



H.B. 174

124th General Assembly
(As Introduced)

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, Bocchieri

BILL SUMMARY

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

CONTENT AND OPERATION

Current law

Township road improvements

Under current 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.)

With respect to township roads, the board of township trustees may construct, resurface, or otherwise improve those 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, by a unanimous or majority vote, 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.)

Current 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. In addition to the funding methods for township roads explained above, in a township road district, funds to pay the district's portion of the costs of any project 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 or permitted 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 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 proposed by the bill

Townships have those powers specifically granted to them, or necessarily implied from those specific grants of power. Although townships have been granted some landscaping authority with respect to roads by statute, it is unclear if there is implied authority to provide for more than planting trees and shrubs, or weed, etc. removal.

The bill 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 all plantings and the installing of decorative pathways, walls, signs, fences, banners, fountains, and other similar features. (Sec. 5571.10 and 5573.21.)

Landscape and beautification projects are to be performed either by force account or by contract, as is currently provided for township road maintenance projects. Project costs are to be paid as described above for township road projects. The bill emphasizes that general benefits from a project may be paid by the township from its general fund; only special benefits may be assessed against real estate. (Sec. 5571.10.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-21-01	p. 251

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