



H.B. 174

124th General Assembly
(As Passed by the General Assembly)

Reps. Raga, Cates, Clancy, Carey, Husted, DeWine, Seitz, Calvert, Webster, Olman, Flowers, Schmidt, Hollister, Faber, Hoops, Fessler, Rhine, Coates, Grendell, Setzer, Reinhard, Redfern, Patton, Lendrum, Brinkman, Gilb, Niehaus, Schaffer, Allen, Schneider, Carano, Driehaus, White, Jolivette, Boccieri, Distel, Sferra, Widowfield, Carmichael, Hughes, Roman, Strahorn, Stapleton, Cirelli, Perry, Evans, Blasdel, Willamowski, Metelsky, Ogg, Barrett, Hagan, Reidelbach, Oakar, Manning, Barnes, Collier, Latell, Salerno

Sens. Spada, Amstutz, Armbruster, Austria, Blessing, DiDonato, Randy Gardner, Harris, Herington, McLin, Mumper, Nein, Oelslager

Effective date: *

ACT SUMMARY

? Specifically provides that township road projects, including those in township road districts, may include landscaping and beautification.

CONTENT AND OPERATION

Background law

Township road improvements

Under continuing law, the board of township trustees may construct, resurface, improve, maintain, and repair any public road in its jurisdiction. If the road is a county road, the board of county commissioners must first approve the plan and specifications for the work; in the case of intercounty or state highways, the Director of Transportation must first approve them. (Secs. 5571.01 and 5571.02.)

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

The board of township trustees may construct, resurface, or otherwise improve township roads either upon a request by petition followed by a majority vote of the board, or without such a request upon a unanimous decision of the board (sec. 5573.01). The costs of the improvement, including damages and compensation paid for taking property by eminent domain, can be paid by assessment, with any balance being paid from the proceeds of any township levy for road purposes or from any funds in the township treasury available for that use; or, depending upon the circumstances involved, the trustees may determine to pay all the costs from a tax levied for road purposes or out of any road improvement fund available for that use (secs. 5571.15, 5573.06, 5573.07, and 5573.09). If assessments are made, they must be made using one of three methods (sec. 5573.07):

- (1) Assessment against the real estate abutting upon the improvement;
- (2) Assessment against the real estate situated within 1/2 mile of either side of the improvement and located within that township;
- (3) Assessment against the real estate situated within one mile of either side of the improvement and located within that township.

These assessments are to be made according to the benefits accruing to the real estate to be assessed. If the improvement is made upon a request by petition, the method of assessment designated in the petition must be used. (Sec. 5573.07.)

Continuing law also permits a township to create a township road district if the township contains municipal land. The township road district consists only of the unincorporated territory of the township. A township road district may use the funding methods explained above to pay the district's portion of the costs of any project for township roads and may include an additional annual property tax levy not exceeding three mills. (Secs. 5573.21 and 5573.211.)

Township landscaping in roadways

Townships have specific authority, as part of the plans for a road improvement, to provide for the planting of trees or shrubbery along or upon the public road (sec. 5529.12). A township also is required to maintain the condition of certain vegetation along roadways (secs. 5579.04 and 5579.08--it must remove brush, vines, noxious weeds, etc. to prevent or eliminate safety hazards) and may maintain the condition of vegetation in or encroaching upon a right-of-way (sec. 5543.10--it may trim or remove trees, shrubs, and other vegetation in or encroaching upon a right-of-way). In addition, townships may construct sidewalks along or connecting public roadways (sec. 5543.10).

Changes made by the act

Townships have those powers specifically granted to them, or necessarily implied from those specific grants of power. Under former law, although townships had been granted some statutory landscaping authority for roads, it was unclear if there was implied authority to provide for more than planting trees and shrubs, or removing weeds or other vegetation.

The act specifically grants townships authority to provide for landscape and beautification projects along roadways, including roadways in township road districts, as part of the improvement or maintenance of a road. These projects can include the planting of trees or other plants and the installation and maintenance of decorative pathways, walls, signs, fences, banners, fountains, and other similar features. (Secs. 5571.10 and 5573.21.)

Landscape and beautification projects are to be performed either by force account or by contract, as township road maintenance projects are performed under continuing law. Project costs are to be paid as described above for township road improvements, as determined by the board of township trustees by resolution. The act provides that, if the board finds a project will result in general as well as special benefits, the portion of the cost found to represent the value of the general benefit may be paid by the township from its general fund. (Sec. 5571.10.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-21-01	p. 251
Reported, H. Local Gov't and Townships	05-15-01	p. 423
Passed House (98-0)	05-16-01	pp. 427-428
Reported, S. State & Local Gov't & Veterans Affairs	06-21-01	p. 688
Passed Senate (32-0)	06-26-01	p. 708

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