



Limited Home Rule

Ohio Revised Code
Chapter 504

Informational Background

- House Bill 77 signed by then Governor George Voinovich on June 18, 1991 allowed Townships in the State of Ohio to adopt Limited Home Rule, following prescribed procedures, outlined in ORC 504.01.
- As of December, 2008, 25 Townships have adopted Limited Home Rule.

Background Continued

- Regionally the following Townships have adopted LHR
 - **Hamilton** **Clermont** **Warren** **Butler**
 - **Anderson** **Batavia** **Clear Creek** **Fairfield**
 - **Delhi** **Miami** **Deerfield** **Liberty**
 - **Springfield** **Union** **Hamilton** **West Chester**
 - **Sycamore**
 - **Symm**

Authorized Powers

- Limited Home Rule permits any legislation not “in conflict with general laws” in the ORC. It allows Townships to enact legislation in a broad range of areas not previously allowed as a statutory Township. The actual limits of this authority have not been tested by those Townships currently operating under the LHR powers.

Authority included but not required

1. Changes in Limits in Debt Issuance:

- Currently only permitted to indebtedness equal to 5% of total assessed property valuation, up to 10 years without voter approval.
- Under Limited Home Rule townships can expand debt options. Debt can be incurred up to 10.5% of assessed property value and of the 10.5%, 5.5% can be incurred on a Trustee vote. Duration under some instances can be increased to 30 years.

2. Hire an Engineer – LHR gives township's the authority to hire an independent engineer to work on roadway projects, with the approval from the County Engineer. Current practice the County engineer hires on behalf of the township.
3. LHR allows townships to become providers of water and sanitary sewer services under certain conditions and restrictions as spelled out in sections 504.18-20 of the ORC.

- 4. Streamlines enforcement procedures for standard codes, such as Existing Structures Code, through a Civil Fine system. Primary enforcement of such Codes would allow violations to be initially processed in the Township through the Law Director, rather than in the Municipal Court, through the County Prosecutor.
- 5. Issue civil fines up to \$1,000.00

- 6. Allows LHR Township Law Director to bring suits to abate statutory nuisances under ORC Sec. 3767.03. Statutory Township can abate such nuisances only if suit is brought by the County Prosecutor.

Requirements if LHR Adopted

1. Hire a Township Law Director, part time, full time or contract with the County Prosecutor with approval of the County Commissioners. Loss of the use of the County Prosecutor if not contracted with adoption of LHR.
2. Establish a police district.
3. LHR resolutions must be read at two different Township meetings but second reading can be waived by a majority vote of the Board of Trustees, resolution can only contain one subject matter.

Procedure for Adoption

- Since Colerain Township has a population of over 15,000, the township can adopt LHR in one of two ways;
 - a. following at least 1 public hearing on the issue, by unanimous vote of the Board, which would take effect in 30 days unless a petition is filed by the electors requesting a vote be taken on the issue,
 - b. by majority vote of the Board, causing the board of elections to submit the issue to the voters, if approved the issue becomes effective on January 1 of the following year.

Examples of Home Rule Resolutions

RESOLUTION TO ADOPT DRAINAGE, EROSION AND SEDIMENT CONTROL (DESC) REGULATIONS – VIOLET TOWNSHIP

Synopsis: To safeguard persons, protect property, prevent damage to the environment, by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity which disturbs or breaks the topsoil or results in the movement of earth on land situated in Violet Township.

RESOLUTION ADOPTING ACCESS MANAGEMENT REGULATIONS – VIOLET TOWNSHIP

Synopsis: Pursuant to Ohio Revised Code Section 5552, a limited home rule township may adopt a set of standards for access management upon township roads, and administer and enforce an access management policy within the unincorporated area of the Township.

RESOLUTION ADOPTING PRAIRIE TOWNSHIP LIMITED HOME RULE CITATION – PRAIRIE TOWNSHIP

Synopsis: Pursuant to Ohio Revised Code Section 504.06, the Board must adopt a citation form in order to impose civil fines for a violation of any resolution adopted pursuant to Ohio Revised Code Chapter 504.

RESOLUTION ESTABLISHING BEST BID CRITERIA – JACKSON TOWNSHIP (STARK CO.)

Synopsis: Jackson Township has established its own criteria in determining the lowest and best bid for capital improvement projects.

RESOLUTION GOVERNING USE OF LOCAL YARD WASTE COLLECTION SITE - JACKSON TOWNSHIP (STARK CO.)

Synopsis: Jackson Township has established a fine of \$1000 for non-residents or commercial businesses who dispose of yard waste at the Jackson Township collection site which only accepts yard waste from residents.

RESOLUTION REQUIRING DOG AND CAT EXCREMENT REMOVAL – SYCAMORE TOWNSHIP (HAMILTON COUNTY)

Synopsis: Sycamore Township has established a fine of \$100 for persons who do not remove dog and cat excrement from public areas within the township, e.g. parks, road right-of-ways.

RESOLUTION PROHIBITING THE PLACEMENT OR POSTING OF PLACARDS AND OTHER DOCUMENTS - SYCAMORE TOWNSHIP (HAMILTON COUNTY)

Synopsis: Sycamore Township has established a fine of \$25 for persons who place, post, affix, or caused to be placed, posted or affixed any bill, placard, notice or other documents upon fences, poles, trees, walls, buildings, mailboxes or upon any other property without the consent of the owner of any property. This also applies to public right-of-ways or other property owned by the township.

RESOLUTION AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO ENTER INTO CONTRACTS FOR THE PROCUREMENT OF ENTERTAINMENT FOR A CONCERT AT MIAMI MEADOWS PARK – MIAMI TOWNSHIP (CLERMONT CO.)

Synopsis: This resolution authorizes the township administrator to enter into contracts with various entertainers for a summer concert.

RESOLUTION AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO ENTER INTO A CONTRACT WITH THE MILFORD SCHOOL DISTRICT FOR THE USE OF FACILITIES, GROUNDS AND TRANSPORTATION - MIAMI TOWNSHIP (CLERMONT CO.)

Synopsis: This resolution authorizes the township administrator to enter into a contract with the Milford School District to use facilities, grounds and transportation owned and provided by the Board of Education of Milford Exempted Village School District in conjunction with recreational and community programs to be provided by the Board to community residents.

RESOLUTION ESTABLISHING STANDARDS FOR UNREGULATED LANDFILL OPERATIONS - MIAMI TOWNSHIP (CLERMONT CO.)

Synopsis: The Board of Trustees finds and declares that it is in the best interest of Miami Township and the residents of Miami Township and consistent with public health, safety and to provide standards for the operations of unregulated landfills located within the unincorporated areas of Miami Township. The hours of operation for all unregulated landfills located within the limits of Miami Township shall be limited to the hours of 7:00AM to 10:00PM. That the fine imposed for violation of this Resolution be set at \$500 for the first violation and \$1,000 for each subsequent violation.

RESOLUTION PROVIDING FOR WATER SUPPLY FACILITIES - MIAMI TOWNSHIP (CLERMONT CO.)

Synopsis: For the purpose of supplying water or sewer services to users within the unincorporated area of the township, a board of township trustees may provide a supply of water or sewer services by contract with any municipal corporation, county sewer district, or regional water and sewer district or any person, firm, or private corporation furnishing a public water supply or sewer services within or outside the township. A board of township trustees by resolution may levy special assessments upon lots and lands in the township benefiting from the water supply facilities.

**RESOLUTION ESTABLISHING STANDARDS FOR NOISE - MIAMI TOWNSHIP
(CLERMONT CO.)**

Synopsis: The Board finds and declares that it is in the best interest of Miami Township and the residents of Miami Township and consistent with public health, safety and to provide standards for noise in the unincorporated areas of Miami Township. The fine imposed for violation of this Resolution be set at \$100 for the first violation, \$500 for the second violation, and \$1,000 for each subsequent violation.

**RESOLUTION ESTABLISHING STANDARDS FOR COLLECTION OF SOLID
WASTE, REFUSE AND GARBAGE – MIAMI TOWNSHIP (CLERMONT CO.)**

Synopsis: The Board finds and declares that it is in the best interest of Miami Township and the residents of Miami Township and consistent with public health, safety and welfare and general sanitation to provide standards for the collection of solid waste, refuse and garbage within the unincorporated areas of Miami Township. That the fine imposed for violation of this Resolution be set at \$500 for the first violation and \$1,000 for each subsequent violation.

**RESOLUTION REPEALING AND REPLACING RESOLUTION NUMBER 33-2006
LIMITING OWNERSHIP OF VICIOUS DOGS, REQUIRING REGISTRATION OF
VICIOUS DOGS, AND BANNING OWNERSHIP OF UNREGISTERED VICIOUS
DOGS – SPRINGFIELD TOWNSHIP (HAMILTON CO.)**

Synopsis: Springfield Township has adopted a resolution defining a vicious dog; prescribes a procedure to notify owners that their dog has been declared vicious; prescribes a process to remove a vicious dog; prescribes and appeal process; prescribes a registration process; and prescribes a civil penalty, \$100 for the 1st violation and \$200 for the second violation.

**RESOLUTION PROHIBITING OCCUPATION OF CERTAIN RESIDENTIAL
PREMISERS BY SEXUAL PREDATORS - ANDERSON TOWNSHIP (HAMILTON
CO.)**

Synopsis: Anderson Township has adopted a resolution prohibiting sexual predators (as defined in Chapter 2950 of the Revised Code) from residing or occupying residential premises within 1,000 feet of park or playground within the township. Violation of this resolution shall result in a fine in the amount of \$1,000 for the first and each subsequent violation.

RESOLUTION AUTHORIZING THE LEASE AND SALE OF TOWNSHIP PROPERTY TO PROVIDE FOR THE CONSTRUCTION OF AN OFF-STREET PARKING GARAGE – ANDERSON TOWNSHIP (HAMILTON CO.)

Synopsis: Anderson Township has adopted a resolution providing for the initial lease and subsequent sale of township real property to facilitate the construction of an off-street parking garage to support residential and commercial development.

RESOLUTION PROHIBITING PARKING OR STORAGE OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS – PLAIN TOWNSHIP (STARK CO.)

Synopsis – Plain Township has adopted a resolution prohibiting the parking and storage of any commercial construction equipment, semi-tractor and/or tractor trailers, and/or any other commercial vehicle in excess of 26 feet in total length in any residential district within Plain Township.

RESOLUTION ESTABLISHING REGULATIONS GOVERNING INSTANT BINGO PARLORS – BOARDMAN TOWNSHIP (MAHONING CO.)

Synopsis – Boardman Township has adopted a resolution governing the operation of instant bingo parlors and related disbursements being made manually or by mechanical devices as necessary for the general health, safety and welfare of the general public.

RESOLUTION ESTABLISHING REGULATIONS GOVERNING PUBLIC NUISANCES – BOARDMAN TOWNSHIP (MAHONING CO.)

Synopsis – Boardman Township has adopted a resolution to address the need to abate public nuisances (as defined in the resolution) and promote property owner and/or landlord responsibility for activities occurring upon their property and/or property within their control. This resolution establishes civil fines ranging from \$250 for the first offense to \$1,000 for the fourth and subsequent offense.

RESOLUTION REGULATING THE DISCHARGE OF AIR RIFLES, AIR PISTOLS AND PELLET GUNS AND OTHER SIMILAR CONTRIVANCES – WASHINGTON TOWNSHIP (MONTGOMERY CO.)

Synopsis – Washington Township has adopted a resolution regulating the use and discharge of air rifles, air pistols, pellet guns, or other similar contrivances within the Township to protect the health, welfare and safety of Township citizens and employees, as well as real and personal property owned by the Township and/or residents of the Township.

Other Examples of Home Rule Resolutions

Parking Violation Bureau and Hearing Examiner (Fire Lane and Handicapped)

Eliminate Door to Door Vendor

Prohibited sales in county or state ROWs, e.g., ticket scalping near River Downs, River Bend, Coney Island

Hiring a Public Art Consultant for Art to be exhibited in Township Buildings

Create a Firefighters Memorial

Community Court

- Status report

QUESTIONS??

Where do we go from here?

- If the Board wants to adopt Limited Home Rule the following options are available:
 1. By unanimous vote of the Board following one public hearing adopts LHR.
 2. By majority vote of the Board, place the issue of LHR before the voters.