

Local Government

Sub. H.B. 240

Reps. Huffman and T. Johnson, Hambley, Sweeney, Becker, Grossman, Blessing, Green, Sprague, Hill, Amstutz, Anielski, Antonio, Ashford, Boose, Brenner, Buchy, Burkley, Celebrezze, Dever, Dovilla, Hayes, G. Johnson, McClain, M. O'Brien, Perales, Retherford, Rogers, Ruhl, Ryan, Sears, Sheehy, Slaby, Slesnick, R. Smith, Strahorn, Thompson

Sens. Hottinger, Hackett, Brown, Uecker, LaRose, Beagle, Burke, Coley, Eklund, Hughes, Patton, Peterson, Seitz, Tavares

Effective date: August 31, 2016

- Requires, under certain conditions, and authorizes, under other conditions, supplemental compensation for a coroner of a county with a population exceeding 175,000 who is a certified forensic pathologist and does not engage in the private practice of medicine.
- Allows a coroner of a county with a population exceeding 175,000, who initially elected not to engage in private practice, to do so by notifying the board of county commissioners in writing.
- Authorizes a board of county commissioners to contract with another county's coroner to exercise the powers and functions of the coroner when a vacancy occurs because of the coroner's death or resignation and it cannot be filled by election or appointment, or when no one runs for the office.
- Authorizes a deputy sheriff or law enforcement officer appointed by a coroner as an investigator to receive compensation for services performed in addition to any other compensation allowed by law.
- Modifies the definition of coroner to recognize that the existing charter counties name their coroners "medical examiners."
- Eliminates, for chartered counties only, the requirement that a coroner be licensed to practice in Ohio as a physician for at least two years.
- Defines "legal residence" for determining the political subdivision responsible for paying the burial expenses of an unclaimed body.
- Changes the requirements for disposition of a deceased person's firearm to permit the next of kin or another relative to claim the firearm.
- Requires the Department of Rehabilitation and Correction or the Department of Youth Services to pay the costs of an autopsy whenever the person who died was an inmate of a "state correctional facility."

Sub. H.B. 413

Reps. Brinkman, Hambley, Becker, Ruhl, Blessing, Hill, Boose, Hayes, Burkley, Thompson, Vitale, Sweeney, Zeltwanger, Terhar, Hackett, Hood, Buchy, Green, Retherford, Anielski, Ryan, Rogers, Conditt, Amstutz, Antonio, Arndt, Brenner, Brown, Celebrezze, Craig, Cupp, Derickson, Dever, Duffey, Ginter, Henne, Manning, McClain, M. O'Brien, Patterson, Pelanda, Reineke, Rezabek, Schaffer, Scherer, Sprague, Strahorn, Young

Sens. Uecker, Eklund, Faber, Hite, Seitz, Tavares, Thomas

Effective date: September 28, 2016

- Allows a board of township trustees to hold an executive session to consider the sale or other disposition of unneeded, obsolete, or unfit-for-use property.
- Reduces from 3,500 to 2,500 the minimum population of a township that may adopt a limited home rule government.
- Allows a township to provide recycling services and to levy a tax against or charge persons receiving the service.
- Expands township authority to provide items to assist in guarding against fires and protecting the property and lives of its citizens.
- Allows a township to levy a tax inside the ten-mill limitation for fire and rescue services, and expands a township's authority to levy a tax for fire equipment to include additional types of equipment.
- Expands a subdivision's authority to levy a tax outside the ten-mill limitation for fire equipment to include additional types of equipment and other related costs.
- Expands a subdivision's authority to levy a tax outside the ten-mill limitation for police services to include other related costs.
- Expands township authority to provide group life insurance for full-time employees to include all employees.
- Authorizes counties, townships, and municipal corporations to use tax increment financing for a project involving the continued maintenance of public roads and highways and sewer and water lines.
- Allows townships to use proceeds from the sale of cemetery lots or levy a tax to maintain and improve entombments.
- Includes, expressly, mausoleums as an entombment under Township Cemetery Law.
- Allows a township to purchase, maintain, and improve entombments.

- Reduces from 30 to 20 days the time within which a party must request a hearing before a board of township trustees removes, repairs, or secures dangerous buildings or structures.
- Allows for unlimited reappointments of members of the Ohio Small Government Capital Improvements Commission instead of only two additional terms.
- Allows a board of township trustees to impose a permit fee of *up to* \$50, instead of a flat fee of \$50, per application for driveway cuts or excavations in township highways or highway rights of ways.
- Authorizes boards of township trustees and boards of park commissioners to spend funds to present public community events in their parks and at other recreational facilities.
- Authorizes an urban township's board of township trustees to provide for off-street parking for motor vehicles.
- Includes an intent statement of the General Assembly regarding the definition of "owner" for purposes of the Annexation Law.
- Repeals a provision allowing a township to provide places for procuring water for persons and animals on public highways in the township.

Sub. S.B. 331

(For details of the act's fiscal provisions, see the LSC Fiscal Note & Local Impact Statement, As Enacted, available at <https://www.legislature.ohio.gov/download?key=6286&format=pdf>)

Sens. Peterson, Eklund, Seitz

Reps. Antani, Goodman, McColley, Merrin, Pelanda, Reineke, Scherer, R. Smith

Effective date: March 21, 2017; appropriation effective December 19, 2016

Pet stores and dog retailers

- Prohibits a pet store representative (an owner, manager, or employee) from negligently transferring a dog to another and prohibits a dog retailer from transferring a dog to a pet store unless the dog was obtained from one of the following sources:
 - An animal rescue for dogs;
 - An animal shelter for dogs;
 - A humane society;

--With respect to a pet store representative, a dog retailer, provided that, if the dog retailer originally obtained the dog from a breeder, the breeder is a qualified breeder; or

--A qualified breeder.

- Creates a new class of dog breeder, a "qualified breeder," and establishes requirements that apply to such a breeder.
- Prohibits a pet store representative negligently from transferring a dog to another and prohibits a dog retailer from transferring a dog to a pet store unless the dog and the person purchasing the dog meet specified criteria.
- Prohibits a pet store representative or a dog retailer from recklessly altering or providing false information on a written certification required by the act to be given to a person acquiring a dog that was originally acquired by the pet store or dog retailer from a qualified breeder.
- Requires the Director of Agriculture to adopt rules establishing requirements and procedures governing pet stores, including requirements and procedures governing the licensing of pet stores.
- Establishes procedures by which an applicant may obtain a pet store license.
- Prohibits a pet store representative from negligently transferring a dog to another unless a pet store license has been issued for the pet store by the Director.
- Creates the Pet Store License Fund to be used by the Director to administer the act's provisions governing pet stores.
- Specifies that whoever violates any of the act's prohibitions is guilty of a fourth degree misdemeanor.
- Authorizes the Director to assess a civil penalty against a person who violates any of the act's prohibitions and revises the existing civil penalty structure that applies to high volume dog breeders and dog retailers.
- Specifies that the regulation of pet stores is a matter of general statewide interest, that the act's provisions constitute a comprehensive plan with respect to all aspects of the regulation of pet stores, and that it is the intent of the General Assembly to preempt any local regulations governing dog sales from pet stores.

Dog breeders and retailers

- Eliminates the requirement that the Controlling Board approve the release of money to the Director from the High Volume Breeder Kennel Control License Fund.

- Revises the reasons for which the Director must deny an application for a dog retailer license or a high volume breeder license.
- Specifies that an applicant for the renewal of a high volume breeder license need not include with the renewal application specified photographic evidence, as was required under prior law.
- Replaces the Director's authority to issue an order requiring a person to cease certain violations with the authority to instead issue a notice requiring the person to cease those violations.
- Removes a law that required a county humane agent to reside in the county or municipal corporation for which the agent was appointed.

Sexual conduct with an animal

- Prohibits a person from knowingly: (1) engaging in, organizing, promoting, aiding, or abetting specified sex-related activities with an animal, or (2) possessing, selling, or purchasing an animal with the intent that it be subjected to those activities.
- Authorizes the seizure and impoundment of an animal that is the subject of a violation, or attempted violation, of either prohibition.
- Authorizes a court sentencing an offender for a violation of either prohibition to order the forfeiture of the animal and require the offender to undergo psychological evaluation or counseling.

Criminal activities associated with animal fighting

- Adds to the types of activities associated with animal fighting that are criminal offenses.
- Alters existing animal fighting prohibitions and increases penalties for several of those prohibitions.

Micro wireless facilities in the public way

- Establishes regulations that can apply to the construction and attachment of micro wireless facilities in a municipal corporation public way.
- Defines "micro wireless facility" as both a distributed antenna system and a small cell facility, and the related "wireless facilities," which the act defines as antennas, accessory equipment, or other wireless devices or equipment used to provide wireless service.
- Authorizes a "micro wireless facility operator" (a public utility or a cable operator that operates a micro wireless facility) to construct and operate the facility in a municipal corporation public way.

- Requires a municipal corporation to permit a micro wireless facility attachment to a wireless support structure owned or operated by the municipal corporation and located in the public way.
- Includes as a public policy of the state (regarding the occupancy or use of a municipal corporation public way) expediting "the installation and operation of micro, and smaller, wireless facilities in order to facilitate the deployment of advanced wireless service throughout the state."

Requests for consent for micro wireless facilities

- Permits an entity to file a single or consolidated request for consent, and requires a municipal corporation to grant or deny its consent, for the entity to do any of the following in a public way:
 - Attach micro wireless facilities to a wireless support structure;
 - Locate two or more wireless service providers' micro wireless facilities on the same wireless support structure;
 - Replace or modify a micro wireless facility on a wireless support structure; and
 - Construct, modify, or replace a wireless support structure associated with a micro wireless facility.
- Prohibits a municipal corporation from requiring any zoning or other approval, consent, permit, certificate, or condition for the attachment, location, replacement, construction, or operation of a micro wireless facility, or from imposing other prohibitions or restraints on micro wireless facility activities.
- Specifies that no consent is required for routine maintenance of wireless facilities or for their replacement with wireless facilities that are substantially similar to the existing wireless facilities or that are the same size or smaller.
- Specifies that a municipal corporation must approve an "eligible facilities request" (a request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station) within 60 days and may not deny such a request.

Consent request fees

- Limits the fee that a municipal corporation may charge for a micro wireless facility consent request to the lesser of \$250 per micro wireless facility or the amount it charges for a building permit for any other type of commercial development or land use development.

Time for consent

- Requires a municipal corporation to grant or deny micro wireless facility consent requests within 90 days, unless the period is tolled (paused), and specifies that requests are considered granted if not approved in that period when the entity requesting consent provides notice that the time period has lapsed.

Tolling the time period

- Permits the 90-day period for consent to be tolled only:
 - By mutual agreement between the entity requesting consent and the municipal corporation;
 - In cases where the municipal corporation determines that the application for consent is incomplete; or
 - Where the municipal corporation has an extraordinary number of pending consent requests.
- Establishes provisions governing the process of tolling and the resumption of the consent time period, including provisions governing when tolling is not permitted.

Denials of consent

- Requires denials of consent to occupy or use a municipal corporation public way for micro wireless facilities to be supported by "substantial, competent evidence" and prohibits denials from being unreasonably discriminatory.

Municipal authority

- Permits a municipal corporation to require a work permit for wireless activities that do not require consent.
- Specifies that the act's micro wireless facility provisions do not preclude a municipal corporation from applying its generally applicable health, safety, and welfare regulations when granting consent for a micro wireless facility.

Restrictions on municipal authority

- Specifies that no municipal corporation may institute a moratorium on the filing, acceptance of filings, consideration, or approval of requests for consent for micro wireless facilities activities.
- Specifies that no municipal corporation may have or exercise any jurisdiction, authority, or control over the design, engineering, construction, installation, or operation of any micro wireless facility located in an interior structure not owned or controlled by the municipal corporation.

- Prohibits a municipal corporation from entering into an exclusive arrangement with any entity for the right to attach to the municipal corporation's wireless support structures.
- Establishes several other restrictions on municipal corporations with respect to the provision of any micro wireless facility, including, for example, preventing the requestor from locating the micro wireless facility or wireless support structure in a residential area or within a specific distance from a residence or other structure.
- Specifies that requests for consent are considered a permitted use and are exempt from local zoning review.
- Sets total annual charges and fees of a municipal corporation for a micro wireless facilities attachment to be the lesser of \$200 per attachment or the actual, direct, and reasonable costs related to the use of the wireless support structure by the micro wireless facility operator.
- Requires the fees, charges, terms, and conditions regarding micro wireless facilities and the application and permit approval process to be nondiscriminatory.

Employment law and political subdivisions

- Prohibits a political subdivision from establishing a minimum wage that is different from the wage rate required under Ohio's Minimum Fair Wage Standards Law and the Minimum Wage Amendment to Ohio's Constitution.
- Grants private employers exclusive authority to establish policies, either on the employer's own or through agreements with employees, concerning hours and location of work, scheduling, and fringe benefits, unless otherwise expressly provided for in state or federal law.
- Maintains the authority provided to a political subdivision by case law, the Revised Code, or the Ohio Constitution to adopt a resolution or ordinance to limit the hours an employer may operate.
- Expresses the intent of the General Assembly to exclusively regulate hours of labor and fringe benefits arising from an employer-employee relationship as a matter of statewide concern.

Appropriation

- Appropriates approximately \$1 million in FY 2017 to the Department of Agriculture to operate the pet store licensing program.