



Legislative Priorities

135th General Assembly | 2023-2024

*Coalition of Large
Ohio Urban Townships*

TABLE OF CONTENTS

Introduction.....	4
Protection of Revenue Streams.....	5
Annexation.....	5
Detachment.....	5
Affordable Water & Sewer.....	6
Tax Increment Financing.....	6
Subdivision Regulations.....	6
Harmonization of Fire & Police Statutes.....	6
Devices/Infrastructure Related to the Delivery of Telecommunication Services.....	7
Building Codes.....	7
Competitive Bidding, Force Accounts, & Prevailing Wage Thresholds	7
Timely Collection & Remittance of Lodging Taxes.....	8
Speed Limits on Township Roads.....	8
General Welfare Zoning.....	8
Host Community Fee for Broadband.....	8
Community Event Fee.....	8
Declaring an Emergency.....	8
Discharge of Firearms.....	9
Township Courts.....	9
Township Road Rights-of-Way.....	9
School Safety.....	9
Ballot Uniformity & Transparency Act.....	9



2022-2023
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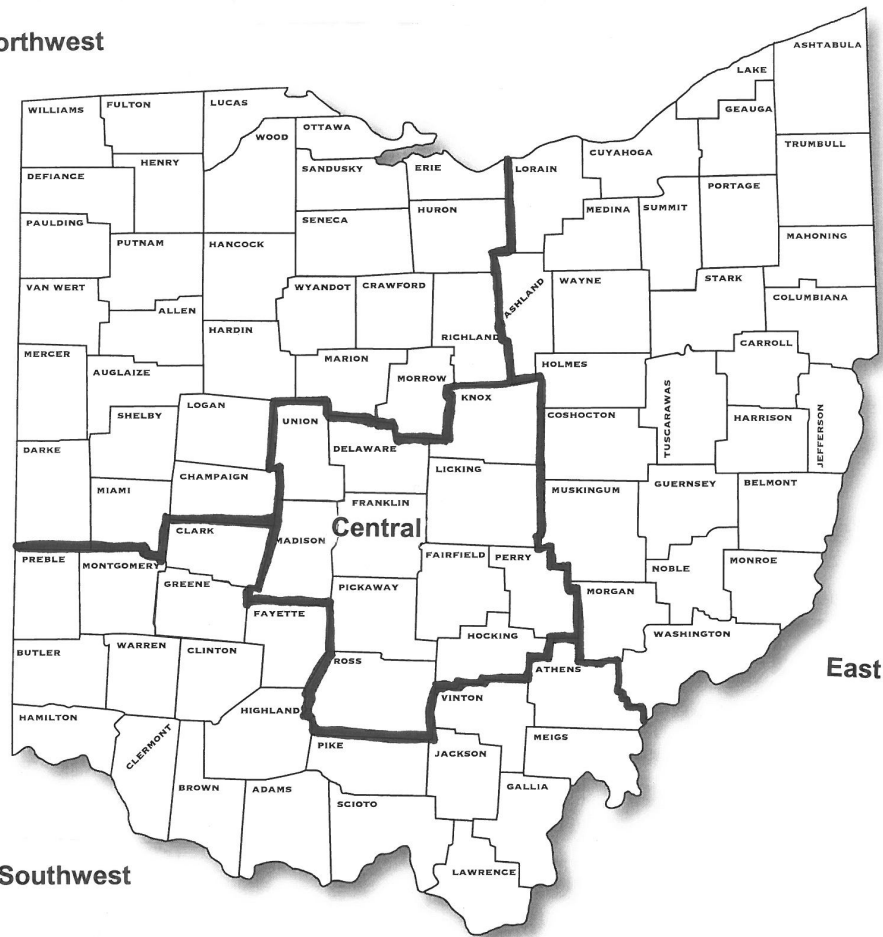
Paul Wise
Central Region

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:

Northwest



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.

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.

Establish new formulas for the distribution of LGF dollars.

R.C. §5747.51 sets forth the process to apportion undivided local government funds. R.C. §5747.53 establishes procedures for approving an alternative formula at the county level. The alternative formula must be approved by all the following: the board of county commissioners, the legislative authority of the most populous city, and a majority of the legislative authorities of the remaining townships and municipalities in the county. This process gives significant weight to the county and the largest city in the county. The OTA and CLOUT recommend establishing a new default LGF formula and changing the approval process of an alternative formula to require that 75 percent of all jurisdictions in the county must approve the use of the proposed alternative formula. Formulas should include factors such as property wealth ratio, population density, population, taxable value, taxable value per capita, per capita income, or other relevant metrics.

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. Most 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 124th General Assembly with the enactment of SB 5 and more recently with the adoption of HB 50 during the 129th 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.

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. 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 CLOUT request that R.C. §709.021 be amended to include Type II annexations when defining "party or parties."

Detachment

Revise R.C. Ch. 709 to more easily allow landowners to detach their property from a municipal corporation and reattach property to a contiguous township.

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.

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.

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.

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.

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.

Competitive Bidding, Force Account & Prevailing Wage Thresholds

Increase all township competitive bidding thresholds from \$50,000 to \$100,000.

Increase force account limits for township road projects: \$150,000 for maintenance and repair projects; and \$45,000 per mile for construction and reconstruction of a road.

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

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 is collected from the consumer.

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.

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.

Declaring an Emergency

Amend R.C. §505.82 to broaden the abilities of a townships during a declared emergency.

Under R.C. §§505.08 and 505.82, townships can enter a related contract without bidding or advertising and remove snow and recover those costs during a declared emergency. These limited circumstances may not cover all emergencies, such as civil unrest, natural disasters, or pandemics. CLOUT encourages the General Assembly to add the ability to establish a curfew during a declared emergency.

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 from “knowingly” discharging a firearm at an occupied structure to “negligently” 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.

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.

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 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.

School Safety

Amend R.C. §5705.19 to permit a levy for the purposes of providing School Resource Officer(s).

Currently, R.C. §5705.21 allows a school to pass a levy for many purposes, including for school safety and security. This proposal would allow a political subdivision, like a township, to pass a levy specifically for the provision of a School Resource Officer within the local school district that services township residents. It would require a contract for services and the levy would be limited to five years without renewal or replacement. With school safety initiatives increasingly more important, this would be another local option for school safety without any state funding.

Repeal Ballot Uniformity & Transparency Act

Repeal changes made in HB 140 of the 134th General Assembly regarding election notices and ballot language for property tax levies.

In the 134th General Assembly, legislation was passed that drastically altered the form of election notices and ballot language for property tax levies. Ballot language must now include the township’s total estimated annual revenue from the levy and must express the cost to the taxpayer per \$100,000 instead of \$100. Further, the cost per \$100,000 must now be based on true value as opposed to taxable value.

There is a clear difference between how property taxes are levied versus how they are paid. Certain differences among taxpayers, levies and properties mean the calculation of the actual taxes on individual property derived from a levy can vary significantly. Those differences include:

1. type of property;
2. use of property (such as CAUV, forestry/timber, and manufactured homes);
3. reduction factors that apply to fixed-rate levies or do not apply at all;
4. exemptions and any other discounts applicable to individual property taxpayers; and
5. state subsidies that apply to some levies and properties but not others.

The confusion created by the Ballot Uniformity and Transparency Act will no doubt lead to many township levies failing.



2022 COALITION MEMBERS

Butler County

Fairfield Township
Liberty Township
Ross 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
Jackson Township
Jefferson Township
Madison Township
Mifflin Township
Norwich Township
Prairie Township
Washington Township

Geauga County

Bainbridge Township

Greene County

Beavercreek Township
Sugarcreek Township
Xenia Township

Hamilton County

Anderson Township
Delhi Township
Green Township
Miami Township
Springfield Township
Sycamore Township
Symmes Township

Lake County

Concord Township
Madison Township
Painesville Township

Licking County

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Lucas County

Springfield Township
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Austintown Township
Boardman Township

Medina County

Montville Township

Montgomery County

Butler Township
Harrison Township
Miami Township
Washington Township

Ottawa County

Danbury Township

Stark County

Jackson Township
Lake Township
Perry Township
Plain Township

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Bath Township
Copley Township
Sagamore Hills Township
Springfield Township
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Liberty Township
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Clearcreek Township
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