315 will permit townships to post public notices on a township's website, social media account, or the State's public notice website rather than in a newspaper. This provision will give townships parity to municipalities given this authority in HB 33, the biennial budget.

New Community Authority Board Changes

When a New Community Authority board changes over, the original board must approve the new board being seated. What can, and has happened, is the original board fails to approve the new board. This change would allow the new board to be seated without the approval of the outgoing board.

Eliminates Marks and Brands Book Requirement

According to R.C. §507.05, a township fiscal officer shall be provided with a book for the record of township roads, a book for the record of marks and brands for cattle raised in the township, and a book for the record of official oaths and bonds of township officers. Given that township fiscal officers no longer record the marks and brands of cattle within the township, the OTA is seeking to strike the requirement to give fiscal officers such a book.

Establishes Authority to Create a Preservation Commission (OTA Legislative Priority)

House Bill 315 gives townships the authority to establish a Township Preservation Commission to preserve historic properties in the township. The commission format outlined in HB 315 is based on municipal commissions already in existence. Local governments with historic preservation ordinances (or, in the case of townships, resolutions) are eligible to participate in the Certified Local Government (CLG) Program through the Ohio History Connection. CLGs are eligible for federal grants to help carry out historic preservation activities. The language in HB 315 would give townships access to those grants. This provision complements the statewide efforts underway in Ohio preparing for the nation's 250th birthday celebration in 2026.

You have written proponent testimony from Tom Shay, fiscal officer for Braceville Township in Trumbull County.

Alters How Zoning Citations Are Issued and Enforced

The OTA met with the Ohio Prosecuting Attorneys Association in an attempt to alter zoning citation law to solve an issue of infinite violators. Both Associations came to an agreement that clarifies that a zoning citation is a civil fine and gives the County Prosecutor flexibility through cause of action through injunction, abatement, mandamus, or other appropriate relief when trying these cases.

You have written proponent testimony from Bob Kusmer, trustee for Ballville Township in Sandusky County.

Initiates a Township License Plate (OTA Legislative Priority)

Pursuant to R.C. §4503.16, titles to motor vehicles acquired by a township shall be registered. Currently, the only plates issued are "county," "state," or "city" by the BMV, so townships are given "county" plates for use on their vehicles. With over 80,000 lane miles, township vehicles should proudly display a township vehicle plate. HB 315 includes "township" as an option for government vehicle plates in Ohio.

Clarifies General Fund Money May Be Used for Roads

In 2008, state law (R.C. §5705.06) was altered to specifically permit townships to use revenue derived from inside millage for road purposes. HB 315 updates R.C. §5549.21 to reflect the 2008 change, allowing a township to use general fund money to pay for road machinery, tools, materials, and labor.

Provides Grant Funding to Modernize Zoning Regulations & Processes (OTA Legislative Priority)

Comprehensive plans and zoning resolutions guide future land use decision-making and policy decisions. HB 315 appropriates \$1.5 million per fiscal year to assist townships seeking to modernize regulations and processes tied to zoning efforts. Similar language was originally included in the Governor's proposed budget bill (HB 33).

The economic growth in rural areas of Ohio has exploded from alternative energy to the recently announced Intel plant. While the development is excellent for Ohio's economy, many township zoning resolutions and land use plans (if a township has a land use plan) have not been updated since their initial creation. For example, the townships surrounding the Intel location in Licking and Delaware Counties will inevitably face an influx of residential and commercial growth. Their outdated zoning resolutions may not allow for the influx of development to come.

Townships are funded primarily by property tax levies and are likely to avoid placing a levy on the ballot for the updating of their zoning code, which can cost upwards of \$80,000.

You have written proponent testimony from Jacob Barns, zoning inspector for Springfield Township in Lucas County, on this issue.

Reinstates Indigent Burial Reimbursement Funding

In 2019, the General Assembly reinstated the Indigent Burial Fund. The fund helped reimburse local governments for expenses related to the unfunded mandate requiring townships and municipalities to provide for indigent burials. The State's FY '24 - '25 operating budget (HB 33) provided revenue for the fund's administration but did not include the actual funding for local government reimbursements. HB 315 re-establishes the fund by allocating \$1 million per fiscal year to be used by local governments to defray the costs of indigent burials.

Permits Massage Therapy Registration

Requested by the Ohio Chapter of the American Massage Therapy Association, this provision helps protect against illicit businesses operating under the guise of a massage therapy establishment. Earlier this year, the Northeast Ohio Human Trafficking Task Force raided a massage parlor suspected of running a "sex-for-pay operation." New language would permit a board of township trustees to request a massage therapy establishment provide them with a list of their employees, and the state licensure of anyone that is providing massage therapy at the establishment. Under current law, a township cannot request such a list. By allowing this, a township can aid law enforcement investigations as to who is operating illegally.

Specifies Reasons to Declare an Emergency

R.C. §505.82 currently provides townships the broad authority to declare an emergency when life or property is threatened within the unincorporated area of the township. What generally happens with broad provisions is the code is left up to interpretation to either a judge or county prosecutor. It was recommended to the OTA that three specific instances be listed in R.C. §505.82 for emergency declaration - cyber-attacks, natural disasters, and train derailments. For example, nearly 700 of Ohio's 1,308 townships have active rail lines. The devastating train derailment in East Palestine in 2023 brought to light the need for explicit language. This provision will ensure the township first responders have direct communication with EMA directors, the State, and FEMA to facilitate any additional gear, supplies, and or coordination to better protect citizens and respond to disasters.

Removes Approval of Fire Specifications

When a township seeks to purchase fire equipment or apparatus for the fire department, current law mandates the county prosecutor "approve specifications" (R.C. §505.37). HB 315 strikes this requirement from the law, as fire chiefs, as opposed to county prosecutors, know the specifications of fire hoses, turnout gear, or fire trucks their fire department needs. The Ohio Prosecuting Attorneys Association supports this change.

Eliminates Ballot Requirement to Fix Township Hall

Current law (R.C. §§511.01-.03) requires a township seeking to repair or improve a township hall at a cost greater than \$75,000 to place the question on the ballot. HB 315 seeks to strike

the ballot requirement from law. An example of this is a township in Pickaway County where the roof was found to be leaking in June, but the township had to wait until the November election to place the question on the ballot, and hope it passed. To clarify, this provision does not alter competitive bidding thresholds, nor does it give a township any additional levying authority. No other subdivision in the state has this requirement. Township trustees are elected to make decisions that are in the best interest of the township.

Establishes a Community Host Fee

This provision allows a township to initiate a community host fee if the township has a venue that is owned by a **non-profit and has a capacity of 2,000 or more**. If such a venue exists, the township **may**, by a unanimous vote of the trustees, institute a \$1 ticket fee to a ticket that is over \$10. The revenue generated from this nominal fee must be deposited into the fire/EMS fund. This provision stems from Riverbend music venue near the Cincinnati area where most of the venue is located in Anderson Township. Anderson is responsible for the emergency personnel staffing and fire/EMS runs to the venue during a concert or event.

In the last two years, Anderson has done nearly 70 fire/EMS runs to Riverbend Music Center. The Anderson Township Fire and Rescue Department has a standing policy to put on an extra two-person medic unit, to lessen the impact on its ability to provide services to Anderson Township and the Village of Newtown which it also serves (pop 2,700). There have been a couple of times when the Department has also staffed a backup engine with two personnel on overtime due to the type of concert. The township's cost per response is \$2,078. It is estimated that the cost incurred by Anderson Township taxpayers is \$2,078-\$4,000 per concert due to extra staffing as explained above. As a non-profit, Riverbend does not pay property taxes and is receiving these services for free. For reference of population, Anderson Township has a population of 44,088 and during sold out Riverbend concerts, Anderson's population increases by 46.5%.

This \$1 ticket fee will defray the costs of the fire and EMS runs townships must make to these types of venues. As a note, municipalities may charge a 5% ticket fee on similar venues without proposing it to the electors.

Potential Amendment Requests

As you may know, the township omnibus bill typically becomes a working document, changing throughout the legislative process. We look forward to working through the committee on any updates to HB 315, as the OTA has been approached by legislators, State-wide elected officials, and others with amendments to consider.

HB 315 has passed through two House committees with unanimous consent, as well as passed the House by a unanimous vote. The OTA thanks Representatives Hall and Seitz for sponsoring the legislation and raising these issues. We respectfully request your support of HB 315.

Madam Chair, thank you for the opportunity to testify, and I would be happy to answer any questions you or committee members may have.