



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Erika Padgett

S.B. 43*

132nd General Assembly

(As Reported By S. Local Government, Public Safety, and Veterans Affairs)

Sen. Bacon

BILL SUMMARY

- Removes an exception under current law that prohibits a limited home rule township from adopting a building or other code if the county where the township is located has adopted a code on the same subject.

CONTENT AND OPERATION

Township home rule

Continuing law permits a township to adopt a limited home rule form of government. A limited home rule township may exercise all powers of local self-government that are not in conflict with the general laws of Ohio.¹ Specifically, a limited home rule township may adopt by resolution building codes and other standards, including a:

- (1) Plumbing code;
- (2) Electrical code;
- (3) Refrigeration machinery code;
- (4) Piping code;

* This analysis was prepared before the report of the Senate Local Government, Public Safety & Veterans Affairs Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

¹ R.C. 504.01 and 504.04.

- (5) Boiler code;
- (6) Heating code;
- (7) Air conditioning code; and
- (8) Fire, fire hazards, and fire prevention codes.

But, under current law, the township cannot adopt a code if the county in which the township is located has adopted a code regulating the same matter. If the township was the first to adopt the code, the township code ceases to be in effect on the earlier of one year after the county adopts its code or the date that the township determines.²

The bill revises this order of priority and permits a limited home rule township to adopt a code regardless of whether or not the county in which the township is located has adopted a code on the same subject. If a township adopts a code, the code is not affected by a code on the same subject that is subsequently adopted by the county. Additionally, if a limited home rule township adopts a code and the county in which the township is located adopts a building code, both codes apply insofar as they are not in conflict. If a conflict arises, the township code prevails.³

HISTORY

ACTION	DATE
Introduced	02-09-17
Reported, S. Local Gov't, Public Safety & Veterans Affairs	---

S0043-RS-132.docx/ks

² R.C. 504.04(B)(4) and 504.13.

³ R.C. 504.13(B) and 504.04(A)(5) and (B)(4).

