

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 103

**Senator Tavares
Senator Williams**

A BILL

To amend section 504.04 of the Revised Code to 1
permit townships that have adopted limited home 2
rule government to adopt resolutions that 3
regulate the discharge of firearms based on the 4
population of the township and the density of 5
the population in areas within the township. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 504.04 of the Revised Code be 7
amended to read as follows: 8

Sec. 504.04. (A) A township that adopts a limited home 9
rule government may do all of the following by resolution, 10
provided that any of these resolutions, other than a resolution 11
to supply water or sewer services in accordance with sections 12
504.18 to 504.20 of the Revised Code, may be enforced only by 13
the imposition of civil fines as authorized in this chapter: 14

(1) Exercise all powers of local self-government within 15
the unincorporated area of the township, other than powers that 16
are in conflict with general laws, except that the township 17
shall comply with the requirements and prohibitions of this 18

chapter, and shall enact no taxes other than those authorized by 19
general law, and except that no resolution adopted pursuant to 20
this chapter shall encroach upon the powers, duties, and 21
privileges of elected township officers or change, alter, 22
combine, eliminate, or otherwise modify the form or structure of 23
the township government unless the change is required or 24
permitted by this chapter; 25

(2) Adopt and enforce within the unincorporated area of 26
the township local police, sanitary, and other similar 27
regulations that are not in conflict with general laws or 28
otherwise prohibited by division (B) of this section; 29

(3) Supply water and sewer services to users within the 30
unincorporated area of the township in accordance with sections 31
504.18 to 504.20 of the Revised Code; 32

(4) Adopt and enforce within the unincorporated area of 33
the township any resolution of a type described in section 34
503.52 or 503.60 of the Revised Code. 35

(B) No resolution adopted pursuant to this chapter shall 36
do any of the following: 37

(1) Create a criminal offense or impose criminal 38
penalties, except as authorized by division (A) of this section 39
or by section 503.52 of the Revised Code; 40

(2) Impose civil fines other than as authorized by this 41
chapter; 42

(3) Establish or revise subdivision regulations, road 43
construction standards, urban sediment rules, or storm water and 44
drainage regulations, except as provided in section 504.21 of 45
the Revised Code; 46

(4) Establish or revise building standards, building codes, and other standard codes except as provided in section 504.13 of the Revised Code;

(5) Increase, decrease, or otherwise alter the powers or duties of a township under any other chapter of the Revised Code pertaining to agriculture or the conservation or development of natural resources;

(6) Establish regulations affecting hunting, trapping, fishing, ~~or~~;

(7) Establish regulations affecting the possession, use, or sale of firearms, except for regulations affecting the discharge of firearms that are based on the population of the township and the density of the population in areas within the township;

~~(7)~~(8) Establish or revise water or sewer regulations, except in accordance with section 504.18, 504.19, or 504.21 of the Revised Code.

Nothing in this chapter shall be construed as affecting the powers of counties with regard to the subjects listed in divisions (B) (3) to (5) of this section.

(C) Under a limited home rule government, all officers shall have the qualifications, and be nominated, elected, or appointed, as provided in Chapter 505. of the Revised Code, except that the board of township trustees shall appoint a full-time or part-time law director pursuant to section 504.15 of the Revised Code, and except that a five-member board of township trustees approved for the township before September 26, 2003, shall continue to serve as the legislative authority with successive members serving for four-year terms of office until a

termination of a limited home rule government under section 76
504.03 of the Revised Code. 77

(D) In case of conflict between resolutions enacted by a 78
board of township trustees and municipal ordinances or 79
resolutions, the ordinance or resolution enacted by the 80
municipal corporation prevails. In case of conflict between 81
resolutions enacted by a board of township trustees and any 82
county resolution, the resolution enacted by the board of 83
township trustees prevails. 84

Section 2. That existing section 504.04 of the Revised 85
Code is hereby repealed. 86