

The Board of Township Trustees (the "Board") of Perry Township (the "Township"), Franklin County, Ohio, met in regular session on January 3, 2024, at 7:00 p.m. at 7125 Sawmill Drive, Dublin, Ohio 43016, with the following members present:

Chet Chaney  
Jim Roper  
Andy English

Mr. ROPER introduced the following resolution in writing:

**RESOLUTION HR NO. LHR-060-24**

**A RESOLUTION ESTABLISHING RIGHT-OF-WAY REGULATIONS IN THE TOWNSHIP,  
INCLUDING REQUIREMENTS FOR EXCAVATION LOCATED IN THE RIGHT-OF-WAY  
AND DECLARING AN EMERGENCY**

**WHEREAS**, the Township adopted a limited home rule form of government pursuant to Chapter 504 of the Ohio Revised Code; and

**WHEREAS**, a limited home rule township, in accordance with Section 504.04 of the Ohio Revised Code, may exercise the powers of local self-government, including the expenditure of funds that improves the health, safety and general welfare of Township residents; and

**WHEREAS**, the Township has acquired, constructed and maintained public rights-of-way, including paved streets, roads, alleys, bridges, green space and other public places to promote the general health, safety, welfare and convenience of its citizens; and

**WHEREAS**, the aforesaid rights-of-way are valuable public properties acquired, constructed and maintained by the Township at significant expense to the Township taxpayers and the right to use said rights-of-way is a valuable property right; and

**WHEREAS**, it is in the public interest for the Township to exercise its legal right and responsibility to manage the public rights-of-way and to obtain reasonable compensation, on a competitively neutral and non-discriminatory basis, for the use of such rights-of-way; and

**WHEREAS**, the Board desires to create regulations governing the right-of-way to address the increasing demand to use, install structures or excavate in the right-of-way in accordance with Section 5571.16 of the Ohio Revised Code; and

**WHEREAS**, the Board desires that that rules governing the receipt and response to applications governing excavations and the location of structures and facilities in the right-of-way also preserves the character and aesthetic appeal of the Township's neighborhoods and avoids excessive structures in the right-of-way that could create safety hazards or impede the flow of pedestrian traffic; and

**WHEREAS**, the Board believes that regulations governing Township right-of-way is necessary to address the increasing demands to install structures in the right-of-way and is necessary to provide for the public health, safety and general welfare of the residents of the Township; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of Perry Township, Franklin County, Ohio that:

**Section 1.** The Board hereby establishes and adopts the Perry Township Right-of-Way Regulations (the "Regulations"), attached hereto and incorporated herein by this reference.

**Section 2.** The Board hereby further authorizes and directs the Township Administrator and the Road Superintendent to administer the Regulations, including the authority to develop additional administrative guidelines and/or applications necessary to implement the Regulations as they deem desirable and necessary provided such regulations are not in conflict with Section 5571.16 of the Ohio

Revised Code. The Board further designates the Road Superintendent, on behalf of the Board, to approve and deny any applications submitted under the Regulations .

Section 3. The Board authorizes that any application for permits shall be made to the township fiscal officer and such application shall be accompanied by a fee not to exceed fifty dollars per application. Such fee shall be returned to the applicant if the application is denied.

Section 3. Any violation the Regulations shall constitute an unclassified civil fine punishable according to the civil fine schedule as follows:

1 <sup>st</sup> Violation:	\$500.00
2 <sup>nd</sup> Violation:	\$750.00
3 <sup>rd</sup> and subsequent Violations:	\$1,000.00

- A) If a citation is warranted, the peace officer serving the Township pursuant to Section 504.16 of the Ohio Revised Code shall issue such citation to any person violating this Resolution. The officer shall complete the citation by identifying the violation charged and by indicating the date, time, and place of the violation charged. The officer shall sign the citation and without necessary delay file the original citation with the court having jurisdiction over the violation. A copy of a citation issued pursuant to this section shall be served pursuant to the Ohio Rules of Civil Procedure upon the person who violated this Resolution. The issuance of a citation shall not prohibit the issuance of additional citations, in the event such violation is continued or repeated. The citation shall be the limited home rule citation previously adopted by the Township and shall be in accordance with all of the following:
- i) Advise the person upon whom it is served that the person must answer in relation to the violation charged in the citation within fourteen days after the citation is served upon the person;
  - ii) Indicate the allowable answers that may be made and that the person will be afforded a court hearing if the person denies in the answer that the person committed the violation;
  - iii) Specify that the answer must be made in person or by mail with the Perry Township Fiscal Officer; and
  - iv) Indicate the amount of the fine that may be imposed for the violation.
- B) An answer to a citation shall be made within fourteen (14) days after the citation is served upon the person and shall be in one of the following forms:
- i) An admission that the person committed the violation, by payment of any fine arising from the violation. Payment of a fine shall be payable to the Fiscal Officer of the Township and deposited by the Fiscal Officer into the Township general fund.
  - ii) A denial that the person committed the violation.
- C) Whenever a person pays a fine pursuant this section or whenever a person answers by denying the violation or does not submit payment of the fine within the time required under this section, the Township Fiscal Officer shall notify the court having jurisdiction over the violation. The court having jurisdiction over the matter shall proceed in accordance with the provisions of Section 504.07(B) of the Ohio Revised Code. All fines collected under this Resolution shall be deposited into the Township general fund.

Section 4. Pursuant to Ohio Revised Code 504.08, the Board hereby determines that any violation of the Regulations constitutes a matter of public health and safety and authorizes the Township law director or special counsel for the Township to file for injunctive relief. Furthermore, nothing herein shall be construed to impair any common law or statutory cause of actions, or legal remedies available under Ohio Revised Code Chapter 504 therefrom, of any person or the Township, for any injury or damage arising from other law.

Section 5. This Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Township and its inhabitants for the reason that such regulations are necessary to protect resident health and safety and safe travel on Township roads.

Section 6. It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action took place in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Following its introduction, the resolution was read by the Township Fiscal Officer by title only.

Mr. ROPER moved to dispense with the requirement that this resolution be read on two separate days and hereby authorizes the adoption of this resolution upon its first reading and the motion was seconded by Mr. ENGLISH. Roll was called on the question of dispensing with the second reading and the results were:

Vote Record:	Yea	Nay
Mr. <u>ROPER</u>	<u>X</u>	___
Mr. <u>ENGLISH</u>	<u>X</u>	___
Mr. <u>CHANEY</u>	<u>X</u>	___

Mr. ROPER moved the adoption of the resolution as an emergency measure and the motion was seconded by Mr. ENGLISH. Roll was called on the question of adoption and the results were:

Vote Record:	Yea	Nay
Mr. <u>ROPER</u>	<u>X</u>	___
Mr. <u>ENGLISH</u>	<u>X</u>	___
Mr. <u>CHANEY</u>	<u>X</u>	___

Having received a unanimous approval vote of the Board, the resolution was adopted as a emergency measure to become effective immediately upon filing with the Township Fiscal Officer.

First Reading: January 3, 2024

Second Reading: Dispensed with

Effective: January 3, 2024

Adopted: JANUARY 3, 2024

**BOARD OF TOWNSHIP TRUSTEES  
PERRY TOWNSHIP  
FRANKLIN COUNTY, OHIO**

Attest: Michele Elliott  
Michele Elliott, Fiscal Officer

Chet Chaney  
Chet Chaney, Township Trustee

Andy English  
Andy English, Township Trustee

James Roper  
James Roper, Township Trustee

**APPROVED AS TO FORM:**

Jeannie Hummel  
Township Law Director 1-24-24

**CERTIFICATION**

The undersigned Fiscal Officer of the Board of Township Trustees of Perry Township, Franklin County, Ohio hereby certifies that the foregoing is a true and exact copy of a resolution duly passed by the Board of Township Trustees of said Township and filed with the Township Fiscal Officer on January 3<sup>rd</sup>, 2024.

Michele Elliott  
Michele Elliott, Fiscal Officer  
Perry Township, Franklin County, Ohio

**CERTIFICATE OF PUBLICATION**

I, Michele Elliott, Fiscal Officer of Perry Township, Ohio do hereby certify that a summary of this resolution was published in the newspapers listed below on the dates listed below:

Columbus Dispatch Feb 9<sup>th</sup> and Feb 16<sup>th</sup>, 2024

\_\_\_\_\_ and \_\_\_\_\_, 2024

  
Michele Elliott, Fiscal Officer  
Perry Township, Franklin County, Ohio

### LEGAL NOTICE

On January 3, 2024, the Perry Township Board of Trustees adopted the following limited home rule resolution: Resolution No. LHR-060-24 A RESOLUTION ESTABLISHING RIGHT-OF-WAY REGULATIONS IN THE TOWNSHIP, INCLUDING REQUIREMENTS FOR EXCAVATION LOCATED IN THE RIGHT-OF-WAY. The purpose of the Resolution Adopting is to exercise its legal right and responsibility to manage the public rights-of-way and to obtain reasonable compensation. Under the authority of the Resolution, the Board creates regulations governing the right-of-way to address the increasing demand to use, install structures, or excavate in the right-of-way in accordance with Section 5571.16 of the Ohio Revised Code. The Board's rules will govern the receipt and response to applications governing excavations and the location of structures and facilities in the right of way. It also preserves the character and aesthetic appeal of the Township's neighborhoods and avoids excessive structures in the right-of-way that could create safety hazards or impede the flow of pedestrian traffic. Township right-of-way regulations are necessary to address the increasing demands to install structures in the right-of-way and are necessary to provide for the public health, safety, and general welfare of the residents of the Township.

A complete copy of the Resolution Adopting Right of Way Regulations is on file for inspection at the office of the Perry Township Fiscal Officer, located at 7125 Sawmill Road, Dublin, Ohio 43016. The Perry Township Fiscal Officer has copies of the Resolution Right of Way Regulations available for distribution to the public at cost.

### **PERRY TOWNSHIP BOARD OF TRUSTEES**

Michele Elliott, Township Fiscal Officer

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Run one (1) time per week for two consecutive weeks on February 9, 2024 and February 16, 2024.

Please send bill and proof of publication to:

Beth Beatty, Township Administrator  
Perry Township Board of Trustees  
7125 Sawmill Road  
Dublin, Ohio 43016-9018

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