



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 413 of the 131st G.A.

Date: May 23, 2016

Status: In Senate State & Local Government

Sponsor: Rep. Brinkman

Local Impact Statement Procedure Required: No

Contents: Revises various township laws

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- **Outside millage expansion.** The bill expands the township's authority to include additional equipment and costs in an outside millage tax levy for both police and fire services. The bill expands the allowable costs in currently existing levies.
- **Inside millage expansion.** The bill expands a township's authority to include additional equipment and costs for inside millage tax levies for fire services. The bill expands the allowable costs and equipment in currently existing levies.
- **Township recycling programs.** The bill allows a township to offer a recycling program to its residents. The costs of such a program could be partially offset through cost decreases associated with landfill fees associated with current waste disposal services.
- **Tax increment financing.** The bill includes maintenance costs to road and highway and water and sewer line improvements that are permitted to be financed through tax increment financing.
- **Limited home rule government.** The bill reduces the minimum population threshold required to adopt a limited home rule government in a township from 3,500 to 2,500. There are approximately 160 townships that have a population between 2,500 and 3,500.
- **Disposition of property.** The bill permits a board of township trustees to dispose of obsolete or unneeded property through an executive session, rather than open meeting. This would appear to allow a quicker disposition of such property.
- **Township cemetery maintenance.** The bill includes entombments, mausoleums, columbariums, and other internment rights as structures that townships may supervise, repair, and improve for cemetery purposes. This may increase

maintenance costs for townships. These costs are generally paid for through tax levies.

- **Group life insurance.** The bill allows townships to offer group life insurance coverage to part-time employees as well as full-time employees and officers. This could increase costs to add additional employees to group coverage plans.
- **Community events.** The bill permits a board of township trustees or board of park commissioners to expend public funds for community events in parks and recreational facilities. There is likely no fiscal impact to this provision.
- **Removal of snow and ice.** Townships could incur a small one-time general fund cost to prepare and adopt snow and ice removal resolutions permitted under the bill. However, because the bill requires townships to impose a fine of not more than \$50 per day for violations of the resolution, these costs could be partially, if not fully, offset by any fines collected.
- Townships could incur minimal general fund costs to remove snow and ice from sidewalks on properties when property owners fail to comply with the resolution. However, the bill authorizes townships to recoup these costs through any lawful means including placing a lien on the property.
- **Off-street parking.** The bill authorizes a board of township trustees of an urban township to provide for off-street parking for motor vehicles. There could be some costs to townships to acquire the land for such facilities.
- **Permit fees for excavations.** The bill allows townships to charge *up to* \$50 per application for permits instead of *exactly* \$50 for permits dealing with driveway culverts or township highway excavations. This permissive authority would reduce permit fee revenue for townships, if any downward adjustments were made.
- **Requests for hearings.** The bill reduces the amount of time in which an interested party may request a hearing before a board of township trustees concerning the status of dangerous buildings or structures from 30 to 20 days. There does not appear to be any direct fiscal impact to this provision.

Detailed Fiscal Analysis

Overview

The bill makes several revisions to various township laws pertaining to such things as inside and outside tax levy limitations, limited home rule, disposition of equipment, as well as other topics. Several of these provisions are permissive in nature and therefore would not impose any direct costs on a township. Several of the provisions are simply expanding currently existing authority and would also likely not result in any additional costs. All of the provisions of the bill are discussed in greater detail below.

Ten-mill tax levy limitations and bond issuance

The bill expands a township's authority to levy a tax in excess of the ten-mill limitation (outside millage) in two cases. First is for the provision and maintenance of fire equipment to include mechanical resuscitators, underwater rescue recovery equipment, and other fire equipment. Such a tax is subject to the voters of the township. Second, the bill expands a township's authority to levy a tax in excess of the ten-mill limitation for certain specified expenses related to the operation of a police department to include the payment of other related costs. This levy is also subject to the approval of the voters.

The bill expands the current authority of a township with respect to levying a tax within the ten-mill limitation (inside millage) to provide for fire and rescue services, which would include levying such a tax to maintain certain fire equipment to include mechanical resuscitators, underwater rescue and recovery equipment, and other fire equipment.

In all of the instances above, the bill expands the authority of the township to include other equipment and related costs for which these tax levies are used. The bill does not create any new authority for levying a tax. These provisions expand the permissible use of these tax revenues for the additional costs and equipment listed above.

Finally, current law prohibits a township from issuing bonds for the purpose of providing fire equipment unless approved by the voters. The bill expands this prohibition to include the maintenance of fire equipment, and includes mechanical resuscitators and underwater rescue and recovery equipment.

Township recycling services

The bill allows a board of township trustees to provide recycling services or to contract with municipal corporations, counties, or independent contractors for the provision of such services. Under current law, a township is permitted to provide or contract for the provision of waste collection, transfer, and disposal services. For these existing services, current law allows a township to impose a charge or levy a sufficient tax within the ten-mill limitation against individuals receiving this service. The bill

expands this authority to also include recycling services. It is unclear as to whether or not operating such a program will increase overall costs to townships for waste collection, transfer, and disposal. Typically, the cost of such services is partially based on per ton fees at landfills. It is therefore possible for the costs of operating a recycling program to at least partially offset overall waste disposition costs.

Tax increment financing

The bill includes continuing maintenance of public roads and highways and water and sewer lines in what may be a public infrastructure improvement for purposes of tax increment financing. These improvements are currently included in the meaning of a public improvement, but the continued maintenance of these improvements is not. This provision could therefore allow a political subdivision to fund maintenance projects for these improvements using tax increment financing.

Limited home rule government

The bill decreases the minimum population required for a township to adopt a limited home rule government from 3,500 to 2,500. The maximum population for adopting a limited home rule government of 5,000 (as well as the requirements needed to be satisfied for adopting such a government) is not changed by the bill. According to 2010 decennial census data and 2014 population estimates by the Ohio Development Services Agency, there are approximately 160 townships that have a population between 2,500 and 3,500 that may potentially qualify for limited home rule under the bill.

Disposition of certain township property

The bill 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. Generally, such an action would be required to be held at an open meeting. This provision would appear to allow boards of township trustees to more quickly act to dispose of such property.

Insurance for township employees

The bill expands the authority of a township to provide group life insurance to its officers and employees. Currently, a township is only permitted to pay all or part of the cost of group life insurance for officers and full-time employees. The bill eliminates the limitation that employees be full-time. If a township elects to offer group life insurance to all employees, the township could experience cost increases to add additional employees to its group plan.

Township cemeteries

The bill includes entombments, mausoleums, columbariums, and other internment rights as structures that townships may supervise, repair, and improve for cemetery purposes. Townships generally provide for the protection and preservation of cemeteries under their jurisdiction. The costs for doing so are generally paid for through

a tax levy designated for that purpose, although the levy is not permitted to exceed one-half mill in any one year. This provision may increase cemetery maintenance costs in some townships, however, those costs would presumably be paid for through tax levy moneys for that purpose.

Community events

The bill authorizes boards of township trustees and boards of park commissioners of township park districts to expend certain funds for the purpose of presenting community events that are open to the public in their parks and at other recreational facilities. The bill authorizes boards of township trustees and boards of park commissioners to expend these funds from revenues derived from property taxes levied for parks and recreational purposes. This provision appears to have no fiscal impact as the bill is permissive in nature and seems to be codifying what may already be existing practice for some townships.

Removal of snow and ice

The bill authorizes a board of township trustees to adopt a resolution to require an owner, occupant, or person having charge of a lot or parcel of land in the unincorporated area of the township to remove snow and ice from abutting sidewalks. Under the bill, the resolution must specify a reasonable amount of time within which the owner, occupant, or person must comply with the requirement. Additionally, the resolution may specify circumstances under which individuals can be exempt from the requirement, including for age, infirmity, disability, or extended absence. Under the bill, the township must charge any person who violates the resolution a fine of not greater than \$50 per day. The bill also specifies that no person complying with a township's resolution is liable for personal injuries allegedly caused by the person's compliance unless the alleged conduct is willful and wanton. Finally, the bill permits township trustees to remove snow and ice from the sidewalk of an owner who has not complied with the township's resolution. Townships are to use general fund money to do so, but could recoup the cost of the snow and ice removal by any lawful means, including placing a lien upon the property.

Townships might incur a small one-time general fund cost to prepare and adopt a snow and ice removal resolution. The main fiscal impact, however, is that townships could incur general fund costs if they remove snow and ice from sidewalks where property owners have failed to do so. Any such costs could be partially, if not fully, offset by fines imposed for failure to comply with the resolution or by assessments or liens in cases where a township removed snow and ice from noncompliant properties.

Off-street parking

The bill authorizes a board of township trustees of an urban township to provide for off-street parking for motor vehicles. The bill permits a township to purchase, gift, devise, exchange, lease, or sublease any existing off-street parking facilities or any real estate or interest required for the construction of parking facilities. The land acquired by

a township for these purposes is not tax exempt, except if any township owns and operates parking facilities used exclusively for a public purpose and charges no fee for the privilege of parking in the facilities. In the latter case, the facilities are tax exempt. Townships would incur some costs for the acquisition of the land and/or facilities to operate off-street parking.

Permit fees for driveway culverts or township highway excavations

The bill allows townships to charge a fee of *up to* \$50 per application instead of the current fee of \$50 per application for permit fees for driveway culverts or township highway excavations. If a township were to reduce its fees to an amount less than \$50, then those townships would experience a slight revenue loss from those permits.

Hearing requests concerning dangerous buildings or structures

The bill reduces from 30 to 20 days the amount of time within which a party in interest must request a hearing before a board of township trustees removes, repairs, or secures dangerous buildings or structures. Reducing this time frame does not appear to have any direct fiscal impact. However, it is possible that in some cases, an interested party may not request a hearing during this shortened time frame.