

# 133rd General Assembly

## Legislative Priorities





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2018-2019  
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Established in 1995, the Coalition of Large Ohio Urban Townships (“CLOUT”) is a group of large, urban townships in Ohio that has formed a committee for the purpose of providing its members with a forum for the exchange of ideas and solutions for problems and issues related specifically to the governance of large, urban townships.

CLOUT works jointly with the Ohio Township Association and seeks only legislation which would be permissive in nature so as not to pose a detriment to any of Ohio’s 1,308 townships. Membership in CLOUT is limited to those townships having either a budget of over \$3,000,000, or a population of 15,000 or more residents in the unincorporated area.

Member townships in CLOUT are represented by an Executive Committee made up of four members from each of CLOUT’s four districts:



The Ohio Township Association acts on behalf of its members and CLOUT to secure from the General Assembly legislation which will enable township government to function more efficiently and to resist any effort that deprive townships of any rights, duties or privileges which they now possess. The Association accomplishes this by tracking legislation and educating members of the General Assembly on township issues.



## 133<sup>rd</sup> GENERAL ASSEMBLY LEGISLATIVE PRIORITIES

### **Protection of All Revenue Streams**

*Restore the LGF to its previous committed level of 3.68 percent of the state's GRF.*

Townships have lost over \$24 million in Local Government Funding, \$30 million in tangible personal property revenue, and \$79 million in estate tax revenue. Yet, the cost of providing essential services have increased ten-fold.

Townships receive the bulk of their revenue from local property taxes. Additional money is received from the gasoline and motor vehicle license taxes as well as local government fund money from the state. Other sources of revenue could include JEDDs, admission taxes, cigarette licensing taxes, public utility taxes, alternative fuel charges and manufactured home taxes. Any changes to state tax policy must be done with full consideration of the impact that such changes will have on township resources and the resulting impact on services to the community.

*Continue to provide revenue to townships that are heavily reliant on TPP reimbursements.*

When the General Assembly enacted tax reforms in 2005, they provided a program of revenue replacement for monies that will be lost due to the phase-out of the tangible personal property (TPP) tax. This mechanism provided a financial buffer for townships and a scheduled time frame to reduce costs and/or pass levies to make up for the lost revenue. In 2010, the buffer program was amended to provide for revenue distribution based on an entity's "reliance" on these funds and the amount is reduced annually by two percent. The majority of townships stopped receiving TPP reimbursements in 2015. The entities that are still receiving these funds have established that they have a high reliance on these funds. For example, Madison Township in Franklin County has a 19% on TPP reimbursements due to the township having a heavy industrial base.

### **Annexation**

*Revise annexation laws (use of roads in annexation process, exclude township-owned land from property that can be included in petition and detachment by township of annexed land).*

The annexation laws were greatly revised in the 124<sup>th</sup> General Assembly with the enactment of SB 5 and more recently with the adoption of HB 50 during the 129<sup>th</sup> General Assembly. However, experience has shown that the law needs additional refinement. CLOUT fully supports the OTA's request that the language in R.C. Chapter 709 be altered to reflect what was originally agreed to by all parties during the SB 5 negotiations. Specifically, township-owned land is being included in annexation petitions and the township has no grounds for objection due to the township not being classified as an owner pursuant to the law. Additionally, when property is annexed under R.C. §709.023 (Type II) the land is to remain in the township, allowing the township to always collect inside millage on the territory that was annexed. Unfortunately, municipalities are using tax increment financing (TIF) and other tax diversion programs to divert the inside millage away from the townships. The OTA and CLOUT respectfully request that language be added to R.C. §709.023 to expressly prohibit any diversion of funds from townships when land is annexed under this provision. Finally, current annexation law defines party or parties for Type I and Type III annexations, yet Type II annexations were excluded from the definition. The OTA and

*Amend R.C. §709.021 to include Type II annexations when defining party or parties.*

Washington Township (Montgomery County), Centerville City Schools and Montgomery County owned 96.5 acres of land which was annexed via Type II Expedited Annexation procedure. Yankee Development Group was the lone private property owner to sign off on the petition.

### **Affordable Water & Sewer**

*Prohibit a municipal corporation from receiving water and sewer development funds from the state if they engage in predatory practices.*

All local governments should have the authority to offer water and sewer services to their residents. Facilities built wholly or partially with federal or state funds should be available to all who live in the service area regardless of the jurisdiction in which they reside. Municipalities should not require annexation in exchange for services, nor should residents of townships be forced to pay excessive charges for those services should the state or county require the resident to tap in.



133<sup>rd</sup> GENERAL ASSEMBLY  
LEGISLATIVE PRIORITIES

**Tax Increment Financing**

*Give townships the same standing as schools and counties in incorporated areas if township and city are still connected.*

In HB 66, passed in the 126th General Assembly, changes were made to the TIF law to require counties to sign off on municipal TIFs, as county service levies will be directly impacted by the granting of TIF districts. CLOUT strongly encourage the General Assembly to extend that same courtesy to townships when land lies within the township and the municipality, such is the case when land is annexed under R.C. §709.023.

*Make new levy reimbursement language apply to single parcel TIFs created by a municipality that is serviced by a township fire or EMS department.*

In the 132nd GA (HB 69), legislation was passed and enacted to require the reimbursement of certain fire and EMS levies if the township is the entity providing the fire protection and emergency management services to the tax increment financing district created by a municipality that approves and incentive district TIF pursuant to R.C. §5709.40. A municipality may also create a parcel TIF, which applies to a single parcel and generally is not permitted for residential uses unless the parcel is in a blighted area.

**Subdivision Regulations**

*Permit home rule townships to approve or reject all subdivision regulations within their jurisdiction. Townships should be able to adopt their own subdivision regulations or, at the very least, propose changes to plat and subdivision regulations. A clear voice in the process is needed.*

CLOUT strongly recommend giving townships that adopt home rule authority under R.C. Chapter 504 the permissive authority to approve or reject all subdivision regulations within their jurisdiction.

**Devices/Infrastructure Related to the Delivery of Telecommunications Services**

*Permit townships to regulate the placement of all devices/infrastructure related to the delivery of telecommunications services including cellular-digital devices, optical repeater networks, and radio frequency (RF) transport within their respective jurisdictions, regardless of zoning classification as well as the right-of-way.*

*Give townships permissive authority to require landscaping or other aesthetics when adjacent to residentially zoned areas or within the right-of-way.*

*Provide townships permissive authority to require setbacks and that notification be given to township officials and all surrounding property owners within 500 feet of the property line where the cellular tower, stealth tower, or other devices/infrastructure is proposed to be located.*

*Give townships the permissive authority to require colocation of cellular towers, stealth towers, or other devices/infrastructure where at all possible.*

*Require cellular tower or other communication device/infrastructure owners to remove a tower or device once it becomes abandoned.*

*Give townships the permissive authority to place a temporary moratorium (up to six months) on the placement of cellular towers, stealth towers, or other devices/infrastructure to implement appropriate changes to their zoning codes.*

With the continual technology advances in towers/devices becoming smaller and/or needing to be closer (i.e. repeater towers/poles) to accommodate the increased usage of their services and locating cellular digital devices/stealth towers in the right-of-way, this has caused issues with residents feeling their property rights have been infringed upon. The Telecommunications Act of 1996 and R.C. §519.211 tilts the scales in favor of the communications providers and does not adequately address the long-range plans for our communities, protect the public safety and welfare, protect the value of neighborhood homes as well as safeguarding personal property rights, and provide for compensation for the use of public rights of way by private enterprise. These are delicate balances. Townships currently have the authority to sight the placement of cellular towers or cellular-digital devices/stealth towers within residentially zoned areas, however, more and more problems are arising with the placement of towers or poles on land that is zoned for agriculture, commercial or mixed use.



## 133<sup>rd</sup> GENERAL ASSEMBLY LEGISLATIVE PRIORITIES

### **Building Codes**

*Permit a home rule township enforcement authority of building codes.*

In 2005, state law was amended to effectively eliminate the ability of a township to adopt and enforce an existing structures or residential building code if a county adopts one. At the very least, limited home rule townships should be granted the authority to adopt and enforce existing structure and residential building codes.

### **Highway Exit Signs & Bridge Overpasses**

*Require ODOT to place the name of a township with a population greater than 5,000 on Exit signs from state and interstate routes, as a means of defining them as a place.*

Highway exit signs generally list the city or village in which the exit is located or the nearest city or village to the exit. Cities and villages are listed, not townships, as the federal government does not recognize townships as a "place." However, ODOT districts have discretion as to the locations listed on the signs. CLOUT encourages ODOT to enact a statewide policy or the General Assembly to enact legislation requiring townships be considered as a place for the purposes of highway exit signs.

*Permit townships with a population greater than 5,000 to have name on an overpass above a state route or interstate.*

Drive along Interstates 71 or 270 and you will see bridge overpasses with the names of counties or cities announcing the community through which a person is driving. In Stark County, Jackson Township has a major portion of Interstate 77 and would like to have their community listed on overpasses near their economic center.

### **Prevailing Wage Thresholds**

*Repeal prevailing wage law or increase the threshold to \$250,000 for all road or right-of-way projects.*

CLOUT is appreciative of the Legislature's decision to increase the threshold to \$250,000 per project for construction and reconstruction/improvements. CLOUT respectfully requests that similar consideration be given to various road or right-of-way projects.

### **Additional \$5.00 MVL Fee**

*Request that townships be permitted to place an additional \$5.00 license fee on township residents.*

Townships have the ability to collect an additional \$5.00 permissive fee pursuant to R.C. §4504.18. According to the Ohio Bureau of Motor Vehicles, 405 townships have enacted this fee as of August 1, 2016.

### **Timely Collection & Remittance of Lodging Taxes**

*Pursuant to R.C. §505.56, a board of township trustees may by resolution adopted by a majority of the members of the board, levy an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests. When the revenue is not paid or paid in a timely manner, it causes a hardship on the township. The OTA and CLOUT support legislation that would provide more effective enforcement mechanisms and increase the penalties against lodging establishments for failure to collect and remit the tax to townships.*

Townships are authorized to levy a lodging tax on transient guests at hotels located within the township. The revenue collected is to be deposited into the general fund, which is used to provide important public services including public safety such as police, fire, and emergency medical services as well as building inspection services, and for other public services. Some townships are experiencing a problem with hotels collecting and remitting the tax.

*Clearly define hotel intermediary in the Revised Code and define the price of a room for an overnight stay as the total amount paid by the customer for the room.*

A tax disparity exists in Ohio when a consumer purchases a hotel room directly from a hotel and when a consumer purchases a hotel room through an online travel company (OTC). This disparity robs the State of Ohio and local jurisdictions, like townships, of essential revenue. In these transactions using out-of-state OTCs, a smaller amount of tax is remitted to state and local jurisdictions, even though the full amount of taxes are collected from the consumer.



## 133<sup>rd</sup> GENERAL ASSEMBLY LEGISLATIVE PRIORITIES

### **Speed Limits on Township Roads**

*Permit townships to set their own speed limits.*

Townships are not permitted to set speed limits on township roads. CLOUT, in conjunction with the OTA, proposes granting townships the authority to set speed limits on their roads with the approval of the county engineer. At the very least, this authority should be granted to those townships that have adopted limited home rule authority under R.C. Chapter 504.

### **Harmonization of Fire & Police Statutes**

*Clarify and streamline the appointment and removal process of township fire personnel while maintaining statutory protections.*

The process for the appointment/removal of firefighting personnel in townships is different from the appointment/removal of police personnel. The main difference between the two sections is that a police chief serves at the pleasure of the board of township trustees and a fire chief does not. Recently, townships in three separate counties were faced with the difficult decision of removing their appointed fire chief. In each case the removal process ended up costing the township hundreds of thousands of dollars in court costs and legal fees.

### **General Welfare Zoning**

*Permit townships to have true general welfare zoning, just like municipalities.*

According to the last federal census, there was more growth in townships across Ohio than in cities. With growth comes the need for townships to have adequate planning and zoning tools available to help facilitate and manage the growth. Pursuant to R.C. Chapter 519, townships are given zoning authority. In the 125th General Assembly, the legislature gave and then took away broad authority for townships to pass zoning resolutions for the general welfare of the community, specifically in residential areas. Litigation has muddled the precise state of the law on this question. The OTA and CLOUT propose that townships be clearly given broader general welfare zoning authority to mirror municipal zoning authority. Additionally, all aspects of zoning, including enforcement, should be streamlined and more person friendly in their use.

### **Host Community Fee for Broadband**

*As of 2008, cable television providers no longer had to obtain a local cable franchise from each municipality or township. Instead, a video service provider shall pay a video service provider fee to each municipal corporation and township in which it offers video service. CLOUT recommends that host communities be able to collect a similar fee when a company installs new broadband lines or alters current lines.*

### **Community Event Fee**

*Large events cause financial hardship on a township without any chance of recouping costs. The OTA and CLOUT propose legislation that would permit a township to levy a restricted entertainment fee that would apply to all entities with the exception of fairgrounds, county parks and schools.*

### **Discharge of Firearms**

*Permit townships that meet certain density requirements to place restrictions on the discharge of firearms in the densely populated areas.*

*Alter state law to “knowingly” discharging a firearm at an occupied structure as opposed to “negligently” in order to assist with enforcement.*

There are approximately 22 townships in Ohio that have populations above 35,000 in the unincorporated area; 14 townships in Ohio that have populations between 25,000 and 34,999; and 29 townships with populations between 15,000 and 24,999. Many Ohio townships have zoning regulations that permit up to two homes per acre, thus creating major safety concerns when a firearm is discharged.

A deer blind was erected on private property in Anderson Township (Hamilton Co.), population 43,446. The blind was located on vacant land in a densely populated subdivision. Hunting was occurring less than 30 yards from a neighbor's home. In a separate incident in the same Township, two hunters who had shot their prey and followed it until it dropped field dressed a deer at the main entrance to an affluent subdivision containing over 100 homes valued at over \$350,000 each.



## 133<sup>rd</sup> GENERAL ASSEMBLY LEGISLATIVE PRIORITIES

### **Township Courts**

*Permit a township to have their own court system or remove the language in the Ohio Revised Code that details which court a township must use.*

An urban township, as defined by R.C. Chapter 504, is a township that has adopted limited home rule government and has at least 15,000 people in the unincorporated territory of the township. Today, Ohio has 21 urban townships that govern more than 616,000 Ohioans. Urban townships are larger in population than most cities and three times the population threshold (5,000) for a village to become a city. These townships have the sophistication and financial means to create and operate such a court or district. CLOUT and the OTA firmly believe that urban townships should have the authority to have a community court or partner with a municipality or another urban township for a joint judicial district.

### **Massage Establishments**

*Provide townships with clear authority to regulate massage establishments.*

Townships have been contending with issues surrounding massage establishments and suspicions of human trafficking. Legislation is needed to give townships the ability to also oversee and regulate massage establishments located within their borders as it pertains to an establishment's occupational and professional licenses and to the registration requirement for such businesses.

### **Township Road Rights-of-Way**

*Townships may require a person or company to obtain a permit before excavating in a township highway or township right-of-way, except an excavation to repair, rehabilitate, or replace a pole already installed for the purpose of providing electric or telecommunications service. (R.C. §5571.16) While a permit may not be required for the excavation to repair, rehabilitate, or replace a pole already installed, the OTA and CLOUT recommends that a company provide verifiable notice of the excavation to the township fiscal officer at least three business days prior to the date of the excavation, similar to what is required for an excavation project to install five or fewer poles for the purpose of providing electric or telecommunications service.*

*In addition, townships across the state have been approached by entities wishing to install various broadband facilities within their rights-of-way. These entities have cited a recent PUCO decision allowing them to place their facilities in public utility rights-of-way, including road rights-of-way, as a matter of right. While townships have the authority to regulate the time, place and manner of the placement of such facilities in their rights-of-ways, townships need to have clear authority to regulate these facilities, both within township rights-of-way and within rights-of-ways controlled by counties and ODOT. This is necessary in order to protect the safety and quality of life of our residents.*

Prairie Township in Franklin County was asked by a telecommunications company for a right-of-way permit to install a pole. The company placed a small "transport facility" on top of the telephone pole. Prairie Township is concerned about the safety and appearance of these structures.

### **Industrial Development Bonds**

*Amend R.C. Ch. 165 to permit a township to issue industrial development bonds for industrial, commercial, distribution and research development.*

Currently, counties and municipalities are permitted to sell industrial bonds for economic development purposes by establishing a community improvement corporation. Townships are excluded from utilizing this economic development tool, thus limiting the ability of townships to enter into public-private partnerships for economic development purposes.



# NOTES



## 2018 COALITION MEMBERS

### **Butler County**

*Fairfield Township  
Liberty Township  
West Chester Township*

### **Clermont County**

*Batavia Township  
Miami Township  
Pierce Township  
Union Township*

### **Cuyahoga County**

*Olmsted Township*

### **Delaware County**

*Genoa Township  
Liberty Township  
Orange Township*

### **Erie County**

*Perkins Township*

### **Fairfield County**

*Violet Township*

### **Franklin County**

*Blendon Township  
Jefferson Township  
Madison Township  
Norwich Township  
Prairie Township  
Washington Township*

### **Geauga County**

*Bainbridge Township*

### **Greene County**

*Beavercreek Township  
Sugarcreek Township*

### **Hamilton County**

*Anderson Township  
Colerain Township  
Columbia Township  
Delhi Township  
Green Township  
Miami Township  
Springfield Township  
Sycamore Township  
Symmes Township*

### **Lake County**

*Concord Township  
Painesville Township*

### **Lucas County**

*Springfield Township  
Sylvania Township*

### **Mahoning County**

*Austintown Township  
Boardman Township*

### **Montgomery County**

*Butler Township  
Harrison Township  
Miami Township  
Washington Township*

### **Stark County**

*Jackson Township'  
Lake Township  
Perry Township  
Plain Township*

### **Summit County**

*Bath Township  
Copley Township  
Sagamore Hills Township*

### **Trumbull County**

*Howland Township  
Liberty Township  
Weathersfield Township*

### **Warren County**

*Clearcreek Township  
Deerfield Township  
Hamilton Township*

### **Wood County**

*Perrysburg Township*



6500 Taylor Road, Suite A  
Blacklick, OH 43004