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THE OHIO TOWNSHIP AS A LOCAL GOVERNMENT UNIT: A STUDY IN OBsolescence AND ADAPTATION

DISSERTATION

Presented in Partial Fulfillment of the Requirements for the Degree Doctor of Philosophy in the Graduate School of The Ohio State University

By

Stanley Eugene Dewey, A. B., M. A.

The Ohio State University
1964

Approved by

Department of Political Science
As industrialization came gradually to assert a dominant influence on the economy of the United States, the accompanying phenomenon of an ever-increasing number of people living under more urban circumstances produced a particularly troublesome problem for local government. And this problem is fairly general. Though all states have taken action in varying degrees to cope with it, and some have moved more effectively than others, the effects of the transition from rural-agrarian to urban-industrial circumstances persist in some measure in all parts of the country, compelling continuing attention.

The problem, simply stated, is that a gap exists between the structure and organization of local jurisdictions and the circumstances under which they function. This gap, moreover, is different in urban areas from that in rural areas. In the former, it is caused in part by the multiplicity of local entities which frustrates effectual authority over certain functions in an area which is essentially a common economic unit; in part by the inadequacy of any one unit to act responsibly
over the whole of this common unit for any purpose and
in part because there are in this complex some inade-
quate local units which are burdened with responsibilities
they cannot carry out. In rural areas, the gap exists
mainly because certain local units which in former times
assumed virtually all governmental responsibilities at
the local level remain as relics in the aftermath of
the steady transfer of jurisdiction to other units or
other levels of government.

The gap in urban areas developed largely because of
the traditional tendency evident in all states outside
of the New England area to provide a separate municipal
jurisdiction for the growing urban functions in local-
ities where population density produced an urban
setting, from others, rural in character. In New England
the town, which combines urban and rural areas under one
jurisdiction, became the dominant local government unit
and has remained so this day (except where major cities
have displaced towns). In all other sections of the
country, the municipal corporation (variously desig-
nated as a city, village, town, borough, or otherwise)
has always been the unit of local government for urban
localities. Areas outside of municipalities came under
other jurisdictions, which varied in number and kind
among the several states, with certain regional tendencies evident in this respect historically.

In all states (though less extensively in New England than elsewhere) the county performed certain functions both within and outside of municipal corporations under general statutes applicable throughout the state; in addition, in the unincorporated areas, the county also assumed responsibility for others, distinctly local in character and varying from county to county as befitted local needs. With respect to the latter, the county was a local jurisdiction for the rural community, separate and distinct from municipalities serving urban communities.

In addition to the county, the township had a strong historical foundation in eighteen states, possessed of authority similar to that of the county; indeed, in many respects the jurisdiction of the two overlapped. In other states, special districts variously designated as divisions, precincts, districts, beats, were established rather than townships to augment the county. These were commonly administrative subdivisions to carry out a single function rather than all-purpose local jurisdictions.

Clearly, then, in the development of local government in the United States, the urban community was
generally equated with the municipal corporation, and the rural communities with unincorporated areas, organized under separate and distinct jurisdictions (except in the New England states, as noted).

Then, as industrialization and urbanization gained ascendance, two important changes materialized in the organization of local government. One, certain functions passed from smaller to larger local jurisdictions and from lower to higher levels. In the process, many responsibilities originally carried out (or ignored) by units smaller than the county passed to the county while concurrently others passed from the county to the state and, more recently, to the national level. Second, with agrarian decline, urbanization spread to unincorporated areas in many sections, necessitating revisions in the traditional allocation of functions.

Typically, jurisdictions serving unincorporated areas have gained a steady accretion of authority to undertake urban-type functions more commonly appropriate to municipal corporations, at the same time, there was also a shift in the scope of authority of large cities. Certain functions earlier performed by counties within municipalities were transferred to the
cities or were authorized to be performed by them on an optional basis, either within their own boundaries or for a wider area, at times the entire county. In this context, then, both cities and counties came to have a similar potential of authority. In some instances the municipal government combined county and municipal powers within the boundaries of the corporation while the county had a similar potential outside of municipalities. In other instances, the county and the city divided their powers on a functional rather than an area basis, with one performing some functions county-wide and the other certain others. Where an accommodation between the county and the city was not feasible, a new authority in the form of a special district was established under permissive legislation crossing the boundaries of existing jurisdictions to carry out one of several related functions for the whole district.

On the whole, then, in highly urbanized areas the earlier urban-rural division of powers and functions, as between municipal corporations and other local units, was modified considerably. At the same time, in areas relatively untouched by urbanization, the traditional demarcation survived virtually unchanged; in such areas, however, the re-allocation of functions left a decided impact on the very purpose of some local jurisdictions.
The many perplexities which relate to this central problem in both urban and rural circumstances can be brought under a critical review in an examination of township government as it functions in a state such as Ohio. At the beginning of statehood in 1803, when it was sparsely inhabited, Ohio was predominantly agrarian, but it has since developed into one of the principal industrial states of the nation. Today, though still rural and agrarian in many sections, it contains several metropolitan centers within its borders. After 160 years, its structure of local government has not changed in any substantial way, though over the years there have been many modifications in the organization of local functions. In these modifications, perhaps none of the local units has been more affected than the townships. Moreover, despite the uniformity of the legal foundations of township government, the circumstances in which townships subsist have with the passage of time become quite diversified. Differences in population, location, and resources affect not only the scope of functions, but in some instances, bear on the very viability of the township as a unit of local government.
In this context, the status of Ohio townships bears on the general problem of adaptation or obsolescence of local government in the wake of the change-over from rural-agrarian to urban-industrial circumstances. The over-all purpose of the current study, then, is a comprehensive examination of the township in Ohio as a case study in such transition, with a view toward ascertaining changes and revisions which the findings of the study may indicate. To this end, it contemplates the development of the following three specific objectives:

1. To establish the nature and character of the civil township in Ohio from its inception to the present.

2. To establish the significant differences between townships in urban as against those in rural circumstances.

3. To examine alternatives for revisions and changes prompted by existing circumstances of Ohio townships.

In the nature of the situation, a fourth objective must be added. Whatever the vicissitudes in the development of the Ohio township, at least one aspect thereof seems to have withstood time with undiminished vitality. This is the theoretical foundation which supported its origin and has sustained it with little abatement for more than 160 years. Though not without merit in the past
or today, in some regards nevertheless it appears to be no more than the hortatory voice of politics, drained of meaningful content yet powerful and effective in its influence on policy decisions affecting the township. An examination of the philosophical and political foundations of the Ohio township comes, therefore, within the purview of the current study.
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VITA

June 3, 1916 Born - South Bend, Indiana

1942-1945 Military Service, Armed Forces of the United States

1948 A.B., Indiana University, Bloomington, Indiana

1950 M.A., Kent State University, Kent, Ohio

1950-1954 Teaching Assistant, Department of Political Science, The Ohio State University, Columbus, Ohio

1954-1955 Instructor, Department of Political Science, Kent State University, Kent, Ohio

1955-1964 Assistant Director of Research, Ohio Department of Taxation, Columbus, Ohio

PUBLICATIONS


The Taxation of Personal Property in Ohio. Division of Research and Statistics, Ohio Department of Taxation, 1960.

FIELDS OF STUDY

Major Field: American Government and Politics

Studies in American Government and Public Administration. Professors Harvey C. Mansfield and Harvey Walker

Studies in State and Local Government. Professor Harvey Walker

Studies in Political Parties and Elections. Professor E. Allen Helms

Studies in Public Opinion, Pressure Groups and Propaganda. Professor Dayton Heckman

Studies in Theory. Professors David Spitz and Harry V. Jaffa

Studies in Constitutional Law. Professors Francis R. Aumann and Robert F. Cushman

Studies in Comparative Government. Professor Harold Zink

Studies in International Relations. Professors Kazuc Kawai and Louis Nemzer
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CHAPTER I

THE TOWNSHIP IN THE UNITED STATES

The township today is an integral element of the local government structure in fifteen states. All but one (Washington) are clustered in the north-central region of the United States stretching from New York and New Jersey westward to the Dakotas, and from Kansas, Missouri and the Ohio River northward to the Canadian border (see Map I). This heartland of the nation includes six of the ten most populous states and contains almost half of the population of the country.

Until fairly recently, Iowa and Oklahoma were also township states, and two townships were functioning in South Carolina. The latter were absorbed by corporations within the past decade,¹ and Oklahoma townships went out of existence in 1933. The liquidation in Oklahoma was

¹Folly Island and Sullivans Island townships in Charleston County were classified as "separate units of government" by the United States Bureau of the Census in 1957 (see 1957 Census of Governments: Local Government Structure, I, No. 3, p. 68); the 1960 Census reports Folly Island Township as Folly Beach Town and Sullivans Island Township as Sullivans Island Town (see Census of Population 1960, I, Part A, p. 42-10.
MAP I
TOWNSHIP STATES IN THE UNITED STATES
effected indirectly by the adoption of a constitutional amendment relating to the 15-mill limitation on property tax levies. Prior to 1933, townships were included among the units sharing in the allocation of the 15-mill limitation but were excluded in the 1933 amendment. Left with no tax resources, townships were formally abolished by action of the state legislature that year.2


In Iowa, though the code still carries provisions for a three-member board of township trustees and a clerk, there appears to be no purpose in electing them since they have virtually no functions to perform. Iowa was the first township state to remove road maintenance from township jurisdiction (1929) and has centralized the assessment function (outside of cities) in the county. Similarly, administration of poor relief, nominally a township function on an optional basis, is currently a county responsibility. Again, though two justices of the peace and two constables are elected in each township, these, by express statutory declaration, are designated as "county officers." In a similar vein, election statutes provide that township trustees and clerks shall serve as judges and clerks of elections in the precincts where they reside, but the
county board of supervisors is empowered to appoint such officials in other precincts and to fill vacancies which may occur. For all practical purposes, then, townships do not exist as functioning units in Iowa, and the United States Census Bureau no longer classifies Iowa as a township state.  

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Historical background of townships

It may be said that the township migrated with the early settlers in the Great Westward Movement.  

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states east of the Appalachians which in their origins, in turn, had been principally outposts of England. As such, they established institutions familiar to them in the Mother Country, founded on experiences accumulated over centuries of English history. With respect to the structure and
organization of government, many of England's time-honored institutions survived the Atlantic crossing, though others failed to take root. Among local institutions the hardest were the county, the town and the township. Not all three were equally important or identical in detail in all the colonies. For reasons of geography, economics, politics, and religion, each assumed local colorations which, in time, produced marked regional differences. As to their influence on the future of the Ohio township, perhaps developments in New England generally, and among the Middle Atlantic Colonies, in New York and Pennsylvania were most important.

In New England, though the county and the township were part of the local structure of government from the beginning, the most important and significant unit was the town. The New England town, fashioned by Englishmen imbued with English political philosophy and governmental institutions, stands out, in many respects, as a phenomenon indigenous to the soil from which it sprang, unlike anything in the Mother Country, and unique even among contemporaneous developments elsewhere in the coastal settlements. Perhaps three major characteristics of the New England town account for its unique status.

In its earliest origins it was a "natural" unit, comprising not only what is conventionally classified as a town but the surrounding countryside, the whole area having
no fixed shape or size. Unlike local units elsewhere, where each was either an urban center designated as some form of municipal corporation, or a rural area, set off as a local subdivision for specified purposes by statutory provision, the New England town was comprised of both urban and rural territory in a single unit of local government.

Secondly, in its structure and organization it was a classic exponent of direct democracy, perhaps best typifying what in the American lexicon of politics is extolled as "grassroots democracy." The fortune of the New England town rested directly with the electorate by means of the annual town meeting. The policies and the purse were controlled by vote of the electors assembled after open discussion. Though town officials were chosen at the annual meeting, their function was to carry out decisions made by the electorate directly at the town meeting. In this sense, the New England town did indeed vest control of government in the hands of the electorate: a classic example of "grassroots democracy."

Finally, perhaps as an inevitable corollary of the foregoing characteristics, the New England town assumed a primacy functionally at the local level found nowhere else in the annals of local government in the United States. Local functions, which elsewhere were shared with other local units, tended to be concentrated in the town in New England.
In the Middle Colonies notable differences emerged, not only as between that region and New England, but especially as between New York and Pennsylvania, which later came to bear on developments in township states. The township in New York (officially designated as a town), though similar to the New England town as to organization and procedures, was more nearly a subdivision of the county, sharing functions with it on a broader scale than was the case in New England. Moreover, there is an integral relationship between the county and the townships. The chief elective township official, called the town supervisor, was also the representative of the township on the county board of supervisors, which served as the principal governing body of the county. One of the major responsibilities of the board of supervisors was to levy and assess local taxes for county purposes, hence the scope and extent of county undertakings were in a very real sense determined by township officials. In another important respect, the town in New York departed from its New England counterpart. Though smaller urbanized centers tended to remain as integral parts of the towns, more commonly thickly populated areas became separate municipal jurisdictions; the town in New York, then, was generally a rural jurisdiction.

In Pennsylvania, the eclipse of towns and townships by the county was almost total in colonial times, and the emergence of townships later was quite definitely as
subdivisions of the county while towns came to be separate urban jurisdictions organized as some form of municipality. The boundaries, structure and organization of townships were fixed by statute, as were the functions assigned to townships and counties. Nor was there an integral relationship between the governing body of the county and that of the townships. Elective officials for each were separately provided for. A smaller board of county commissioners, elected at large, was established rather than a county board of supervisors as was the case in New York. For townships, in place of a single chief official, a board of three township supervisors was established as the general administrative authority. Provision was also made for an elective township clerk, a treasurer, and commonly such other officials as overseers of the poor, tax assessors, highway commissioners and others. Such officials were also provided for in New York towns, though not necessarily elective, and quite commonly the town supervisor assumed responsibilities for some of the functions involved.

Further south where developments were of peripheral importance in their influence on the township, the county was the dominant unit. Though various subdivisions of the county, including townships, were utilized for specific purposes, nothing resembling the township, as a general purpose local unit of government, had materialized.
Historically, then, the philosophical wellspring of the township is to be found in the origins of the New England town; however, in spirit and form, the development of each followed a different course, hence today it would be inappropriate to consider both in the same category (even though in some states the township is officially designated as town). From the standpoint of the purposes of the current study, two important differences distinguish the New England town from the township. One, the New England town is unquestionably the most important local unit of government, and, two, its jurisdiction extends over urban areas as well as surrounding rural territory, forming a natural unit under a common government. (Large cities in the New England states, such as Boston, New Haven, Providence and others, are wholly urban in character and have displaced towns as local jurisdictions.) In contrast, in its traditional form, the township is clearly less important than the counties and municipalities as a local unit of government, and its jurisdiction is limited to unincorporated areas, generally rural in character, while urbanized areas are separately organized as municipalities. The New England town, therefore, as it currently functions in the six New England states, is outside the purview of the current study.

Among the thirteen original states, the township found roots in New York, New Jersey, and Pennsylvania.
In the others (outside of the New England area), it was used, if at all, only as an administrative subdivision of the county except for an occasional all-purpose jurisdiction as in South Carolina in recent years (see p. 1 supra). As new states joined the Union, the township spread westward to all five of the states formed out of the old Northwest Territory (Ohio, 1803; Indiana, 1816; Illinois, 1818; Michigan, 1824; Wisconsin, 1843), and beyond the Mississippi, to the Great Plains states (Missouri, 1821; Iowa, 1846; Minnesota, 1858; Kansas, 1861; Nebraska, 1867; North and South Dakota, 1889, and Oklahoma, 1907). South and west, the township never took hold except in the state of Washington where it was optional, with townships established in all of one county (Spokane) and part of another (Whitcom).

In its westward migration, the township tended to follow either the New York or the Pennsylvania prototype as to structure and organization. In either case, historically, there was considerable uniformity as to functions undertaken by townships. In all states, five major responsibilities were usually within their jurisdiction: administration of justice; roads; poor relief; administration of elections; and assessment of property for tax purposes. Frequently included also were powers with respect to ditches and drainage, cemeteries, fence-viewing,
and public health measures. Later numerous other functions were authorized to them, usually on an optional basis, such as fire protection, lighting, waste disposal, police protection, parks, zoning, and others.

Current status of townships in other states

From the standpoint of the present study, the most significant aspects of townships in other states today are those which underscore differences between urban and rural townships. These are most in evidence in provisions relating to structure and organization of townships and the functions and powers they possess, hence these form the nucleus of the general state summaries which follow.

New York. Under New York laws, townships, designated as towns, are classified in the main according to population

though in some classifications other factors are also involved. With certain exceptions, those with a population of 10,000 or more are designated as first-class towns and those below that as second class. Optionally, the latter may be reclassified as first-class towns if any of the following three conditions obtain and the electors approve the move in a referendum: the population is in excess of

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5 New York, Consolidated Laws Annotated (Mckinney, 1963), c. 62.
5,000; the assessed valuation of real estate is in excess of $10,000,000; the town is situated adjacent to a city with a population of 300,000 or more. Action may be initiated by the town board or in response to a petition of 5% of the electors.

All towns elect one supervisor, who *ex officio* represents the town on the county board of supervisors; a clerk; tax collector; three assessors; a highway superintendent; and two justices of the peace. First-class towns also elect four town councilmen though optionally the number may be increased or decreased with the approval of the electorate. Second-class towns elect two councilmen, except those having a population of less than 300 and an assessed valuation of real estate of less than $100,000, which elect no councilmen and only one justice of the peace. The town supervisor and the councilmen constitute the town board. In towns where no councilmen are elected, the clerk and the justice of the peace join the supervisor on the town board. All township boards appoint one or more constables or police officers who serve as the officers of the justice courts.

Boundary changes as well as dissolutions of towns are authorized under New York laws, with the approval of the electorate.
Of the three traditional township functions, towns in New York retain jurisdiction in the assessment of property and the responsibility for road maintenance, and remain as the basic unit for the administration of justice. Optionally, they may administer poor relief which in the alternative is a county responsibility. The town also serves as a basic unit in the administration of elections, the town board appointing all inspectors of election (polling officials). In addition, New York towns have extensive licensing and regulatory powers and are permitted numerous municipal-type functions though no statutory distinction is made as between first and second class towns in this respect.

An amendment to the New York constitution, approved by the electorate November 5, 1963,\textsuperscript{6} contemplates extensive changes in the powers of all local jurisdictions, including towns, with emphasis on greater local autonomy, greater versatility in joint action among local jurisdictions and certain protective measures for towns in annexation proceedings. County charters are contemplated under which may be transferred "one or more functions or duties

of the county or of the cities, towns, villages or districts or other units of government wholly contained in (one) county to each other — ." Such transfers are to be effected with the approval by referendum of the electorate of the jurisdictions concerned. In the absence of any such cooperative arrangements, however, "a local government shall not have power to adopt local laws which impair the rights of any other local government."

Of equal significance is the provision that "no local government or any part of the territory thereof shall be annexed to another until the people . . . of the territory proposed to be annexed shall have consented thereto by majority vote . . . and until the governing body of each local government, the area of which is affected, shall have consented thereto upon the basis of a determination that the annexation is in the over-all public interest." Existing annexation provisions require a referendum only in the area proposed to be annexed. Town officials have found dissatisfaction with what they term a "one-sided" procedure which does not require weighing of the effects of annexations on the remainder of the town.

**New Jersey.**7 The governing body of New Jersey townships is the township committee, comprised of three members

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7New Jersey, Annotated Statutes (1963), Titles 40 and 44.
elected at large, though the following provisions are made for enlarging the committee under certain circumstances:

1. Townships having a population of 4500 or more elect five members.

2. Townships having a population of less than 4500 may elect five members under a petition of 25% of the electors and a popular referendum on the question.

3. Townships having a population of 7000 or more may petition to have the township divided into not less than three wards. If approved, the township committee is comprised of two members elected from each ward and one additional member elected at-large. The latter is the chairman of the committee; in townships having a population of 10,000 or more his official designation is that of mayor.

Provisions are made for any township to revert to a former status by means of a petition and a referendum on the question.

Each township also elects a clerk, a collector of taxes, an assessor, as many poundkeepers as may be deemed necessary and, in townships with a population of 4500 or more, a road supervisor unless the office is abolished by ordinance of the township committee. Numerous other officials may be appointed by the township committee.
Of the five traditional township functions, three remain in the jurisdiction of New Jersey townships: roads, poor relief and the assessing of property for tax purposes. The township, however, is no longer the basic unit for administration of justice nor is it involved in the administration of elections.

New Jersey townships have extensive ordinance and licensing powers and may undertake numerous urban-type functions, notably water supply, lighting, police and fire protection, garbage collection and others. Indeed, in these respects, New Jersey townships differ little from municipal corporations.

Pennsylvania. Until 1949, townships in Pennsylvania were organized under uniform laws applicable to all townships. Legislation enacted that year established two classes of townships, with separate provisions for the governing body of each.

A second-class township may be organized as a first-class township if it has a density population of 300 per square mile and a petition for the proposal is initiated

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and approved by a referendum. The governing body of a first-class township, in whom are vested all executive and legislative powers, is the board of township commissioners which may vary in size from five to as many as fifteen members. First-class townships may be divided into wards; if fewer than five are established, one member of the board is elected from each ward and the rest at large; if five or more wards are established, each ward elects one member. From its own membership, the board elects a president, a vice-president, and a secretary. The latter functions as the executive officer of the board unless the board appoints a township manager to assume all duties and responsibilities entrusted to him.

The voters also elect a township treasurer, who acts as tax collector, and three auditors, unless the board replaces them with an appointive township controller.

The governing body of second-class townships is the board of township supervisors, comprised of four members elected at-large, three for six-year terms and one for a two-year term. Second-class townships also elect a tax collector and three auditors, and the board appoints a secretary-treasurer who maintains all legal and fiscal records of the township.
There is no distinction between first and second class townships as regards functions. Three of the traditional township functions are not within the jurisdiction of Pennsylvania townships, administration of elections and poor relief (county responsibilities) and the assessment of property for tax purposes (variously undertaken by other jurisdictions). The township is still one of the basic units for administration of justice, each electing one or more justices of peace (along with municipal wards, districts, and boroughs). Road maintenance is also a township responsibility, being the major function of most second-class townships. Optionally, all townships are authorized numerous other functions, many decidedly urban in character, such as fire and police protection, lighting, water and sewerage, zoning and building regulations, waste disposal, airports, and others.

No territory of any first-class township may be annexed by a municipality unless approval is granted in a referendum of electors of the entire township (not just the portion proposed to be annexed). Pennsylvania laws also provide for any existing borough (usually a small municipality in a rural area) to annul its municipal charter and revert to township status with the approval of the electorate.
In general, townships in Michigan are organized under uniform laws, with certain exceptions,

\[9\]Michigan, Statutes (1961), c. 42, c. 58, and c. 148.

though since 1947 certain townships meeting prescribed conditions may be organized as charter townships (see below).

Townships under general laws elect the following officials: a supervisor, a clerk, treasurer, highway commissioner (frequently not elected since the office is advisory in character), one or more constables (not exceeding four), two justices of the peace, and two members of the board of review. In addition, townships having a population of 5000 or more, or having 3000 electors or more, elect four trustees who together with the supervisor constitute the township board. All other townships elect two trustees.

The law provides for annual township meetings though townships having a population of 5000 or more may vote to discontinue them.

Of the five traditional functions, two, road maintenance and poor relief, are now county responsibilities, though the township remains as the basic unit for administration of justice and elections, and town supervisors with the township board of review, perform the assessing
function. In addition, Michigan townships have limited licensing powers and may adopt township ordinances relating to such matters as public health, fire hazards, traffic, parking, and others. They may also undertake optional functions, notably police and fire protection, parks, zoning, street lighting, sanitary dumps and others.

Townships having a population of 5000 or more as well as those having a population of 2000 and bordering on a city with a population of 25,000 or more, qualify for organization as charter townships. Proceedings may be initiated by a petition of at least 100 registered electors of the township addressed to the Secretary of State who thereupon causes a special enumeration to be made in the township concerned. After the census is fixed by the Secretary of State, a referendum on the question is held in a regular or special election, a "majority of the electors thereof" deciding the issue.

The township board in charter townships is the same as that for larger townships organized under general law, i.e., seven members, comprised of the supervisor, clerk, treasurer, and four trustees. Charter townships also elect two justices of the peace and one or more constables, as well as two members of the board of review, though no provision is made for a highway supervisor (who
is optional under general law). The law stipulates that all elective officials of a charter township "shall have and perform the duties and functions required of such officers by state law."

There is no provision for township meetings though extensive stipulations are written into the law as to regular and special meetings of the board. Charter townships are authorized to establish fire and police departments and enact ordinances deemed necessary to maintain public peace, health and safety and may prescribe terms and conditions upon which licenses may be granted, suspended or revoked. They may also exercise the same powers as municipalities to regulate the construction of buildings and conduct of business.

Perhaps the most distinctive feature of charter townships is the authority granted to the township board to appoint a township superintendent who may be delegated any or all of the functions and duties which otherwise devolve on the township supervisor; some of these are: enforcement of township ordinances; management and supervision of all public improvements; having charge of the construction, repair, maintenance and lighting and cleaning of streets, sidewalks, bridges, pavements, sewers; management and supervision of all township utilities;
preparation and administration of the annual township budget; acting as purchasing agent and personnel director.

Charter townships may also "join with any governmental unit, by contract or otherwise as may be permitted by law, to perform jointly or by one or more, other or others, any power or duty which is permitted to be so performed by law or which is possessed or imposed on each."

Indiana. Unlike all other township states, Indiana utilizes its townships for a dual purpose: as the civil township it carries out local government responsibilities falling within its jurisdiction, and as a school township it functions as a school corporation for administration of elementary and secondary schools outside of municipal corporations (which also function as a municipal school corporation within their boundaries).

In both capacities, the township centers almost exclusively on a single elective official, the township trustee. He performs not only clerical and fiscal duties usually performed by other elective township officials elsewhere, but also assumes full responsibility for the administration of poor relief and all matters relating
to the operation of township schools. In smaller townships (less than 5000 in population) he also performs the assessing function. In larger townships, an assessor is separately elected. In all townships a three-member advisory board is elected which functions primarily as the budget and taxing authority.

Indiana has removed the road function from township jurisdiction (in 1932), and does not utilize township officials in the administration of elections. The Indiana township continues to serve as the basic unit for administration of justice, however, each township electing one or more justices of the peace and, optionally, a township constable to serve the justice court (a function also performed by town constables).

Though several optional functions are authorized, the principal purpose of the Indiana township is the administration of poor relief, the operation of township schools, and assessment of property for tax purposes.

Illinois

Illinois statues provide for optional township organization as well as township de-organization,

\footnote{Illinois, Annotated Statutes (Smith-Hurd, 1962), c. 48, c. 53, and c. 139.}
in both instances on a county-wide basis. Though such statutory flexibility has special significance within the contemporary context of local government organization, the Illinois provisions date back more than a hundred years and reflect, in the main, the predilections of the early settlers of the state. While most sections of the state were settled by migrants from the eastern states, bringing with them a strong attachment for the township, southerners were the dominant element downstate and they were more accustomed to the county as the center of local government. The constitutional provisions adopted in 1849 concerning county organizations were in the nature of a compromise to accommodate both elements. At present eighty-five of the state's 102 counties operate under township organization, virtually all dating back to the middle of the nineteenth century. The remaining seventeen counties are clustered in the southern tip of the state and along the river in the southwest section. The de-organization provisions have rarely been used.

Annual township meetings are stipulated in the laws though for all practical purposes they are nothing more than the occasion for electing township officials. These include the township supervisor, a clerk, an assessor, and (effective 1961) three members to serve on the board
of township auditors which also includes, *ex officio*, the supervisor and the clerk. Optionally, a tax collector may be elected (his functions otherwise assumed by the county tax collector). In addition, each township elects one or more assistant supervisors, depending on population, who together with the township supervisor constitute the township board and also represent the township on the governing body of the county. The latter function appears to be their major purpose.

Illinois townships no longer are involved in the administration of elections nor do they serve as the basic unit for the administration of justice. The other three traditional functions of townships: road maintenance, poor relief, and assessment of property, remain as major township responsibilities. They are also authorized other undertakings on an optional basis, notably operation of cemeteries, hospitals, water and sewerage systems, libraries, fire protection and others. Municipalities may be set off as separate townships in which case the municipal government displaces township officials except for representatives of the township on the county board of supervisors. Such separations tend to preserve the traditional rural character of the townships.
WISCONSIN. From the standpoint of the range of functions falling within their jurisdiction, Wisconsin townships show a greater vitality than those in any other township state. They serve as the basic unit for the administration of justice, and township officials assume extensive responsibilities in the administration of elections, road maintenance, poor relief, and the assessment of property for tax purposes. Clearly, then, all five of the traditional township responsibilities remain solidly in their jurisdiction. In addition, they have gained a steady accretion of permissive powers so that their authority today differs little from that of municipal corporations. They may undertake the operation of water and sanitary plants, police and fire departments, parks, and provide for sidewalks, lighting, zoning, emergency, equipment, street markers, jails, and numerous other urban-type services and activities. They also have limited licensing and regulatory powers, particularly as to amusement and recreational pastimes.

Laws provide for annual township meetings at which the following officials are elected: three supervisors, one of whom is designated as chairman, constituting the township board of supervisors: a clerk, a treasurer, one or
more assessors, one or more justices of the peace, and
one or more constables (though no more than three). In
counties having a population of 500,000 (Milwaukee), town-
ships over 10,000 in population may vote to replace elective
assessors with assessors appointed under civil service.

Cities are not part of any township, and villages may
be separated from townships under procedures provided in
the law.

Minneapolis.13 Doubtless the most distinctive feature
of laws relating to township organization in Minnesota is


that which provides for alternative ways in which individual
townships may be de-organized or dissolved. One way is a
popular referendum on the question under procedures pre-
scribed by law. However, the county board of commissioners
is also empowered to dissolve a township under any of
several circumstances: when a township fails to elect
officials and perform its functions for a specified number
of years; when tax delinquencies equal or exceed 50% of
the total; or if the assessed valuation of the township
drops below $40,000. In some circumstances, a petition
signed by 10% of the electors may compel a referendum on
the dissolution order.
Perhaps equally novel are the numerous provisions of the Minnesota law which grant permissive authority with respect to certain optional undertakings to townships meeting specified statutory conditions. For example, townships in which the assessed value of platted lands equals at least 50% of the total assessed valuation of the township may provide for a fire department and water supply; townships ranging in population between 2000 and 10,000 and having a certain tax potential (stipulated in the law) are authorized to set the salaries of clerks and treasurers different from those provided under general laws; provide for garbage disposal; establish canneries and regulate market warehouses; townships in counties having an assessed valuation of $1,000,000 may provide for police protection; those located in counties having a population of 450,000 or more and an assessed valuation of $250,000,000, as well as those bordering on a city of the first, second, or third class, or in a county bordering on any such city, may enact zoning regulations. There are others, but all seem to suggest limited and perhaps special application, rather than an orderly, uniform system of classification as between rural and urban townships.

Under laws generally applicable to all townships, elections are held at annual township meetings at which
the three-member township board is elected as well as a clerk and a treasurer; optionally, justices of the peace and constables may be elected if the township elects to do so.

The two most important functions of Minnesota townships are road maintenance and the assessment of property for tax purposes. Townships are also important in the administration of elections and may be utilized in all the administration of poor relief. Permissive powers with respect to fire protection measures, weed control and the operation of cemeteries are also found in Minnesota statutes.

Missouri. Missouri is one of four states which provide for townships on an optional basis. This arrangement, as in Illinois, was an accommodation of the divergent interests of early settlers of the state. Those from eastern states were partial to the township tradition while those from the southern states favored the county as the major local jurisdiction. While the earlier constitution (1876) specified township organization as an alternative structure for county government, the present constitution (1945) merely declares that alternative forms of county
government may be provided. Under existing law, only counties of the third and fourth class (those having assessed valuations totaling between $10 and $50 million, and those having less than $10 million, respectively) may exercise the option of township organization. At present, the preponderant majority of Missouri's counties are organized without townships.

Missouri law also permits the county board of commissioners to de-organize individual townships if no township officers are elected and the township ceases to function. Alternatively, a petition initiated by at least 100 electors may place the question of de-organization before the electorate.

Elective officers include a trustee, who is also the township treasurer; a tax collector, a clerk, who also performs the assessing function; and two members of the township board. The latter and the trustees comprise the board of directors in which vests the taxing authority and general administrative and fiscal responsibilities.

The township in Missouri is clearly a rural jurisdiction, its major responsibilities being road maintenance and assessment of property for tax purposes. It is no longer a unit for administration of justice, nor are its
officers involved in the administration of poor relief or elections. Optional functions are few and minor.

Nebraska. Under the optional forms of county organization contemplated by the constitution and laws of Nebraska, both township organization and de-organization on a county-wide basis are authorized. Townships may be established in a given county by a "majority of the legal voters of such county voting at any general election...." The petition for initiating the referendum on the question of township organization requires the signatures of 250 legal voters, that for de-organization, 10% of the qualified electorate. At present, more than two-thirds of the state's ninety-three do not have township organization.

Township government centers on an elective clerk, a treasurer, and a justice of the peace who together constitute the township board, and an elective road overseer. The voters also elect a constable to serve the justice court and three judges and two clerks of elections.

Nebraska townships are typically rural jurisdictions serving as rural units for the administration of justice
and the conduct of elections and to maintain rural roads. Poor relief is now a county responsibility.

**Kansas.** The township in Kansas centers on an elective clerk, treasurer, and trustee, who together constitute the township board, called the auditing board. In addition, the voters elect one or more justices of the peace and one or more constables. Kansas townships do not administer poor relief nor do they perform the assessing function. Road maintenance is the principal responsibility though in some counties the county-unit prevails under which township roads are a county responsibility. The townships serve as election districts and the township boards appoint five members of the township election board for each election.

In addition to the traditional township functions, Kansas townships have limited licensing powers and may undertake optional functions such as fire protection, cemeteries, libraries, parks, water supply and sewerage systems, refuse collections, hospitals and others. Some of the optional functions are available only to townships adjacent to cities of a stipulated size, and certain others
only to townships of a given population or assessed valuation.

Kansas laws provide for the de-organization of individual townships if the number of electors falls below a certain level. If less than twenty-five electors, for instance, a majority of them may effect de-organization by a petition to the county board of commissioners. If the number is more than twenty-five, but less than 100, a petition of 25% of the electors causes a popular referendum on the question. In the event of de-organization the township functions pass to the county.

North Dakota. Townships in North Dakota hold annual meetings at which are elected three township supervisors who constitute the township board: a clerk, a treasurer and an assessor. The township board appoints an overseer of highways. In addition to its responsibilities as the administrative body of the township, the township board is also the board of auditors and the township board of health.

While the township in North Dakota no longer administers poor relief and, since 1961, no longer serves as the basic
unit for the administration of justice, the assessing and road maintenance functions continue as major township responsibilities. The chairman of the township board is also, ex officio, inspector of elections in his township and appoints two judges of election upon recommendation of the county committees of major political parties. The three comprise the election board responsible for administration of elections. In the event that the township is divided into two or more precincts, the chairman of the township board also appoints the election boards for each such precinct.

Optional functions include fire protection, lighting, zoning, operation of libraries and others. North Dakota laws provide for de-organization of individual townships upon petition of one-half of the legal voters to submit the question to the electors at the annual township meeting.

South Dakota.\(^{18}\) Townships in South Dakota serve as the basic unit for administration of justice and assume

\(^{18}\)South Dakota, Code of 1939 (1960), c. 58.

responsibilities for road maintenance and the assessment of property. Poor relief and administration of elections are county responsibilities, though townships are used as
election precincts. Optional functions, available only to townships situated within four miles of a city of 50,000 or more, include among others, waste disposal, building regulations, and zoning. Voters elect a three-member board of township supervisors, a clerk, a treasurer, an assessor, a justice of peace and a constable.

Washington. Townships are optional in the state of Washington and have never been a significant element in the structure and organization of local government in that state. At present townships are found in the whole of Spokane county and in parts of Whitcom county. A petition of 100 or more qualified electors in a given county causes a referendum on the question of township organization. County-wide de-organization may also be effected by action of the county board and a referendum thereon. Provision is made also for de-organization of individual townships upon petition of 20% of the qualified electors thereof and a referendum on the question.

The following township officers are elected at annual township meetings held the second Tuesday in January: three supervisors who comprise the township board; a clerk; a
a treasurer; an assessor; a justice of peace; a constable; and poundmaster if the office is established by the township board.

Washington townships perform four of the five traditional township functions: administration of justice, road maintenance, assessment of property, and administration of elections. For the latter purpose, the township supervisors and clerks are, ex officio, judges and clerks of elections in their respective townships.

Summary. In addition to Ohio, fourteen other states presently have townships functioning as local jurisdictions. With one exception, Washington, they are clustered in the north-central section of the United States. Four of the fourteen make a clear distinction between urban and rural townships in their provisions for the structure and organization of township government; moreover, in the range of optional functions and powers which they make available to townships they amply accommodate the needs of urban townships. These four are New York, New Jersey, Pennsylvania, and Michigan. The others, while authorizing various optional functions and powers, including some decidedly urban in character, provide for uniform organization of townships and utilize them primarily for one or more of the traditional functions. Road maintenance is by far the single most important township responsibility in all but two of the township
states, Indiana and Michigan, both of which have transferred this function to the county more than thirty years ago. Assessment of property ranks second in importance and administration of poor relief third, though in about half of the states both functions have passed to other jurisdictions. Half of the fourteen states still utilize townships as the basic unit for the administration of justice and somewhat fewer states utilize township officials in the administration of elections. Most states provide for detachment of municipal corporations from townships, thereby preserving the rural character of townships. Four states which provide for optional township organization on a county-wide basis as an alternative method for organizing county government also permit de-organization of townships on a county-wide basis. Three of them, as well as three others, also make provisions for the de-organization of individual townships under certain conditions and prescribed procedures. Townships were also found in two other states, Iowa and Oklahoma, but were formally abolished in the latter in 1933, and have gradually fallen into disuse in Iowa with the piecemeal transfer of township functions to other local jurisdictions, mainly the county.
CHAPTER II

ORIGINS AND DEVELOPMENT OF OHIO TOWNSHIPS

Because of their relative stability as governing units over the past 160 years, any study of the structure of Ohio townships must take us back to their origins. Three factors deserve particular notice, not only for their formative influence, but for their continuing effects on the evolution of townships to their present status. The first of these was the influence of earlier American experiences with local government institutions in the seventeenth and eighteenth centuries (see pp. 4-11, supra), during which the original colonies emerged as an independent republic. The second factor was the close relationship between the township as a unit of local government (the civil township) and the townships as a geographical unit (the original survey township). The third factor is the historical connection between the purposes underlying the establishment of townships and the functions they actually performed.

Influence of earlier American experiences

When the early settlers moved into Ohio from the Eastern states, regional differences left their mark on the institutions established in the frontier land. In the organization
of local government, the county came first. Though rudimentary in form and functions, in the early stages under territorial laws, its importance was assured.\(^1\) Moreover, \textit{vis-a-vis} the townships it was in a sense the "parent"

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at the same time, the functions assigned to townships were hardly secondary to those assigned to counties, hence something of a functional equilibrium was early established between them.\(^3\) In these respects, the precedent of the Middle Atlantic states appears dominant.

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\footnote{Rose, \textit{op. cit.}, Chapter III.}
\end{footnotes}
laws, the township was little more than a cluster of appointive officials, first laws under statehood established a fully structured local government unit, entrusted with responsibilities for the needs of the frontier community. The board of county commissioners succeeded to the powers formerly vested in the justices with respect to setting off townships. Provisions were also made for the inhabitants of any original surveyed township, when numbering eighty, to petition the commissioners to be set off as a civil township. In either case, the functioning of the early civil township centered on the annual township meeting, somewhat in the image of the New England town. Each year, twenty days prior to the annual meeting, the trustees of the townships were required to issue a warrant, promulgated by the township constables, announcing the place of the meeting on the designated day (the first Monday in April) and the officers to be elected. Any two freeholders could petition the trustees to include in the warrant any "Business, matter or thing" which they wished to have discussed at the meeting. All tax levies were subject to a majority vote of the electors at the annual meeting assembled. In this connection, of particular importance, was the requirement that the trustees include in the warrant any tax levies to be voted at the meeting, since none could be otherwise brought up at the meeting. The first order of business at
the annual gathering was the selection of a presiding officer and two judges to supervise the elections. Under first laws enacted after statehood in 1804, the following township officers were elected: three trustees, a clerk, a treasurer, two overseers of the poor, two fence viewers, two appraisers of property, and as many constables and highway supervisors as the trustees deemed necessary.1 Under provisions of the first Ohio Constitution, justices

1Ohio Statutes (Chase, I, 1833), Act of January 21, 1804, pp. 399-400.

of peace were elected for three-year terms, as many in each township as the court of common pleas determined. Many of them were elected in special elections as vacancies developed, hence they were not among those officials regularly elected at township meetings.5 All other township officials were elected for one-year terms which coincided with the annual township meetings.6 In these respects, in spirit, as reflected in these statutory provisions,


6Ohio Statutes (Chase, I, 1833), Act of April 16, 1803, p. 371.
the influence of the New England town, with its emphasis on direct control by the electorate, was clearly in evidence.

At the same time, expectations as to the attendance at annual meetings, apparently were not high. The earliest statutes set the number at "15 and upwards" which seems low in view of the fact that there had to be eighty electors in a township in order to effect a civil township in the first place. Moreover, the laws covered contingencies should even this minimal number fail to attend, providing, in that event, for all township officials to be appointed by the trustees.\(^7\) Suggestion is clear that the early laws contemplated the possibility of realities being at variance with the spirit of direct democracy evident in the law.

\(^7\)Ibid.

Within a decade the power of the purse slipped from the electors assembled in the annual meetings, when township trustees were authorized to levy taxes within limitations fixed by statutes, and proposed tax levies were no longer required to be included in the warrant
issued in advance of the township meeting. In 1809, the trustees and the township clerks were made, *ex officio*,

8Ohio Statutes (Chase, I, 1833), Act of February 19, 1810, p. 700.

election officials, hence the formality of selecting a presiding officer and election judges also passed out of existence. Thereafter, though the statutes remained unchanged as to the call for the annual township meeting

9Ohio Statutes (Chase, I, 1833), Act of February 19, 1899, p. 622.

by warrant, it was little more than an official proclamation of the township election day. Prior to 1820, the statutes provided that the electors shall "assemble annually ... at the hour of 10 o'clock in the morning;" after 1820, they were to assemble "for the purpose of electing township officials between the hours of eight and eleven, before noon."

10Ohio Statutes (Chase, I, 1833), Act of January 21., 1804, p. 3975 emphasis added.

11Ohio Statutes (Chase, II, 1834), Act of January 24, 1820, p. 1086 (emphasis added).
When the Ohio election laws were revised in 1904, the long-standing provision requiring the trustees to issue an annual warrant for a township meeting was changed, making the warrant instead one for the annual township election. At the same time, the equally long-standing provision authorizing any two freeholders to petition the trustees for inclusion of any "business, matter or thing" they wished included in the warrant for the annual meeting, (which after 1820 was largely a dead letter in view of the fact that annual meeting meant election day for the township), was likewise changed, authorizing such petitions to include in the warrant any "business, matter or thing" to be submitted at "such township election." 12 In this form, this provision was clearly a dead letter but it was not formally repealed until 1930.

12 *Ohio Laws*, 97 v. 185 (1904).

The number of elective township officials remained substantially unchanged from that provided in the first laws under statehood in 1804, until the opening decades of the present century. At that time, functions performed by some of them were either vested in the trustees, or the clerk, or both, or were removed from township
jurisdiction altogether. After 1925, only the trustees, the clerks, justices of the peace, and the constables remained as elective officials. In 1959, the latter were made appointive and the justices of the peace were abolished.

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13 Fence viewers were abolished in 1845 (Ohio Laws, 43 v 4); overseers of the poor also in 1845 (Ohio Laws, 43 v 20); and highway supervisors in 1917 (Ohio Laws, 96 v. 67).


The terms of office of township officials remained at one year until late in the nineteenth century, partly because the original Ohio constitution required that township officials be elected annually. Though the Constitution of 1851 eliminated this provision, it was not until 1886, that the terms of the trustees were increased to three years, staggered, so that one was elected each year.

15 Ohio Constitution of 1802, Art. VI, sec. 3.


17 Ohio Laws, 83 v. 28 (1886).
two years, again staggered, so that one or the other was elected each year. In 1906, when the election laws of Ohio were again revised all elective officials of townships were given two-year terms, to be elected the first Tuesday after the first Monday of November in odd-numbered years. With this change the last vestige of the "annual township meeting", which for over seventy years was, in fact, an annual election day, disappeared. The influence of the New England towns, so clearly evident in the laws prior to 1820, was short-lived even though in statutory verbiage it lingered as a dead letter down to contemporary times.

Survey townships and civil townships

The original survey townships in Ohio were the outgrowth of land surveys made primarily for the purpose

The discussion of original land surveys in Ohio given here is based primarily on accounts presented in C. E. Sherman, Original Ohio Land Subdivisions, final report, Vol. III, Ohio Cooperative Topographical Survey, Columbus: Office of the State Geologist, 1925. See also A Short History of Ohio Land Grants, Ohio Auditor of State, 1960.
of orderly sales of land to the settlers who streamed into Ohio in the post-Revolutionary period. Land surveys in Ohio were unique in that no single system or plan prevailed throughout the state. Ohio, indeed, was in the nature of an experimental laboratory wherein the plan ultimately adopted by Congress for the vast public domain westward to the Pacific had gradually evolved. In general, Ohio's experiences with land surveys marks the divide between the indiscriminate, unsystematic surveys which had prevailed earlier along the eastern seaboard and the methodical system prescribed by national law, beginning with the Act of May 20, 1785.

The national government originally intended to have but one system in Ohio, but before all its area had been disposed of many systems were used. Some applied to relatively small areas and others to large districts comprising a sizeable portion of the state. Sources on land surveys in Ohio divide the state into eight major areas though many of these also contained one or more smaller sub-divisions. And all such areas - large or small - had their individual peculiarities as regards survey methods and procedures. The eight major areas, as shown in Map 2, include (1) the Virginia Military District; (2) the Old Seven Ranges; (3) the Ohio Company Purchase; (4) the
MAP II
ORIGINAL LAND SUBDIVISIONS IN OHIO

I - Virginia Military District
II - The Old Seven Ranges
III - Ohio Company Purchase
IV - Region between the Great and Little Miamis
V - Connecticut Western Reserve
VI - U.S. Military District
VII - Congress Lands
VIII - Northwest Ohio Lands

region between the Great and Little Miamis; (5) the Connecticut Western Reserve; (6) the United States Military District; (7) Congress Lands, and (8) northwest Ohio.

With the exception of the Connecticut Western Reserve and the Virginia Military District, these lands were under the jurisdiction of the national government and land surveys were conducted under national laws. The areas comprising the two exceptions remained under the control of the two states involved, each having retained these lands when, in the aftermath of the Revolutionary War, the several states had ceded to the national government territory held under colonial charters. In the Virginia Military District the old system of indiscriminate surveys prevailed, hence townships were of irregular size and shape though under first territorial laws their size was limited to a minimum of seven square miles. 21 Under the plan adopted for the Connecticut Western Reserve, townships of five square miles were set off.

21 Ohio Statutes (Chase, I, 1833), Act of November 6, 1790, p. 107.

Surveys in areas under the jurisdiction of the national government established, under diverse methods, townships of six square miles; the sole exception was the United States Military District which followed the system adopted
in the Connecticut Western Reserve in laying out townships of five square miles. The original survey townships in Ohio, then, were set off as units of either five or six square miles, or arbitrarily limited to no less than seven miles square in that portion of the state where the earlier indiscriminate surveys had been used.

First territorial legislation concerned with the establishment of civil townships empowered the justices of the court of quarter sessions to set off townships with such boundaries as they deemed best. Similar authority was later vested in the county commissioners under first

\[22\text{Ibid.}\]

legislation after statehood. At the same time, the latter also permitted electors of any "original survey township" to petition the county commissioners to be set off as a civil township. Hence, civil and original townships tended to coincide. When later developments reduced the

\[23\text{Ohio Statutes (Chase, I, 1833), Act of January 21, 1804 p. 399-400.}\]

size of the townships, as a result of incorporation of parts of most of them, county commissioners were authorized
within stipulations fixed by law, to re-arrange township boundaries by adding portions of some to adjoining townships, or combining portions of two or more into new ones, but no township could be reduced to less than twenty-two square miles until fairly recently. It is clearly evident that the prime consideration in establishing civil townships


in Ohio has been size in terms of area, with the bulk of them to this day bearing a close resemblance to the original survey townships. Moreover, with the incorporation of municipalities and their establishment as separate local government units, the township came to be essentially a unit of rural local government (even though for certain tax purposes areas of a township occupied by a municipality continue to be an integral part of the township; see Chapter V, below).

Purpose and functions of townships

Historically, the purpose of civil townships in Ohio is evident in a dual pattern of development. On one hand, statutes relating to the establishment of civil townships specified not only structure, organization, procedures, and
officials, but also included extensive provisions as to the duties and responsibilities of township officials, in that manner evincing the purpose of the civil township, as such, and the functions it performed.

The responsibilities assigned to the trustees indicate clearly that they were the nucleus of township operations, exercising general administrative and supervisory functions. They set the place for holding the annual township meeting and elections, issued warrants therefor, received petitions from the electors, and appointed township officials in the event that the township electors failed to do so. They also determined the number of road supervisors and constables to be elected, and more importantly performed a kind of rudimentary year-end audit of the operations of the road supervisors and the overseers of the poor in their annual settlement of accounts with these officials. They also examined and settled all accounts and demands against the township, and fairly early in the development of the civil township were vested with the taxing power. 26

26 See Note 24.

Similarly, the township clerk right from the beginning emerged as something of an executive secretary of the township. Much of the clerical work involved in procedures
fixed by law were his responsibility, and he was required to keep records of all public transactions of the township meeting and of all accounts allowed and adjusted by the trustees in their annual settlements. In addition, the township clerk kept a record of earmarks of domestic animals registered with him, as well as other marks and brands which any person wished to have recorded. He also kept a record of all private roads and cart ways established by the township trustees.²⁷ As the functions of the township expanded, the duties and responsibilities of the clerk likewise proliferated. In general, the office of the township clerk came to be the headquarters of the township. In these respects, the locus of township power gravitated toward the trustees and the clerk over the past 175 years and rests with them at present.

Beyond these general administrative and supervisory functions centering on the trustees and the clerk, townships had specific responsibilities under early statutes governing the civil township with respect to (1) administration of poor relief; (2) assessment of property for tax purposes; (3) law enforcement (in conjunction with the administration of justice; see below); (4) road
maintenance; (5) fence-viewing; and (6) ditches and drains. With changing circumstances developing throughout the period of township evolution, township responsibilities with respect to these functions were likewise changing. The first two continued in some measure well into recent times though at present neither is within township jurisdiction. The other four remain as township functions (see discussion in succeeding chapter).

In addition, a number of other functions were entrusted to the civil township over the years, most of them during the decades of the present century. Among the earlier ones was the authority to establish and maintain cemeteries (1853) and to assume responsibility for public health in the unincorporated portions of each county (1875). Later ones included: township parks (1904); hospitals (1908); lighting (1908); sidewalks (1915); memorials (1919); fire protection (1920); waste and refuse disposal (1941); zoning (1947); street markers and house numbers (1945); and parking regulations (1949).

All of the foregoing were assigned to the civil township as such. Another historic pattern of development is evident with respect to certain others established under provisions of laws not directly related to the civil township and concerned with broader governmental responsibilities carried out at the township level. In this category
are included (1) administration of justice; (2) administration of elections; (3) establishment of school districts; and (4) administration of trusts and funds deriving from school and ministerial lands. These are in the main of historical interest today since, with the exception of the last named, they have passed wholly to other agencies.

In summary, then, the civil township in Ohio has a history of changing functions and responsibilities. Its jurisdiction under existing laws encompasses a broad range of governmental undertakings which together constitute a fair measure of its purpose today. In addition to several minor responsibilities (see succeeding chapter), these include (1) law enforcement; (2) road maintenance; (3) school and ministerial lands; (4) cemeteries; (5) fence-viewing; (6) ditches and drains; (7) sidewalks; (8) memorials; (9) zoning, (10) street markers and house numbers; (11) parking regulations; (12) public health; (13) parks; (14) hospitals; (15) lights; (16) fire protection; (17) waste and refuse disposal. The first eleven are more nearly exclusively township functions in that they are entrusted to the sole jurisdiction of officials of the civil township. The other six are more nearly special district functions which center in some measure on the township and in varying degrees involve the participation
of township officials. Some, once established, operate quite independently of them and may in some instances involve the participation of officials of other contiguous local units.

Before examining the existing function of civil townships in detail, at least a brief summary of the now defunct township functions is in order.

Functions which townships no longer perform

Public schools. Though township officials had certain responsibilities with respect to public schools in the earlier stages of their development, from the beginning education in Ohio had a distinct special district orientation, with governing and taxing powers clearly separated from the civil township (or any other local government unit). Until about the middle of the nineteenth century township trustees had the responsibility for setting off school districts, at first in response to a popular referendum, and later as a mandatory function. Once established, the school district had no further relationship with the township trustees. The electors of the district elected the governing body with full responsibilities for management of the district.28 After 1855, each township (exclusive of villages and cities) was established

28 Ohio Laws, 4 v. 66 (1806); 19 v. 51 (1821); 23 v. 36 (1825); 36 v. 21 (1838).
as a school district and thereafter the trustees were no longer involved in the public school function at all. 29

There was no statutory bar then, or now, against a

29 Ohio Laws, 51 v. 429 (1855).

township trustee (or any other elective official) being elected a member of a school board; 30 however, since that time, the organization of school districts, both municipal and local (rural), has been prescribed by statutory

30 Current provisions, Ohio Revised Code, sec. 3.11.

provisions, school districts being distinctly separate from any other local jurisdiction. 31

31 Current provisions, Ohio Revised Code, c. 3311 and 3313.

Under legislation enacted in 1837, which contemplated more centralized administration of schools, the county auditor of each county was made the county school superintendent and each township clerk the township
superintendent of schools. In 1853, however, when the organization of school boards was revised, the township clerk ceased to function as the superintendent and was made a member of the board of education of the township school district, serving as its clerk without a vote.

He continued in this capacity until 1904 when a five-member township school board was established, all members popularly elected for a fixed term. Thereafter, the association of the township clerk with the public school function was severed.

The township treasurer was made, ex officio, treasurer of all township school funds in 1838, and retained that function until 1908 when bank depositories, established

32 Ohio Laws, 36 v. 21 (1838).

33 Ohio Laws, 51 v. 429 (1853).

34 Ohio Laws, 97 v. 334 (1904).

35 Ohio Laws, 36 v. 21 (1838).
on a permissive basis by law, eliminated his responsibilities in most townships. In townships, where no bank depositories were provided for school funds, his status remained unchanged until 1914 when the county treasurer replaced him in that capacity. 36

36 Ohio Laws, 99 v. 205 (1908); 104 v. 158 (1914).

It is clear that the civil township in Ohio was not a significant element in the development of the public school function in Ohio though certain township officials had at least ministerial participation in rural school districts till the opening decades of the present century.

Administration of elections. Originally (1803), each township was an election district. Voters assembled on election day at a place designated by the trustees and chose three qualified electors as judges who in turn appointed two clerks. These five officials constituted the "election board," which had full responsibility for administering elections as prescribed by law. 37 Within a decade, (1809), however, these ad hoc election boards

37 Ohio Statutes (Chase, I, 1833), Act of April 15, 1803, pp. 364-368.
were abolished and the township trustees were made election judges and the township clerk a clerk of elections, with the judges (trustees) appointing another clerk. These five, then, served as election officials for all elections. If the trustees or the township clerk were not available on Election Day, for any reason, electors proceeded to select substitutes as before.\footnote{\textit{Ohio Statutes} (Chase, I, 1833, Act of February 18, 1809, p. 622.)} In 1831, each ward of the City of Cincinnati was established as a separate election district, with members of the city council from their respective wards designating the place for holding elections and acting as judges.\footnote{\textit{Ohio Statutes} (Chase III, 1835), Act of February 18, 1831, pp. 1664-1665.} By 1852, the same provisions were written into the law for all cities, township officials having no association with the administration of elections in cities thereafter.\footnote{\textit{Ohio Laws}, 50 v. 312 (1852).} 

In 1853, provisions were made for townships to be divided into two or more election precincts upon petition
of a majority of citizens to that end to the county commissioners. Where such division occurred, township trustees and the township clerks served as election officials only in the precincts where they resided; other election officials were chosen by electors on Election Day.\textsuperscript{41}

\textsuperscript{41}Ohio Revised Statutes (Smith & Benedict, 1893), sec. 2932 and 2932a.

This method prevailed substantially unchanged until 1891, when a board of elections was established in every county with full responsibility for the conduct of elections, including appointment of polling officials.\textsuperscript{42} Township trustees and clerks continued as election officials in their respective townships (or precincts), \textit{ex officio}, until 1894 when the county boards of elections appointed four judges and two clerks for each polling precinct for one year terms.\textsuperscript{43} Thereafter, township officials were no longer involved in the administration of elections in Ohio.

\textsuperscript{42}Ohio Laws, 88 v. 149 (1891).

\textsuperscript{43}Ohio Laws, 91 v. 118 (1894).
Administration of justice. From the beginning of statehood and for more than 150 years thereafter, the civil township was the basic unit for the administration of justice. In each, a court of petty jurisdiction in both civil and criminal cases was established, a justice of the peace elected by the voters of each township presiding. Though frequently amended in details over the years, the basic features of these courts remained unchanged. Originally, the common pleas court determined the number of justices to be elected in a new township and subsequently increased or decreased that number as deemed advisable. The latter function was later assigned to the probate court.


45 Ohio Laws, 51 v. 406 (1853).

Until 1906, the justices of the peace were elected for three-year terms because until then the constitution of Ohio (both of 1803 and 1851) established the three-year term. An amendment that year authorized the General

Assembly to fix the term for an even-numbered term not to exceed four years.\textsuperscript{47} The maximum term was fixed by legislation enacted that year and the justices were thenceforth elected in odd-numbered years, at the same time as civil township officials.\textsuperscript{48}

\begin{footnotesize}
\textsuperscript{47} Ohio Constitution of 1851, Art. XVII, sec. 2, as amended November 7, 1905.

\textsuperscript{48} Ohio Laws, 98 v. 171 (1906).
\end{footnotesize}

In 1955, the General Assembly established a "justice court district commission" in each county with authority to create "one or more justice court districts which shall include all territory within the county not subject to the territorial jurisdiction of any municipal court, each such district to consist of the territory of one or more townships." The same legislation abolished the fee system for compensating justices ---\textsuperscript{49} almost thirty years after it had been declared unconstitutional by the United States Supreme Court.\textsuperscript{50} Two years later, under a major revision which replaced justice of the peace courts with

\begin{footnotesize}
\textsuperscript{49} Ohio Laws, 126 v. 276 (1955).

\textsuperscript{50} Tumey v. Ohio, 273 U.S. 510, 47 Supreme Court 437, 71 L Ed. 749 (1927).
\end{footnotesize}
"county courts," the General Assembly established the "county district" comprised of all territory within a county not subject to the territorial jurisdiction of any municipal court. The judges of these county courts were elected for four-year terms by the electors of the county court district. With that legislation, the township ceased to be a unit for the administration of justice in Ohio.


Administration of poor relief. Overseers of the poor were among the earliest township officials in Ohio, ante-dating statehood by more than a decade. After Ohio was admitted to the Union as a state in 1803, provision was made for the election of two overseers of the poor in each township. Their duties were to investigate conditions of the poor and destitute and report to the trustees who decided whether relief was to be
provided at public expense.\footnote{\textit{Ohio Statutes} (Chase I, 1833), Act of January 21, 1804, pp.399-400; and Act of February 22, 1805, p. 513.} Throughout most of the nineteenth century upkeep for those in need of public assistance was provided by contractual agreements "upon most reasonable terms," with persons bidding for such contracts and the township providing subsidies for this purpose.\footnote{Compare \textit{Ohio Statutes} (Chase, I, 1833, Act of February 22, 1805, p.513, \textit{Ohio General Code} (Page, 1910), sec. 2746 - 2496.} After 1830, when county homes were provided by counties electing to do so under permissive statutory authority, overseers of the poor had the additional responsibility of investigating cases qualifying for admission to such county homes as an alternative to the township relief measures.\footnote{\textit{Ohio Statutes} (Chase, III, 1835), Act of March 14, 1831, pp. 1832-1834.} In 1845, overseers of the poor were abolished and their responsibilities assigned to township trustees.\footnote{\textit{Ohio Revised Statutes} (Swan & Critchfield, p. 921.}
Poor relief continued as the sole responsibility of township trustees until 1898 when cities took over the function within their own corporation boundaries. (Actually, the wording of the act assigned poor relief responsibilities to "municipal corporations" and it was not until 1919 that the term "cities" was written into the law with respect to some provisions; with respect to others, however, the term "municipal corporations" was used. In practice, only cities undertook the function.) Thereafter, township trustees carried out the poor relief function only outside of cities.

57 Ohio Laws, 93 v. 270 (1898); 108 v. 260 (1919).

The next major revision in poor relief administration occurred in 1939 when all areas outside of cities were established as "county local relief areas," and cities as "city relief areas." The county commissioners were designated as the local relief authority for the former and the "proper board or officer" for the latter. Provisions were also made for one or the other "authority" to undertake the poor relief function for the entire county, by agreement, or for one city to act as the relief authority for one or more other cities. County commissioners were also authorized to designate the
township trustees to act as their agents in the admission of poor relief "upon request of the trustees of any township in the county. 58 Though some township trustees did function in this capacity briefly during the transition period, the administration of poor relief has been, since 1939, either a county or a city function 59 (though township trustees still provide burial for paupers). 60

58 Ohio Laws, 118 v. 710 (1939)
59 Records of the Division of Social Administration, Ohio Department of Welfare.
60 Ohio Revised Code, sec. 5113.15.

Assessment of property. Though 1846 commonly marks the origins of Ohio's general property tax system, the taxation of property in rudimentary form ante-dated statehood and continued after 1803, in one form or another, until the major revision effected in 1846. Prior to 1826 only real estate was taxed, and only for state purposes, though a portion of the state levy was appropriated by the General Assembly for local purposes. The latter was augmented by local taxes on a few items of personality, mainly domestic animals. 61 Under legislation enacted in

1825 the original tax on land was broadened to include certain other classes of tangibles and one class of intangibles (merchants' and brokers' capital). Coverage was subsequently enlarged still more to include grist, oil, and saw mills; manufactures of iron, glass and paper; cloth and nails; distilleries, breweries and tanneries; foundries, and others. Then, with the revision of the tax laws in 1846, Ohio's general property tax system was inaugurated. A further consolidation in 1859 established the main features of the general property tax system which remained substantially unchanged until 1910 when the state tax commission was created with considerable concentration of the property tax function at the state level. It was not until 1925, however, that

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62 Ohio Statutes (Chase, II, 1834), Act of February 13, 1825, pp. 1476-1492.

63 Ohio Statutes (Chase, III, 1835), Act of March 14, 1831, pp. 1801-1807.

64 Ohio Laws, 44 v. 85 (1846).

65 Ohio Laws, 118 v. 344 (1939).
consolidation at the local level was achieved when the administration of property tax laws was centered on the county auditors (see below). In 1939 the three-member tax commission was supplanted by a single tax commissioner as head of a tax department having, among other responsibilities extensive authority in the assessment of personal property. At the same time, state supervision of the assessment of realty was assigned to the three-member state board of tax appeals.66

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66 Ohio Laws, 118 v. 344 (1939).

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Township participation in the property tax function extended, in some measure, from the beginning of statehood until 1925. As previously indicated, among the first township officials to be established under statehood enactments were two appraisers of property, one of whom was a "lister of property."67 Until 1827, the function of the lister, as the title implies, was to

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67 Ohio Statutes (Chase, I, 1833), Act of January 21, 1804, pp. 399-400.

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list all property in the township subject to taxation and then turn the list over to the appraiser who had the
responsibility for assessing the value thereof for tax purposes, thus producing the "tax duplicate" for the township. When the range of taxable personalty was expanded in 1825, the township appraisers (and listers) were replaced by county assessors though the latter were, in turn, displaced by elective township assessors in 1841. Under the major revision enacted in 1846, two sets of assessors were established, one for realty and one for personalty. The latter was elected from the election districts, which in the case of townships meant the entire township, or precincts thereof, if the township was so divided; in municipal corporations, the constituencies were either wards or precincts. The assessors of realty were originally appointed from special districts established in each county by the county commissioners, but in time these, too, came to be elected from the same constituencies as the assessors of personalty.
The term of the latter was set at one year while assessors of realty had much longer terms, varying from time to time from four to as much as ten years. For a brief period in 1914-1915, the assessment of all property was

entrusted to deputy district assessors (at least one per county), appointed by the governor during good behaviour, all locally-elected assessors having been abolished. Before the plan could really get under-way, however, the deputy district assessors were abolished and the assessment of realty was entrusted to county auditors, where it has remained till the present. The locally-elected assessors of personality were restored in 1915, and continued to function until 1925 when
their responsibilities were also assigned to county auditors, thereby severing any further connection of township officials with the property assessing function.

The foregoing functions have passed from township jurisdiction in the main because the steady growth of the state gave rise to the need for a more broadly based authority to carry them out - an authority better able to resist neighborhood pressures for special treatment. They simply outgrew the township and passed into other units, in most instances the county, in the interest of greater efficiency and economy.

While these historic functions were passing from townships, however, others were steadily accruing to them. Existing functions of the civil township in Ohio, other than the road function, are considered in Chapter Four below. Because of its primacy, the road function is considered separately in Chapter Eight.
CHAPTER III

GENERAL CHARACTERISTICS OF OHIO TOWNSHIPS

Local government in Ohio, as in the United States generally, centers primarily on the county and the municipality and a congeries of special districts, usually established for a single purpose such as schools, water supply, health, sewers, and others. Ohio also has civil townships, which comprise the largest single class of local jurisdictions in the state. At present there are 1328 townships compared with 871 school districts, 774 villages, 150 cities, and 88 counties.\(^1\) This chapter reviews some demographic and other general characteristics of Ohio townships.

\(^1\) Data are for 1960; records of the Ohio Secretary of State.

It is difficult to document with precise accuracy just when the number of townships in Ohio reached the high point. The difficulty arises mainly because sources which report data on the number of townships make no distinction between townships which are coterminous with
municipalities, in which case the township is displaced by the municipal corporation, and those which are not coterminous with a municipality and function as separate local jurisdictions. When both categories are taken into account, the total number of townships at the high point exceeded 14,000. The current study is concerned only with townships which function as separate local jurisdictions (excluding those coterminous with municipalities); in this sense, according to data developed from federal census reports, the high point was attained in 1870, with a gradual decline evident since then.

During the ninety-year period since then, the total has dropped from 13,56 to 13,28, a decrease on the average of about one every three and one-half years. In this interval, townships virtually disappeared in Ohio's most...
popilous county, Cuyahoga (Cleveland), and the other larger counties lost at least one township each by absorption, usually by the principal city in the county. While each of the five more rural counties gained an additional township since 1870, thirteen others, mainly the more populous urban counties, lost a total of twenty-nine townships, for a net decrease of twenty-four over the eight decades.\footnote{The following counties each gained one township since 1870: Adams, Jackson, Ottawa, Scioto, and Wood. During the same period, each of the following counties lost the number of townships indicated: Allen (1); Ashtabula (1); Cuyahoga (15); Erie (1); Franklin (1); Hamilton (2); Hancock (1); Lake (1); Lorain (2); Mahoning (1); Montgomery (1); Portage (1); Summit (1); Census of Population for 1890 and 1960, Bureau of the Census, United States Department of Commerce.}

Distribution of townships between urban and rural counties

One basic difference among the several townships which tends to produce distinguishing effects on various aspects of township development is the rural or urban character of the county in which a given township may be located. To ascertain the distribution of townships on this basis, the eighty-eight counties of Ohio were grouped into five classes, according to the ratio of urban to rural population as shown in Table 1.
### Table 1

**The Number and Percentage Distribution of Ohio Counties and Townships, by Class of County, Grouped According to Ratios of Urban-Rural Population, 1960**

<table>
<thead>
<tr>
<th>Class of County</th>
<th>Per Cent Urban</th>
<th>Number of Counties</th>
<th>Per Cent of total</th>
<th>Number of Townships</th>
<th>Per Cent of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>I 80-99%</td>
<td>7</td>
<td>156.07%</td>
<td>7.95%</td>
<td>21358</td>
<td>6.55%</td>
</tr>
<tr>
<td>II 60-79%</td>
<td>13</td>
<td>156.07%</td>
<td>14.78%</td>
<td>21358</td>
<td>14.31%</td>
</tr>
<tr>
<td>III 40-59%</td>
<td>29</td>
<td>156.07%</td>
<td>32.95%</td>
<td>21358</td>
<td>36.07%</td>
</tr>
<tr>
<td>IV 20-39%</td>
<td>23</td>
<td>156.07%</td>
<td>26.14%</td>
<td>21358</td>
<td>25.75%</td>
</tr>
<tr>
<td>V Less than 20%</td>
<td>16</td>
<td>156.07%</td>
<td>18.18%</td>
<td>21358</td>
<td>17.32%</td>
</tr>
<tr>
<td>Totals</td>
<td>88</td>
<td>156.07%</td>
<td>100.00%</td>
<td>1328</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

It is readily apparent that less than 7% of Ohio's townships are found in 8% of the counties classed upwards of 80% urban. At the other extreme, about 17% of the total are found in 18% of the counties classified less than 20% urban or wholly rural. More than 75% fall in the vast middle group of counties: less than 15% of the townships in 15% of the counties between 60% and 80% urban; 36% in 33% of the counties between 40-60% urban, and 26% in 26% of the counties 20-40% urban.

Population

For the state as a whole, about one hundred (ninety-two) of Ohio's townships show a population of less than 500 and an almost identical number (ninety-one) at the other extreme have a population upwards of 5000 to almost 40,000. The preponderant majority, then, fall between 500 and 5000, with the bulk of them (about 60% of the total number) ranging between 500 and 1500 (see Table 1, Appendix A). As the summary in Table 2 indicates, almost two-thirds of Ohio's townships have a population of less than 1500 and about 93% fall below 5000.

As might be expected, the more urbanized counties show a higher proportion of more populous townships than those in less urban circumstances. In Class I counties about 5% of the townships have less than 1000 population and about
### TABLE 2

**The Number and Percentage Distribution of Ohio Townships, by Selected Population Brackets, 1960**

<table>
<thead>
<tr>
<th>Population</th>
<th>Number of Townships</th>
<th>Cumulative Total</th>
<th>Per Cent of Total</th>
<th>Cumulative Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 500</td>
<td>92</td>
<td>92</td>
<td>6.93%</td>
<td>6.93%</td>
</tr>
<tr>
<td>500 - 999</td>
<td>508</td>
<td>600</td>
<td>38.25</td>
<td>45.18</td>
</tr>
<tr>
<td>1000 - 1499</td>
<td>261</td>
<td>881</td>
<td>21.16</td>
<td>66.34</td>
</tr>
<tr>
<td>1500 - 2499</td>
<td>215</td>
<td>1096</td>
<td>16.19</td>
<td>82.53</td>
</tr>
<tr>
<td>2500 - 4999</td>
<td>135</td>
<td>1231</td>
<td>10.17</td>
<td>92.70</td>
</tr>
<tr>
<td>5000 - 9999</td>
<td>57</td>
<td>1288</td>
<td>4.29</td>
<td>96.99</td>
</tr>
<tr>
<td>10 000 - 14 999</td>
<td>19</td>
<td>1307</td>
<td>1.43</td>
<td>98.42</td>
</tr>
<tr>
<td>15 000 - 19 999</td>
<td>9</td>
<td>1316</td>
<td>.68</td>
<td>99.10</td>
</tr>
<tr>
<td>20 000 - 29 999</td>
<td>8</td>
<td>1324</td>
<td>.60</td>
<td>99.70</td>
</tr>
<tr>
<td>30 000 - 40 000</td>
<td>4</td>
<td>1328</td>
<td>.30</td>
<td>100.00</td>
</tr>
</tbody>
</table>

**Source:** See Table 1.
25% upwards of 10,000. Class II show more than 30% with a population of less than 1,000 and about 7% in excess of 10,000. In Class III (40%-60% urban) almost half of the townships fall below 1000 and none exceed 10,000. A somewhat similar pattern is evident in Class IV counties (20%-40% urban) while in Class V, the most rural group, about 60% have a population of less than 1000 and almost 95% fall below 2500.

Area

Accurate data concerning the area of Ohio townships are not readily available though a special survey undertaken for the current study produced such information for more than 70% of the townships. Projections for each of the five classes of counties and for the state as a whole are shown in Table 2, Appendix "A".

More than 80% of Ohio's townships have an area of between twenty and forty square miles, reflecting the fact that originally the bulk of them were set off in tracts of five, six, or seven square miles (see pp. 44-47). About fifty fall below this level, including some with an area of less than five square miles. At the other extreme, a somewhat larger number (sixty-six) range upwards to more than sixty square miles. The smaller townships, understandably, are concentrated in the more urbanized counties (almost half
are found in counties upwards of 80% urban) where incorporation has cut most prominently into the original township tracts. For this reason, the more urbanized counties show proportionately more of their townships with areas of less than fifteen square miles. Conversely, only about ten (out of sixty-six) of those with areas in excess of forty square miles are found in the two most urbanized classes of counties, though proportionately the five classes do not differ markedly in this respect. Class I shows about 4% of its townships with areas upward of forty square miles; Class II about 5%; Class III, 7%; Class IV, about 11%; and Class V about 6%. Numerically, however, these larger townships are concentrated in Class III and Class IV counties (forty-eight out of sixty-six).

Population density

These population and area variables produce population density patterns for Ohio townships which bear preponderantly toward the low density end of the scale. More than 80% show densities of less than 100 per square mile and of the remaining smaller minority, 114 townships fall between 100-300 per square mile, thirty-three between 300-600, ten between 600-1000, and sixteen exceed 1000 though none go above 4000 per square mile. All of the latter are found in Class I and II counties. (see Table 3, Appendix 'A').
Though in all probability there are pockets of greater density in some of the townships which the ratios for the township as a whole do not show, in general, the density data bear out the proposition that township government is today, as in the past, concerned in the main with people living under rural circumstances. It is equally clear, however, that a small minority of Ohio townships are decidedly urban in character.

Proportion of Population living under township government

Table 4, Appendix A points up the relative importance numerically of residents in unincorporated areas as against those living within municipal corporations. About 29% of the population of Ohio is served in varying degrees by townships, almost half of which is found in the twenty most urbanized counties. As among the five classes of counties, the proportion varies, understandably, inversely with the degree of urbanization. In Class I counties about 14% of the people live in unincorporated areas as compared with about 36% in Class II, about 43% in Class III, 52% in Class IV, and almost 68% in Class V counties.

General Characteristics

Though used as a subdivision of the county for a variety of purposes not directly related to the township
nor involving the participation of any township officials, notably the administration of elections\(^5\) and the organization of political parties,\(^6\) the township is also a governmental unit in its own right. As such it possesses a fairly broad

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\(^5\) The county election boards are authorized to divide political subdivisions into precincts for the purpose of administering elections (Ohio Revised Code, sec. 3501.18). Townships outside of municipal corporations are commonly designated as one or more precincts.

\(^6\) Members of the county central committee of political parties are elected either one from each precinct, or from each ward in cities and each township, as the outgoing committee decides (Ohio Revised Code, sec. 3517.03).

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range of statutory authority encompassing specific mandatory and optional functions. Most conspicuous among the former is the road function; others are more in the nature of state responsibilities ordained by the General Assembly to be carried out by township officials, (see Chapter IV). Under authority relating to optional functions, the township may undertake to provide certain services directly, or, by joint action with adjoining municipalities or under contractual agreements with them, secure certain municipal services for the township. In this context, the township serves much the same purpose for unincorporated areas as does the municipality for areas which have been established as separate governmental jurisdictions by virtue of formal
incorporation proceedings. It is important to note, however, that this jurisdiction in the unincorporated areas is shared at many points with the county. Zoning may be undertaken alternatively by the county or the township, but sewers, water supply, and planning fall wholly in the province of the county. Drainage ditches are also in the main a county responsibility though townships have a limited authority in this field. The sheriff likewise provides law enforce- ment and police protection in unincorporated areas though the township may undertake additional measures either directly or by agreement with municipalities and more recently with the sheriff (see full discussion of functions in Chapter IV).

The township, then, is something of an intermediate governmental unit, augmented in certain respects by municipalities and in certain others by the county. In horizontal relationships with municipalities or the county, action in some instances involves participation of the township electorate as well as township officials; in others, action is discretionary with the township officials. (Similarly with respect to undertakings lying within the competence of counties, certain ones involve the participation of the electorate concerned as well as county officials; certain others are discretionary with county officials.) While constitutional authority exists for proceedings under which, in the extreme, all township functions could
pass to the county (see below), at present, for residents of unincorporated areas, there are no statutory alternatives to the township in providing local services which under existing law fall within its jurisdiction.

Constitutional basis of the township

From the beginning of statehood, the constitution of Ohio has never explicitly established townships. Current provisions, four in number, are concerned, as were those in the past, with the election of township officials and their taxing and spending powers. They may be summarized briefly as follows:

1. That the General Assembly provide by general law for the election of such township officers "as may be necessary."

2. That the terms of office of all elective township officers be such even number of years, not exceeding four, as the General Assembly may prescribe.

3. That the trustees of townships shall have such powers of local taxation as may be prescribed by law.

4. That no money shall be drawn from any township treasury except by authority of law.
These four provisions make clear that the constitution presumes the existence of townships and that it leaves virtually all aspects of their structure, organization and functions to the discretion of the General Assembly. The first provision carries the implication that they exist only to the extent that the legislators consider them "necessary." The ultimate inference to be drawn is that they may not be considered necessary at all. It would also appear that if any township officers at all are necessary, township trustees would necessarily need to be included in the minimal number in view of the fact that the taxing authority is vested in the trustees; and further, that they, as any other necessary elective township officers, must be elected for either two or four-year terms.

Two other constitutional provisions which concern county government have a bearing on the prospective status of townships. One permits townships to transfer any of their powers to the county, with the latter's approval (or to revoke the transfer of any such power), under regulations provided by general law.\(^8\) Ultimate implementation

\(^8\)Constitution of Ohio, Article X, sec. 1.
of this section could presumably authorize the transfer of all township powers and the consequent voluntary demise of the township. As yet, however, the General Assembly has not enacted legislation permitting townships to transfer any of their powers to the county. Statutes governing zoning in unincorporated areas come nearest to this type of procedure under which the township may abandon its own jurisdiction in favor of the county.

The other provision is found in the section which governs the framing and adoption of county charters. It is concerned in the main with the potential transfer of certain "municipal" powers to the county by means of a county charter, including, incidental thereto, the transfer of the "rights, properties and obligations" of townships. While it is conjectural whether all powers of a township could be construed to fall

9 Constitution of Ohio, Article X, sec. 2.

within the meaning of this phraseology, it is conceivable that townships could be absorbed by the county under a charter designed to effect that end. Thus far, no county in Ohio operates under a home rule charter.

Township officers

Though at various periods of their evolution over more than a century and a half, the townships had as many
as a dozen or more elective officials (see pp. 40-43),
the number at present is limited to four: a board of three
trustees and a clerk. All have been given the maximum per-
missable term of four years, staggered, so that two trustees
or one trustee and the clerk are elected every two years
in elections held in odd-numbered years (at the same time
that municipal officers and school board members are
elected). 10 Candidates are nominated by petitions signed
by twenty-five electors of the township and elections are
non-partisan. 11 The Board of Trustees functions as the
nucleus of township authority, exercising executive,

10 Ohio Revised Code, sec. 505.01 and 507.01.
11 Under Ohio laws candidates for elective offices
are nominated in primary elections unless otherwise
stipulated in Chapter 3513 of the Ohio Revised Code. No
primaries are prescribed for township officers unless a
majority of the electors of a township petition therefor;
Ohio Revised Code, sec. 3513.01. In the absence of a
primary election, candidates for township offices are
nominated by petitions as provided in section 3513.253
of the Ohio Revised Code, and elected on a non-partisan
ballot as prescribed in section 3505.04 of the Ohio
Revised Code. The latter, however, does not hold in
the eventuality that township candidates are nominated
in partisan primaries.

administrative, legislative and, in certain of its functions,
judicial powers, with no separation among such powers
either structurally or functionally. The clerk acts pri-
marily as a record-keeping and fiscal officer.
Under existing law, each trustee receives a basic salary of six dollars per day for each day spent in the performance of township duties, not to exceed a stipulated number of days which varies with the size of the budget of the township. 12

12Ohio Revised Code, sec. 505.24, par. B. The prescribed amounts vary as follows:

<table>
<thead>
<tr>
<th>Size of Budget</th>
<th>Maximum number of Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $10,000</td>
<td>100 days</td>
</tr>
<tr>
<td>$10,000 - $20,000</td>
<td>130 days</td>
</tr>
<tr>
<td>$20,000 - $30,000</td>
<td>160 days</td>
</tr>
<tr>
<td>More than $30,000</td>
<td>200 days</td>
</tr>
</tbody>
</table>

In addition to this basic salary, trustees are authorized additional compensations for duties performed with respect to certain township functions and responsibilities, such as fence-viewing, administration of school and ministerial lands, and others (see Chapter IV).

The annual salary of the township clerk is determined by the board of township trustees, but cannot exceed $500. In addition, in townships having annual budgets in excess of $5000, clerks receive an amount equal to 2% of that portion of the budget which exceeds $4000. The total annual
salary, however, cannot exceed $2400.\textsuperscript{13} They are also authorized additional compensations for responsibilities

\textsuperscript{13}Ohio Revised Code, sec. 507.09, par. B and C.

which may devolve upon them in connection with certain township functions, such as road maintenance, zoning, administration of school and ministerial lands, and others (see Chapter IV); and statutory fees for certain specific duties relating to settlements and accounts (with the county auditor), keeping records of the board of township trustees, recording marks and brands, and for attending court proceedings involving the township.\textsuperscript{14}

\textsuperscript{14}Ohio Revised Code, sec. 507.09, par. A.

The fact that only four officials are elected does not mean that township government is comprised of only these four officers. Depending on the range of functions undertaken by a given township, and the manner in which it elects to carry them out, any or all of the following appointed functionaries may be included:

Township highway superintendent; police constable (one or more); fire chief, or fire prevention officer; township fire department, or volunteer fire company; township harbor
master; board of trustees of the township fireman's relief and pension fund; board of permanent memorial trustees; board of park commissioners; joint township district hospital board; board of hospital governors; directors of a township cemetery; township zoning commission; township board of zoning appeals; township zoning inspector (see discussion in Chapter IV).

With few exceptions, townships' officers serve part time in their official duties and responsibilities, many of them without compensation, save for expenses.

Organization and procedures

Typically, township government centers on the township hall which houses the assembly rooms and the offices of the board and the clerk as well as any machinery and equipment belonging to the township, mainly those needed for road work, fire prevention and emergencies. Though under previous statutes, some dating to the beginning of statehood, township trustees were required to hold at least one meeting each year, existing law stipulates no meetings explicitly. At the same time, numerous provisions which govern various responsibilities devolving on the trustees imply the necessity for holding meetings at various times during
a given year. The annual settlement of accounts (after which the township clerk is required to post a statement

15See first laws enacted under statehood, Ohio Statutes (Chase, I, 1833, Act of January 18, 1802, p. 344, and Act of February 19, 1810, p. 710. Later examples found in Ohio Laws, 29 v. 484 (1831); Ohio Statutes bates, 1906), sec. 1457; Ohio Laws 98 v. 327 (1906); and 106 v. 574 (1916). The last cited enactment, currently in effect, made no specific reference to a meeting though implied one would be held after road estimates are made by county engineers; Ohio Revised Code, sec. 5575.10.

of township receipts and expenditures in places where township elections are held), for instance, clearly implies at least one meeting each year. Similarly, after the "first meeting" following the submission of estimates of the county engineer of township road needs,

16Ohio Revised Code, sec. 507.07.

the statutes require the board to make its levies for road purposes. The board is also required to adopt a tax budget each year on or before July 15, and

17Ohio Revised Code, sec. 5575.10
18Ohio Revised Code, sec. 5575.10
adopt a tax levy resolution on or before October 1, of each year,\textsuperscript{19} as well as an appropriation measure on or before the first day of each year.\textsuperscript{20} At the beginning of each year it must cause an inventory of all materials, machinery, tools and other supplies owned by the township to be made.\textsuperscript{21} All of these requirements imply periodic meetings.

\textsuperscript{19}Ohio Revised Code, sec. 5705.34.
\textsuperscript{20}Ohio Revised Code, sec. 5705.38.
\textsuperscript{21}Ohio Revised Code, sec. 505.04.

The numerous public hearings prescribed in connection with various township responsibilities might also be regarded as meetings concerned with township business (see discussion in Chapter IV). In the absence of statutory provisions, custom and precedent have fashioned a fairly universal pattern with respect to township meetings. There is usually an organizational meeting in January and one regular meeting each month thereafter, with as many special meetings as may be deemed necessary. In some of the more populous townships two regular meetings are held each month.\textsuperscript{22}

\textsuperscript{22}Rose, Albert Henry, \textit{op. cit.}, p. 32.
Public hearings explicitly provided for by statutes require advance notice, and regular meetings are commonly held on a specified day of the month, and are not formally announced in advance though they are usually reported, by newspapers, as an item of general news. Special meetings are discretionary with the board and follow no established patterns.

Size and boundaries of townships

Historically, new townships were established under statutory provisions either on the initiative of county commissioners or in response to a petition of a specified number of freeholders of an original survey township. In due course, as an ever-increasing number of counties were wholly set off into townships while concurrently the number and size of municipal corporations increased, the physical aspects of more and more townships were changing. Laws were likewise changing, in time being concerned less with the erection of new townships out of previously unorganized territories and more with revisions in the boundaries and areas of existing townships (see pp. 46-47).
Boundary revisions and new townships

Present law contemplates the establishment of new townships in one of three circumstances:

1. When the county commissioners "lay off and designate" a new township from territory detached from one or more existing townships or from territory not previously included in any civil township. In the absence of any territory of the latter kind, only the former would appear to have current application. The commissioners' authority to do this is part of a broader one under which they may revise existing township boundaries or partition any township among other townships "when it is made to appear necessary or expedient by a petition for that purpose, signed by a majority of the householders residing within the bounds of the townships to be affected by such partition or division." The only statutory stipulation as to such revisions is that no township be laid off containing less than twenty-two square miles, or have its boundaries so changed as to reduce it below that quantity, unless it includes a municipal
corporation, or is otherwise specifically permitted by law. As a practical matter, one of the primary considerations in such revisions is the sufficiency of the tax duplicate of the proposed revised townships in sustaining them as viable units of government.

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24 Ohio Revised Code, sec. 503.03.
25 Ohio Revised Code, sec. 503.08 and 503.09.

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2. When, in response to a petition from the council of a municipal corporation, the county commissioners approve the exclusion of the municipality from the township in which it is found and the remaining portion of the township is less than twenty-two square miles, such territory may be disposed of in one of three ways (a) the commissioners may liquidate it by attaching it to one or more adjoining townships; (b) they may attach to it territory from one or more adjoining townships and erect a new township; or (c) a majority of the householders of such reduced townships may petition the board of county commissioners that it be erected into a new township. In either of the latter contingencies, a new township emerges.

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26 Ohio Revised Code, sec. 503.07.
A municipal corporation takes action to detach itself from the township with a view to displacing the civil township within the corporation and, more importantly, excluding the corporation from the necessity of paying township tax levies. Such action, moreover, has a corollary effect of removing the property valuations found within the corporation from the township duplicate. Until fairly recently, the county commissioners had discretionary powers in entertaining such petitions from all municipalities; however, under an amendment enacted in 1961, a petition from a city imposes a mandatory duty on them to accede to it. With respect to petitions from villages, however, their authority remains discretionary.27

27Ohio Laws, 129 v. 1300, effective October 2, 1961 Ohio Revised Code, sec. 503.07.

3. In a township containing a city, a majority of the freeholders owning land in the portion of the township lying outside the limits of the city may petition the county commissioners to erect such territory (lying outside of the city) into a new township, even if it is less than twenty-two square miles in area. In this instance the law likewise imposes a mandatory duty on the
township commissioners to accede to the freeholders' petition.\textsuperscript{28}

\footnotesize{\textsuperscript{28}Ohio Revised Code, sec. 503.09.
}

It is clear that under the first two of the above contingencies which may give rise to the erection of a new township, the commissioners are also empowered to revise the boundaries and areas of existing townships and may, in the process, eliminate one or more townships entirely. Though the initiative in such revisions lies with the petitioners in some instances, the actual effectuation of the revisions lies in all instances with the discretionary powers of the county commissioners.

It is important to note, too, that the impetus for revisions in existing township boundaries in the first instance nearly always arises as a concomitant of incorporation or annexation proceedings involving a portion of one or more townships. Consideration of the status of the civil township in such proceedings is therefore important, in view of their potentially crucial effects on its very existence.
Incorporation proceedings. Under Ohio laws a municipal corporation is designated a village if its population is less than 5000, and a city if its population exceeds that number; and any municipality may be organized under one of three alternatives: (1) general laws prescribed for a village or a city; (2) one of three alternative statutory plans of government, or (3) a home-rule charter. Initially, however, a territory can be incorporated only as a village (regardless of its population) and may be organized only under general laws prescribed for a village. An incorporation petition may be submitted either to the board of county

29 Constitution of Ohio, Art. XVIII, sec. 1; Ohio Revised Code, c. 703.

30 Ohio Revised Code, Title 7, especially c. 731 and 733.

31 Ohio Revised Code, c. 705.

32 Constitution of Ohio, Art. XVIII, sec. 7, 8 and 9.

33 Ohio Revised Code, sec. 707.01.
commissioners or to the board of township trustees, with numerous differences characterizing procedures involved in the two approaches.

34 Ohio Revised Code, sec. 707.05 and 707.15.

Under both procedures, the petition must be signed by at least 10% of "persons seized of freehold estates and in any event not less than thirty such persons, residing in the area" proposed to be incorporated. It must be accompanied by an accurate map and description of the area, and statements as to the supposed number of inhabitants therein, the proposed name of the municipality, and the name (or names) of the agent representing the petitioners.

35 Ohio Revised Code, sec. 707.03, 707.04 and 707.05 Current provisions were enacted in 1955 (Ohio Laws, 126 v. 589); prior to that time the same sections specified "no less than 30 electors."

Under either procedure, too, recent legislation prohibits the incorporation of any area if it include any territory within three miles of any existing municipal corporation, unless the latter be first given an opportunity to initiate annexation proceedings as to such
territory. In this connection when a petition is presented to the county commissioners, if in their opinion, the area proposed for incorporation could "reasonably be annexed to an existing municipal corporation within the county," they are required to make a journal entry to that effect and forward a copy of it to the clerk of the legislative authority of the municipality concerned. If within 90 days no annexation proceedings are initiated by petition of either the residents or the municipal corporation, the board proceeds with the petition at hand notwithstanding the fact that it may involve territory within three miles of an existing municipality. The same holds true if an annexation petition is determined adversely by the county commissioners or is denied by the courts.

The county commissioners are also required to take such action with respect to petitions addressed in the first instance to township trustees. If the latter find that the three-mile bar exists, they must forward the petition to the county commissioners. In the event that the existing municipality does not take action under the three-mile provision, the petition is returned to the trustees for further proceedings.  

36Ohio Laws, 130 v. S. 3(1963); Ohio Revised Code, sec. 707.05 and 707.16.
Beyond that, significant but not always understandable differences distinguish the two procedures. In the first place, for petitions addressed to the county commissioners, the area proposed for incorporation must be laid off into village lots, though adjacent territory not so laid off may also be included in the petition.\(^{37}\) A similar requirement is not stipulated for petitions addressed to township trustees; three others apply, however to the latter and not to petitions directed to the commissioners. A request for a popular referendum on the question must be included as well as statements to the effect that the area proposed for incorporation has a population density in excess of 300 per square mile and \textit{per capita} valuations of taxable, real and personal, property in excess of $1000.\(^{38}\)


Under both procedures similar advance notice and public hearing requirements obtain, though the responsibility
of the county commissioners in passing on the petitions differs in one significant respect from that of the township trustees. The latter pass only on questions of fact— as to density, valuations, population, boundaries, sufficiency of signatures— presented in the petition; county commissioners, in addition to questions of fact, are also required to assess the merits of the proposal. Specifically, they are to determine whether the limits of the proposed corporation are not "unreasonably large or or small," and whether "it is right that the prayer of the petition be granted."39

39Ohio Revised Code, sec. 707.07 and 707.16.

At the public hearings conducted by the county commissioners the law stipulates that "any person interested" may appear in person, or by attorney, and contest the granting of the prayer of the petition. Moreover, "affidavits presented in support of or against the prayer of such petition shall be considered by the board and the petition may be amended by its leave." Any amendment, however, entails additional published notices and subsequent hearings if any area is added.40 Similar

40Ohio Revised Code, sec. 707.06 and 707.16.
provisions are not explicitly made as to the public hearings before the board of township trustees, though presumably proponents and opponents are free to appear.

Appeals to the court of common pleas, by petition for injunction, are prescribed for both procedures; however, appeals from the decisions of the county commissioners cover questions of fact and procedures as well as questions of judgment; those from the board of township trustees, only questions of fact and procedure.\textsuperscript{41} In the former case, then, the fate of a contested incorporation petition will ultimately be decided by the courts; in the latter, if errors of fact or procedure are corrected, the ultimate decision rests with the electorate of the area proposed for incorporation.

\textbf{Annexation proceedings.} Annexation of unincorporated territory to a municipal corporation can be initiated either by a petition of a majority of the "adult freeholders residing in the territory" to be annexed,\textsuperscript{42} or by action of

\textsuperscript{41}\textit{Ohio Revised Code}, sec. 707.11 and 707.20.

\textsuperscript{42}\textit{Ohio Revised Code}, sec. 709.02 and 709.12.
the legislative authority of the municipality desiring the annexation. In the former instance, the petition is submitted to the board of county commissioners, "and


when so presented the same proceedings shall be had as far as applicable, and the same duties in respect thereto shall be performed by the board and other officers as are required in the case of an application to be organized as a village." If the board acts favorably on the petition, it is required to deposit a full transcript of the record

Ohio Revised Code, 709.03.

with the clerk or auditor of the municipal corporation concerned. Sixty days thereafter, barring a petition to the court of common pleas enjoining further proceedings by any "person interested," the clerk or auditor "shall lay the transcript" before the legislative authority for its approval or rejection. If an enjoining petition is filed, the court determines it in case the injunction petition is made permanent, in which case further action terminates, or it may dismiss it, in which case the petition is referred to the municipal council for final
disposition.\textsuperscript{46} Should the petition ultimately prove to be unsuccessful, for any reason, such failure is no bar to any subsequent annexation petitions.\textsuperscript{47}

\begin{itemize}
  \item \textsuperscript{46} \textit{Ohio Revised Code}, sec. 709.07 and 709.08, 709.09.
  \item \textsuperscript{47} \textit{Ohio Revised Code}, sec. 709.05 and 709.09
\end{itemize}

If the action originates with the municipal corporation seeking the annexation, the legislative authority thereof must first pass an ordinance or resolution proposing the move and directing that a petition for that purpose be submitted to the board of county commissioners.\textsuperscript{48}

The latter body is again directed to follow, "so far as applicable," procedures stipulated in the law for incorporation petitions.\textsuperscript{49} A referendum on the question by electors of the entire unincorporated portion of the

\begin{itemize}
  \item \textsuperscript{48} \textit{Ohio Revised Code}, sec. 709.14.
  \item \textsuperscript{49} \textit{Ohio Revised Code}, sec. 709.16.
\end{itemize}

township is required at a primary or a general election occurring more than thirty days after the passage of the annexation ordinance.\textsuperscript{50}

\begin{itemize}
  \item \textsuperscript{50} \textit{Ohio Revised Code}, sec. 709.17.
\end{itemize}
"Thereupon," the statutes provide, "all annexation proceedings shall be stayed until the result of the election is known." An opinion of the attorney general ruled that the referendum must precede action by the board of county commissioners, but two other questions remained. One, whether this provision of the law means that any annexation proceedings involving the same area, initiated by residents thereof would be stayed until the result of the election is known? Or, whether it means that only further proceedings in the petition initiated by the municipal corporation would be stayed? The latter interpretation was given by the court.

The other question concerned the significance of the referendum in the total annexation procedure. Specifically, is the outcome of the referendum, if favorable, binding on the county commissioners? Or, do they have the responsibility for passing judgment on the merits of the
petition as the statutes relating to incorporation proceedings — and made applicable to annexation proceedings — clearly require of them? The court has ruled that the outcome of the election, if negative, terminates the issue; if favorable, however, it does not affect the responsibility of the board of county commissioners to pass on the merits of the proposals.53 Under this interpretation, the board makes the final decision, subject,

53 State ex rel Loofbourrow v. County Commissioners, 167 OS 156, 400 92d) 145, 146 NE 92d) 721.

of course, to any enjoining petition of a "person interested," in which case the matter is ultimately decided by the court. In any case, an annexation petition initiated by a municipal corporation, if unsuccessful, cannot be repeated for at least five years for all or any part of the territory involved.54


The foregoing summaries make abundantly clear that the size and boundaries of the civil township are subject to changes, usually arising out of circumstances in which
such changes are precipitated by interests seeking to reduce the existing territory of the township. Moreover, under proceedings which determine such changes, the civil township, or its officers, or its residents who desire to retain the township status, have no legal standing to share in the decisions, nor is there any statutory requirement that the effects of such decisions on the township be considered.

It is true, of course, that under some provisions a referendum is mandatory. However, in incorporation proceedings, only electors of the area proposed to be incorporated participate; in annexation proceedings, for township residents opposed to the move, the referendum provides a political rather than a legal remedy. It is also true that under one alternative for incorporation, the township trustees preside over the proceedings. Their statutory responsibility, however, is limited to the judgment of fact only, though admittedly under cover of judgment of such facts, which in many instances are ambiguously stipulated in the law, extraneous considerations may enter into the proceedings. This, however, merely underscores the hard fact of the matter that in such proceedings, as well as others concerned with both incorporation and annexation, the interests of the
township can be protected only by recourse to the broad range of politics rather than by direct statutory authority to share in the decisions affecting its status.

Summary

The current study of the civil township in Ohio, then, is concerned with more than 1300 individual jurisdictions which together comprise the largest single class of local governmental units in the state. They serve somewhat less than 30% of the total population, about half of which is found in the twenty most populous counties. With variable areas and populations, the density ratio is extremely low for an overwhelming majority of them, exceeding 1000 per square mile for less than a score of them. Though not explicitly established by the constitution of Ohio, their existence is presumed though virtually every aspect of their structure, organization, and functions is left to the discretion of the General Assembly. Serving as a subdivision of the county for purposes not directly related to their own jurisdiction, as governmental units in their own right, they perform a fairly broad range of functions for the unincorporated areas of the state, though in this respect their jurisdiction at many points overlaps with the county. Permissive authority for joint action or contractual agreements with adjoining municipal corporations may extend certain municipal services to the
townships, though in some cases townships may alternatively undertake to provide such services directly. Their area and boundaries are subject to change in consequence of incorporation and annexation proceedings which, under existing laws, afford them no legal standing to share in decisions vital to their status as viable units of government. Defense of their interests, then, lies mainly in recourse to politics and pressures within interstices of prescribed statutory procedures.
CHAPTER IV

FUNCTIONS OF OHIO TOWNSHIPS

The broad array of functions which today falls within the jurisdiction of the civil township in Ohio underscores two rather significant aspects of its character as a local government unit. First, there is an odd mixture of the nineteenth and twentieth centuries in the panoply of township responsibility. The scope of its functions reflects rather clearly the historical change from a predominantly rural orientation to one more typically urban and municipal. Secondly, with the exception of its major responsibility, the road function, and a few others of relatively minor importance (such as fence-viewing and responsibilities relative to school and ministerial lands), the whole range of functions conferred on the civil township by the General Assembly is permissive and optional. In this regard, then, it is possible, at least theoretically, for a township either to have little purpose beyond the responsibility for township roads, or to undertake a fairly broad range of activities, not unlike a municipal corporation.
This chapter is concerned with a brief survey of the many functions, mostly optional, which have come within the purview of townships over a long period of time, some dating back to the beginnings of statehood. Chapter Eight dwells in greater detail on the principal township responsibility today, the road function.

Before proceeding with the discussion of the various permissive undertakings authorized to civil townships, under existing law, attention may be given to the public health function as it relates to townships. Unlike others, it is essentially a special district function with but a peripheral nexus with the townships.

Public health

Throughout most of the nineteenth-century public health in the rural areas of Ohio was not specifically provided for, and initial legislation entrusted this responsibility to the civil townships. In 1875, township trustees were empowered to quarantine smallpox and other "loathsome or infectious diseases" by restraining people from frequenting places of known cases until the danger of infection or contagion had passed.\(^{1}\) In 1893, under an act concerned

\(^{1}\text{Ohio Laws, 72 v. 178 (1875).}\)
in the main with public health functions in municipalities, each board of township trustees was made, ex officio, a township board of health, having the same powers and duties in unincorporated areas as did health boards within municipal corporations. Originally, the township health board was not required to appoint a health commissioners, as were municipal health boards, but this provision was added in 1902.

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2Ohio Laws, 95 v. 87 (1893).
3Ohio Laws, 95 v. 424 (1902).

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Indications are that this method of administering public health laws in the unincorporated areas of the state was not satisfactory. It remained in effect, however, until 1919 when the General Assembly established public health as a special district function, with a separate governing board for each health district. With minor revisions, this arrangement is still in effect today.

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Under current statutes, each city constitutes a "city health district," and villages and townships outside of cities in each county are organized as a general health district. Members of the city health boards are appointed by the appropriate chief executive of the city, but in the general health district this responsibility is vested in an advisory council comprised of the mayors of villages and the chairmen of the boards of township trustees of the townships in the district. The advisory council may also make recommendations to the district board of health and receives the board's annual report and all special reports.

The district board of health is comprised of five members, serving five-year terms which are staggered so that the term of one member expires each year. The board appoints the health commissioner and all other staff members and employees of the district. It also prepares estimates of current operating expenses, submitting them to the county budget commission through the county auditor in the same way as all other taxing authorities in the county. The budget commission may reduce any item or items, but may not increase any of them. The aggregate amount approved by the budget commission is apportioned as a levy among the townships
and villages comprising the district in proportion to the taxable property valuations in each jurisdiction.

Township trustees, at present, then, have only this limited function in the administration of public health. The early provisions with respect to the quarantine responsibilities of the township trustees in cases of loathsome diseases remains on the statutes; however, it is generally regarded as obsolete, having been superseded by the legislation which established the special health districts and vested in them all matters relating to public health.

School and ministerial lands

One of the oldest functions associated with townships in Ohio is the administration of certain lands which long before Ohio attained to statehood had been dedicated for school and church purposes. The dedication of public lands for school purposes dates back to the adoption of the Northwest Ordinance in 1787, when the Continental Congress, at the same time, passed a resolution stipulating that one thirty-sixth of the land in the Territory be reserved for school purposes. Subsequently, the Federal Congress also approved the plan and when Ohio became the first state to be carved out of the Northwest Territory
the lands so set apart were entrusted to the custody of
the state legislature.\(^6\)

\(^6\)Ohio Auditor of State, Short History of Ohio Land

Though the administration of these lands right from
the beginning centered on the geographic township, its
relationship with the civil township and its officials,
until 1917, was rather tenuous. Originally, the gov­
ernor was authorized to appoint "suitable persons" with
full powers to assume responsibility for carrying out the
provisions of the law. Early laws established a policy
"that the lands granted for the support of schools in the
several parts of the state shall be let on lease for the
purpose of improving same and thereby rendering them
productive, that the profits deriving therefrom may be
applied to the support of schools according to their
intent and the several laws of the United States."\(^7\)

\(^7\)Ohio Laws, 1 v. 61 (1803).

In 1805 the responsibility for the administration of
laws relating to school lands was removed from appointed
land agents and entrusted to trustees of the civil townships. The following year, however, legislation was enacted providing for separate incorporation of the original survey townships, upon petition of twenty qualified electors, with three trustees and a treasurer elected for the purpose of assuming responsibility for school lands. In 1810, an amendment to the incorporation laws provided that in the event that incorporation of the original survey township did not occur, trustees of the civil township could act to carry out the purposes ordained for such lands. This nebulous arrangement prevailed until 1872, when the contingent authority of the civil township trustees was removed and county auditors were empowered to appoint three school land trustees and a treasurer in the event
that no incorporation of the original survey township occurred.\textsuperscript{11} After 1872, and until 1917, then, the trustees of the civil township were not involved in the administration of school lands. The function was performed by trustees and treasurers who were either elected upon incorporation of the original survey township, or if incorporation did not occur, appointed by the county auditor. In 1917, when the General Assembly enacted a major revision of laws relating to school lands, responsibilities were centralized at the state level with certain local functions entrusted to the trustees and clerks of the civil township.\textsuperscript{12}

\textsuperscript{11}Ohio Laws, 69 v. 26 (1872).
\textsuperscript{12}Ohio Laws, 107 v. 357 (1917).

The administration of ministerial lands followed substantially the same course though the peculiar status of these lands gives them a unique position not only in the history of Ohio, but the country as a whole. Ohio holds the distinction of being the only state in the Union in which land was set aside by Congress for the support of religion. This occurred in 1792 when the First Purchase
of the Ohio Company was accomplished and again two years later when the Symmes Purchase was effected. In both instances, one thirty-sixth of all townships in both areas was set aside as "ministerial land." As the purchasers of the two tracts came from parts of the Union where it was customary, and deemed necessary, to have a clergymen in every town, the stipulation was made in the original purchase that a permanent fund in land should be set aside to support a permanent fund for this purpose. Similar action, in all subsequent land transactions, was not taken probably because of the belated realization that the constitutional injunction against the establishment of religion precluded such legislation. At the same time, the provisions in the original purchase of the two Ohio settlements remained and continue in effect till this day, with benefits accruing to religious denominations in nineteen townships in eight counties in the vicinity of Marietta and Cincinnati.13


Though the purposes of school lands were different from those intended for ministerial lands, the administration of both followed a common pattern, laws relating to one applying to the other. In general, the practices
and procedures under the locally-controlled arrangement left much to be desired. Over the years, a good portion of these lands has been sold with proceeds therfrom credited to the Common School Fund and appropriated for the support of schools as provided by law. The Auditor of State kept an account with each original surveyed township and made allocations according to statutory provisions. In the decade between 1820 and 1830 when Ohio initiated extensive canal construction projects, the General Assembly authorized the commissioners of the canal fund to use the proceeds of the sales of such lands for canal construction and later for redemption of canal debts, obligating the state to pay six per-cent interest annually on moneys so borrowed from the land trust funds, out of appropriations provided for the payment of the interest on the canal debt.

At the constitutional convention in 1851, at which Ohio's present constitution was adopted, the canal debt and its relation to the land trust funds commanded considerable attention. The credit of the state had to be maintained by fundamental pledges for payment thereof while at the same time, in its capacity as trustee of the proceeds of the school and ministerial lands under Acts of Congress, the state was obliged to recognize the terms of that trust and make provision for maintenance
of the trust fund undiminished. Accordingly, Article VI, sec. 1, of the new constitution (of 1851) provided that the "principal of all funds, arising from the sale, or other disposition of lands, or other property, granted or entrusted to this State for educational and religious purpose, shall forever be preserved inviolate, and undiminished; and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations." Article VIII, sec. 7, established a sinking fund and required the General Assembly to provide for sufficient funds to pay the principal and interest on the state debt.

In 1853, the General Assembly enacted legislation creating a state sinking fund, including therein all proceeds of the sale of school and ministerial lands. Commissioners of the sinking fund, as successors of the commissioners of the canal fund, thereafter continued to apply the proceeds of such land sales to the payment of the state canal debt. No other provision was made for the investment of the school and ministerial land trust funds since it was assumed that all such moneys would be required exclusively for redemption of the canal debt.

The canal debt was finally liquidated in 1903 and thereafter, until 1917, in disregard of the constitution,
successive auditors of state turned all the proceeds of the sales of these lands into a separate fund out of which was paid the annual 6% interest due the school and ministerial land trust funds, in effect paying interest on trust fund moneys previously borrowed out of current receipts of such trust funds. 14


Under legislation enacted in 1917, which with minor amendments is currently in effect, provision was made for Ohio's notable "irreducible debt" obligating the state to pay 6% interest in perpetuity, out of the general revenue fund, on moneys, which had been borrowed from the land trust funds. At the same time, unsold lands remained as trusts to be sold, leased or rented under stipulations prescribed by law, with all income accruing to the localities concerned for school and ministerial purposes. Responsibility for the administration of such lands was vested in the auditor of state as the State Supervisor of School and Ministerial Lands, with local management left to township trustees and clerks. The power to negotiate leases was centralized in the Auditor
of State while the sale of lands is accomplished by the
county auditors though a referendum on the question is
required and evaluation of the land to be sold is per-
formed under the direction of the common pleas court.
Principal responsibilities of the trustees include:
(1) seeing that no waste is permitted on such lands, and
that no coal, oil, iron or other resource is removed, or
timbercut, except by authority of the state; (2) rec-
ommending improvements to the State Supervisor required
by leases or deemed necessary for proper care, and, if
approved by the State Superintendent, carrying out such
improvements to completion; (3) inspecting such lands
regularly and requiring their proper maintenance. The
township clerks are required to collect rents and main-
tain records of all rents due and collectable; maintain
record of proceedings of the trustees in matters re-
lating to such lands; twice yearly pay to the Auditor
of State money collected from rents and leases for
deposit in the School Land Rental Fund or the Ministerial
Trust Rental Fund, subsequently distributed to County
Auditors for disbursement to the appropriate school
districts in the case of school funds; ministerial funds
are also disbursed by county auditors on order of the
board of township trustees which is required to maintain
records as to the proportionate shares due each religious
society authorized to participate in each distribution. For their services the trustees and clerks receive compensation from the fund concerned.

At present, school and ministerial lands produce income of three kinds to the localities concerned: 6% in interest on the amount which had accrued from the sales of lands prior to 1917, to be paid in perpetuity and designated as the state's "irreducible debt," income from investments made from lands sold since 1917; and income from rentals and leases produced by such lands. The trustees and clerks of Ohio's civil townships have responsibilities with respect to the latter two, as described above, and none with the first.

Fence-viewing

Fence-viewers were among the first township officials to be established under statehood laws, elected in annual township elections until 1844. That year the office as such, was abolished and the duties and responsibilities were assigned to township trustees who have continued to discharge this function till the present.


17 Ohio Laws, 42 v. 4 (1844).
Original laws relating to fences and enclosures were concerned in the main with the trespass of domestic animals, and the damage or injury resulting from it. Fence-viewers were required to investigate complaints and claims and award damages against the owner of animals involved. Appeals from the judgment of the fence-viewers were to the appropriate justice of peace court.  

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18 See Note 16.

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At a later time, laws were enacted requiring that the cost of fences, and their maintenance and repairs, on boundary lines between adjoining lands be shared equally by the owners thereof. In this connection, the responsibility of fence-viewers was expanded to include adjudication of controversies arising under this statutory requirement.  

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Toward the close of the century restrictions were written into the law as to certain types of fences (live and barbed wire fences) and owners of fences and
enclosures were required to keep adjoining lands free of noxious weeks. Enforcement of these laws was also assigned to fence-viewers. More recent legislation authorized the erection of fences along public roads and highways, within statutory stipulations, creating still more responsibilities for fence-viewers. 20

20 Ohio Laws, 82 v. 181; 90 v. 172; 91 v. 148; 97 v. 92. See Ohio Statutes (Bates, 1897), sec. 4239-4255.

Ultimately provisions regarding fences between adjoining lands were revised to their present form whereby much of potential controversy has been eliminated. Fences and enclosures between adjoining tracts were made mandatory and the initial cost as well as the cost of maintenance and repairs are to be divided equally between owners of such adjoining tracts, unless a written agreement witnessed by two persons, provides otherwise. 21

21 Ohio Laws, 97 v. 138 (1904).

Under existing laws, then the responsibilities of

22 Ohio Revised Code, c. 970.
township trustees in their capacity as fence-viewers includes, in the main, the following:

1. Investigating and adjudicating claims of damage and injury resulting from the trespass of domestic animals into enclosed lands.

2. Adjudicating controversies as to the sharing of costs of erecting or maintaining and repairing fences between adjoining tracts of land.

3. Enforcing compliance with statutory restrictions as to certain kinds of fences and fences along public roads and highways.

4. Enforcing compliance with statutory requirements as to the clearance of lands adjoining fences of noxious weeds.

The trustees are empowered to correct violations of statutory provisions in the event that the owner fails to comply and to assess costs against the property. Actions may be prosecuted through the appropriate county court and the aggrieved party may have access to the court from the judgment of fence-viewers. All costs and damages become liens on the property concerned, collectible in the same manner as property tax levies.

Township harbor master

In 1868, the General Assembly enacted legislation which authorizes townships' trustees of townships
containing a harbor or a port, not situated in a city or a village, "where vessels are accustomed to lie for the purpose of receiving or discharging freight," to appoint a suitable person to act as harbor master. The board prescribes his powers and duties which are the same as prescribed for harbor masters in municipal corporations in so far as they may be applicable. His pay is fixed by the trustees, not to exceed $150 per year, paid out of the township treasury. He is appointed for one year or "until his appointment be annulled by the board."^23

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Hearse and vault

In 1878, the General Assembly authorized township trustees to levy a tax, in such amount as they may determine, for the purpose of purchasing a hearse and building a vault, for use of the township, to be under control of the trustees or a person appointed by them. The intent of the law is that the question include both items on the same ballot since it explicitly permits the voter to vote for one and against the other if he so desires.
There has been no material change in this provision since its original enactment.\textsuperscript{24}

\textsuperscript{24}Ohio Revised Code, sec. 505.15. Original enactment, Ohio Laws, 75 v. 46 (1878).

Drilling for oil and gas wells

Under legislation dating back to 1902, trustees are authorized to levy a "tax not to exceed five mills on the dollar for the purpose of drilling an oil or a gas well in the township, when so authorized by a majority vote of the electors of such township at a regular or special election." This is in the nature of a curiosity inasmuch as no further provisions are made as to the disposition of the oil or gas which might result from a venture of this sort.\textsuperscript{25}

\textsuperscript{25}Ohio Revised Code, sec. 505.20. Original enactment, Ohio Laws, 95 v. 449 (1902).

Scow or lighter

For townships which are wholly, or in part, islands, trustees may purchase and operate and let for hire, a scow or lighter of sufficient tonnage to carry stone and other road building materials. For this purpose they may levy a tax in such amount as they determine. The question
and the amount must be separately presented to the electors for their approval. Originally enacted in 1919, this provision has remained unchanged. At present it applies only to two townships in Ottawa County.\(^{26}\)


Residence for a resident physician

In 1931, the General Assembly enacted a provision concerned with townships comprised wholly, or in part, of islands which were accessible from the mainland only by watercraft and which, for some reasons, were inaccessible from the mainland at some times of the year. Township trustees were authorized to maintain a residence for a resident physician "when in the opinion of a majority of said trustees it is necessary for the public health and welfare." For this purpose they may levy a tax upon all property of the township, if approved by the electors at a general or special election. They are permitted to issue notes in anticipation of the tax levy to mature not more than two years from date of issue. The original act was amended, in 1941, to permit the trustees not
only to maintain but also to construct, acquire, purchase or lease a residence.27

Footbridges

Since 1914, trustees have been authorized to construct, repair, or rebuild footbridges across the rivers and streams in a given township "when necessary to provide convenient means of access to the public schools of the township by pupils residing in the school district wherever a public schoolhouse is located." The cost of any such project is not to exceed $1000 and is to be covered out of any funds in the township treasury not otherwise appropriated. In the alternative, a tax levy upon all the taxable property of the township may be proposed by the trustees, subject to a referendum approved by a majority of qualified electors of the township "voting at any election at which the question shall be submitted."28


28Ohio Laws, 101 v. 198 (1914). Present provision, Ohio Revised Code, sec. 505.46 and 525.47.
Township Cemeteries

Authority to establish township cemeteries was first enacted by the Ohio General Assembly in 1853, partly as a measure to provide burial grounds for the indigent at township expense.\(^{29}\) Though the latter feature in a modified form is still present in the law,\(^{30}\) township cemeteries have become, in the main, public service enterprises which otherwise are undertaken either by municipal corporations or by private cemetery associations.

\(^{29}\)Ohio Laws, 51 v. 489 (1853).

\(^{30}\)Ohio Revised Code, sec. 517.07.

Original legislation contemplated one tract in a given township, not exceeding ten acres,\(^{31}\) but in 1869 the authority was enlarged to authorize the purchase of lands in "one or more places" as the township trustees deemed necessary.\(^{32}\) The preceding year, the trustees

\(^{31}\)See Note 29.

\(^{32}\)Ohio Laws, 65 v. 68 (1868). Present provisions, Ohio Revised Code, sec. 517.01.
were empowered to "appropriate" land for cemetery purposes if acquisition by "contractual agreement" was not feasible. Land so appropriated could not exceed ten acres and final determination "that premises cannot be obtained by contract on reasonable terms" was left to the probate court. Later, trustees were authorized to acquire additional land for existing cemeteries, not to exceed five acres, by appropriation, if necessary, and to accept title to cemeteries of private associations and assume responsibility for their care in the same manner as cemeteries established by the township. By the turn of the century, then, townships were well

\[33\text{Ohio Laws, 64 v. 169 (1867). Present provisions, Ohio Revised Code, sec. 517.01.}\]

\[34\text{Ohio Laws, 70 v. 136 (1873). Present provisions, Ohio Revised Code, sec. 517.17.}\]

\[35\text{Ohio Laws, 93 v. 153 (1898). Present provisions, Ohio Revised Code, sec. 517.27.}\]

established in the cemetery business, and this function is today one of the most wisely exercised by Ohio townships. Virtually every township in the state has some commitments in this field.

Funds for township cemeteries derive from two sources, in the main, proceeds from the sale of cemetery lots and
tax levies. Shortly after the initial authorization for township cemeteries, township trustees were empowered to lay out cemetery lots and to sell them to residents of the township, with proceeds therefrom to be used for the "improvement and embellishment" of the cemetery.\textsuperscript{36} This provision remained unchanged until 1961 when authority

\begin{footnotesize}
\textsuperscript{36}Ohio Laws 54 v. 187 (1857); present provisions Ohio Revised Code, sec. 517.07.
\end{footnotesize}

was granted to utilize such funds for the acquisition of lands for cemetery purposes as well as for improvement and embellishment. To use funds for land acquisition, however, requires the unanimous assent of all three township trustees.\textsuperscript{37}

\begin{footnotesize}
\textsuperscript{37}Ohio Laws, 129 v. 1589 (1961).
\end{footnotesize}

The original laws authorized the trustees to levy taxes not to exceed $1000 the first year and $50 any year thereafter, for the establishment of a township cemetery, with the approval of the electorate.\textsuperscript{38} In

\begin{footnotesize}
\textsuperscript{38}See Note 29.
\end{footnotesize}
1866 this provision was amended to authorize a levy not to exceed $1000 per year until the whole purchase price, plus interest, was paid off, and additionally, a levy was allowed for fencing, protecting and improving of township cemeteries, not to exceed one mill.\textsuperscript{39} A further amendment in 1869 raised the annual levy to a limit of $2000, for both acquisition and improvement, with the approval of the electorate. This is the existing provision though the legislation enacted in 1961 obviates the need for a tax levy and attendant referendum if funds from the sale of cemetery lots are available and all three trustees assent to such use of such funds.\textsuperscript{40}

\textsuperscript{39}Ohio Laws, 67 v. 44 (1866).

\textsuperscript{40}Ohio Laws, 66 v 37 (1869). Present provisions Ohio Revised Code, sec. 517.03, as amended by Ohio Laws, 129 v. 1589 (1961).

A separate provision is found in the law with respect to the financing of additional acquisition to established cemeteries. For this purpose, when the trustees were first authorized to acquire additional lands to existing cemeteries in 1873, they were also empowered to levy
taxes not to exceed one-half mill for not more than five yeats without a vote of the electorate.\textsuperscript{41} This provision remained unchanged until 1961, when funds from the sale of cemetery lots were also authorized for this purpose, provided all three trustees assented.\textsuperscript{42} At present, then, acquisition of land for a new cemetery, or additions to

\textsuperscript{41}Ohio Laws, 70 v. 136 (1873).

\textsuperscript{42}Ohio Laws, 129 v. 1589 (1961); present provisions, Ohio Revised Code, sec. 517.13.

existing ones, can be financed from proceeds from cemetery lot sales, without the vote of the people, or by tax levies within limitations established by law with the approval of the electorate. The same provisions govern the financing of the care and improvement of cemeteries.

Under legislation enacted in 1894, the trustees are empowered to accept in trust bequests and gifts in money, securities or other property, to be used in the care, improvement and beautifying of any burial lots or cemeteries designated.\textsuperscript{43}

\textsuperscript{43}Ohio Laws, 91 v. 149 (1894); present provision, Ohio Revised Code, sec. 517.15.
Another provision dating from 1893 authorizes the trustees to levy up to five mills for "the purpose of erecting permanent buildings" upon grounds of a cemetery association when the township own a burial place within such grounds. Antedating Ohio's constitutional ten-mill limitation on property tax levies, this provision would currently be operative as a levy outside of the constitutional ten-mill limitation, subject to the vote of the electorate.\textsuperscript{44}

\textsuperscript{44}Ohio Laws, 90 v. 218 (1893). Present provisions, Ohio Revised Code, sec. 517.19. See 1931 OAG No. 3001.

The board of trustees may, at its discretion, appoint a three-member board of cemetery directors for any township cemetery, for three-year terms, staggered, to allow for one appointee each year. When appointed, such directors are governed in the discharge of their duties by the same provisions of the Revised Code as apply to township trustees "so far as applicable."\textsuperscript{45}

\textsuperscript{45}Ohio Revised Code, sec. 517.20.
The responsibility for the care and maintenance of township cemeteries and "providing avenues and paths" therein has been part of the law relating to township cemeteries almost from the time of the original legislation, but these responsibilities were made mandatory by explicit legislation to that effect in 1911.\footnote{46} Under long-standing legislation (1889-90) township trustees

\footnote{46}Ohio Laws, 102 v. 50 (1911). Present provisions, Ohio Revised Code, sec. 517.11.

are also required to maintain fencing around abandoned cemeteries fenced in under the authority of county commissioners, and to remove weeds and undergrowth therefrom at least once a year.\footnote{47}

\footnote{47}Ohio Revised Code, sec. 517.32.

Along with trustees of other cemeteries, township trustees are empowered to authorize disinterment of bodies from township cemeteries under prescribed statutory provisions, and to discontinue an established cemetery after arranging for the removal of bodies.
and markers according to procedures stipulated in the law. 48

48 Ohio Revised Code, sec. 517.23.

Residents of a township have recourse against municipal corporations which fail to maintain cemeteries under their jurisdiction located in the township outside of the boundaries of the municipal corporation concerned. Any five freeholders whose property is in the vicinity thereof may apply to the probate court for the removal and discontinuance of such cemeteries. 49

49 Ohio Revised Code, sec. 759.07.

Total expenditures for cemetery purposes by the townships of Ohio amount to about two-million dollars a year, representing about 5% of total township expenditures. In some of the townships in the rural areas of the state the percentage is considerably higher, ranging up to as much as a third of their total budget (see Chapters VI and VII).

Memorials

In the aftermath of World War I, legislation was enacted authorizing the electors of a given township
to initiate action toward erecting a township memorial to commemorate the services of the members of the armed forces of the township. Fifteen percent of such electors may petition the township trustees for a referendum on the question of a bond issue for that purpose, to be retired by a levy on the taxable property of the township, not to exceed $100,000. Under the original act, the trustees not only had full authority to acquire the site and handle all the details in the construction of the memorial, but also to control the operation and maintenance thereof upon its completion.\footnote{Ohio Laws, 108 v. Pt. 542 (1919).} In 1925, however, the law was amended, vesting the operation and maintenance of such memorials in a board of seven "permanent memorial trustees," appointed by the common pleas court, terms staggered so that one new member was appointed each year.\footnote{Ohio Laws, 111 v. 407 (1925).} In 1941, further amendments were adopted to guard against a conflict of interest on the part of the trustees in their responsibilities relating to the erection of memorials.\footnote{Ohio Laws, 119 v. 763 (1941).}
A project of this sort is also authorized as a joint effort by two or more townships, with the bond issue apportioned among the participating townships in proportion to taxable valuations. In such joint undertakings, the responsibility for the construction of the memorial is vested in a board of "memorial trustees" comprised of one member of the board of township trustees of each township participating in the project. The permanent board of memorial trustees, subsequently appointed by the court of common pleas, must include representatives from each township involved.53

53Present provisions, Ohio Revised Code, sec. 511.08 - 511.17.

Township parks

Township parks may be established in either of two ways: by creating a park district with a governing body separate and distinct from the civil township, or as a township enterprise with control and management vested in the board of township trustees.

Though special legislation authorizing parks in townships of a given size (in population) had been enacted
before the turn of the century, general laws applicable to all townships first appeared in 1904. That year the

Ohio Laws, 88 v. 31 (1891); 90 v. 343 (1893), and 91 v. 440 (1894).

General Assembly authorized the establishment of a township park if a petition signed by 10% of the electors in the township (including municipalities) is filed with the township trustees, who then certify the petition to the court of common pleas. The court appoints a three-member board of park commissioners to make a written report and recommendations as to the establishment of a park to the township trustees. At the next general township election, the matter, including cost of land, is presented to the electors for a decision. If approved by a majority of those voting on the proposition, the board of park commissioners, redesignated as the board of township park commissioners, proceeds to establish the park. The park commissioners are authorized to levy a tax, not to exceed one mill, on the taxable property of the township; more, if approved by the electors. They are also empowered to issue bonds in any sum not in excess of the authorized tax levies.

Ohio Laws, 97 v. 411 (1904).
Two years later the law was amended to broaden the power of the trustees; "they shall have power to locate, establish, improve and maintain a public park within and without such township."56 Another amendment in 1910 established procedures whereby all or part of a township park land can be sold, if in the judgment of the park commissioners such action is in the best interest of the township. The question can be initiated either by the park commissioners or by a petition of 10% of the electors; in either case, a popular referendum decides the question. If approved, money deriving from the sale can be used to procure other land for park purposes or be applied to any outstanding bond unprovided for."57

56 *Ohio Laws*, 98 v. 144 (1906).

57 *Ohio Laws*, 101 v. 130 (1910).

With one important change enacted in 1925, the foregoing provisions are currently in effect.58 The amendment

58 *Ohio Revised Code*, sec. 511.18 - 511.31.
in 1925 provides that the initial petition submitted to the trustees be for the establishment of a park district: whereupon the court of common pleas appoints the three-member park commission to prepare a report and recommendations for the approval of the electorate. The amendment further stipulates that the board of park commissioners is a body politic separate from the civil townships and continues in existence even if the civil township should cease to exist. 59

59 Ohio Laws, 11 v. 503 (1925).

The other statutory provision relating to township parks dates back to 191560 and is currently in effect as amended in 1941.61 It is concerned with "public parks, public squares, or grounds devoted to public use for

60 Ohio Laws, 106 v. 279 (1915).


park purposes ... not under the control of a board of park commissioners." These are under the jurisdiction of the township trustees and may be maintained and improved by the trustees within limitations prescribed by law. The
trustees "may appropriate and use for such purpose any funds in the township treasury not appropriated for any other purpose," or they may levy a tax on the taxable property of the township not to exceed $2000; if more is needed, the levy must be submitted to the electors for their approval.

The 1941 amendment allows the construction of a swimming pool in such parks, by the township alone or jointly with a municipal corporation, lying in the township; either jurisdiction may utilize "whatever funds may be available for that purpose."

Lights

Artificial lighting as a township function dates back to 1908. That year the General Assembly authorized residents of unincorporated areas to petition township trustees to provide lights for streets or roads in a specific district comprised of all or any portion of a given township outside of municipal corporations. The owners of a majority of the footage of the property involved in the proposed district were required to sign the petition. After holding hearings on the petition, as prescribed by law, the trustees may either approve or reject the petition. If approved, lights can be provided either by contract or by installation of a lighting
system, costs to be met by special assessments annually on the taxable property of the district.\textsuperscript{62}


In 1921, additional legislation empowered the trustees to provide lights for any "territory" in the township out of money in the township general fund, provided that (1) such place constitutes a public gathering place for the inhabitants of the township, or a major portion thereof, and (2) that the trustees find that the public welfare or safety required lights in such a place.\textsuperscript{63} Attempts to use this provision of the General Code to provide

\textsuperscript{63}Ohio Laws, 109 v. 69 (1921).

lights for streets in the unincorporated portions of a township at the expense of the general fund of the township were declared illegal by the Attorney General in at least three cases.\textsuperscript{64} In 1929, the law was amended to empower the trustees to provide lights at township expense

\textsuperscript{64}1921 AGO 1075; 1921 AGO 1182, and 1928 AGO 1909.
for any "road, highway, public place or building" under the supervision of the trustees if they determine that public welfare or safety require that they do so.65


At present, then, township trustees have the authority to provide lights either at township expense, if they determine public welfare or safety require that they do so, or by special assessment in a special district created in response to a petition.

Legislation enacted in 1961 authorized the trustees to include in a single contract all lighting undertaken by a given township, whether as a general fund obligation or a special district enterprise, provided that the price per light is the same in either case throughout the township.66


Indications are that this optional function is not widely exercised, perhaps less than a third of the total number of Ohio's townships undertaking to do so.
That this is a predominantly urban function is evident in the fact that in the seven largest counties, designated as upwards of 80% urban, almost two-thirds of the townships show expenditures for lighting amounting to as much as 16% of total expenditures in some townships (though considerably smaller portions in most of them). In the other four classes of counties less than a third of the townships undertake to provide lighting, with much smaller expenditures, generally less than 1% of the total in most townships (see Chapters VI and VII).

Hospitals

Under existing law, Ohio townships may undertake to provide hospital facilities either alone in conjunction with a hospital association, or jointly with one or more adjoining townships or municipalities as a special district enterprise.

Earliest legislation on this subject dates back to 1908, when the General Assembly authorized township trustees to contribute to the maintenance of a hospital operated by a hospital association, up to a levy of one mill on the taxable property of the township. Participation in the management of the hospital by the township is minimal, the hospital submitting an annual report to the township trustees with recommendations as to "future necessities." If a municipal corporation,
within the township, has its own levy for hospital purposes, the township levy can apply only to the taxable property outside of such municipal corporation. The law explicitly prohibits township support of any religious or sectarian hospital.67


The original legislation was amended in 1923 to permit much broader participation by the township in providing hospital facilities by agreement with a non-profit hospital association by extending the authority to include the erection of a hospital, or an addition to an existing hospital, and "a permanent interest therein to such extent and, upon such terms as may be agreed upon." Permission is granted also to provide funds necessary to implement such an agreement, either in one payment, or in annual installments, either by bond issues or a tax levy. Approval of the electors is necessary for the agreement as well as any levies that may be required.68

68Ohio Laws, 110 v. 359 (1923).
In 1953 township participation in providing hospital facilities, either under the original limited legislation enacted in 1908, or the broader provision of 1923, was extended to municipal corporations having hospital facilities or desiring to establish such facilities with township participation. 69

69Ohio Laws, 125 v. 72 (1953).

Authority for the establishment of a joint township hospital district dates back to 1941. That year the General Assembly enacted legislation allowing two or more contiguous townships to form a joint township hospital district for the purpose of establishing, constructing, and maintaining a general hospital. Such action is initiated by two-thirds vote of each board of township trustees in the proposed district, all such boards organizing into a joint township district hospital board. Authority is given to issue bonds in the amounts necessary with the assent of the electorate in the proposed district in accordance with the provisions of the uniform bond act. Operating expenses of the hospital "may be paid out of any moneys derived from the special levy approved for such purpose by the voters of
the district, or out of hospital income, or from any unencumbered funds from any other source." The special levy for hospital purposes may not exceed one-mill outside the ten-mill limitation for a period not to exceed five years, and must be approved by 65% of the voters in the district.

The joint township district hospital board appoints one member from each township included in the district to the board of hospital governors, together with three members appointed by the common pleas court, one of whom must be a doctor of medicine, all serving three-year terms, without compensation, save for expenses. This board assumes full responsibility for plans and specifications for the hospital and the necessary furnishing and equipment. It also appoints the superintendent of the hospital and fixes his compensation who, in turn, employees the staff and employees and fixes their compensation. The law also makes provision for other contiguous townships to join an established district.70


An amendment adopted in 1947 authorizes a joint township hospital district to enter into an agreement with a municipal corporation which is proposing to
establish, or has established, a municipal hospital for participation by the district in the erection or enlargement of such municipal hospital and its maintenance and operation, or both. The question of bond issues and tax levies as prescribed for a joint township hospital district is similarly authorized for participation with a municipality in the construction and operation of a municipal hospital under agreements as set forth in the law. Provision is made for representation on the board of governors and the board of hospital commissioners for the joint township hospital district.

71 Ohio Laws, 122 v. 411 (1947).

A more recent amendment permits trustees to establish a joint township hospital district "on behalf of part of a township, excluding that portion of the township lying within a municipal corporation." 72 At present, there are six joint township hospital districts in

72 Ohio Laws, 125 v. 74 (1953). Present provisions, Ohio Revised Code, sec. 513.08.
Ohio, three in Class III counties and three in Class IV counties.\textsuperscript{73}

\begin{itemize}
\item Highland Community Hospital, Hillsboro, Highland County; Wyandot Memorial Hospital, Upper Sandusky, Wyandot County; Joint Township Hospital, St. Marys, Auglaize County; Wooster Community Hospital, Wooster, Wayne County; Community Memorial Hospital, Hicksville, Defiance County; Williams County General Hospital, Montpelier, Williams County; Ohio State Plan for Hospital and Medical Facilities Construction, 1961-1962 Revision, Ohio Department of Health.
\end{itemize}

\textsuperscript{73}Police protection

From earliest times, township constables were elected primarily as ministerial officers of the justice of the peace courts, but they were also invested with responsibilities for keeping peace within the county.\textsuperscript{74} In 1900, however, legislation was enacted which permitted

\begin{itemize}
\item townships to designate an elected town constable to keep peace, protect property and perform duties as a police constable for the township, to be
\end{itemize}

\textsuperscript{74}See first laws under statehood, \textit{Ohio Statutes} (Chase, I, 1833), Act of February 18, 1804, p.425, and compare with \textit{Ohio Revised Code}, sec. 509.15.
paid from the township general fund.\textsuperscript{75} In their capacity as ministerial officers of the justice of the peace court constables were compensated on a fee basis.\textsuperscript{76} Originally, a constable designated by the trustees as a police constable received pay from the township general fund in addition to the fees collected as an officer of the court; effective in 1947, however, police constables were paid from the township general fund and all fees collected by them were credited to the township general fund.\textsuperscript{77}


\textsuperscript{77}\textit{Ohio Revised Code}, sec. 509.16, prior to amendment by \textit{Ohio Laws}, 122 v. 685 (1947).

In 1957, when the justice of the peace courts were abolished, the constables continued as ministerial officers of the newly-created county courts though this responsibility for the court function was also vested
in the sheriff. Two years later, elective constables were abolished and township trustees were empowered to designate "any qualified person as police constable," paid from the general fund of the township. They were also authorized to "levy a sufficient tax upon all taxable property to provide adequate police protection," and to enter into contractual agreements with other townships, municipal corporations or the county sheriff for providing police protection. At present, then, township constables are appointed by the trustees and serve primarily as police officers of the township though they are also officers of the county courts. Moreover, joint action is now possible among several local jurisdictions to provide police protection in the township.
Though more of the townships in the seven most populous counties undertake the police function (more than two-thirds of them) than in the other eighty-one counties, there are some townships in each of the four classes of counties making some provisions for police protection. In all, probably about 150 of Ohio's 1328 townships have entered this field, about 40% found in the seven largest urban counties. About half of the total number is found in the large group of middle counties 40% to 60% urban, and the remaining 10% in the smaller group of counties which are predominantly rural. In the large urban counties, expenditures for this purpose in some townships account for as much as a third or a fourth of total expenditures; more often, however, considerably less than 10% in most townships in any county, see Chapters VI and VII).

Sidewalks

Before the turn of the century, the Ohio General Assembly enacted legislation permitting property owners in unincorporated areas to "grade sidewalks" of stated dimensions and to plant trees and grass in the strip between the sidewalk and the road, with the approval of township trustees. This undertaking was at the expense
of the property owner. In 1915, when the laws relating to roads and highways were revised and consolidated, the existing provisions concerning sidewalks in unincorporated areas of the state were adopted.

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81 Ohio Laws, 86 v. 101 (1889), and 88 v. 489 (1891); Ohio General Code (1910), sec. 7468.

82 Ohio Laws, 106 v. 675 (1915); Ohio General Code (1910), sec. 7205; Ohio Revised Code, sec. 5543.10.

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The county engineer is authorized to construct sidewalks along public roads upon order of either the board of county commissioners or the township trustees, who may initiate the proposal by unanimous vote or in response to a petition signed by a majority of the owners of abutting property. If the action originates with the county commissioners or the township trustees, a public hearing is required, with notice given at least ten days in advance of the date set for the hearing, in a newspaper of general circulation in the county. Costs of the improvement may be allocated in part to the county or township treasury, and in part to abutting property owners, in proportions determined by the county commissioners or township trustees, though the share of the property owners, must be at least 25%. In the alternative
entire costs may be assessed against abutting property owners in proportion to benefits accruing to each.

The earlier provision, concerning the construction of a sidewalk by the owner in front of his own property at his own expense, was also retained.83

83 Ohio Laws, 106 v. 674 (1915); Ohio General Code, (1910), sec. 7206; Ohio Revised Code, sec. 5543.11.

Fire protection

The authority of civil townships to provide for fire protection dates back to 1920. Over the decades since that time, a remarkable growth is evident, not only in the scope of statutory provisions relating to its exercise, but also in the extent to which it has been utilized by the several townships. As a result, fire protection is one of the two optional township functions most widely undertaken by Ohio townships today.84

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84 The other is the establishment and maintenance of township cemeteries.

Under the provisions of the initial act adopted in 1920,85 the trustees were empowered to establish all

necessary regulations to guard against fires and to protect property and lives against damages and accidents resulting therefrom.\textsuperscript{86} They were also empowered, "when a volunteer fire company has been established with some assurance of permanency and efficiency," to purchase and provide for use of such company apparatus and appliances as may seem advisable to the trustees. In that event, too, they could provide for the care and maintenance thereof and purchase, lease or construct and maintain necessary buildings and establish and maintain lines for a fire-alarm telegraph. To cover current operating costs, they were authorized to impose levies on all the taxable property within the township, including property in municipal corporations lying within the township, or to use any moneys in the township general fund not otherwise appropriated. They could also issue bonds not to exceed $20,000, with approval of the electorate, for equipment, buildings, and sites.

Subsequent amendments by the General Assembly considerably broadened this method of providing fire protection.\textsuperscript{86}
Providing water supply for fire protection purposes was brought within the purview of township trustees, and joint action by two or more townships, or a township and a municipality or any combination thereof, was authorized with costs pro-rated among them on terms mutually agreed upon. Trustees were also permitted to employ one or more persons to maintain and operate fire fighting equipment as an alternative to agreements with volunteer fire companies. 87 A later change empowered the establishment of fire departments by a township, or as a joint project by any combination of townships and municipal corporations. 88 The bond issuing authority was also expanded to include

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87 Ohio Laws, 118 v. 371 (1939).
88 Ohio Laws, 119 v. 315 (1941).

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not only any authorized capital improvement, but to provide for the payment of permanent, part-time or volunteer fire-fighting companies; and the ceiling was raised from $20,000 to $50,000. 89

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89 Ohio Laws, 118 v. 371 (1939).

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Beginning with 1929, an alternate method for providing township fire protection was established by the
General Assembly. Township trustees were empowered to negotiate contracts with any city, village or township, for a period not to exceed three years, to obtain fire protection upon terms mutually agreed upon, as approved by the trustees and municipal council concerned. Originally, such contracts were required to provide for a fixed annual charge, but permission was later granted to use other methods for fixing costs. Financing of this method was the same as that provided for the earlier method, and was later expanded to permit not only townships but municipal corporations to negotiate such contracts, in any combination and in any number by any one jurisdiction.\footnote{Ohio Laws, 113 v. 86 (1929) and 118 v. 371 (1939).}

In time both of these methods were found to be inequitable in some townships which contained one or more municipalities within their boundaries. With fire protection being financed in the main from tax levies on the taxable property of the entire township, municipalities included, the latter found themselves subsidizing such enterprises for areas outside their boundaries in addition to municipal financing of fire protection units.
within their own boundaries. To alleviate this situation, the General Assembly enacted legislation which authorized the trustees of townships containing one or more municipal corporations, or a part of one, to establish fire districts for any portion of a township lying outside municipal corporations and to provide fire protection for such districts in the manner provided for the entire township under earlier legislation; however, tax levies applied only to the taxable property of each such district.\textsuperscript{91}

\footnotesize
\textsuperscript{91}Ohio Laws, 119 v. 315 (1941).

In due course it was found that fire districts would also be practicable and desirable in townships containing no municipal corporations where circumstances in one part of the township were vastly different from those in another, with consequent variable fire protection measures required. In 1951, therefore, the General Assembly authorized the establishment of fire districts in any township.\textsuperscript{92}

\footnotesize
\textsuperscript{92}Ohio Laws, 124 v. 397 (1951).
At present, then, townships may provide fire protection by any of the following methods:

1. By the township trustees for all of the townships lying outside of municipal corporations, with a volunteer fire company or a township fire department, financed by the township general fund or levies on the property of the entire township, municipalities included.  

2. By joint action with other authorized local subdivisions, with either a volunteer fire company or a joint fire department, financed on a pro-rata basis in the same manner as the first alternative.

3. By contractual agreements with any other local subdivision on the basis of a fixed annual charge or any other authorized basis mutually agreed upon. Costs of such contracts may be met either from available township general funds or by a tax levy on the property of the entire township.
4. By creating a fire district for all or any part of a township lying outside of the boundaries of municipal corporations and providing fire protection in any alternative method permitted by the statutes for the township as a whole; costs, however, are met by levies on the taxable property of the district. 96

96 Ohio Revised Code, sec. 505.37, par. 3, and sec. 505.39.

In 1945, an alternative method to bond issues was authorized by the General Assembly for financing fire protection. Under the provisions of the original act, trustees were allowed to purchase fire-fighting equipment on the installment plan, not to exceed $10,000 to be paid off in four annual installments. 97 This was later increased to $20,000 and present provisions stipulate no limit 99 though the trustees are required to provide for the payment of each installment by a tax

97 Ohio Laws, 121 v. 125 (1945).
98 Ohio Laws, 124 v. 397 (1951).
99 Ohio Laws, 126 v. 106 (1955); Ohio Revised Code, sec. 505.37.
levy before the purchase can be made. This method of financing was later amended to permit its use in the acquisition of buildings and sites for fire protection purposes, as well as for equipment. Obligations of this sort are not construed as township indebtedness under the uniform bond laws of the Revised Code.

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100 Ohio Laws, 129 v. 1137 (1961); Ohio Revised Code, sec. 505.37.

101 Ohio Laws, 126 v. 106 (1955); Ohio Revised Code, sec. 505.37

102 Ohio Revised Code, sec. 505.37.

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Indications are that more than 85% of all Ohio townships provide some measure of fire protection under one of the several alternatives available to them. While in most jurisdictions expenditures for this purpose are generally less than 10% of the total budget, in the larger urban counties for some townships it is the biggest item of expenditure, even exceeding road costs. Township fire protection entails costs in excess of five-million dollars per year over the state as a whole (see Chapters VI and VII).

Waste disposal

Under fairly recent legislation, townships have been granted authority to provide for waste disposal
in one of two ways, by establishing a sanitary dump or creating a waste disposal district.

Since 1941, township trustees have been permitted to "secure, maintain and provide for sanitary dumps," at their discretion, and for that purpose may purchase, rent, or lease or otherwise acquire such land as they deem suitable for dumping purposes. Such sanitary dumps are subject to the regulations of the local health boards. In 1953, the original law was amended, permitting joint

103 Ohio Laws, 119 v. 683 (1941).

action in such undertaking with one or more townships or other political subdivisions. General funds of the township can be used for this purpose if available; otherwise a special levy outside of the 10-mill limitation is necessary. 104

104 Ohio Laws, 125 v. 346 (1953); current provisions, Ohio Revised Code, sec. 505.12.

In 1943, the Ohio General Assembly authorized township trustees to establish a waste disposal district for the disposal of garbage and refuse, with the stipulation
that no less than two-thirds of the lots in the proposed district be no greater in area than one acre. The undertaking may be financed either by a levy on the taxable property of the district or by equitable rates and charges established by the trustees. Action for the creation of a district of this sort may be initiated either by a unanimous vote of the board of township trustees, or by a petition of 65% of the electors residing within the proposed district. In the former instance, however, action by the trustees can be blocked by a "protest petition" of at least 50% of the electors residing in the proposed district. 105


The original act limited the authority of the trustees to provide this service only by contract agreement with a municipal corporation, the county, or a private contractor; an amendment in 1957 permits the trustees, as an alternative, to provide, maintain, and operate such facilities as a township enterprise. 106

106Ohio Laws, 127 v. 664 (1957); current provisions, Ohio Revised Code, sec. 505.33.
Waste disposal, as a township function, is confined almost exclusively to townships in the largest urban counties and in a few isolated instances in rural counties, adjoining urbanized areas. In the seven largest (population) counties, about one out of six townships undertake this function, expending generally up to one-dollar per capita for this purpose though in a few instances the amount is considerably higher. In the other eighty-one counties probably no more than forty townships make any provision for waste disposal (see Chapters VI and VII).

Zoning

Authority for township zoning was first granted by the Ohio General Assembly in 1917 under legislation which established the foundations for zoning outside of municipal corporations generally, by counties as well as townships. Prior action by one in a given area has the effect of excluding such area from

107 Ohio Laws, 122 v. 597 (1947).

the jurisdiction of the other by subsequent action, unless a popular referendum dictates a change from one
to the other.\textsuperscript{108} Provision is also made for the discontinuance of any existing zoning plan, either county or township, by a popular referendum.\textsuperscript{109}

\begin{itemize}
\item[\textsuperscript{108}] Ohio Revised Code, sec. 303.22 and sec. 519.22.
\item[\textsuperscript{109}] Ohio Revised Code, sec. 619.25.
\end{itemize}

The procedure for the establishment of a zoning plan by either jurisdiction follows similar lines, and the powers and limitations are identical.\textsuperscript{110} For townships, zoning may be undertaken on the initiative of

\begin{itemize}
\item[\textsuperscript{110}] Provisions relating to county zoning are found in sec. 303.03, \textit{et seq.}, and those to township zoning in sec. 519.03, \textit{et seq.}, Ohio Revised Code.
\end{itemize}

the trustees for all of the area of the townships lying outside of municipal corporations, or in any portion thereof; in the alternative, 8\% of the electors in the area proposed for zoning may petition the board of township trustees to initiate such action.\textsuperscript{111} In either event, the trustees appoint a five-member township zoning

\begin{itemize}
\item[\textsuperscript{111}] Ohio Revised Code, sec. 619.03.
\end{itemize}
commission to prepare a zoning plan for the area involved. Within limits of the moneys appropriated by the township trustees, the zoning commission may hire professional assistance and avail itself of the resources and help of a county or regional planning commission, if there be such a body.

After preparing the plan, the zoning commission is required to hold at least one public hearing thereon, and subsequently submit the plan to the county or regional planning commission, if there be one, for its approval, under the statute, such approval is presumed unless within twenty days the township zoning commission is notified to the contrary. In the event of a disapproval or "material changes," further hearings are required to be held by the township zoning commission, whereupon the latter body, makes its recommendations to the board of township trustees. The trustees must then hold a public hearing of their own on the proposed zoning resolution. No change in the resolution, as certified by the zoning
commission, is permitted without first submitting such change or changes for its approval, disapproval, or suggestions. Moreover, under an amendment adopted by the General Assembly in 1957, upon receiving the recommendations of the zoning commission with respect to the proposed change or changes, the trustees are required to hold a second public hearing. Ultimately, the board of township trustees is empowered to over-rule the zoning commission but only by a unanimous vote. After the trustees adopt a zoning resolution, the question of putting it into effect is submitted to the electors of the area concerned. A majority of those voting on the question decides the issue.

If the decision is favorable, the zoning resolution takes effect and the board of township trustees appoints a five-member township board of zoning appeals to hear and decide appeals. The board is also authorized, in
specific cases, to approve such variance from the terms of the zoning resolution "as will not be contrary to the public interest, when owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice is done." 118

118 Ohio Revised Code, sec. 519.13 and 519.14.

For enforcement of the zoning resolution, the board of township trustees may provide for a system of zoning certificates and for this purpose may appoint a township zoning inspector, together with such assistants as the trustees deem necessary. The township clerk may serve in this capacity, as well as secretary of both the zoning commission and the board of zoning appeals, with compensation in addition to the other compensations allowed by law. 119

119 Ohio Revised Code, sec. 519.16.

Any change, or supplement, to the zoning resolution can be adopted in the same manner as that provided for the original resolution, except that a vote of the electors
is not required unless a petition, signed by 8% of the electors, requests that a referendum be held.  

\[120\text{Ohio Revised Code, sec. 519.12.}\]

The purposes of township zoning, as stated in the original law\[121\] were as follows:

(1) Promoting public health, safety, morals comfort or general welfare; (2) conserving and protecting property and property values; (3) securing the most appropriate use of land, and (4) facilitating adequate but economical provision of public improvements.

\[121\text{Ohio Laws, 122 v. 597 (1947).}\]

These objectives were all required to be "in accordance with a comprehensive plan," presumably of the township zoning commission. However, in view of the fact that approval of a county or regional planning commission was also required, if there be such a body, compliance with this broader comprehensive plan was doubtless intended, though obviously only to the extent that the broader plan prevailed against the township zoning commission and/or the board of township trustees, should a divergence materialize.
When this section of the General Code was rewritten for the Ohio Revised Code in 1953, the statement of purpose and the reference to a comprehensive plan were omitted. Then, in 1957, the General Assembly added the following provision which currently stands: "For the purpose of promoting the public health, safety and morals, the board of township trustees may in accordance with a comprehensive plan ..." \(^{122}\)

\(^{122}\)Ohio General Code (Page, 1953), sec. 3180-26, which became Ohio Revised Code, sec. 519.02; amendment adopted Ohio Laws, 127 v. 363 (1953).

The zoning powers entrusted to the township trustees include the regulation of (1) the location, height, bulk, number of stories, and size of buildings and other structures; (2) percentages of lot areas which may be occupied; (3) set-back of building lines, and sizes of yards, courts and other spaces; (4) density of population; (5) uses of buildings and other structures; (6) uses of land for trade, industry, residence, recreation or other purposes in the unincorporated territory of the township.

For zoning purposes the trustees are empowered to divide all or any part of the unincorporated territory of
a township into districts or zones, of such number, shape
or area as they deem appropriate. All regulations "shall
be uniform for each class or kind of building or other
structure or use throughout any district or zone, but
the regulations in one district or zone may differ from
those in other districts or zones.  

123Ohio Revised Code, sec. 519.02.

The General Assembly imposed certain limitations
on township zoning powers, which include all of the
following:

1. The township zoning resolution is not applicable
within any municipal corporation except during the period
of transition when a zoned area becomes involved in either
incorporation or annexation proceedings. In that event,
the township zoning regulations continue to prevail and are
to be enforced by township officials until, in the case of
incorporation, the municipal officials are elected and qual-
ified, and ninety days thereafter; in the case of annexation,
until the legislative authority of the annexing municipality
either officially adopts the existing zoning regulations
or enacts new regulations for that area.  

124Ohio Revised Code, sec. 519.18.
2. Non-conforming use at the time the zoning resolution is adopted may continue unless voluntarily abandoned for two years or more.\textsuperscript{125}

\textsuperscript{125}Ohio Revised Code, sec. 519.19.

3. Outdoor advertising "shall be classified as a business use" and shall be permitted in all districts zoned for industry, business, trade, or land used for agricultural purposes.\textsuperscript{126}

\textsuperscript{126}Ohio Revised Code, sec. 619.20.

4. No prohibitions are permitted on the use of any land for agricultural purposes, which latter includes agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.\textsuperscript{127}

\textsuperscript{127}Ohio Revised Code, sec. 519.01 and 519.21.

5. The trustees have no power in respect to any public utility or railroad, whether publicly or privately owned.\textsuperscript{128}

\textsuperscript{128}Ohio Revised Code, sec. 519.21.
6. In any area zoned for trade or industry, the trustees may not prohibit any mercantile or retail establishment, drug store, hotel, lunch room, restaurant or place of entertainment.\textsuperscript{129}

\textsuperscript{129} Ibid.

Numerous amendments adopted by the General Assembly in 1956, were concerned, in the main, with changes or supplements to an existing township zoning resolution. Procedural steps were generally tightened up by stipulating a specific number of days for each stage of the process, and affected property owners or lesseholders as well as member of the zoning commission. They were permitted to initiate changes or supplements (as well as the trustees under the original law). Provision was also made for written notices to be mailed to affected property owners prior to hearings on amendments or supplements by both the zoning commission and the board of township trustees.\textsuperscript{130}

\textsuperscript{130} Ohio \textit{Laws}, 127 v. 363 (1956); \textit{Ohio Revised Code}, sec. 519.12.

The issuance of "conditional zoning certificates" by the board of zoning appeals was also authorized in 1956, if such
certificates for specific users are provided for in the township zoning resolution. Another amendment permits the addition of territory to the area established in the original zoning resolution; still another permits members of a county or a regional planning commission to be members of a township zoning commission, and allows expenses or compensation, or both, as the trustees may approve and provide, to both township zoning commissions and board of zoning appeals.

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132 Ohio Laws, 127 v. 363 (1956); Ohio Revised Code, sec. 519.05.
133 Ohio Laws, 127 v. 363 (1956); Ohio Revised Code, sec. 519.04.

Under a later amendment adopted by the General Assembly, if a change or a supplement to an existing zoning resolution contemplates the rezoning or redistricting of ten or more parcels of land, written notice, by first-class mail is required at least twenty-five days before the date of the public hearing by the township zoning commission to all owners of property within and
contiguous to and directly across the street from such area proposed to be re-zoned. Such notice must give the time and place of the public hearing and the nature of the proposed amendment or supplement. 135

135 Ohio Laws, 126 v. 128 (1959); Ohio Revised Code, sec. 519.12.

Indications are that the great bulk of Ohio townships do not avail themselves of the permissive authority with respect to township zoning. Perhaps no more than 150 of the 1328 townships undertake this function, more than half of that number are found in the twenty largest counties (see Chapters VI and VII). Though absence of township zoning may be an indication that the county has assumed responsibility in this regard, this would more likely be the case in the larger urban counties. It would appear, therefore, that zoning in most unincorporated areas of the state is a negligible factor.

Parking regulations

In 1949, the General Assembly permitted townships to "make such regulations and orders as are necessary" to control parking in the township outside of municipal corporations. These regulations are subject to the limitations established under state laws relating to the
operation of motor vehicles, and may not be established on state highways without the approval of the state highway director.

Township parking regulations must be posted in five conspicuous public places in the township for thirty days before taking effect, and must be published in a newspaper of general circulation in the township for three consecutive weeks.

Any county court has jurisdiction in township parking violations, and may impose "reasonable fines" not exceeding ten-dollars in any one case. All fines are deposited in the township treasury within forty-eight hours.\footnote{Ohio Revised Code, sec. 505.17; Ohio Laws, 123 v. 255 (1949).}

Street markers and house numbers

Since 1945, township trustees have the authority to "erect markers and assign numbers for houses on streets or roads in unincorporated areas" at township expense.\footnote{Ohio Revised Code, sec. 505.30; Ohio Laws, 121 v. 172 (1945).}
Ditches and drains

For many years, prior to 1919, township trustees possessed powers and responsibilities with respect to ditching and drainage which closely paralleled those conferred on county commissioners. Legislation enacted that year, however, entrusted this function exclusively to the county commissioners, though in 1923 limited jurisdiction was restored to the townships. Under existing law, township trustees may entertain petitions for the improvement of a ditch or a drain only under the following circumstances:

if the ditch or drain is located wholly within a given township; does not pass into, or through, a municipal corporation; has an outlet within the township on a

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138 Original enactment for counties, Ohio Laws, 45 v. 50 (1847); see also, Ohio Laws, 56 v. 58 (1859); Ohio Revised Statutes (188), sec. 4511-4509; Ohio Revised Statutes (Smith and Benedict, 1892), sec. 4511-4510-10; Ohio Statutes (Bates, 1906), sec. 4510-68; Ohio General Code (1910), sec. 6642-6595. Current provisions, Ohio Revised Code, sec. 6131.01 - 6131.64; 6133.16; 6135.01 - 6135.27; 6137.01 - 6137.09. Original enactment for townships, Ohio Laws, 51 v. 35 (1853) and 52 v. 92 (1854); see also Ohio Revised Statutes (1880), sec. 4511-4560; Ohio Revised Statutes (Smith and Benedict, 1892), sec. 4511-4560; Ohio Statutes (Bates, 1906), sec. 4511-4560; Ohio General Code (1910), sec. 6603 - 6657.


140 Ohio Laws, 110 v. 161 (1923).
public watercourse; does not benefit or damage land outside of the township, and has not previously been located as a county ditch. In that event, the trustees may proceed under statutory provisions which govern action of county commissioners with respect to all other ditches and drains. While the county commissioners may locate an improvement on the route or course of a township ditch, the trustee "Shall have no right to locate a township ditch in the route or course of a county ditch."

Ohio Revised Code, sec. 6139.01 - 6139.05.

Township trustees also have responsibilities in settling controversies which may arise between owners of adjoining lands when the "natural and only practical outlet" for drainage of the land of one requires the construction of a drain across the land of the other.

Ohio Revised Code, sec. 6139.06.

Summary

It is abundantly clear that the civil township in Ohio, while it has lost a number of its historic functions to other local governmental units, has steadily gained
a considerable accretion of new authority, much of it decidedly urban and municipal in character. Though it falls short of the entire range of powers which municipalities enjoy, particularly those operating under home rule charters, the differences between townships and municipalities are narrowing. Perhaps the most conspicuous remaining difference is that concerned with the ownership and operation of public utilities and the amplitude of licensing and regulatory powers which municipal corporations possess.

All of this, of course, merely reflects the fundamental difference which distinguishes municipal corporations from townships in Ohio. Under the municipal home rule provisions of the state constitution municipalities have an extensive residual authority to exercise "all powers of self-government" not otherwise prohibited by the constitution. Townships, on the other hand, have only such powers as are expressly authorized by the General Assembly.

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143 Constitution of Ohio, Art. XVIII, sec. 3.
CHAPTER V

REVENUES OF OHIO TOWNSHIPS

In the aggregate, Ohio's 1328 (1960) townships operate on an annual budget of less than $50,000,000. In this respect, though they are the most numerous of the local government units in the state, they rank well below all others (see Table 3).

Like other local units, townships derive their revenues in part from local sources, predominantly the property tax, and in part from state sources: i.e., allocations from various imposts levied by the state and shared wholly, or in part, by local jurisdictions according to statutory provisions, or grants distributed according to statutory formulae. In 1960, total township receipts in the aggregate divided between state and local sources were as shown in Table 4.

Township expenditures, though dominated by road costs, range over a fairly broad spectrum, reflecting recent accretion of authority with respect to newer township functions as well as the historical undertakings which are still within their jurisdiction. In 1960,
<table>
<thead>
<tr>
<th>Local Unit</th>
<th>Number</th>
<th>Total Revenues</th>
<th>Total Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Districts</td>
<td>871</td>
<td>$834,216,752</td>
<td>$924,899,547</td>
</tr>
<tr>
<td>Cities</td>
<td>150</td>
<td>608,703,515</td>
<td>643,972,715</td>
</tr>
<tr>
<td>Counties</td>
<td>88</td>
<td>338,038,677</td>
<td>379,550,300</td>
</tr>
<tr>
<td>Villages</td>
<td>77½</td>
<td>100,214,682</td>
<td>98,428,738</td>
</tr>
<tr>
<td>Townships</td>
<td>1328</td>
<td>441,183,863</td>
<td>441,152,443</td>
</tr>
</tbody>
</table>

SOURCE: Records of the Ohio Auditor of State.
TABLE 4

REVENUES OF OHIO TOWNSHIPS, BY MAJOR LOCAL AND STATE SOURCES, 1960

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
<th>Per Cent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Local Sources:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Tax</td>
<td>$21,116,664</td>
<td>47.79%</td>
</tr>
<tr>
<td>Cemeteries</td>
<td>784,329</td>
<td>1.78</td>
</tr>
<tr>
<td>Other local sources</td>
<td>2,702,074</td>
<td>6.12</td>
</tr>
<tr>
<td><strong>Total Local Sources</strong></td>
<td><strong>$24,603,067</strong></td>
<td><strong>55.69%</strong></td>
</tr>
<tr>
<td><strong>State Sources:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor fuel tax</td>
<td>$10,582,569</td>
<td>23.95%</td>
</tr>
<tr>
<td>Motor vehicle licenses</td>
<td>3,148,075</td>
<td>7.12</td>
</tr>
<tr>
<td>Local government fund</td>
<td>2,573,750</td>
<td>5.83</td>
</tr>
<tr>
<td>Beer &amp; Liquor permits</td>
<td>1,472,539</td>
<td>3.33</td>
</tr>
<tr>
<td>Inheritance tax</td>
<td>1,561,084</td>
<td>3.53</td>
</tr>
<tr>
<td>Cigarette dealers licenses</td>
<td>241,979</td>
<td>.55</td>
</tr>
<tr>
<td><strong>Total State Sources</strong></td>
<td><strong>$19,580,796</strong></td>
<td><strong>44.31%</strong></td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>$44,183,863</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

SOURCE: Records of the Ohio Auditor of State.
tow nship expenditures in the aggregate divided among the various purposes as shown in Table 5.

The aggregate totals do not disclose the differences in the revenue and expenditure patterns which may be presumed to exist among the several townships, given the extremely large number of units involved and the diversity of circumstances under which the several townships subsist. Under Ohio laws, a fairly wide range of optional functions is available to the several townships, most of them in several alternative forms, as best may serve the individual township. In effect, then, the scope of the undertakings tends to reflect the circumstances of individual townships. At an early historical period, the circumstances of all townships were essentially similar and essentially rural in character. Today, with marked shifts in population patterns as between rural and urban, particularly in suburban areas since World War II, it is obvious even to the casual observer that some unincorporated areas in Ohio are decidedly not rural in character.

One of the principal objectives of the current study is to establish differences as between townships in urban as against those in rural circumstances as these are reflected in their fiscal patterns. To this end, a two-fold tabulation of township revenue and expenditure data was
TABLE 5

EXPENDITURES OF OHIO TOWNSHIPS, BY MAJOR PURPOSE, 1960

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Amount</th>
<th>Per Cent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Government</td>
<td>$7,211,993</td>
<td>16.33%</td>
</tr>
<tr>
<td>Roads</td>
<td>25,318,099</td>
<td>57.34%</td>
</tr>
<tr>
<td>Fire Protection</td>
<td>5,061,101</td>
<td>11.46%</td>
</tr>
<tr>
<td>Police Protection</td>
<td>507,979</td>
<td>1.15%</td>
</tr>
<tr>
<td>Cemeteries</td>
<td>2,018,561</td>
<td>4.57%</td>
</tr>
<tr>
<td>Lighting</td>
<td>375,449</td>
<td>.85%</td>
</tr>
<tr>
<td>Public Health</td>
<td>1,673,581</td>
<td>3.79%</td>
</tr>
<tr>
<td>Waste Disposal</td>
<td>144,198</td>
<td>.33%</td>
</tr>
<tr>
<td>Zoning</td>
<td>197,034</td>
<td>.45%</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>1,644,448</td>
<td>3.73%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>$14,152,443</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

SOURCE: Records of the Ohio Auditor of State.
undertaken, based on the annual financial reports filed by the several townships with the Ohio Auditor of State for 1960. Initially, the eighty-eight counties of the state were arrayed according to the ratio of urban to rural population and then grouped into five classes, bracketed at 20% intervals (see Chapter III, above).

For townships in Class I counties, the reports of all eighty-seven townships were tabulated; for these in the other four classes, a representative sample comprising at least 15% of the total number of townships included in each class was used in formulating projections for each of the other four classes of counties. The sample was prepared with a view to geographical location of the counties and a fair representation of counties with a different urban-rural ratio as well as the widest possible range of townships by size of population.

In this chapter, detailed consideration is first given to each of the major sources of township revenues, including an analysis of statistical data tabulated by class of county, followed, in the next chapter by a similar treatment of each of the major categories of township expenditures. The succeeding chapter considers
the fiscal characteristics of townships in urban as against those in rural circumstances.\(^1\)

\(^1\)The analyses of township fiscal characteristics in Chapters V, VI, and VII are based on projections of statistical data tabulated for 300 sample townships selected for inclusion in each of the five classes of counties. Data as to revenues and expenditures were derived from the annual financial reports filed by Ohio townships (for 1960) with the Ohio Auditor of State; data as to assessed valuations, from the records of the Division of County Affairs, Ohio Department of Taxation.

Township revenues

In addition to the property tax, which is the dominant local source of revenue for Ohio townships, and receipts from cemetery lot sales, there are several other minor local sources, their number and amounts varying in large measure with the extent to which a given township undertakes optional activities. State sources include allocations from the motor fuel tax; motor vehicle license fees; the local government fund; the inheritance tax, beer and liquor permits; and cigarette dealer licenses.

**Property tax.** Under the constitution of Ohio ad valorem taxes on property cannot exceed an aggregate of ten-mills for all taxing jurisdictions, unless additional millage is authorized by a vote of the electorate of a
given jurisdiction in accordance with statutory provisions. The existing constitutional ten-mill limitation was adopted in 1933 to replace a previous fifteen-mill limitation. In the transition to the lower rate, the General Assembly

\hspace{1cm}^2\textit{Constitution of Ohio, Art. XII, sec. 2.}

\hspace{1cm}^3\textit{Constitution of Ohio, Art. XII, sec. 2, as adopted November 3, 1929 (and subsequently replaced by the existing sec. 3, adopted November, 1933).}

ordained that each taxing jurisdiction be allocated millage within the ten-mill limitation equal to \( \frac{2}{3} \) of its average millage the preceding five-years under the fifteen-mill limitation. At the same time, the county budget commissions (comprised of the county auditor, treasurer, and prosecuting attorney) were authorized to review the allocation annually and make certain adjustments under special circumstances stipulated in the law. For all practical purposes, however, the allocation made at the time of the transition has remained fairly fixed. As a result, the millage for Ohio's townships (as well as other local units) requiring no vote of the electorate has remained
at a level established about thirty years ago. Any growth in revenue from the property tax, therefore, has come from the growth in the tax base, i.e., the assessed valuations of taxable property, or if this growth was insufficient, levies voted outside of the ten-mill limitation, with the approval of the electorate. For townships, such levies are authorized to cover current operating costs of essential governmental functions (as this term is defined in the statutes), or for a number of specifically stipulated purposes. The tax rate for a given township then, is comprised of its allotted millage within the ten-mill constitutional limitation and any voted levies approved by the electors outside of the ten-mill limitation. In 1960, the township rates ranged from less than one-mill for about 35% of the townships to more than three mills (but not exceeding four mills) for about 3% of the townships. The remainder were about evenly divided between
townships with rates of one to two mills and those with rates of two to three mills.⁷

⁷Records of the Division of County Affairs, Ohio Department of Taxation.

Under Ohio Laws the property tax base is comprised of two tax lists, commonly referred to as tax duplicates. One, the more important of the two, is the real estate and public utility property duplicate, and the other is the tangible personal property duplicate. The first represents the aggregate assessed value of all realty (agricultural, commercial, industrial, and residential) and all public utility property (both real as well as tangible personalty). The other represents the aggregate assessed value of all tangible personalty, under which Ohio law is limited to personalty used in business (all other being exempt), assessed either at 70% or 50% of its depreciated book value (depending on its classifications as prescribed by statute), except for one relatively unimportant class of personalty which is assessed at 100% of depreciated book value. Taxes levied on realty and public utility property in a given year are collected during the succeeding year; those on tangible personalty are levied and collected during the same year. In this
context, then, the tax base for a given taxing jurisdiction for a given year represents the real estate and public utility valuations of the previous year and the tangible personalty valuations of the current year, with the rate developed during the preceding year applicable to both duplicates.\(^8\)

\(^8\)Ohio Revised Code, 5711, 5713, 5715, 5717 and 5719.

In considering the tax duplicates of townships it is important to note the peculiar relationships of townships to municipal corporations in this regard. Generally speaking, the tax duplicate of a given township comprises the aggregate assessed value of all taxable property located within its territorial boundaries, including property within municipal corporations lying wholly, or in part, in the township. There are, however, notable exceptions to this general rule. Ohio laws permit a municipal corporation to be detached from the township or allow townships in which all or any part of a municipal corporation is located to be set off as a separate township;\(^9\) or to cease being a part, legally, of any township.\(^10\) The practical effect

\(^9\)Ohio Revised Code, sec. 503.07.

\(^10\)Ohio Revised Code, sec. 503.09.
of any such action is to remove valuations found within any such corporation from the township duplicate, and to exclude all township levies from all such property. In townships where there are municipalities which have not been detached from the township, the township duplicate includes property found within municipal corporations, and township levies apply thereto, unless statutory provisions expressly exclude such property from specific township levies. A notable example is the township levy for the maintenance and repair of township roads which under statutory provisions applies only to property found outside of municipal corporations. 11 Under certain circumstances, township levies for such purposes as fire protection, refuse disposal, lighting and others also apply only to property outside of municipal corporations. 12 Such exceptions have been written into the law on the

11 Ohio Revised Code, sec. 5575.10.
12 See discussion in Chapter IV.

premise that certain functions carried out by townships benefit residents outside of municipal corporations and that similar responsibilities are assumed by the municipal corporations for residents within their own corporation
boundaries, hence equity demanded that residents of municipal corporations be excluded from contributing tax support for such township functions. Past legislative history indicates that the number of such exceptions is growing. Conceivably more may be written into the law in the future.

In this context, then, it is important to examine township tax duplicates which include property in municipal corporations (except those which are not part of a given township) as well as tax duplicates which exclude property found in municipal corporations.

It is estimated that perhaps 40% of Ohio's townships are comprised wholly of unincorporated territory, either because municipal corporations have been detached from the township or because no portion of the township has ever been incorporated. Such townships are found in proportionately greater numbers either in large urban counties, since it is the larger cities which more often take action to separate themselves from townships, or in predominantly rural counties which contain relatively fewer corporations. With the exception of counties in Class II (between 60% and 80% urban) the proportion of wholly unincorporated townships ranges between 40% and 45%; in Class II there are more municipal corporations
which are integral parts of the townships in which they are located, hence the proportion of wholly unincorporated townships is considerably less, about 25%. About half of the remaining townships in each class of counties have up one-third of their tax duplicates in municipal corporations, and the bulk of the other half up to 60%; about 100 townships show upward of 60% of their total duplicate within municipal corporations, though none of these is found in predominantly rural (Class V) counties. 

Data relating to the magnitude of township duplicates inclusive of property found in municipal corporations indicate that assessed valuations range from less than one-half million dollars, for about 5% of the townships, at one extreme, to more than $100,000,000 for about 2% of the townships at the other extreme.

When property found in municipalities is excluded, the over-all range in valuations remains the same though in each of the five classes of counties a bigger proportion of the townships fall in lower brackets, with a corresponding decline in the percentage of townships in the higher brackets. For the state as a whole, less than twenty townships show tax duplicates in excess of $50,000,000, and only one in excess of $100,000,000, as compared with twice that number when municipal property is included, about half with duplicates in excess of $100,000,000. Table 6 summarizes the major differences.
**TABLE 6**

**DISTRIBUTION OF TOWNSHIPS, BY SIZE OF TAX DUPLICATE AND BY CLASS OF COUNTY, COMPARING TAX DUPLICATES INCLUDING PROPERTY IN MUNICIPAL CORPORATIONS WITH TAX DUPLICATES EXCLUDING PROPERTY IN MUNICIPAL CORPORATIONS, 1960**

<table>
<thead>
<tr>
<th>Class of County</th>
<th>Less than $5 Million</th>
<th>$5 to $10 Million</th>
<th>$10 to $50 Million</th>
<th>More than $50 Million</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>With Mun. Prop.</td>
<td>16.10%</td>
<td>21.84%</td>
<td>48.27%</td>
<td>13.79%</td>
</tr>
<tr>
<td>W/O Mun. Prop.</td>
<td>17.69</td>
<td>30.92</td>
<td>36.79</td>
<td>12.50</td>
</tr>
<tr>
<td>Class II</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>With Mun. Prop.</td>
<td>28.58%</td>
<td>26.19%</td>
<td>30.95%</td>
<td>14.28%</td>
</tr>
<tr>
<td>W/O Mun. Prop.</td>
<td>38.10</td>
<td>30.95</td>
<td>26.19</td>
<td>5.76</td>
</tr>
<tr>
<td>Class III</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>With Mun. Prop.</td>
<td>56.12%</td>
<td>23.08%</td>
<td>20.50%</td>
<td></td>
</tr>
<tr>
<td>W/O Mun. Prop.</td>
<td>61.54</td>
<td>33.34</td>
<td>5.13</td>
<td></td>
</tr>
<tr>
<td>Class IV</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>With Mun. Prop.</td>
<td>80.36%</td>
<td>10.71%</td>
<td>8.93%</td>
<td></td>
</tr>
<tr>
<td>W/O Mun. Prop.</td>
<td>87.41</td>
<td>7.05</td>
<td>5.36</td>
<td></td>
</tr>
<tr>
<td>Class V</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>With Mun. Prop.</td>
<td>68.43%</td>
<td>21.05%</td>
<td>10.52%</td>
<td></td>
</tr>
<tr>
<td>W/O mun. Prop.</td>
<td>78.96</td>
<td>13.15</td>
<td>8.29</td>
<td></td>
</tr>
</tbody>
</table>

**SOURCE:** Division of County Affairs, Ohio Department of Taxation.
Because of the diverse factors which affect the tax
duplicates and the tax rates as these relate to townships,
the revenues deriving from the property tax show no clear-
cut difference as between townships in urban counties and
those in rural counties. In general, the preponderant
majority of Ohio's townships (about 80%) derive less than
$20,000 a year from the property tax and rely on it for
considerably less than half of their total budgets. This
is true regardless of the degree of urbanization of the
county as a whole, though there are proportionately fewer
such townships in counties upwards of 60% urban than in
other counties.

Of the remaining smaller minority of townships,
about half show receipts ranging from $20,000 to $50,000
a year, with the property tax providing between 50% and
60% of their total revenues; townships in this group,
too, are found in all five classes of counties with no
appreciable difference proportionately as among the
five classes of counties. The other half involves about
seventy-five townships which are found, in the main, in
the twenty most urbanized counties (upwards of 60% urban)
though about one-fourth of them are also found in pre-
dominantly rural counties adjacent to metropolitan centers
or in the periphery of medium-sized cities in otherwise
rural counties. For these, the property tax produces in excess of $70,000 a year, yielding $100,000 or more for about half of them. In these circumstances, the property tax assumes the primacy it holds for most municipalities of Ohio, providing upwards of 60% of their annual budgets for some as much as three-fourths of it.

**Cemetery receipts.** A fairly common local source of income for virtually all townships is receipts from the sale of township cemetery lots. Amounts for any one township are highly changeable from year to year, with a high percentage of townships showing no receipts at all from this source in any given year. In 1960, for instance, this was true of almost 60% of the townships. In all but Class I counties, the preponderant majority of those showing cemetery receipts reported less than $500; in the highly urbanized counties, a greater proportion show receipts upwards of that amount. In all counties few derived as much as $5,000.

While for about half of the townships showing receipts from this source they represented less than 1% of their total revenues, for the other half in all five classes of counties income from cemetery lot sales represented up to 20% of total receipts.

**Other local sources.** Minor local sources of revenue generally credited to the township general fund are limited in number and, in most instances, in the amounts derived
therefrom. Most commonly reported are rents from township property, usually the township hall, and interest on deposits of township funds. Townships in the larger, urban counties also show receipts from zoning permits, constables' fees, and fines from parking violations. A number of townships which own fire-fighting equipment and maintain well established fire-fighting companies also derive income from fire protection contracts negotiated with contiguous sub-divisions. A few report grants, donations, and loans and sales of notes as occasional local sources, and inevitably "miscellaneous collections."

Receipts from these minor local sources are highly variable. Though state-wide about two-thirds of the townships report either nothing or less than $1,000, in Class I counties less than one-third fall in this category and in Class II counties less than half. The remainder show annual yields ranging from $1,000 to more than $25,000, though townships with receipts in excess of $10,000 are found only in the more urban counties. As to the relative importance of these minor local sources, in all five classes of counties the range extends from less than 1% to about 20%. The distribution between these extremes tends toward a greater concentration at the upper end of the scale for the two urban classes of counties than in the other three classes.
Motor fuel tax. Ohio at present levies a tax on motor fuels at the rate of seven cents per gallon, which is, in fact, four separate levies; three of two cents each and one one-cent levy. One of the two-cent levies is apportioned, in part, to townships in equal shares. (See full discussion Chapter VIII).

With total revenues for the several townships being quite unequal, the equal allocation ($800 per township in 1960) of state funds from the motor fuel tax results in a side variation as to its relative importance for individual townships. Since a bigger proportion of townships in the more urban counties show larger amounts of total revenues, it follows that the motor vehicle fuel tax is proportionately less important to more townships in these counties than in others. Indeed, for about three-fourths of the townships, in the seven most urbanized counties, motor fuel tax allocations represent less than 25% of their total receipts; about 60% of the townships in Class II counties fall in this category. In the other counties, on the other hand, for more than two-thirds of them, motor fuel tax allocations account for upwards of 25% of their total receipts, including some townships showing as much as two-thirds of their total revenues deriving from this source. For the state as a whole, motor
fuel tax allocations account for less than 25% of the total receipts for about one-third of the townships; between 25% and 45% for another third, and upwards of 45% for the remainder, though only in a very few townships (about thirty-six), does it account for more than two-thirds of total receipts.

Motor vehicle registration fees. Townships also receive 5% of the receipts from motor vehicle registration fees, allocated to each in proportion to mileage of township roads (see Chapter VIII). There is no appreciable difference among the five classes of counties as to amounts received by the several townships from this source. In each class a range extending from $1000 to $4000 encompasses the bulk of the townships in all five classes of counties. The minority are found mainly in the highly urbanized counties and range upward to $10,000. Since total revenues are generally of a higher order for a greater proportion of townships in Class I counties than in the other four, receipts from these sources are relatively less important to townships in these highly urbanized counties than in others, rarely exceeding 5% of the total for most of them; in the other four classes of counties, on the other hand, for the preponderant majority of townships allocations from motor vehicle registration fees represent upwards of
5% of total receipts, including quite a number in the more rural counties which rely on this source for about one-fourth of their total budget.

Local government fund. Ohio's local government fund was established as part of the law which enacted the state sales tax in 1934, earmarking by this means a portion of the sales tax receipts for the use of designated local sub-divisions for essential government purposes.\(^\text{13}\) Originally, a specified percentage of sales tax receipts, after authorized appropriations for designated purposes by

\[\text{13Ohio Laws, 115 v. Pt. II 306 (1934).}\]

the General Assembly was earmarked for the local government fund. Since 1939, however, a specific amount has been appropriated.\(^\text{14}\) The appropriation has varied over the years, but since 1957 it has remained fixed at the sum of $24,000,000 per year.\(^\text{15}\) The amount so dedicated is apportioned among the eighty-eight counties on the basis

\[\text{14Ohio Laws, 118 v. 3 (1939).}\]

\[\text{15Ohio Laws, 127 v. 757 (1957), effective July 1, 1957.}\]

of a two-factor formula (population and tax duplicates of municipalities), with a statutory minimum of $40,000 for
every county. Within each county, the allocation is
distributed among the county, the municipalities and
the townships on the basis of need as determined by
the county budget commission on the basis of need. In
counties of less than 100,000 population (all but the
seven largest counties), a minimum of 10% of the total
allocated to a given county, must be distributed to the
townships thereof. 16

16 Ohio Revised Code, sec. 5739.23.

In 1947 the local government fund was augmented
by legislation which earmarked receipts from the tax on
certain classes of intangible personal property (that
on financial institutions and dealers in intangibles)
collected by the state under the classified personal
property tax laws. Such receipts are returned to the
county of origin and therein, like the sales tax portion
of the local government fund, distributed by the county
budget commission on the basis of need among the county,
the municipalities and the township. Unlike the sales
tax portion, however, there is no statutory requirement
that any minimum portion of the intangible tax be allo-
cated to townships. 17

17 Ohio Laws, 122 v. 375 (1947); Ohio Revised Code.
sec. 5725.24.
The statutory formulae which govern allocations from the local government fund among the several counties naturally tend to divert larger amounts to the more populous counties, hence in such counties larger amounts are available for apportionment among the subdivisions there-of. Moreover, townships in the larger, more urbanized counties undertake more of the optional township functions on a broader scale than those in rural circumstances. For both reasons, larger amounts tend to be allotted to townships in the urban counties than in the rural counties. While in the Class IV and Class V counties township allocations rarely exceed $3000 per year, the upper limit tends to increase with the degree of urbanization of the counties involved: up to $10,000 for townships in Class III, up to $15,000 for townships in Class II counties, and up to about $25,000 for townships in Class I counties. Similarly, the relative importance of this source shows a like pattern of differences; in Class IV and Class V counties, local government fund allocations rarely exceed 7% or 8% of total receipts, while in other more urban counties they represent up to 25% of total revenues, exceeding 30% for a few townships in Class I counties.

Liquor and beer permits. Under Ohio laws all businesses engaged in the manufacture or distribution of
beer, malt beverages, wines, liquor and alcohol are required to obtain permits and to pay annual fees therefor which range from $5.00 to $1,000, depending on the class of producer or vendor. They are payable to the Department of Liquor Control and are deposited in the state treasury to the credit of the undivided liquor fund. The auditor of state distributes moneys in this fund to the municipalities or townships of origin. In the case of townships this money is earmarked for fire protection to the extent that such funds derive from liquor permits within the territory comprising a fire district. 18

18 Ohio Revised Code, c. 4303, and sec. 4301.30.

More than half of Ohio's townships receive no moneys from beer and liquor permits, with the proportion being somewhat higher in rural counties and lower in urban counties. In Class I counties about 16% of the townships show no receipts from this source as compared with 47% to 63% in the other four classes. Moreover, while receipts from this source rarely exceed $500 for townships in Class IV and Class V counties receipts range upward of $5000, to as much as $20,000. Again, with the differentials in total revenues as between
townships in urban as against rural counties, receipts from this source range in importance from less than 1% to about 10% for the preponderance of townships in all five classes of counties, extending beyond this range in only a few instances.

Inheritance and estate taxes. Taxable successions of property, under Ohio laws, encompass those from persons resident in the state at the time of death and those to realty within the state from persons who are not residents at the time of death. Exemptions and rate schedules are graduated according to the degree of relationship of successor to decedent. The administration of the tax is vested in the probate courts of Ohio and the Ohio department of taxation, with collections by county treasurers.19 The Ohio constitution requires that at least 50% of the proceeds from the tax on inheritance be allocated to any or all local subdivisions designated in the constitution, as the General Assembly ordains.20 From the inception of this constitutional

19 Ohio Revised Code, c. 5731.

20 Constitution of Ohio, Art. XII, sec. 9.
provision in 1912, 50% of the revenue has been returned to the municipality or township of origin and the remaining 50% is credited to the state general revenue fund after deduction of administrative costs. Township revenue from this source is credited to the township general fund or it may be transferred by action of the board of township trustees to the district board of education in the township.

This is a highly variable source of revenue from year to year since it is governed by the number of deaths occurring in a given jurisdiction and the size of estates passing in succession. Generally, it would appear that more townships in Class I counties receive large amounts from this source than townships in other counties. While the range for the former extends from less than $1,000 to as much as $25,000, in other counties
the upper limit rarely exceeds $5000. Moreover, a smaller proportion of townships in the more urban counties report no revenues from this source than is true in other counties; less than 5% in the seven most urbanized counties as compared with 10% to 40% in others. As a percent of total revenues, however, differences are less pronounced among the five classes of counties ranging up to 10% for most of the townships in all five classes of counties, with townships showing more than 10% attributable to this source not confined to any one class.

Cigarette dealers’ licenses. Cigarette dealers in Ohio are subject to an annual license fee under state law amounting to $100 for wholesale dealers, and $25 for retailers for each place of business. These licenses are issued by county auditors and the fees are collected by county treasurers, for which each is allowed 1/2 of 1% of the proceeds to cover costs of administration; 25% of the rest is allocated to the county in which collected and 75% to the municipality or township of origin for the general fund of jurisdiction concerned. 23

23 Ohio Revised Code, sec. 5743.15.
About 15% of the townships report no receipts from this source, with the more rural counties showing a higher proportion (13% to 19%) than the more urban counties (5% to 10%). For the preponderant majority showing income from cigarette licenses, amounts rarely exceed $500 per year in Classes III, IV, and V counties, but range up to $4000 in Classes I and II counties. For most townships (in all classes of counties) this source represents less than 1% of total revenue.

Relative importance of local and state sources of revenue. Although in the aggregate Ohio's townships derive about 55% of their revenues from local sources, this is true for less than a third of the townships individually considered. In this respect, there is a pronounced difference among townships in each of the five classes of counties. About three-fourths of the townships in Class I, and more than one-half in Class II derive more than 50% of their total receipts from local sources, as compared with about one-fourth in Group III, and less than one-fifth in Group IV and Group V. This means, of course, that more than two-thirds of Ohio's townships rely for more than half of their financial resources on moneys provided by the state, all but a hundred or so found in the sixty-six counties which are less than 60% urban. For a
sizeable portion of them, especially in the more rural counties, state funds provide considerably more than 50% as the summary in Table 7 shows.

As to the amounts, more than three-fourths of the townships raise less than $20,000 locally, and another 15% between $20,000 and $40,000, the preponderant portion of them found in counties less than 60% urban. The remaining 10% which raise more than $40,000 locally are found, in the main, in counties upwards of 60% urban, including about forty with local receipts in excess of $100,000. (See summaries in Tables 8 and 9).

There is less variation among the several townships as to magnitude of state funds. For most townships, the bulk of state funds come from two highway-user allocations which by and large tend to be about the same for all townships. The marked differences for a minority of the townships result from the larger amounts that townships in the urban counties tend to receive from the local government fund and from beer and liquor permits, with the inheritance tax occasionally boosting the state share substantially for townships in either urban or rural circumstances. About 90% of the townships receive less than $20,000 in state funds,
## TABLE 7

PERCENTAGE OF OHIO TOWNSHIPS DERIVING 50% OR MORE OF THEIR TOTAL REVENUES FROM STATE FUNDS, BY CLASS OF COUNTY, AND, CUMULATIVELY, BY SELECTED PERCENTAGE BRACKETS, 1960

<table>
<thead>
<tr>
<th>State Funds as Per Cent of Total Revenues</th>
<th>Class I Counties</th>
<th>Class II Counties</th>
<th>Class III Counties</th>
<th>Class IV Counties</th>
<th>Class V Counties</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than 90%</td>
<td>1.26%</td>
<td>1.72%</td>
<td>5.26%</td>
<td>1.81%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>80-89%</td>
<td>1.15%</td>
<td>2.38%</td>
<td>12.82</td>
<td>19.65</td>
<td>21.05</td>
<td>13.12</td>
</tr>
<tr>
<td>70-79%</td>
<td>5.75</td>
<td>4.76</td>
<td>30.76</td>
<td>48.20</td>
<td>42.10</td>
<td>31.29</td>
</tr>
<tr>
<td>60-69%</td>
<td>12.65</td>
<td>30.94</td>
<td>53.85</td>
<td>64.27</td>
<td>55.26</td>
<td>50.40</td>
</tr>
<tr>
<td>50-59%</td>
<td>25.44</td>
<td>45.23</td>
<td>73.08</td>
<td>82.13</td>
<td>71.05</td>
<td>67.57</td>
</tr>
</tbody>
</table>
TABLE 8

AMOUNTS OF LOCAL REVENUES OF OHIO TOWNSHIPS, SHOWING THE NUMBER OF TOWNSHIPS FALLING IN SELECTED AMOUNT BRACKETS, BY CLASS OF COUNTY, AND THE PERCENTAGE DISTRIBUTION OF THE TOTAL NUMBER OF TOWNSHIPS AMONG SELECTED AMOUNT BRACKETS, 1960

<table>
<thead>
<tr>
<th>Amount</th>
<th>Class I Counties</th>
<th>Class II Counties</th>
<th>Class III Counties</th>
<th>Class IV Counties</th>
<th>Class V Counties</th>
<th>Totals Number</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $20,000</td>
<td>8</td>
<td>101</td>
<td>399</td>
<td>294</td>
<td>194</td>
<td>1,016</td>
<td>76.51%</td>
</tr>
<tr>
<td>$20,000 - $40,000</td>
<td>12</td>
<td>50</td>
<td>74</td>
<td>42</td>
<td>18</td>
<td>196</td>
<td>14.76%</td>
</tr>
<tr>
<td>$40,000 - $80,000</td>
<td>22</td>
<td>17</td>
<td>....</td>
<td>6</td>
<td>6</td>
<td>51</td>
<td>3.83%</td>
</tr>
<tr>
<td>$80,000 - $100,000</td>
<td>5</td>
<td>....</td>
<td>6</td>
<td>....</td>
<td>12</td>
<td>23</td>
<td>1.73%</td>
</tr>
<tr>
<td>$100,000 - $500,000</td>
<td>20</td>
<td>22</td>
<td>....</td>
<td>....</td>
<td>....</td>
<td>142</td>
<td>3.16%</td>
</tr>
<tr>
<td>Totals</td>
<td>87</td>
<td>190</td>
<td>479</td>
<td>342</td>
<td>230</td>
<td>1,328</td>
<td>100.00%</td>
</tr>
</tbody>
</table>
TABLE 9

AMOUNTS OF LOCAL REVENUES OF OHIO TOWNSHIPS, SHOWING THE PERCENTAGE DISTRIBUTION OF TOWNSHIPS AMONG CLASSES OF COUNTIES, BY SELECTED AMOUNT BRACKETS, 1960

<table>
<thead>
<tr>
<th>Amount</th>
<th>Class I Counties</th>
<th>Class II Counties</th>
<th>Class III Counties</th>
<th>Class IV Counties</th>
<th>Class V Counties</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $20,000</td>
<td>2.76%</td>
<td>9.94%</td>
<td>39.27%</td>
<td>26.94%</td>
<td>19.09%</td>
<td>100.00</td>
</tr>
<tr>
<td>$20,000 - $40,000</td>
<td>6.12</td>
<td>25.51</td>
<td>37.76</td>
<td>21.43</td>
<td>9.18</td>
<td>100.00</td>
</tr>
<tr>
<td>$40,000 - $80,000</td>
<td>43.15</td>
<td>33.33</td>
<td>......</td>
<td>11.76</td>
<td>11.76</td>
<td>100.00</td>
</tr>
<tr>
<td>$80,000 - $100,000</td>
<td>21.74</td>
<td>......</td>
<td>26.09</td>
<td>......</td>
<td>52.17</td>
<td>100.00</td>
</tr>
<tr>
<td>$100,000 - $500,000</td>
<td>17.62</td>
<td>52.38</td>
<td>......</td>
<td>......</td>
<td>......</td>
<td>100.00</td>
</tr>
</tbody>
</table>
with the remaining 10% deriving considerably more. About one hundred townships receive between $20,000 and $40,000 and about twenty-five between $40,000 and $80,000, all of the latter group being found in Class I and II counties (see summary in Table 10).

Total township revenues. Perhaps the general character of townships as governmental units is no more strikingly disclosed than in data concerning the magnitude of their annual revenue receipts.

With more than three-fourths of them raising less than $20,000 locally, and about 90% receiving up to that amount in state funds, almost 60% of them operate on annual budgets of less than $20,000, four-fifths of them in counties less than 60% urban. Another 28% have total revenues ranging from $20,000 to $40,000, again about four-fifths of them in counties less than 60% urban. About 12% show total revenues of between $40,000 and $80,000, more than half in Class I and II. There are also about twenty-eight townships with total annual revenues of $80,000 and $100,000, and about twice that number in excess of $100,000, the latter group found only in Class I and II, (see summaries in Tables 11 and 12).
TABLE 10

AMOUNTS OF TOWNSHIP REVENUES FROM STATE FUNDS, SHOWING THE NUMBER AND PERCENTAGE DISTRIBUTION OF TOWNSHIPS FALLING IN SELECTED AMOUNT BRACKETS, BY CLASS OF COUNTY, AND THE PERCENTAGE DISTRIBUTION OF THE TOTAL NUMBER OF TOWNSHIPS AMONG SELECTED AMOUNT BRACKETS, 1960

<table>
<thead>
<tr>
<th>Amount</th>
<th>Class I County</th>
<th>Class II County</th>
<th>Class III County</th>
<th>Class IV County</th>
<th>Class V County</th>
<th>Totals</th>
<th>Number</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$20 000</td>
<td>39</td>
<td>149</td>
<td>449</td>
<td>362</td>
<td>218</td>
<td>1197</td>
<td>90.14%</td>
<td></td>
</tr>
<tr>
<td>$20 000-$40 000</td>
<td>36</td>
<td>27</td>
<td>30</td>
<td>...</td>
<td>12</td>
<td>105</td>
<td>7.91%</td>
<td></td>
</tr>
<tr>
<td>$40 000-$80 000</td>
<td>12</td>
<td>14</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>26</td>
<td>1.95%</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>87</td>
<td>190</td>
<td>479</td>
<td>342</td>
<td>230</td>
<td>1328</td>
<td>100.00</td>
<td></td>
</tr>
</tbody>
</table>

Percentage Distribution

<table>
<thead>
<tr>
<th>Amount</th>
<th>Class I County</th>
<th>Class II County</th>
<th>Class III County</th>
<th>Class IV County</th>
<th>Class V County</th>
<th>Totals</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$20 000</td>
<td>3.26%</td>
<td>12.85%</td>
<td>37.51%</td>
<td>28.57%</td>
<td>10.21%</td>
<td>100.00</td>
<td></td>
</tr>
<tr>
<td>$20 000-$40 000</td>
<td>34.29%</td>
<td>25.71%</td>
<td>28.15%</td>
<td>...</td>
<td>...</td>
<td>11.43%</td>
<td>100.00</td>
</tr>
<tr>
<td>$40 000-$80 000</td>
<td>45.15%</td>
<td>53.85%</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>100.00</td>
</tr>
</tbody>
</table>
TABLE 11

AMOUNTS OF REVENUES OF OHIO TOWNSHIPS, SHOWING THE NUMBER OF TOWNSHIPS FALLING IN SELECTED AMOUNT BRACKETS, BY CLASS OF COUNTY, AND THE PERCENTAGE DISTRIBUTION OF THE TOTAL NUMBER OF TOWNSHIPS AMONG SELECTED AMOUNT BRACKETS, 1960

<table>
<thead>
<tr>
<th>Amount</th>
<th>Class I County</th>
<th>Class II County</th>
<th>Class III County</th>
<th>Class IV County</th>
<th>Class V County</th>
<th>Totals</th>
<th>Number</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $20,000</td>
<td>9</td>
<td>50</td>
<td>235</td>
<td>306</td>
<td>115</td>
<td>715</td>
<td>53.84%</td>
<td></td>
</tr>
<tr>
<td>$20,000-$40,000</td>
<td>19</td>
<td>54</td>
<td>196</td>
<td>30</td>
<td>79</td>
<td>378</td>
<td>26.16%</td>
<td></td>
</tr>
<tr>
<td>$40,000-$80,000</td>
<td>19</td>
<td>63</td>
<td>42</td>
<td>6</td>
<td>24</td>
<td>154</td>
<td>11.59%</td>
<td></td>
</tr>
<tr>
<td>$80,000-$100,000</td>
<td>10</td>
<td>...</td>
<td>6</td>
<td>...</td>
<td>12</td>
<td>28</td>
<td>2.11%</td>
<td></td>
</tr>
<tr>
<td>$100,000-$500,000</td>
<td>30</td>
<td>23</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>53</td>
<td>9.00%</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>87</td>
<td>190</td>
<td>479</td>
<td>342</td>
<td>230</td>
<td>1328</td>
<td>100.00</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 12

AMOUNTS OF REVENUES OF OHIO TOWNSHIPS, SHOWING THE PERCENTAGE DISTRIBUTION OF TOWNSHIPS AMONG CLASSES OF COUNTIES, BY SELECTED AMOUNT BRACKETS, 1960

<table>
<thead>
<tr>
<th>Amounts</th>
<th>Class I County</th>
<th>Class II County</th>
<th>Class III County</th>
<th>Class IV County</th>
<th>Class V County</th>
<th>Totals All Counties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than</td>
<td>1.27%</td>
<td>6.99%</td>
<td>32.80%</td>
<td>42.78%</td>
<td>16.00%</td>
<td>100.00</td>
</tr>
<tr>
<td>$20,000 - $40,000</td>
<td>4.54</td>
<td>14.29</td>
<td>51.85</td>
<td>7.94</td>
<td>20.98</td>
<td>100.00</td>
</tr>
<tr>
<td>$40,000 - $80,000</td>
<td>12.34</td>
<td>40.90</td>
<td>27.37</td>
<td>3.91</td>
<td>15.56</td>
<td>100.00</td>
</tr>
<tr>
<td>$80,000 - $100,000</td>
<td>35.70</td>
<td>.....</td>
<td>21.43</td>
<td>.....</td>
<td>42.87</td>
<td>100.00</td>
</tr>
<tr>
<td>$100,000- $500,000</td>
<td>54.70</td>
<td>45.30</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
<td>100.00</td>
</tr>
</tbody>
</table>
With three-fourths of their total number operating on an annual income of less than $40,000, it is clear that Ohio's townships are in the main small business; even among the remaining one-fourth only about fifty command annual resources of $100,000 or more, with none attaining the half-million dollar level.

Summary

The foregoing discussion of township revenues shows that while all townships rely on generally the same sources, they vary markedly as to the magnitude of funds derived from each source, and as to the relative importance of each source in their total budgets. The differences are particularly striking and significant as to the relative importance of local sources as against funds provided by the state. Of particular importance are the differences and similarities among townships in the five classes of counties grouped according to the ratio of urban to rural population, which the analysis of statistical data clearly establishes. Consistently, a larger proportion of townships in Class I counties show common tendencies with a smaller proportion of townships in each of the other four classes of counties, the proportions varying closely with the degree of urbanization of the class of counties involved.
Conversely, a smaller proportion of townships in Class I counties shows common tendencies with a larger proportion of townships in the other four classes of counties, the proportions varying inversely with the degree of urbanization. These relationships provide a basis for evaluating the fiscal characteristics of urban townships as distinguished from those in rural circumstances and help to establish, at least in a general way, the number and location of urban townships within the preponderant majority of townships essentially rural in character (see Chapter VII).
CHAPTER VI

EXPENDITURES OF OHIO TOWNSHIPS

For convenience of analysis, township expenditures are here considered according to ten major purposes which are potentially common to all townships under laws governing their functions and responsibilities (see Chapter IV). These include (1) general government; (2) roads; (3) public health; (4) fire protection; (5) cemeteries; (6) police protection; (7) lighting; (8) waste disposal; (9) zoning; and (10) miscellaneous expenditures not separately classified. Only the first three are actually in the budgets of all townships; the others appear only to the extent that optional functions permitted townships under Ohio laws are actually undertaken.

General Government. As here conceived, general government costs include five specific items reported in the annual township financial reports: (1) compensation and expenses of the four elective officials; (2) costs relating to the township hall; (3) general supplies, materials and equipment; (4) election costs; and (5) township contributions for public employee retirement and compensation benefits.
The compensation and costs of elective township officials here attributable to general government costs do not include certain additional compensations allowed to them in connection with specific functions such as road maintenance, administration of school and ministerial lands, and the like;¹ these are shown with expenditures for the function involved or with miscellaneous unclassified expenditures. General government costs comprise, in the main, the basic salaries authorized to elective township officials and their expenses relating to general government operations.

Township hall expenditures include general maintenance costs and customary overhead expenses such as light, heat, telephone, and the like, as well as major repairs and renovations; in some instances, they include capital expenditures inasmuch as township financial reports make no distinctions between current operating costs and capital improvements.

Supplies, materials and equipment include general office items and furnishings such as paper, typewriters,
desks, chairs, filing cabinets, postage, and the like; major equipment needs for specific township functions such as road maintenance and repairs, fire protection, maintenance of cemeteries, and the like, are included with costs for the function involved.

Election costs are those chargeable to townships for elections involving township officials or township referendum issues. Under Ohio laws, all expenses for conducting such elections paid by the county are collected at the time of the semi-annual tax settlements which occur in February and August for real estate and public utility property taxes, and May and October for tangible personal property taxes by deductions from such distributions. Election costs for a given calendar year, then, reflect costs of elections held between November 1, of the preceding year and October 31, of the year concerned. Data presented here reflect costs of the township general election in 1959, and any special elections held in 1960, prior to October 31.
Included in general government costs also, are contributions made by townships under Ohio laws for public employee retirement and workmen's compensation benefits of township employees, including optionally, elective officials. Contributions to township firemen and police relief and pension funds, however, are included with costs for fire and police protection, rather than with general government costs.

Ohio Revised Code, c. 145, especially sec. 145.01, 145.02, 145.12 and 145.20; and c. 4123, especially sec. 4123.01, 4122.02 and 4123.29.

Indications are that about two-thirds of Ohio's townships spend up to $5000 annually for general government, and only about 10% of them spent in excess of $10,000. In this respect, however, townships in Class I counties show a marked contrast with those in the other four classes. In the former, approximately one-half of the townships expend upwards of $10,000 for general government operations, a few as much as $40,000. In Class II counties, approximately one-fifth of the townships show general government costs in excess of $10,000, though $30,000 appears to be the upper limit. In the other three, about 95% of the townships fall
below the $10,000 level and the remaining 5% rarely exceed $15,000.

At the same time, for about three-fourths of the townships in Class I and Class II counties, general government expenditures represent less than 20% of total expenditures, while in the other three classes of counties for about half of the townships general government expenditures account for more than 20%, though only in rare instances for more than 40%.

**Public health.** Under Ohio laws public health is more nearly a special district function than a responsibility of the civil township (see Chapter IV). However, costs relating thereto are chargeable to the local units which comprise the special district, including townships in proportion to the assessed valuations of the units forming a given district. Such costs are assessed against townships and appear in their budgets as a township expenditure.

Since public health levies are proportional to property tax duplicates, an inverse relationship is clearly evident between the amounts expended for this purpose by given township and the degree of urbanization of the counties in which the several townships are found.
Generally, the preponderant majority of townships in Class IV and V counties spend less than $500 a year, with none exceeding $1000 in Class V and $2000 in Class IV. In Class III counties, about 3/4 of the townships show expenditures of less than $1000 and the remaining one-fourth up to as much as $5000. In Class II counties, about 60% of the townships, spend less than $1000 and remaining 40% up to $15,000. In Class I counties, only about 17% spend less than $1,000, the bulk of the rest showing expenditures upward of that amount, including about one-fourth which range from $5000 to $30,000. The larger amounts expended for this purpose in the more urbanized counties tend to make this item relatively more important to more townships in such counties than in the more rural counties. In general, in Class I and II counties, public health expenditures account for as much as 5% to 10% of the total budget for about half of the townships; in the other classes, for the preponderant majority of townships, public health costs represent less than 3% of their total annual expenditures.

Road expenditures. For the vast majority of Ohio townships, road expenditures represent the most important single item of their budgets. About 85%
of them assign from 50% to as much as 90% of their annual expenditures for this purpose. In this respect, however, townships in Class I counties stand in marked contrast with the other four. While the latter more nearly approximate the state-wide pattern, the highly urbanized counties show about three-fourths of the townships expending less than 50% of their total budgets for road purposes, though the remaining one-fourth assign 70% for roads.

A similar contrast is evident as to the magnitude of road expenditures. In Class I counties about one-half of the townships, and in Class II about 40% of them, expend upwards of $20,000 a year, some as much as $100,000; in the other three classes of counties, more than 85% of the townships spend less than $20,000 annually, with the remaining minority rarely exceeding $40,000 and none spending more than $50,000 (for a more detailed consideration of township road expenditures, see Chapter VIII).

Fire protection. From the standpoint of the number of townships involved, fire protection ranks close after the road function, approximately 85% of Ohio's townships showing expenditures for this purpose. The proportion is much higher in Class I and II counties,
in which all but a few (six or so) include fire protection in their annual budgets. The widespread undertaking of this function by townships subsisting in vastly different circumstances, and the great variety of fire protection measures available to them tend to blur the differences as between those in the highly urbanized counties and those in predominantly rural circumstances. Indications are, however, that fire protection tends to be a more developed and significant function for townships in highly urbanized circumstances and grades downward to fairly nominal measures in townships which exist in rural circumstances.

One indication of this is the magnitude of expenditures for fire protection. While the preponderant majority of townships in Class III, Iv, and V counties generally spend less than $5000 annually, more than half in Class I and about 40% in Class II counties show expenditures upward of $5000, some as much as $50,000 and more. For these, fire protection assumes singular importance in their annual budget, displacing even in primacy the road function. While the relative importance of fire protection expenditures in all five classes of counties tends to range from less than 1% to 50% for all but a few townships, for more than two-thirds of the townships in Class I and
one-third in Class II counties, fire protection costs account for upwards of 10% of their total budgets, for some as much as 50% or 60%; in the other three classes of counties, for upwards of three-fourths of the townships fire protection costs account for less than 10% and do not exceed 20% in any township.

Cemeteries. The operation of cemeteries is also a widespread township undertaking. Among expenditures for the several optional functions authorized to townships under Ohio laws, those for cemeteries appear in the reports of about 83% of the townships. The proportion is somewhat lower in Class I counties, and considerably higher in Class V counties, but in other respects data concerning township expenditures for cemeteries show no marked differences among the five classes of counties. Such differences as are in evidence extend between similar extremes for each class of counties, suggesting the influence of local factors not closely identified with the urban or rural character of the area.

For all five classes of counties, for the preponderant majority of townships, cemetery expenditures range from less than $500 to about $5000, though amounts range up to $25,000 for the smaller minority, and range
in relative importance from less than 1% to about 35% of the total township budget for all but a few townships.

**Lighting, police protection, zoning, and waste disposal.** Data relating to expenditures for four optional functions available to townships appear to underscore their essentially urban character. These are lighting, police protection, zoning and waste disposal. As the summary in Table 13 discloses, a greater proportion of townships in Class I counties show expenditures for each than in the other four classes of counties.

The magnitude of expenditures for these purposes covers a broader range in Class I and Class II counties than in the other three. While expenditures in the latter, for each of the four purposes rarely exceed $500 a year, in Class I counties, they range up to as much as $30,000 for lighting and police protection, and up to $15,000 for zoning and waste disposal. For Class II counties the upper limit is $10,000 for lighting and $4,000 to $5,000 for police protection and zoning. Such expenditures are relatively insignificant in the total budgets of townships in the more rural counties. Generally each accounts for less than 1% of the total for most of them, while in the more urbanized counties in most instances each accounts for 5% to 10% of the total budget. It is clear, then,
TABLE 13

PERCENTAGE OF TOWNSHIPS, BY CLASS OF COUNTY, SHOWING EXPENDITURES FOR LIGHTING, POLICE PROTECTION, ZONING AND WASTE DISPOSAL, 1960

<table>
<thead>
<tr>
<th>Class of County</th>
<th>Lighting</th>
<th>Police Protection</th>
<th>Zoning</th>
<th>Waste Disposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>63.22%</td>
<td>68.97%</td>
<td>43.67%</td>
<td>18.40%</td>
</tr>
<tr>
<td>II</td>
<td>33.16</td>
<td>7.14</td>
<td>26.48</td>
<td>...</td>
</tr>
<tr>
<td>III</td>
<td>21.71</td>
<td>12.81</td>
<td>10.01</td>
<td>6.47</td>
</tr>
<tr>
<td>IV</td>
<td>35.96</td>
<td>1.79</td>
<td>3.50</td>
<td>...</td>
</tr>
<tr>
<td>V</td>
<td>18.20</td>
<td>5.26</td>
<td>2.63</td>
<td>2.63</td>
</tr>
<tr>
<td>All Counties</td>
<td>28.76</td>
<td>11.36</td>
<td>11.60</td>
<td>3.92</td>
</tr>
</tbody>
</table>
that even though these four essentially urban functions are undertaken by townships in counties which are not preponderantly urban, they are fairly nominal in most instances in comparison with similar undertakings by townships in highly urbanized counties.

Perhaps equally significant is the relatively small number of townships which, in fact, avail themselves of statutory authorizations relating to these optional functions. For the state as a whole, considerably less than one-third engage in providing lighting; less than 12% in providing police protection or enacting zoning plans, and barely 4% undertaking waste disposal facilities. For the vast majority of townships it would appear that such statutory provisions are inapplicable in their present circumstances.

Other expenditures. Inevitably there remains a category of expenditures not easily identifiable as to purpose because (1) they are reported ambiguously as "miscellaneous" expenditures, and (2) those that are identified are not common to a sufficient number of townships in most instances to warrant valid generalizations. A careful study of samples of returns, however, indicates the following conclusions about these miscellaneous expenditures:

1. For the state as a whole about 14% of the townships report no miscellaneous expenditures. Moreover, the
proportion of such townships appears to vary inversely with the degree of urbanization of each of the five classes of counties: Class I, less than 3%; Class II, about 10%; Class III, about 12%; Class IV, 16%; and Class V, about 24%. This would seem to suggest that such miscellaneous unclassified expenditures are more common to townships in urban circumstances.

2. Though the purposes for which these miscellaneous expenditures are made are not reported with sufficient clarity in most instances where identification is possible, indications are that the larger amounts in Class I and Class II counties are more often for purposes of an urban character such as parks or sidewalks, or in payment of a fairly sizeable loan and the interest thereon. In the other three classes of counties, on the other hand, the larger amounts (though not as large as those in Class I and II counties) are most often reported as payment of loans and interest thereon. For all five classes, such items as legal fees and advertising costs are frequently indicated.

3. Data as the amounts involved tend to reflect a marked difference as between townships in Class I counties and those in the other four classes. For a preponderant majority of townships in the latter counties, such
expenditures are generally less than $1000 and for the remaining minority rarely exceed $5000. In Class I counties, on the other hand, more than half of the townships report upward of $1000 for such miscellaneous expenditures, with about one-fourth of them showing amounts in excess of $10,000 some as much as $50,000.

4. A marked contrast is evident also as to the relative importance of such expenditures. In Class I counties, for about one-fourth of the townships these account for upwards of 10% of their annual budgets, including a few which apply as much as 25% of their total expenditures to these miscellaneous purposes. In the other four classes of counties, on the other hand, for a preponderant majority of the townships such expenditures represent less than 3% of total annual expenditures, and rarely exceed 15% for any of them.

**Total expenditures.** The townships of Ohio vary widely in their total expenditures. For the state as a whole, at one extreme almost half of them spend less than $20,000 a year and at the other about 5% show expenditures upwards of $100,000 though the extreme upper limit falls just short of $500,000. In this respect, however, the five classes of counties show considerable differences. As the summary in Table 14 indicates, while only a small minority of townships in Class I and II
TABLE 14

EXPENDITURES OF OHIO TOWNSHIPS, SHOWING THE PERCENTAGE OF TOWNSHIPS, CUMULATIVELY, BY CLASS OF COUNTY, FALLING IN SELECTED AMOUNT BRACKETS, 1960

<table>
<thead>
<tr>
<th>Amount</th>
<th>Class I County</th>
<th>Class II County</th>
<th>Class III County</th>
<th>Class IV County</th>
<th>Class V County</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$20 000</td>
<td>9.18%</td>
<td>23.60%</td>
<td>50.00%</td>
<td>67.08%</td>
<td>55.28%</td>
<td>49.18%</td>
</tr>
<tr>
<td>$20-$40 000</td>
<td>31.02</td>
<td>52.38</td>
<td>85.00</td>
<td>92.88</td>
<td>86.85</td>
<td>79.53</td>
</tr>
<tr>
<td>$40-$60 000</td>
<td>47.12</td>
<td>71.44</td>
<td>98.72</td>
<td>94.66</td>
<td>92.11</td>
<td>89.24</td>
</tr>
<tr>
<td>$60-$80 000</td>
<td>57.17</td>
<td>88.10</td>
<td>98.72</td>
<td>96.22</td>
<td>94.74</td>
<td>93.68</td>
</tr>
<tr>
<td>$80-$100 000</td>
<td>72.41</td>
<td>88.10</td>
<td>98.72</td>
<td>98.22</td>
<td>94.74</td>
<td>94.66</td>
</tr>
<tr>
<td>$100-$200 000</td>
<td>89.65</td>
<td>92.86</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
<td>98.27</td>
</tr>
<tr>
<td>$200-$300 000</td>
<td>95.40</td>
<td>100.00</td>
<td></td>
<td></td>
<td></td>
<td>99.70</td>
</tr>
<tr>
<td>$300-$400 000</td>
<td>97.70</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>99.85</td>
</tr>
<tr>
<td>$400-$500 000</td>
<td>100.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>100.00</td>
</tr>
</tbody>
</table>
counties show annual expenditures of less than $20,000, upwards of 50% are in this category in the other three classes of counties. Moreover, though there are a few townships in these more typically rural counties with expenditures in excess of $100,000, upwards of 85% do not exceed $40,000. In Class I counties, on the other hand, less than half fall below $60,000 and more than 10% exceed $100,000 ranging up to almost $500,000. In Class II counties, somewhat more than 70% show annual expenditures below $60,000 and about 12% more than $100,000 though none exceeds $300,000.

For the state as a whole about 80% of the townships spend less than $40,000 annually. These are found predominantly in counties which are less than 60% urban, though a few (about 12%) are also found in highly urbanized counties. The remaining 20% of the townships with expenditures ranging from $40,000 to more than $400,000 are also found in all five classes of counties, though about 60% are concentrated in the highly urbanized counties. In these counties, too, are found two-thirds of those with expenditures between $100,000 and $200,000, and all of those exceeding $200,000. Among the small minority of such townships found in the other classes of counties, some are situated on the periphery of large
metropolitan centers or adjoining medium-sized cities in otherwise rural counties. However, this is not true for perhaps an equal number of them situated in essentially rural circumstances, the higher magnitude of expenditures resulting mainly from proportionately larger expenditures for roads. Townships in typically urban circumstances show smaller proportions for their much larger annual road expenditures.

**General pattern of township expenditures.** The foregoing analyses indicate clearly that the townships vary considerably not only as to purpose of their expenditures, but as to the magnitude of expenditures in each instance. Evidence is strong that certain categories of expenditures are common to more townships and are relatively more important in their structure of expenditures.

The summaries in Table 15 indicate that for the state as a whole about two-thirds of Ohio's townships expend upwards of 80% of their resources for general government and roads, and a somewhat higher proportion of townships assign upwards of 80% of their resources for the three categories of expenditures common to all townships: general government, roads and public health. In both instances, there are marked variations among townships in the five classes
TABLE 15

PERCENTAGE OF TOWNSHIPS, BY CLASS OF COUNTY, EXPENDING SELECTED PERCENTAGES OF TOTAL EXPENDITURES FOR MAJOR CATEGORIES OF EXPENDITURES, 1960

<table>
<thead>
<tr>
<th>Item</th>
<th>Class I County</th>
<th>Class II County</th>
<th>Class III County</th>
<th>Class IV County</th>
<th>Class V County</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>80% or more for General Government and Roads</td>
<td>8.04%</td>
<td>12.85%</td>
<td>74.32%</td>
<td>69.65%</td>
<td>78.96%</td>
<td>65.21%</td>
</tr>
<tr>
<td>80% or more for General Government, Roads, and Public Health</td>
<td>9.20%</td>
<td>52.37%</td>
<td>85.90%</td>
<td>73.23%</td>
<td>76.97%</td>
<td>71.33%</td>
</tr>
<tr>
<td>90% or more for General Government, Roads, Public Health, Fire Protection and Cemeteries</td>
<td>10.24%</td>
<td>85.31%</td>
<td>93.60%</td>
<td>92.86%</td>
<td>92.11%</td>
<td>88.32%</td>
</tr>
</tbody>
</table>
of counties, the proportions being decidedly lower for townships in Class I counties.

Perhaps most significant are the data relating to the five objects of expenditures common to most of the several townships in that they indicate, in a general way, the over-all purpose of townships in Ohio's structure of local government. These are general government, roads, public health, fire protection, and cemeteries. Statewide, for almost 90% of the townships these account for upwards of 90% of their total expenditures; again, the proportion of townships in this category is considerably lower in Class I counties than in the other four classes.

The logical inference to be drawn from the foregoing summary is that 60% of the townships in Class I counties, and about 16% in Class II counties, assign upwards of 10% of their expenditures for the broader range of objects potentially open to them under Ohio laws, generally typically urban in character. This is true for less than 8% of the townships in the other three classes of counties.

Summary

Existing laws provide townships with authority for a fairly broad range of optional activities, hence their expenditure patterns vary widely, not only because of the
extent to which such optional functions are undertaken, but because of the magnitude of expenditures for activities actually included in their budgets. In this context, too, there are marked variations as to the relative importance of the various undertaking which comprise the budget of the individual township.

As with revenues, so here, comparisons of statistical data among the five classes of counties, grouped according to degree of urbanization, produce fairly consistent tendencies between a large proportion of townships in Class I counties with smaller proportions in each of the four classes, the proportions varying closely with the degree of urbanization of the class concerned. Conversely, a smaller proportion of townships in Class I counties shows common tendencies with larger proportions in the other four classes, the proportion varying inversely with the degree of urbanization. The implications of these patterns, as well as those developed for revenue data in the preceding chapter, are next examined in establishing distinctions between urban and rural townships.
CHAPTER VII

URBAN AND RURAL TOWNSHIPS IN OHIO

A close scrutiny of the tabulations of revenue and expenditure data developed in the two preceding chapters discloses a clear-cut difference in the fiscal pattern of the two distinct groups of townships: at one extreme, a small group found only in Class I and Class II counties and, at the other extreme, a much larger group cutting across all five classes of counties and comprising the preponderant majority of Ohio's townships. The differences are less clearly defined for two intermediate groups, each somewhat larger than the first but considerably smaller than the other, which in varying degrees show tendencies common to one or both of the extreme groups though not typical of either on the whole. For convenience in discussion, these four groups are here designated as Class A, B, C, and D townships.

Tabulations of certain demographic, economic, and ecological data for the four groups, it was found, further corroborate characteristic differences among them, the combined effect clearly establishing a fundamental demarcation between townships in urban as against those in
rural circumstances. This is true particularly of the two extreme groups, designated here as Class A and Class D townships; for the two intermediate groups, data in each instance suggests a transitional stage, with Class B townships resembling those in Class A, and Class C those in Class D.

This chapter summarizes first the fiscal characteristics of the four classes of townships, and then the demographic, economic and ecological factors relating to each class. This approach produces not only a four-fold delineation of characteristic differences, but provides a general indication as to the number and location of the most urbanized townships within the predominant majority of typically rural Ohio townships. At this point, the four classes of townships may be summarized as follows:

**TABLE 16**

THE NUMBER AND GENERAL CHARACTER OF FOUR CLASSES OF OHIO TOWNSHIPS, 1960

<table>
<thead>
<tr>
<th>Class of Township</th>
<th>Number of Townships</th>
<th>General Character</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>44</td>
<td>Most urbanized</td>
</tr>
<tr>
<td>B</td>
<td>53</td>
<td>Intermediate urban</td>
</tr>
<tr>
<td>C</td>
<td>163</td>
<td>Intermediate rural</td>
</tr>
<tr>
<td>D</td>
<td>1068</td>
<td>Rural</td>
</tr>
</tbody>
</table>
Fiscal characteristics of urban and rural townships

The initial criterion for establishing the four-fold classification on the basis of revenue and expenditure data was the magnitude of total annual receipts. In the nature of budgetary procedures established by law (which require essentially a balanced budget) this method automatically produced a similar grouping on the basis of total annual expenditures. Tabulations of other fiscal patterns for each of the four groups then elicited finer points of characteristic differences among the four classes.¹

¹See summaries of tabulations in Tables 5-10, Appendix A.

It was found that typically urban townships, as represented here by Class A townships, operate on an annual budget ranging from between $100,000 and $500,000 and derive upwards of half of their revenues from local sources, chiefly the property tax. They assign less than half of their total budgets for roads, with the remainder going, somewhat in order of descending importance, for fire protection, police protection, public health, lighting, zoning, waste disposal as well as miscellaneous expenditures which include such urban-type purposes as sidewalks and parks.
Typically rural townships as represented here by Class D townships, have annual budgets which do not exceed $40,000. Upwards of half of their total expenditures are those for roads, which together with expenditures for general government, public health, cemeteries and fire protection account for upwards of 90% of their budgets.

Urban townships generally derive much larger amounts from local sources than rural townships and from all state sources other than allocations from the two highway user funds which tend to be similar for all townships. On a per capita basis, local sources tend to range widely but differences cut across urban and rural townships rather than typify either one or the other. State sources, other than the highway user allocations, tend to be higher for urban townships while the two highway user allocations are decidedly higher for rural townships. In view of the relatively greater importance of the latter to rural townships, per capita amounts for all sources combined, though extending over a similar range for both, tend to be concentrated toward the upper end of the scale for rural townships and toward the lower end for urban townships.

Though urban townships expend much larger amounts for virtually all categories of expenditures, on a per capita basis their amounts are lower than those for rural
townships for general government, highways and cemeteries. In view of the relatively greater importance of these three items for rural townships, per capita amounts for all purposes combined tend to be higher for rural townships than for urban townships.

Doubtless a more meaningful comparison would be obtained if it were possible to correlate township revenues and expenditures with per capita of disposable income. Unfortunately, statistical data of this nature are not available for minor subdivisions such as townships. 2

2 The Bureau of Business Research of The Ohio State University has developed personal income estimates for Ohio counties, based on various data published by the United States Bureau of the Census and others (see Milton Z. and Madelyn L. Kafoglis, Personal Income in Ohio Counties 1957, 1958, and 1959. Research Monograph No. 102, Bureau of Business Research, The Ohio State University, 1961; similar data for subdivisions of Ohio counties, however, are not available.

The fiscal characteristics of the two intermediate classes of townships are less clearly defined though, in general, those in Class B tend to be more akin to urban townships and those in Class C to rural townships.

On the basis of evidence disclosed in financial data of Ohio townships, then, the conclusion is inescapable
that more than 80% still retain the traditionally rural character which has typified townships historically. However, a small minority, perhaps no more than fifty, located predominantly in the seven largest counties - though found in thirteen other most populous counties - have very definitely lost their rural character and function now in a manner more akin to municipalities. In varying degrees, a similar transition is occurring in perhaps 200 other townships concentrated in the main the twenty most populous counties but found also in fewer numbers in typically rural counties.

Demographic characteristics of urban and rural townships

This section considers the urban and rural character of the population of the four classes of townships, as well as size, density and population growth or decline between 1950 and 1960.

Rural-urban population of Ohio townships. It will be recalled that Ohio's eighty-eight counties were grouped into five classes, each class comprised of a varying number of counties falling within a given range of rural-urban population ratios. These ratios were determined by the United States Bureau of the Census in the 1960 Census
of Population. As defined by the Bureau, the urban population comprises all persons living in five categories of places, the following three of which are applicable to Ohio:

1. Places of 2500 inhabitants or more incorporated as cities or villages.

2. Unincorporated places of 2500 inhabitants or more. As used by the Census Bureau, the term "place" refers to a "concentration of population regardless of the existence of legally prescribed limits, powers and functions." In Ohio such unincorporated places would be the territory comprising townships, or portions thereof, outside the boundaries of municipal corporations.

3. The densely settled urban fringe of urbanized areas. An urbanized area, as formulated by the Census Bureau, centers on a city of 50,000 population or more and the "surrounding closely-settled areas;" the latter include, in addition to incorporated places of 2500 population or more, the following: (2) incorporated places of less than 2500 provided each has a closely settled area of 100
housing units or more; (b) enumeration districts (an enumeration district is a small area assigned to an enumerator which must be canvassed and reported separately and usually contains approximately 250 housing units) in unincorporated territory with a population density of 1000 inhabitants or more per square mile; (c) other enumeration districts in unincorporated territory with a lower population density provided that they serve one of the following purposes: (1) eliminate enclaves; (2) close indentations of one-mile or less across the open end of an urbanized area, or (3) link outlying enumeration districts of qualifying density that were no more than one and one-half mile from the main body of the urbanized area. In Ohio the two types of enumeration districts would be found in unincorporated portions of the several townships.

"In general," according to the Census Bureau, "the urban population comprises all persons living in urbanized areas and in places of 2500 inhabitants or more outside of urbanized areas. The population not classified as urban constitutes the rural population." The latter is residual rather than separately classified and defined according to prescribed criteria.
It is clear that in establishing the urban or rural character of Ohio counties on the basis of urban-rural population ratios, the population of townships, as such, was not used. However, townships contributed to the urban classification of a county to the extent that all or any portion of a township (outside of municipal corporations) met the specifications indicated above; otherwise, they contributed to its rural classification.

The urban portion of a given county is determined in part by inhabitants living in urbanized areas and in part by inhabitants living in urban circumstances outside of urbanized areas; or, in the alternative, wholly by the latter. In this connection, it is important to note that urbanized areas are found in twenty-two of Ohio's eight-eight counties, distributed among the five classes of counties here established as follows:

**TABLE 17**

**NUMBER OF OHIO COUNTIES WITH URBANIZED AREAS, BY CLASS OF COUNTY, 1960**

<table>
<thead>
<tr>
<th>Class of County</th>
<th>Number of Counties Comprising Class</th>
<th>Number of Counties with Urbanized Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>II</td>
<td>13</td>
<td>8</td>
</tr>
<tr>
<td>III</td>
<td>29</td>
<td>5</td>
</tr>
<tr>
<td>IV</td>
<td>23</td>
<td>0</td>
</tr>
<tr>
<td>V</td>
<td>16</td>
<td>2</td>
</tr>
<tr>
<td>Totals</td>
<td>88</td>
<td>22</td>
</tr>
</tbody>
</table>
It will be recalled that Class I counties are upwards of 80% urban. All seven counties have urbanized areas and upwards of 97% of the urban portion is found in urbanized areas. The urban character of this class of counties is clearly evident.

Class II counties are 60% to 80% urban. Of the eight counties in which urbanized areas are found, four show up to 10%, and four between 10% and 40%, living outside of urbanized areas. This class, then, by comparison with Class I, has not only a larger portion of its population classified as rural (20%-40%) but a fair proportion of that classified as urban is found outside of its urbanized areas.

The population of Class III counties is divided about equally as between urban and rural and only five of the twenty-nine counties in this class contain urbanized areas. Three of the five, moreover, show up to 20% of the urban portion residing outside of urbanized areas and the other two approximately 50%.

The population of Class IV counties is predominantly rural (60% to 80%), and since none of them contain urbanized areas, even the small portion classified as urban is found outside of urbanized areas. The orientation of this class of counties, then, is generally rural.
The population of Class V counties is wholly rural or less than 20% urban. Two of the sixteen counties included in this class have urbanized areas, but in both only about a third of the urban portion is found in urbanized areas. The urban element is therefore negligible in this class of counties and is confined in the main to portions of two counties (Clermont and Geauga) which border on metropolitan centers (Cincinnati and Cleveland-Akron, respectively) and which otherwise are, like the other fourteen, clearly rural in character.

The urban or rural character of townships is indicated, in part, by the degree of urbanization of the county in which they are located. Class A townships are found only in Class I and Class II counties, predominantly in the former, while Class B, C, and D townships are found in varying proportions in all five classes of counties (see Table 18). More than 85% of Class B townships are found in the two most urbanized classes of counties as compared with less than a third of Class C townships, and barely 12% of Class D townships.

According to the following analysis of the urban-rural complexion of the five classes of counties, these
### Table 18

The number and percentage distribution of Ohio townships, by class of county and by class of township, 1960

<table>
<thead>
<tr>
<th>Class of Township</th>
<th>Class I County</th>
<th>Class II County</th>
<th>Class III County</th>
<th>Class IV County</th>
<th>Class V County</th>
<th>Totals All Counties</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number</td>
<td>32</td>
<td>12</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>44</td>
</tr>
<tr>
<td>% of Total</td>
<td>73%</td>
<td>27%</td>
<td>....</td>
<td>....</td>
<td>....</td>
<td>100%</td>
</tr>
<tr>
<td>B</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number</td>
<td>13</td>
<td>33</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>53</td>
</tr>
<tr>
<td>% of Total</td>
<td>25%</td>
<td>62%</td>
<td>7%</td>
<td>2%</td>
<td>4%</td>
<td>100%</td>
</tr>
<tr>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number</td>
<td>26</td>
<td>29</td>
<td>86</td>
<td>16</td>
<td>6</td>
<td>163</td>
</tr>
<tr>
<td>% of Total</td>
<td>16%</td>
<td>17%</td>
<td>53%</td>
<td>10%</td>
<td>4%</td>
<td>100%</td>
</tr>
<tr>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number</td>
<td>16</td>
<td>116</td>
<td>389</td>
<td>325</td>
<td>222</td>
<td>1068</td>
</tr>
<tr>
<td>% of Total</td>
<td>2%</td>
<td>11%</td>
<td>36%</td>
<td>30%</td>
<td>21%</td>
<td>100%</td>
</tr>
</tbody>
</table>
conclusions may reasonably be drawn as to the rural-urban character of population in the four classes of townships formulated by the current study:

1. Since 75% of Class A townships are found in Class I counties and the remaining 25% in Class II counties, in the forty-four Class A townships the population is concentrated preponderantly in urbanized areas, although some portions of it are found outside of urbanized areas; there is also at least a vestige of the rural element in perhaps most of the forty-four townships.

2. About one-fourth of Class B townships is found in Class I counties, and somewhat more than 60% in Class II counties, with the remainder (about 15%) scattered among the other three classes. The preponderant majority (about 85%) of the population of Class B townships, then, has the urban tendencies of Class A townships, though in a less pronounced measure, and the smaller minority is decidedly less urban in character.

3. About one-third of Class C townships is found in Class I and II counties approximately one-half in Class III counties, and the remainder (about 17%) in Class IV and V counties. In this class of townships, then, the population is in fair measure urban though a definite rural element is also evident.

4. Less than 2% of Class D townships is found in Class I counties, and approximately 10% in Class II
counties. The preponderant majority is found in the other three classes (38% in Class III, 30% in Class IV, and 20% in Class V). Almost 90% of the population in townships in this class, then, is found in counties upwards of 60% rural, in which the smaller urban element is found almost wholly outside of urbanized areas. Moreover, it is more than likely that the population of Class D townships is included in that portion of all five classes of counties classified as rural. On the basis of rural-urban population ratios, then, this class of townships is clearly rural.

Range in population of Ohio townships. The population of individual townships also has a bearing on their urban or rural tendencies. Though there is some overlapping among the four classes, about 80% of Class A townships have populations upward of 10,000 while more than 95% of Class D townships fall below 2000. The bulk of Class B townships range between 4000 and 10,000, and almost 85% of Class C townships fall between 2000 and 5000 (see Table 19).

It is to be noted that not all townships within the same population bracket fall in the same township class, since assignment to a township class depends, in part, on the class of county in which a township is located.
<table>
<thead>
<tr>
<th>Population (000)</th>
<th>Class A Township</th>
<th>Class B Township</th>
<th>Class C Township</th>
<th>Class D Township</th>
<th>Totals All Townships</th>
</tr>
</thead>
<tbody>
<tr>
<td>30-40</td>
<td>9.09%</td>
<td>52.27</td>
<td>11.36</td>
<td>3.99%</td>
<td>.30%</td>
</tr>
<tr>
<td>20-30</td>
<td>18.18</td>
<td>7.55</td>
<td>11.32</td>
<td>18.87</td>
<td>.60</td>
</tr>
<tr>
<td>10-20</td>
<td>11.32</td>
<td>6.82</td>
<td>7.55</td>
<td>5.65%</td>
<td>1.96</td>
</tr>
<tr>
<td>9-10</td>
<td>3.28</td>
<td>7.55</td>
<td>1.23</td>
<td>6.75</td>
<td>.53</td>
</tr>
<tr>
<td>8-9</td>
<td>2.28</td>
<td>7.55</td>
<td>1.19</td>
<td>1.13</td>
<td>.38</td>
</tr>
<tr>
<td>7-8</td>
<td>11.36</td>
<td>18.87</td>
<td>1.23</td>
<td>3.99%</td>
<td>1.13</td>
</tr>
<tr>
<td>6-7</td>
<td>11.32</td>
<td>9.20</td>
<td>6.75</td>
<td>1.96</td>
<td>.45</td>
</tr>
<tr>
<td>5-6</td>
<td>11.32</td>
<td>33.74</td>
<td>1.96</td>
<td>2.48</td>
<td>1.58</td>
</tr>
<tr>
<td>4-5</td>
<td>37.74</td>
<td>33.74</td>
<td>1.58</td>
<td>4.29</td>
<td>8.51</td>
</tr>
<tr>
<td>3-4</td>
<td>6.75</td>
<td>12.17</td>
<td>49.08</td>
<td>3.99%</td>
<td>32.00</td>
</tr>
<tr>
<td>2-3</td>
<td>49.08</td>
<td>44.76</td>
<td>39.79</td>
<td>36.00</td>
<td>9.79</td>
</tr>
<tr>
<td>1-2</td>
<td>39.79</td>
<td>36.00</td>
<td>32.00</td>
<td>9.79</td>
<td>32.00</td>
</tr>
<tr>
<td>500-1000</td>
<td>44.76</td>
<td>36.00</td>
<td>32.00</td>
<td>9.79</td>
<td>32.00</td>
</tr>
<tr>
<td>Less than 500</td>
<td>12.17</td>
<td>9.79</td>
<td>32.00</td>
<td>9.79</td>
<td>32.00</td>
</tr>
</tbody>
</table>

Totals 100.00 100.00 100.00 100.00 100.00
It is also to be noted that while the population of townships in Class I and II counties extends over the entire range, from less than 500 to almost 40,000, the upper limit does not exceed 15,000 in Class IV and V counties, or 10,000 in Class III counties (see Table 1, Appendix A). As might be expected, in all but Class I, in the preponderant majority of townships the population falls below 2000.

*Population density of Ohio townships.* Population density would normally offer indications as to the urban or rural character of a township. In this respect, the four classes divide as shown in Table 20.

It is clear that for the overwhelming majority of Ohio townships, particularly in Classes B, C, and D, the density ratio is at a very low level, and for that reason it is not significant as a distinguishing factor as regards fiscal patterns, either among the four classes or within any one class. This is true even for Class A townships where the density ratio varies from less than 300 to almost 4000, mainly because within such townships there are probably pockets with varying density ratios which the ratio for the township as a whole does not always bear out. The fiscal patterns, therefore, correlate more nearly with the urban or rural character of the county generally and the population level of the township rather
TABLE 20

PERCENTAGE DISTRIBUTION OF OHIO TOWNSHIPS, BY CLASS OF TOWNSHIP, AMONG SELECTED DENSITY RANGES, 1960

<table>
<thead>
<tr>
<th>Density per Square Mile</th>
<th>Class A Township</th>
<th>Class B Township</th>
<th>Class C Township</th>
<th>Class D Township</th>
<th>Totals All Townships</th>
</tr>
</thead>
<tbody>
<tr>
<td>3000 - 4000</td>
<td>2.27%</td>
<td>....</td>
<td>....</td>
<td>.09%</td>
<td>.15%</td>
</tr>
<tr>
<td>2000 - 3000</td>
<td>9.09</td>
<td>....</td>
<td>....</td>
<td>....</td>
<td>.30</td>
</tr>
<tr>
<td>1000 - 2000</td>
<td>15.91</td>
<td>....</td>
<td>....</td>
<td>....</td>
<td>.53</td>
</tr>
<tr>
<td>750 - 1000</td>
<td>18.18</td>
<td>....</td>
<td>.61%</td>
<td>....</td>
<td>.68</td>
</tr>
<tr>
<td>500 - 750</td>
<td>13.64</td>
<td>....</td>
<td>....</td>
<td>.09%</td>
<td>.53</td>
</tr>
<tr>
<td>400 - 500</td>
<td>13.64</td>
<td>9.43%</td>
<td>.61</td>
<td>....</td>
<td>.90</td>
</tr>
<tr>
<td>300 - 400</td>
<td>11.36</td>
<td>9.43</td>
<td>.61</td>
<td>....</td>
<td>.83</td>
</tr>
<tr>
<td>250 - 300</td>
<td>15.91</td>
<td>3.17</td>
<td>.61</td>
<td>....</td>
<td>.75</td>
</tr>
<tr>
<td>200 - 250</td>
<td>....</td>
<td>22.65</td>
<td>4.29</td>
<td>....</td>
<td>1.43</td>
</tr>
<tr>
<td>150 - 200</td>
<td>....</td>
<td>28.30</td>
<td>12.88</td>
<td>.09</td>
<td>2.79</td>
</tr>
<tr>
<td>100 - 150</td>
<td>....</td>
<td>22.65</td>
<td>27.62</td>
<td>7.97</td>
<td>10.69</td>
</tr>
<tr>
<td>75 - 100</td>
<td>....</td>
<td>3.77</td>
<td>20.25</td>
<td>.66</td>
<td>3.16</td>
</tr>
<tr>
<td>50 - 75</td>
<td>....</td>
<td>....</td>
<td>27.00</td>
<td>5.00</td>
<td>7.38</td>
</tr>
<tr>
<td>Less than 50</td>
<td>....</td>
<td>....</td>
<td>5.52</td>
<td>86.05</td>
<td>69.88</td>
</tr>
<tr>
<td>Totals</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
</tr>
</tbody>
</table>
than with density ratio (where differences in the latter are of significant magnitude to be considered).

**Population growth or decline.** Population changes are also a factor to consider in an analysis of the township communities. The table below summarizes such changes for the four classes of townships between 1950-1960. For the state as a whole, almost two-thirds of the townships show gains ranging from less than 5% to more than 200%; in the remaining one-third, population declined by margins ranging from less than 1% to as much as 50%. The ratio, however, varies significantly as among the four classes of townships (see Table 21). Clearly, Class "D" townships show a much greater proportion of townships with a declining population than the other three classes.

The effect of annexations and incorporations on population changes must also be considered, particularly as regards townships showing declining populations, since a change in the area of the township may be the determining factor in the decline. Table 22 summarizes statistics concerning the number of townships involved in annexations and incorporations during the same decade (1950-1960). It will be noted that while, statewide, about 20% of the townships had been affected by either annexations or incorporations, differences in this respect among the four
TABLE 21

THE NUMBER AND PERCENTAGE DISTRIBUTION OF OHIO TOWNSHIPS, BY CLASS OF TOWNSHIP, SHOWING GAIN OR LOSS IN POPULATION, 1950-60

<table>
<thead>
<tr>
<th>Class A Township</th>
<th>Number</th>
<th>% of Total</th>
<th>Class B Township</th>
<th>Number</th>
<th>% of Total</th>
<th>Class C Township</th>
<th>Number</th>
<th>% of Total</th>
<th>Class D Township</th>
<th>Number</th>
<th>% of Total</th>
<th>Totals All Townships</th>
</tr>
</thead>
<tbody>
<tr>
<td>Township</td>
<td></td>
<td></td>
<td>Township</td>
<td></td>
<td></td>
<td>Township</td>
<td></td>
<td></td>
<td>Township</td>
<td></td>
<td></td>
<td>Totals</td>
</tr>
<tr>
<td>Population Gain:</td>
<td></td>
<td></td>
<td>Population Loss:</td>
<td></td>
<td></td>
<td>Totals All Townships</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number</td>
<td>41</td>
<td>94%</td>
<td>Number</td>
<td>3</td>
<td>6%</td>
<td>44</td>
<td>100%</td>
<td></td>
<td>Number</td>
<td>53</td>
<td>100%</td>
<td>1328</td>
</tr>
<tr>
<td>% of Total</td>
<td></td>
<td></td>
<td>% of Total</td>
<td></td>
<td></td>
<td>% of Total</td>
<td></td>
<td></td>
<td>% of Total</td>
<td></td>
<td></td>
<td>% of Total</td>
</tr>
<tr>
<td>Class A Township</td>
<td></td>
<td></td>
<td>Class B Township</td>
<td></td>
<td></td>
<td>Class C Township</td>
<td></td>
<td></td>
<td>Class D Township</td>
<td></td>
<td></td>
<td>Totals All Townships</td>
</tr>
<tr>
<td>Township</td>
<td></td>
<td></td>
<td>Township</td>
<td></td>
<td></td>
<td>Township</td>
<td></td>
<td></td>
<td>Township</td>
<td></td>
<td></td>
<td>Totals All Townships</td>
</tr>
<tr>
<td>Number</td>
<td>41</td>
<td>94%</td>
<td>Number</td>
<td>3</td>
<td>6%</td>
<td>44</td>
<td>100%</td>
<td></td>
<td>Number</td>
<td>53</td>
<td>100%</td>
<td>1328</td>
</tr>
<tr>
<td>% of Total</td>
<td></td>
<td></td>
<td>% of Total</td>
<td></td>
<td></td>
<td>% of Total</td>
<td></td>
<td></td>
<td>% of Total</td>
<td></td>
<td></td>
<td>% of Total</td>
</tr>
</tbody>
</table>
classes of townships are most revealing, as shown in the following table:

TABLE 22
NUMBER AND PERCENTAGE DISTRIBUTION OF TOWNSHIPS AFFECTED BY INCORPORATIONS OR ANNEXATIONS, BY CLASS OF TOWNSHIP, 1950-1960

<table>
<thead>
<tr>
<th>Class of Township</th>
<th>Number</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>37</td>
<td>84.09</td>
</tr>
<tr>
<td>B</td>
<td>44</td>
<td>83.02</td>
</tr>
<tr>
<td>C</td>
<td>82</td>
<td>49.69</td>
</tr>
<tr>
<td>D</td>
<td>85</td>
<td>7.36</td>
</tr>
<tr>
<td>Totals</td>
<td>247</td>
<td>20.10</td>
</tr>
</tbody>
</table>

Source: See Table 5.

As indicated in Table 23, moreover, all townships in Class A and B, showing decline in population, were involved in annexation or incorporation proceedings during the decade, hence there is a strong presumption that the decline resulted therefrom rather than from an actual reduction in the number of inhabitants in the areas concerned. The presumption is reinforced by the fact that among Class A and B townships showing gains in population, a preponderant majority did so despite annexations or incorporations. In Class C, 60% of the townships showing declines were likewise affected, though for the other 40% the decline reflects an actual reduction in numbers (also, only about half of the townships showing gains did so
TABLE 23

CHANGES IN POPULATION OF OHIO TOWNSHIPS 1950-1960, SHOWING THE NUMBER AND PERCENTAGE DISTRIBUTION OF TOWNSHIPS, BY CLASS OF TOWNSHIP, AFFECTED AND THOSE NOT AFFECTED BY INCORPORATIONS AND ANNEXATIONS

<table>
<thead>
<tr>
<th>Townships Affected by Incorporations and Annexations</th>
<th>Townships Not Affected by Incorporations and Annexations</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number</td>
<td>Per Cent of Total</td>
<td>Number</td>
</tr>
<tr>
<td>---------</td>
<td>------------------</td>
<td>---------</td>
</tr>
<tr>
<td>A</td>
<td>3</td>
<td>100%</td>
</tr>
<tr>
<td>B</td>
<td>1</td>
<td>100%</td>
</tr>
<tr>
<td>C</td>
<td>12</td>
<td>60%</td>
</tr>
<tr>
<td>D</td>
<td>23</td>
<td>6%</td>
</tr>
</tbody>
</table>

Townships with Loss in Population:

| A | 34 | 83% |
| B | 43 | 82% |
| C | 70 | 49% |
| D | 62 | 9%  |

Townships with Gain in Population:

| A | 34 | 83% | 7 | 17% | 41 | 100% |
| B | 43 | 82% | 9 | 18% | 52 | 100% |
| C | 70 | 49% | 73 | 51% | 143 | 100% |
| D | 62 | 9%  | 600 | 91% | 662 | 100% |
despite annexations or incorporations). In contrast, barely 6% of Class D townships with declining populations were affected by annexations or incorporations, hence, the decline in population for the preponderant majority of Class D townships showing population losses was actual.

A reasonable conclusion is that Class A and B townships reflect growing communities, while Class D townships include fairly substantial areas of declining population; the latter element, though also present, is relatively minor in Class C townships.

**Summary conclusions.** On the basis of demographic data here assembled, typically urban townships (as represented by Class A townships) number less than fifty, and are concentrated predominantly in Ohio's seven most urbanized counties, though they are also found in some of the thirteen other more populous counties. They range in population from 7000 to almost 40,000 and have each an overall density ranging from 250 to almost 4000 per square mile, with probable pockets within each which fall between these extremes or even about the upper limit. Townships in this class are most frequently affected by annexations and incorporations which reduce their areas despite which they show, generally, gains in population.
Typically, rural townships (as represented here by Class D townships) number more than 1000 and comprise the preponderant majority of Ohio's townships. They range in population from less than 500 to 2000, almost half less than 1000, and have a population density, generally, of less than 50 per square mile. They are found mainly in counties which are less than 50% urban though some are also found in even the most highly urbanized counties. Townships in this class are rarely affected by annexations or incorporations and include fairly substantial areas of declining population.

Class B townships number somewhat more than fifty and range in population from 4000 to 7000 in Class I counties, from 4000 to 9000 in Class II counties, and from 9000 to 12,000 in Class IV and V counties. The bulk of them are found in the twenty most populous counties though a few are found in decidedly rural counties, usually townships on the periphery of a large metropolitan center in a county which is otherwise rural in character, or adjoining a medium-sized city in counties from 60% to 80% urban. Over-all population density in each ranges from less than 100 to 500 per square mile, though pockets of greater density probably exist in most of them.

Class C townships number somewhat more than 150 and range in population from 2000 to 4000 in Class I and II
counties, from 2000 to 6000 in Class III counties, 3000 to 6000 in Class IV counties, and from 4000 to 7000 in Class V counties. Though over-all density in each range from less than fifty to as much as 500 per square mile, virtually all of them fall below 200. Found predominantly in counties that are less than 50% urban, they are also found in fewer numbers in the highly urbanized counties.

Economic aspects of urban and rural townships

The general economic complexion of Ohio's townships, which further underscore differences between urban and rural townships, is evident in data relating to the assessed valuation of real estate in the unincorporated portions of the several townships. Tables 11 through 14, Appendix A, summarize the relative importance of agricultural, industrial, commercial and residential property valuation for each of the four classes of townships.

Agricultural property accounts for less than 2% of total valuations for about one-fourth of Class A townships and does not exceed 30% for the other three-fourths. For about 90% of Class B townships, agricultural realty represents between 10% and 30% of the total, with the remaining 10% showing no less than 5% and no more than 50%. For
Class C townships, such property ranges upwards of 15\% of the total, accounting for as much as 90\% for a few of the townships. For three-fourths of Class D townships, agricultural property ranges upwards of 70\% of total valuations, and accounts for at least 35\% of the total for the other one-fourth of the townships. These data underscore the predominantly agricultural character of Class D townships, and points up the declining importance of agriculture in Class A townships and its transitional status in the two middle classes.

Data relating to industrial property show that this class of property is absent altogether, or represents less than 1\% of total valuations, for about one-half of Class A, B, and C townships and almost three-fourths of Class D townships. Proportionately, then, more townships in the three more urban classes have industrial property than is true of predominantly agricultural Class D townships. The remaining half of Class A and B townships show up to 30\% in industrial property while the remaining half of Class C townships, as well as the remaining one-fourth of Class D townships, show up to 70\% in industrial property. For A and B townships, then, industrial property is negligible for about half of them and does not exceed 30\% for any of them. Though likewise negligible for one-half of Class C townships and three-fourths of Class D
townships, it assumes a major status for a few of the remaining townships in each class.

Commercial property valuations follow a fairly uniform pattern for Class A, B, and C townships. Such property is found in all three classes and for all three it ranges from 2% to 25% of total valuations. For Class D townships commercial property is either lacking altogether or accounts for less than 1% for about half of the townships; for the other half, the pattern is similar to that of the other three classes.

Residential property accounts for 50% to 90% of total valuations for all Class A and B townships. Though the range is similar at the upper end for the other two classes of townships, for about 65% of Class C townships residential property represents less than 50% of total valuations, and for 85% of Class D townships less than 25%.

In general, the foregoing data indicates that Class A townships are predominantly residential, with commercial and agricultural elements present in all, though both decidedly secondary to residential. Industry is negligible for about half of them and is likewise a secondary element for the other half. Typically, Class A townships would appear to be in the main residential areas, with one of the
other three a ranking minority element, or alternatively, all three sharing a minority status in varying proportions.

In contrast, Class D townships are primarily agricultural areas. The industrial element is negligible for three-fourths of them and generally is a minority factor for most of the others though it assumes a dominant position for a few townships. Commercial development is lacking in half of the townships and is a decidedly secondary factor in the other half. The residential element, though highly variable, is secondary to the agricultural element for the preponderant majority though it assumes a primary status for a small minority. Typically, Class D townships are primarily agricultural areas, with the other three elements sharing, in varying proportions, a minority status in all but a few townships where either the residential or the industrial element assumes primacy. The latter situation usually occurs in 'rump' townships in urban counties which have long lost their agricultural character, but no longer share the characteristics of Class A townships because of inroads occasioned by incorporations and annexations.

Of the two intermediate classes of townships, Class B shows a closer kinship to Class A, and Class C exhibits tendencies of both Class A and Class D townships.
Townships as suburban communities

The foregoing sections point up the fact that significant differences divide Ohio's several townships into four groups: at one extreme a small minority exhibiting clearly urban characteristics, and at the other the preponderant majority decidedly rural in their circumstances with two intermediate groups in between showing tendencies of both extreme groups but not typical of either. It is necessary now to bring this four-fold classification into a meaningful articulation with the conceptual terms "suburb" and "suburban" which loom conspicuously in discussions of most problems generated by the ascendent urban-industrial influence in contemporary United States.

Precise articulation is difficult if only because the terms themselves lack precision and are variously interpreted. According to one source,

"The concept of 'suburb' has not been completely standardized in the research literature. Possibly one reason for this is that the Bureau of the Census has not provided an official definition of the concept, as it has for 'urban' and 'rural.' In the usage of most writers the term 'suburb' appears to denote an urban place (usually an incorporated place) outside the corporate limits of a large city, but either adjacent thereto or near enough to be closely integrated into the economic life of the central city and within commuting distance of it. The criterion distinguishing a suburb from other territory
on the city's periphery but within its corporate limits is, therefore, not economic or ecological, but political."


The same source, critical of the United States Census Bureau for ignoring established distinctions of "previous research" as between "suburbs" and "urban fringe," defines the latter to mean "the nonsuburban population of the territory in urbanized areas outside central cities," concluding that the term "urbanized area is conceived as having three components: central city or cities, suburbs, and urban fringe."

Commenting on the foregoing definition, another source summarizes as follows:

A working definition of the suburb might be: those urbanized, residential communities which are outside the corporate limits of a large city, but which are culturally and economically dependent upon the central city ... Suburbs are conceived of as urbanized communities while the rural-urban fringe is seen as a land belt
surrounding the central city containing mixed urban and rural uses of land. It is that area where city and country come together.  

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Cast somewhat more in economic terms, is the following definition:

With the spilling over of the American city into adjacent land areas, large urban conglomerates have developed in which one populated place shades into the next, making it difficult to distinguish the city, the suburb, and sometimes the metropolitan area itself... In the larger metropolitan areas there are normally three essential orbits of economic activity: 1) a core or central business district; 2) an Inner Ring of industry, small stores, tightly packed dwelling units, mostly apartments, and 3) an Outer Ring consisting of scattered industries, small and large stores, and above all, single family dwellings. It is mainly the Outer Ring which fits the term 'suburb,' located as it is on the periphery of the metropolis, composed of individual homes, with the head of the household often a managerial or professional person commuting into the core for his livelihood and is middle class in its economic origins and orientation.

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More in a sociological framework, but concerned with a similar concept is the following:

There seems to be a basic confusion between the concept of the suburbs as an ecological phenomenon and the suburb as the burgeoning residences of the upper-middle class. Many of the generalizations referring to the 'suburban man' or 'suburban society' or 'suburban culture' are not manifested of an ecological phenomenon but rather a facet of the complex life styles of the middle class. Suburban research often issues in a description of class behavior rather than ecological behavior ... It is widely assumed that the suburbs are indeed 'middle class' in character ... It is the notion of the 'homogeneity' of the contemporara suburbs that needs clarification for the middle classes are no longer homogenous. As a consequence neither are the suburbs ... In post World War II era, mass produced suburbs ... have been pulling the 'working' or 'blue-collar' classes out of the central cities ... As the class factor varies so does the character of the suburban community.8

8Dobriner, op. cit., pp. xxii-xxiii.

Frequently the definition is ecological:

Suburban areas ... are primarily residential areas having a peculiar location; that is they are farther away from the center of the major city than urban neighborhoods but closer than rural neighborhoods. They lie outside the limits of the central city but remain dependent upon the city as a source of necessary goods and services.9

In a similar vein:

In basic form the new style urban region might be described as having a core area, an inner ring and an outer ring. The core area contains the central business, commercial, industrial, governmental, cultural, amusement and dense residential sectors of the central city. The inner ring contains extensive industrial belts, numerous regional shopping centers, low density apartment districts, and a great many one-family homes of central-city employed commuters. It also contains some cities which in an earlier period were relatively independent of the central city. The outer ring has a scattering of large industrial establishments; many old shopping and service centers, villages or small cities, and a burgeoning number of new residential developments; some for the families of the new local industrial workers, some for those of the higher local industrial workers, some for those of the higher paid employees of the inner and outer ring.

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Another sociological aspect is emphasized in the following:

... Suburban housing of the Levittown type represent(s) a realistic housing alternative for the thousands upon thousands of families who wanted to raise children in something other than the streets of our major metropolitan centers. Much of the negative criticism aimed at suburbia should have been directed instead at our national culture... The adult population of the new large
suburban developments reflect diversity to a greater extent than they do to conformity. 11


Perhaps the broadest concept is reflected in the following:

It should be clear by now that the term 'suburban' has come to mean much more than it formerly did. It covers all parts of the metropolitan region except three: core areas of central cities, areas still farmed as part of the rural economy; and lands in parks, recreation, or watershed reservations. Consequently, the physical planning problems of the suburbs run the gamut from the replacement of obsolete districts in large and small old urban centers to the creation of new urban environment out of new land. 12

Fagin, op. cit., p. 368.

These excerpts illustrate variable approaches in analysing and defining suburban communities within diverse contexts. Yet from each certain similar factors emerge repeatedly which tend to establish common dimensions for the conceptualization. Though minimal, these are sufficient to provide at least a tangential articulation with the four classes of townships formulated by the current study.
Suburban townships are those found on the periphery of large cities, particularly those comprising the "urban fringe" (as this term is used by the United States Census Bureau), but including also those which are found on the perimeter of urbanized areas where a mixture of urban and rural elements is found (designated as "urban fringe" by some writers, or the "outer ring" by others, or variously described as the outer edges of metropolitan areas). These, though set off by legal boundaries, are integral parts of the general area which centers on the core city, having close economic, cultural and social ties with it. Primarily residential in character, they are also, in varying degrees, extensions of the commercial and industrial elements spilling outward from the core city. The dominant residential elements, moreover, are no longer homogeneous middle-class communities though they tend to have the middle-class aura of the suburban communities of earlier times which tends to obscure the growing heterogeneity which has been developing on the periphery of urban centers in recent years.

This general characterization clearly applies to the townships here included in Class A, and in its broadest
connotations probably comprehends most townships in Class B and at least some in Class C. It would be clearly inapplicable to Class D townships with the possible exception of a few "rump" townships found in Class I counties which by attrition of incorporation and/or annexation have taken on most characteristics of Class D townships.

An appraisal of the changing place and purpose of Ohio townships, then, must take into account the diverse circumstances of Ohio townships. Central to a judgment in this matter is the township road function, historically the oldest, and today the major responsibility of Ohio townships. As the foregoing analysis of fiscal characteristics suggest, the four classes of townships vary conspicuously both as to revenues and expenditures relating to the road function. Attention now turns to a detailed consideration of this township undertaking in order to summarize its historic development and to point up differences evident among townships generally in carrying out this primary responsibility today.
CHAPTER VIII

THE TOWNSHIP ROAD FUNCTION IN OHIO

Of all township functions, the oldest major responsibility is that relating to public roads, dating back in its origins to the beginning of statehood. Though it is not possible to trace here its evolution fully over a span of more than a century and a half, at least a brief characterization of its historic development is needed for a better understanding of its status today.

Historical background

Under early statehood laws township trustees were required to divide townships into road districts, with an elective road supervisor established for each, subject to their direction and control. All males in a given age bracket were required to work a stipulated number of days each year at the call of the road supervisor, or pay fines which provided funds for hiring replacements.¹ Later, when property tax levies for road purposes were authorized,

¹Ohio Statutes (Chase, I, 1833), Act of February 17, 1804, pp. 421-25.
provision was made for "working off" the tax obligation at a statutory rate per day, augmenting the work force in this fashion. In time, these arrangements gave way to hired workers on public roads and the "force account" method for accomplishing work on public roads was inaugurated. These features of the statutory framework within which the township road function was carried out prevailed for more than a hundred years until the emergence of the automobile, after the turn of the century, revolutionized government responsibilities with respect to the construction and maintenance of public roads.

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2Ohio Statutes (Chase, I, 1833), Act of January 22, 1806, pp. 520-525.

3The term "force account" was first used in legislation enacted in 1917 (Ohio Laws, 100 v. 69); however, township trustees were authorized to "employ day labor" under the provisions of Ohio General Code (1910), sec. 3370-3384 in addition to the statutory labor force.

4Ohio General Code (1910), sec. 3370-3385 compared with Ohio Statutes (Chase, I, 1833), Act of February 17, 1804, pp. 4251-425.

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Under early statehood laws the responsibility for laying out public roads, within a given county, i.e.
deciding their need and location, was vested in the county commissioners.\(^5\) At a later date, the General Assembly made provision for laying out inter-county roads, generally

\[^5\text{Ohio Statutes (Chase, I, 1833), Act of February 17, 1804, pp. 421-425.}\]

under the control of the county commissioners of the counties through which a given road followed its course, as a joint project.\(^6\) In this fashion, the rudiments of the present county and state systems of roads had their origin. The

\[^6\text{Under first legislation concerning the opening of inter-county roads the responsibility was assigned to a special commission appointed by the General Assembly; see Ohio Statutes (Chase, I, 1833), Act of February 25, 1824, p. 1392. Legislation enacted in 1846 vested this function in the boards of county commissioners of the counties involved; see Ohio Laws, 44 v. 73 (1846).}\]

beginnings of township roads also date back to first laws under statehood. Township trustees were authorized to receive petitions for laying out local roadways and cartways and approve their opening, though maintenance was left to the petitioners.\(^7\) Toward the middle of the century,

\[^7\text{Ohio Statutes (Chase, I, 1833, Act of February 17, 1804, p. 421-425.}\]
however, the maintenance as well as the opening of these local roads, which provided connections with county and inter-county highways, came within the purview of township trustees. Once a public road was declared open, whether by action of the county commissioners or township trustees,

Ohio Laws, 45 v. 19 (1847) was the beginning of this provision.

its maintenance devolved on the township road supervisor of the township within which any portion of the road was found.

Viewed in historical perspective, public roads throughout the nineteenth-century were not, of course, the spectacular phenomenon that they are in the twentieth-century. Overland transportation and communication were secondary to waterways and, later, to the steam locomotive. Moreover, the strategic roadways that did augment the waterways and the railroads were in the main private turnpikes and toll roads. In time, however, as private turnpikes were converted to free public highways and the counties were authorized to construct public turnpikes, their maintenance was a responsibility of the county, rather than the
township road supervisor whose responsibility it had been in earlier times.9

9 For early provisions concerning the construction of turnpikes by county commissioners; see Ohio Laws, 66 v. 62 (1869); converting of private toll roads to free public roads, Ohio Laws, 70 v. 255 (1873); maintenance and repair of improved county roads, Ohio Laws, 71 v. 120 (1874), and Ohio Revised Statutes (1880), sec. 4876-4907.

The present three-fold system of highways, state, county, and township, which is the salient feature of Ohio's existing law, was not formally established until 1915. At the same time each of the three jurisdictions was assigned the responsibility for the maintenance of roads included in its system. Road improvement (construction, reconstruction, resurfacing), however, was undertaken by either counties or townships, with financial assistance available for each lower jurisdiction from the jurisdictions ranking above it, along with control and direction for each project entailing such aid. For townships this meant aid and supervision from both counties and the state; for counties, from the state, often in competition with townships. Roads brought up to the standards of the next higher level with financial assistance therefrom were, upon completion, included in the system of the higher jurisdiction for
for maintenance. In due course, with the enactment of highway user taxes and statutory allocation of the revenue therefrom to the local units as well as the state, provisions for financial aid were repealed. With that development, each jurisdiction came to be concerned, in

\[\text{Ohio Laws, 106 v. 574 (1915) and 110 v. 207 (1923).}\]

\[\text{State aid provisions were repealed in 1927 (Ohio Laws, 112 v. 430); county aid provisions in 1933 (Ohio Laws, 115 v. 441).}\]

the main, with roads in its own system both as to improvements and maintenance, even though the earlier provisions, authorizing counties and townships to undertake road projects on other than their own systems, with the approval of the authority concerned, were not repealed and remain in the code today.

\[\text{Ohio Revised Code, sec. 5553.02 and 5571.01.}\]

The legislation enacted in 1915, was, in fact, a major revision and consolidation of all previous laws relating to public roads. Though substantial changes have been enacted since then, especially as to the responsibility of the state and its relationship to local units, most of the essential characteristics of existing township
responsibilities date from that enactment and the important amendments adopted two years later.\footnote{Ohio Laws, 106 v. 574 (1915) and 107 v. 69 (1917).}

In this basic law the relationship of townships to "public roads" was clarified, bringing it into conformance with the three-fold classification of roads. Moreover with respect to township roads, a clear distinction was established for the first time as between township authority for road improvement (construction, reconstruction, and resurfacing) and township functions as to maintenance and repair. The bulk of current law governing procedures and financing, both as to improvement and maintenance, also dates from this period, as also does the existing authority for the establishment of township road improvement districts which exclude municipal corporations, and joint action on road improvement projects involving more than one township.

At a much later date another important amendment was adopted with regard to the township road improvement authority. Under the major revision enacted in 1917, the trustees could carry out road improvements only by contract. In 1941, however, the permissive features of the existing law
were added, allowing the trustees to proceed with improvements by force account if "they deem it for the best interest of the public."\textsuperscript{14}

\textsuperscript{14}Ohio Laws, 119 v. 426 (1911).

In summary, then, historically the township road function was originally concerned in the main with the maintenance of public roads at a time when their purpose was primarily service to individual farmers. Then, as the character of public roads began to change and to serve broader purposes, townships came to share authority with counties not only as to maintenance but also as to improvements. Later, with the assumption of direct responsibility for public roads by the state, and classification of highways appropriate to each jurisdiction, the township road function evolved to its present dimensions, limited, for the most part, to the improvement and maintenance of roads comprising the township system, either by contract or force account, supported, in part, by local property tax levies and, in part, by allocations from certain highway user imposts of the state.
Current Status

Road improvements. Existing law authorizes township trustees to undertake the improvement ("construction, reconstruction, resurfacing, or improvement") of public roads, though projects on roads included on any system other than their own (county or state), must be approved by the authority concerned.¹⁵ A separate provision also permits the state, county or township, or any two or more of them, by agreement, to expend funds available for road improvement (as well as maintenance or repair) upon roads inside a village.¹⁶

¹⁵Ohio Revised Code, sec. 5571.01.
¹⁶Ohio Revised Code, sec. 5530.08.

Township road improvement undertakings may be initiated either by unanimous vote of the board of township trustees¹⁷ or in response to a petition signed by "51% of the landowners or lot owners, residents of the county, who are to be specially taxed or assessed for such improvement."¹⁸ In either case, the trustees

¹⁷Ohio Revised Code, sec. 5571.15.
¹⁸Ohio Revised Code, sec. 5571.07.
are empowered to order the county engineer to prepare "plans, surveys, profiles, cross-sections, estimates, and specifications... required for such improvements," in as many alternative forms as they may request; the engineer may, on his own, prepare alternate forms also, if he deems it necessary. When these are completed and approved by the trustees, they are required to follow specified procedures regarding notice and public hearings and the settlement of land claims, if appropriation is necessary.

19Ohio Revised Code, sec. 5573.01.
20Ohio Revised Code, sec. 5573.02.

Costs of such improvement projects, initiated by petition, can be covered, in part, by assessments against: (a) real estate abutting thereon; (b) real estate lying within one-half mile of either side thereof; and (c) real estate lying within one mile either side thereof, according to benefits accruing to such real estate; and, in part, from: (a) proceeds of a levy for road purposes upon the grand duplicate of the township of all the taxable property in the township, and (b) from any funds in the township treasury available therefor. The petition specifies the manner of apportionment. The cost of
improvement projects initiated by unanimous vote of the
board of township trustees may be apportioned as determined
by them according to the foregoing provisions, or, by
unanimous vote, wholly from township funds (tax levy or
other available funds).  

21Ohio Revised Code, sec. 5573.07 and 5575.01.

Improvement projects undertaken by township trustees
may be carried out either by contract, awarded to the
"lowest and best bidder" after competitive bidding, or
by force account "if the board of township trustees deems
it for the best interest of the public." If the latter,
and the cost exceeds $3000 per mile, they are required
to invite bids and "shall consider and reject them be-
fore ordering the work done by force account." More-
over, work by force account "shall be performed in com-
pliance with the plans and specifications upon which the
bids were based." Any "work of road improvement shall
be done under the general supervision and direction of
the county engineer," who may appoint an inspector for
a given project whose pay, not exceeding $4.00 per day
is to be included in the costs.  

23Ohio Revised Code, sec. 5575.07.
A major feature of existing law bears on the relationship between townships and municipal corporations with respect to township road improvements. The three-fold classification of roads in Ohio pertains to mileage outside of municipal corporations. Streets within municipal corporations are under the jurisdiction of municipalities, even though some of the streets are also extensions of roads included in one of the three systems (though provision is made for cooperative action among the jurisdictions concerned on a contractual basis). At the same time, county levies for projects on the county system apply to the grand duplicate of the entire county, municipalities included. With certain exceptions, township levies for road improvements apply similarly to the grand duplicate of the entire township, municipalities contained therein included. It is true, of course, that the boundaries of some municipalities are coterminous with township boundaries, the municipal government displacing the township government
and no township levies then are made in such corporation.

Again, under certain circumstances, a municipal corporation may be detached from the township or townships

25 Ohio Revised Code, sec. 703.22 and 503.07.

in which all or any portion of it may be found and it ceases to be, legally, part of any township; hence, in this contingency, no township levies occur either. 26

For the most part, however, township levies for road

26 Ohio Revised Code, sec. 503.09.

improvement purposes apply within municipal corporations lying within the geographical territory of the township unless the trustees take action under permissive provisions of the law enacted by the General Assembly for the express purpose of detaching, as it were, municipalities from a township in regard to township road improvement levies. The trustees may erect a road district out of that portion of the township lying outside of municipalities "whenever in (their) opinion it is expedient and necessary for the public convenience and welfare, for the purpose of constructing, reconstructing, resurfacing or improving public roads within such district."
In that event, the provisions governing township road improvements, including any tax levies, apply only within such district. 27

27 Township trustees were authorized to erect such districts along with several other kinds under permissive statutes as early as 1900 (Ohio Laws, 94 v. 129) and 1901 (Ohio Laws, 97 v. 575); however, the existing provision authorizing such districts only for the territory lying outside of municipal corporations dates from 1917 (Ohio Laws, 107 v. 69; Ohio Revised Code, sec. 5573.21 and 5573.22.

The foregoing provisions also apply generally to projects on roads along boundary lines of townships, or extending through more than one township, or lying within the assessment distance of more than one township. In that event, the trustees of the several townships involved act as a joint board. 28

28 Ohio Revised Code, sec. 5573.15.

Maintenance and repair. Existing provisions relating to the classification of roads and highways in Ohio specify that "township roads include all public highways other than state or county roads. The board of township trustees
shall maintain all such roads within its township."\(^{29}\)

While the state and county systems result from action taken under statutory provisions, the township system is residual in character, with changes by re-classification authorized.\(^{30}\)

\[^{29}\text{Ohio Revised Code, sec. 5535.01.}\]

\[^{30}\text{Ohio Revised Code, sec. 5535.06.}\]

There are also several provisions in the existing law, all dating from a time when state and county financial aid was available to townships for road purposes, long repealed, and prior to the time when townships shared in the proceeds of certain state-imposed highway user taxes, which amplify the maintenance and repair function as it pertains to townships. One permits county commissioners to assist the trustees in the maintenance of township roads,\(^{31}\) and under another, both county commissioners and township trustees may "contribute to the repair and maintenance of the roads under the control of the other."\(^{32}\) Similarly, another provision extends

\[^{31}\text{Ohio Revised Code, sec. 5535.01.}\]

\[^{32}\text{Ohio Revised Code, sec. 5535.03.}\]
permissive authority to township trustees to maintain or repair state and county roads, subject to the approval of the jurisdiction concerned.\textsuperscript{33} And, as pointed out above, townships may expend funds for repair of village streets, by agreement, jointly with the county and the state.\textsuperscript{34} Under existing financial arrangements, these provisions tend to be a dead letter as each jurisdiction is concerned in the main with the maintenance and repair of roads on its own system.

In carrying out their responsibilities for maintenance and repairs, the trustees may designate one of their own number to take charge, or appoint a township highway superintendent to serve at the pleasure of the board. Alternately, they may divide the township into three districts with each trustee having charge of a district. The method in a given township is discretionary with the board, as determined by a resolution adopted by majority vote.\textsuperscript{35} Under a ruling of the Attorney General in 1929,

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{33}Ohio Revised Code, sec. 5571.02.
\item \textsuperscript{34}Ohio Revised Code, sec. 5535.08.
\item \textsuperscript{35}Ohio Revised Code, sec. 5571.02.
\end{itemize}
\end{footnotesize}
however, it is not mandatory that the trustees employ any of the three alternatives given in the law but may proceed to act as a board. 36

36 1929 OAG p. 788.

All maintenance and repairs may be accomplished by contract or by force account, i.e., workers hired by the township. If work is to be done by contract, competitive bidding is required if the amount exceeds $1000, awarded to the "lowest and best bidder." 37 The hiring of workers needed for maintenance and repair by force account may be entrusted to one of the trustees or undertaken by the board for the township as a whole; or, if the township is divided into districts, each trustee may act for his district or one of them for all three. 38

37 Ohio Revised Code, sec. 5575.01.

38 1941 OAG p. 4665.

Maintenance and repair work is to be done under the supervision of a trustee or the township highway
superintendent, subject further to the general supervision and direction of the county engineer. "Such board shall follow the directions of the engineer as to methods to be followed in making repairs." 39

39 Ohio Revised Code, sec. 5575.05.

The county engineer is required to call a meeting of all county and township "authorities having directly to do with the construction or repairs of roads and bridges within the county," at a time and place approved by the state highway director. At this meeting, the engineer or someone designated by the director "shall instruct the proper authorities as to the best and most economical method for repairing and maintaining the roads and bridges of the county so as to provide a uniform system within the county." 40 It is also his responsibility to make "an annual estimate for the board

40 Ohio Revised Code, sec. 5543.06.

of township trustees of each township, setting forth the amount of money required by the township for the construction, re-construction, resurfacing or improvement
of the public roads within their jurisdiction. On the basis of this report, the board of township trustees shall make its levies for the purposes set forth ... and for creating a fund for dragging, maintenance and repair of roads....

The township trustees have a special responsibility with respect to the dragging of gravelled and unimproved roads of the township. At the beginning of the fiscal year the "board, before authorizing any other appropriation from the township road fund, shall appropriate and set aside an amount sufficient to meet the expense of dragging the gravelled and unimproved public roads of the township during the ensuing six months." This money cannot be used for any other purpose. In this connection, the trustees may request the county engineer to have a "demonstration of the best method of dragging public highways."
Road machinery, equipment and supplies. Prior to 1941, township trustees were authorized "to purchase or lease machinery and tools necessary for use in maintaining and repairing roads and culverts within the township ..." and "provide suitable places for housing and storing machinery, and tools owned by the township." However, the amendment adopted in 1941 which permitted township road improvements by force account (as well as by contract), also permitted the purchase and lease of machinery and tools for that purpose as well. Where costs exceed $1000, competitive bidding is required, purchase to be made from the lowest responsible bidder. Provision is also made for the resale of used machinery and tools owned by the township in the purchase of new equipment.\(^{45}\)

\(^{45}\)Ohio Revised Code, sec. 5549.21.

Payment for machines, tools, and materials is to be made from the township road fund\(^{46}\) however, permission is granted for purchases on the deferred payment plan, with the approval of the county commissioners. Existing provisions require one-third down and the balance in two
installments within two years of the date of purchase. Notes of the township may be issued covering payments as not to exceed 6% interest per annum, with tax levies provided to redeem the notes. This form of indebtedness is not considered a debt of the township under the statutes governing local bond issues.47

47Ohio Revised Code, sec. 5549.02.

The trustees are also authorized to levy taxes and issue bonds, with voter approval, for the purpose of acquiring "real property containing suitable stone or gravel, and the necessary machinery for operating the same," when deemed necessary for the construction, improvement or repair of public roads within the township. Such action may be taken as a joint undertaking between two or more townships, and sales of such materials are permitted to residents of the county (or counties) concerned as well as for the construction or improvement of public school buildings or other public improvement in such county or counties. The price is fixed by the trustees though they are enjoined from setting it below cost. Money collected in excess of the costs is
credited to the road maintenance and repair fund of the township. \(^{48}\)

\[^{48}\text{Ohio Revised Code, sec. 5549.22 and 5549.23.}\]

Highway funds

In numerous provisions of the law touching on costs attendant on the township road function, reference is commonly made to the "township road fund." Under existing law, this fund is comprised mainly from moneys deriving from three sources: tax levies, the motor fuel tax, and motor vehicle registration fees (auto licenses).

Under existing law, townships are authorized two separate tax levies: not to exceed three mills for either road improvements or maintenance and/or repair and dragging. \(^{50}\) The latter applies only to property found outside of municipal corporations, while the former

\[^{50}\text{Ohio Revised Code, sec. 5575.10.}\]

includes property of the entire township unless a road district (for road improvement purposes) has been created comprising only the territory outside of municipal
corporations. Both levies "shall be in addition to all other levies authorized for township purposes, and subject only to the limitation on the combined maximum rate for all taxes now in force." 51

51 The quotation is from the Ohio Revised Code, sec. 5573.12; which refers to the three-mill levy; a similar provision in the Ohio Revised Code, sec. 5575.10 relating to the two-mill levy reads: "subject only to the limitation upon the combined rate for taxes now in force."

The phrase "now in force" originally referred to the law in effect in 1915. At that time, there was an over-all statutory limitation of ten mills, levies beyond that requiring the approval of the electorate of the jurisdiction concerned. Subsequently, the over-all rate limitation was revised several times by statute until the fifteen-mill limitation was adopted as a constitutional amendment in 1929, and reduced to the present ten-mill limitation by another constitutional amendment in 1933. In the transition from the fifteen-mill to the ten-mill constitutional limitation, statutory provision was made for the reduction of the erst-while allocation under the fifteen-mill limitation to two-thirds of the average of the preceding five years
under the ten-mill limitation. Had any township had the maximum five mills in effect at that time, it would automatically have dropped to approximately 3 3/100 mills in the transition. That this was true only in a very few instances is borne out by the fact that less than fifty townships (out of a total of about 1350) had an allocation for all township purposes in excess of three mills (though not more than four mills); approximately one-third had allocations of between two and three mills, and the remaining two-thirds less than two mills, the preponderant majority not much more than one mill.

Since then, though the county budget commissions are empowered to make changes in the allocation within the ten mill limitation each year, under certain conditions,

Ohio Revised Code, sec. 5705.31.
the original allocation made at the time of the transition has remained virtually unchanged in every county till the present. As a result, allocations within the ten-mill limitation today reflect, in effect, circumstances as they were circa 1930. In consequence, township road levies, beyond the requirements of thirty years ago, are today voted levies outside of the ten-mill limitation, requiring the approval of the electorate. In most townships, however, allocations from state highway-user revenues obviate the need for voted road levies.

The earlier of the two state sources shared with local units is the motor vehicle registration fund (auto licenses). Though statutory provisions allocating a portion of the revenue from this source to counties and municipalities date back to 1919, the townships were not included until 1951. Under legislation enacted


that year, $500,000 was earmarked for distribution to townships, in proportion to mileage of township roads, effective June 30, 1953. At the next session of the

General Assembly (1953), however, the law was amended to eliminate the portion formerly allotted to the state maintenance and repair fund and to revise the formula apportioning the entire proceeds, except for administrative costs of the department of highway safety, among participating local units. The township share was then set at its present level, 5% of the total, distributed in proportion to mileage of township roads. More recently, the total available for local units was increased (by about $15 million annually), when the provision assigning a portion of the total to cover administrative costs of the Department of Highway Safety was repealed. In 1960, townships received about $3.1 million from this source.

---

57 Ohio Laws, 125 v. 819 (1953).

The state of Ohio also shares with local units revenue deriving from a portion of the tax on motor fuel. The original enactment in 1925, set the rate at two cents per gallon, with proceeds allocated, in part, to municipalities and counties, but not to townships.

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59 Ohio Laws, 111 v. 294 (1925); Ohio Revised Code, sec. 5735.05 and 5735.23.
The rate was reduced to 1-1/2% for a period of about twelve years (1933-1947), but the original allocation formula has remained unchanged to the present.  

In 1927, an additional one-cent levy was imposed earmarked wholly for state highway purposes, though 40% thereof was mandated for expenditure among the several counties in proportion to motor vehicle registrations. Two years later this levy was raised to two cents, with 20% thereof earmarked for distribution to local units, including 10% to townships in equal shares. Another amendment in 1931 increased the local share to 32-1/2%, with the township share boosted to 17-1/2% also apportioned in equal shares. Like the earlier levy, this one too, had been lowered to 1-1/2% between 1933-1947, with no change in the allocation formula. In 1960, townships
received in excess of $10.5 million from this particular source.

More recently the state of Ohio has added three cents more to the motor fuel tax (for a total of seven cents) but proceeds therefrom are credited wholly for state highway purposes. 64

64 Ohio Laws, 125 v. 369 and 125 v. 1135 (1953), Ohio Revised Code, sec. 5728.16; and Ohio Laws, 128 v. 1084 (1959), Ohio Revised Code, sec. 5735.29.

At present, then, the township road fund of the several townships consists of 5% of the receipts from motor vehicle registration fees, allocated on the basis of mileage of township roads, and 17-1/2% of a two-cent tax on motor fuels, distributed in equal shares. In addition, it may be augmented by unvoted tax levies, nominally up to five mills within the ten-mill limitation though, more realistically, they are two mills or less for more than two-thirds of the townships. It may be further augmented by voted road levies outside the ten-mill limitation with the approval of the electorate.
The township road system. Total mileage of all roads and highways in Ohio, outside of municipal corporations, exceeds 83,000 miles almost half of which is included in the township systems:

<table>
<thead>
<tr>
<th></th>
<th>Mileage</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>State highways</td>
<td>15,601.51</td>
<td>18.80%</td>
</tr>
<tr>
<td>County systems</td>
<td>29,302.59</td>
<td>35.01%</td>
</tr>
<tr>
<td>Township systems</td>
<td>38,586.92</td>
<td>46.11%</td>
</tr>
<tr>
<td>Totals</td>
<td>83,691.02</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

Since the eighty-eight counties of Ohio vary considerably in area as well as in the number and size of municipal corporations, the mileage of township roads is unequally divided among the eighty-eight counties. At one extreme, Cuyahoga county, which is almost wholly occupied by municipal corporations, shows less than five miles of township roads. At the other extreme, there are two counties with more than 1000 miles of township roads. About 60% of the counties, however, have between 300 and 500 miles of township roads as shown in Table 24.
TABLE 24

DISTRIBUTION OF MILEAGE OF TOWNSHIP ROADS AMONG OHIO'S EIGHTY-EIGHT COUNTIES, SHOWING THE NUMBER AND PERCENTAGE DISTRIBUTION OF COUNTIES FALLING IN SELECTED MILEAGE BRACKETS, 1960

<table>
<thead>
<tr>
<th>Miles of Township Roads</th>
<th>Number of Counties</th>
<th>Per Cent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 10 miles</td>
<td>1</td>
<td>1.14%</td>
</tr>
<tr>
<td>100-200 miles</td>
<td>2</td>
<td>2.27%</td>
</tr>
<tr>
<td>200-300 miles</td>
<td>10</td>
<td>11.36%</td>
</tr>
<tr>
<td>300-400 miles</td>
<td>29</td>
<td>32.96%</td>
</tr>
<tr>
<td>400-500 miles</td>
<td>23</td>
<td>26.14%</td>
</tr>
<tr>
<td>500-600 miles</td>
<td>11</td>
<td>12.50%</td>
</tr>
<tr>
<td>600-700 miles</td>
<td>6</td>
<td>6.82%</td>
</tr>
<tr>
<td>700-800 miles</td>
<td>2</td>
<td>2.27%</td>
</tr>
<tr>
<td>800-900 miles</td>
<td>2</td>
<td>2.27%</td>
</tr>
<tr>
<td>900-1000 miles</td>
<td>0</td>
<td>...</td>
</tr>
<tr>
<td>1000-1100 miles</td>
<td>2</td>
<td>2.27%</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>88</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

More than 61% of all township roads are either gravel or crushed stone, and about 5% are dirt roads. The remainder are hard-surfaced roads, predominantly bituminous, though some mileage of concrete or brick roads is included.

TABLE 25

MILEAGE AND PERCENTAGE DISTRIBUTION OF TOWNSHIP ROADS, BY TYPE, 1960

<table>
<thead>
<tr>
<th>Type of Road</th>
<th>Miles</th>
<th>Per Cent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dirt</td>
<td>1 921.02</td>
<td>4.98%</td>
</tr>
<tr>
<td>Gravel or stone</td>
<td>23 724.48</td>
<td>61.48%</td>
</tr>
<tr>
<td>Low-type bituminous</td>
<td>8 536.01</td>
<td>22.12%</td>
</tr>
<tr>
<td>High-type bituminous</td>
<td>3 734.86</td>
<td>9.68%</td>
</tr>
<tr>
<td>Concrete or brick</td>
<td>670.55</td>
<td>1.74%</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>38 586.92</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>
The townships in large urban centers have more than their proportionate share of concrete roads and less than their share of dirt roads. The eighty-seven townships in the seven most populous counties show up as follows in this respect:

**Table 26**

**MILEAGE AND PERCENTAGE DISTRIBUTION OF TOWNSHIP ROADS, SEVEN LARGEST COUNTIES AND 81 OTHER COUNTIES, BY TYPE, 1960**

<table>
<thead>
<tr>
<th>Type of Road</th>
<th>Seven Largest Counties</th>
<th>Other 81 Counties</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dirt</td>
<td>1.95%</td>
<td>96.05%</td>
<td>100.00</td>
</tr>
<tr>
<td>Gravel or stone</td>
<td>3.23</td>
<td>96.77</td>
<td>100.00</td>
</tr>
<tr>
<td>Low-type bituminous</td>
<td>6.80</td>
<td>93.20</td>
<td>100.00</td>
</tr>
<tr>
<td>High-type bituminous</td>
<td>11.26</td>
<td>88.74</td>
<td>100.00</td>
</tr>
<tr>
<td>Concrete or brick</td>
<td>63.14</td>
<td>36.86</td>
<td>100.00</td>
</tr>
<tr>
<td>All types</td>
<td>5.66</td>
<td>94.34</td>
<td>100.00</td>
</tr>
</tbody>
</table>

It follows, therefore, that townships in the seven most populous counties show a much greater proportion of their total mileage in concrete roads and much smaller proportions in dirt and gravel roads, than townships in the other counties. While in the latter, dirt and gravel roads account for upwards of two-thirds of their total mileage, in the seven largest counties these account for about one-third of the total. Concrete roads represent about one-fifth of the total in the seven largest counties, and up to as much as 11% in two or three other of the larger counties; generally, however,
most of the other counties either have no roads of this type or have scant mileage, barely a fraction of one per-cent, of the total mileage in a given township (see Table 15, Appendix A).

Road costs

For townships in the aggregate, road expenditures are the biggest single item in their budget, representing almost 60% of the total. As the analysis in the preceding chapter bears out, however, the several townships vary considerably in this respect, particularly as between those in Class A and Class D. For almost all of the former, road expenditures generally account for considerably less than half of their total budgets, while for the latter they range upwards from 50%, for most of them two-thirds or better.

The preceding analysis also underscores two other aspects of township road costs: the vastly greater magnitude of expenditures by urban townships, and the more uniform allocations for all townships from the two highway-user funds distributed by the state. The tabulations in Table 16, Appendix A bear this out further, pointing up the relatively greater importance of state
funds in covering road costs for Class D townships as compared with Class A townships. For virtually all

 Allocation of road costs as between state and local levels was here made by subtracting state highway-user distributions from total township road expenditures and attributing the remainder to local sources.

of the latter, state funds account for less than 40% of their total road expenditures; for the former, on the other hand, state funds represent upwards of 40% of their total road outlays, the bulk of them more than 60%, including almost one-fourth which rely on state funds to cover all of their road expenditures.

In fine, then, Class A townships spend much more for roads (Table 17, Appendix A) and contribute much larger sums from local sources (Table 18, Appendix A) for this purpose than Class D townships. It appears, moreover, that by comparison with Class D townships, there are proportionately more Class A townships with a greater mileage of township roads (Table 19, Appendix A). While about 90% of Class D townships have less than forty miles of roads, almost 60% of Class A townships have upwards of that number, including two or three showing 100 miles or better. The combined effect of varying expenditures and varying mileage produces significant variations in
per-mile costs. While amounts for state funds show rather modest differences (Table 20 Appendix A) among the four classes of townships, local funds vary sharply, particularly as between Class A and Class D townships (Table 21 Appendix A). About 95% of the latter show less than $500 in per-mile amounts while virtually all of Class A range upwards of that amount, more than half of them exceeding $1000. This disparity is then reflected in per-mile amounts for local-state funds combined (Table 21 Appendix A). Class A townships show upwards of $700 in per-mile costs, with the bulk of them falling in the $1000-$2000 bracket, while more than three-fourths of Class D townships fall below $700.

The two intermediate classes, in respect to road costs as in others discussed in the previous chapter fall between the two extreme classes, with Class B townships showing tendencies more nearly like Class A townships and Class C townships more nearly like Class D townships.

While the foregoing contrasts among the four classes of townships point up the sharp differences as between rural and urban townships, perhaps equally significant are the variations evident within each of the four classes (especially Class D) and reflected vividly in data for all townships apart from rural-urban
classifications. They vary drastically as to mileage of roads (Table 19 Appendix A) from less than one mile to 100 miles and more. Equally great is the range in local funds for road purposes with about one-fourth of the townships providing no local moneys at one extreme and a small minority raising almost $300,000 at the other extreme, (Table 18 Appendix A). The pattern for state funds, on the other hand, tends toward greater uniformity, reflecting the effect of the equal allocations from the motor-fuel tax fund; at the lower end of the scale, about one-fifth of the townships receive little more than the equal shares of the motor-fuel tax allocation ($8000 in 1960), while at the upper end, with few exceptions, the amount rarely exceeds $15,000 (Table 23 Appendix A).

With this disparity as between state and local funds, the relative importance of state funds in covering road costs varies over a broad range; for a small minority at one extreme, they barely cover 15% of total road costs, while for a much larger minority (23%) at the other extreme state funds cover all road costs (Table 16 Appendix A). Even more significantly, on a per-mile basis road costs range in the extreme from less than $200 to more than $5000 (Table 22 Appendix A). Since these reflect almost exclusively maintenance and repair expenditures, such extreme variations imply either that the needs for township
road maintenance are vastly dissimilar or that, though essentially similar, they are met in a vastly dissimilar manner, with varying degrees of efficiency.

The changing status of the civil township in Ohio, then, must be appraised not only in the light of modifications in its historic functions, but also its present-day limitations in carrying out the last-remaining of its original responsibilities, the road function, and the diverse circumstances under which the more recently acquired township responsibilities are carried out.

Realistically, such appraisal cannot be divorced from the philosophical underpinning which has sustained the township as a hardy element of Ohio's local government structure for more than a century and a half, nor the political forces supporting it. Though time and change may have drained the former of much meaningful content, indications are that its symbolic appeal remains as a potent tool of the latter. Consideration of this aspect of township development in Ohio is therefore essential.
CHAPTER IX

UNDERLYING THEORY OF OHIO TOWNSHIPS: CURRENT IMPLEMENTATION AND POLITICAL ACTION

The theory underlying the civil township in Ohio is imbedded in philosophical rhetoric which has gathered coloration and appeal since the colonial period of American history and has sustained it with undiminished vigor throughout Ohio's growth and development as a state. This has been particularly true during the past three decades when time-honored generalities and organized political action have joined forces to champion the township as the last outpost of grass roots democracy in contemporary times. The purpose here is to examine the principal tenets of the theory asserted on behalf of Ohio townships and evaluate their relevance to existing circumstances. Though in the main an inquiry in the field of political science, applying essentially theory to practice, broader considerations are involved. An analysis of the relationship between theory and practice, in the case of Ohio townships, must take into account the nature of the communities which today comprise the unincorporated portions of the state. A central thesis of the current study is that fundamental differences
distinguish some townships from others and that consequently a fundamental difference exists between underlying theory and townships in some circumstances as distinguished from those in others.

Accordingly, in the sections that follow, attention centers first on the principal tenets of the grass roots theory as projected on behalf of Ohio townships, noting in particular similarities with its re-statement on behalf of contemporary suburbia. The latter, to the extent that it includes some Ohio townships, has a special significance in evaluating the relationship between theory and practice. Next, the applicability of the tenets is examined in the light of current procedures, structure and organization of township government in Ohio. Finally, the theoretical foundation is assessed within the context of political activity of the major exponent of Ohio townships, for the past thirty years, the Ohio State Association of Township trustees and Clerks.

Townships and grass roots democracy

The roots of the philosophy projected on behalf of Ohio townships run deep and distant in time, finding greatest strength in the genesis of organized government in what is now the state of Ohio. Inevitably reference is
made to the days when pioneers pushed beyond the Appalachianians and created institutions steeped in the democratic ideals fashioned along the Atlantic coastland at an earlier time in the spirit of the Mayflower Compact:

Township government is the oldest form of government in our national life. It came to America on the ship that bore the Pilgrims to Massachusetts. It had its beginning in the Mayflower Compact wherein these pioneer settlers drew up a plan of local self-government and pledged obedience to the laws which they themselves should make. And so town government became New England's contribution to democracy in America. Later, when the men from New England crossed the Appalachians, they took their town government with them and planted its roots in the vast rural area stretching westward as far as the Rocky Mountains.¹


As extant exponents of this hallowed philosophy, Ohio townships have been proclaimed in our day as the "very grass roots of democracy," in terms such as these:

These townships were established in pioneer days as the outposts and custodians of local self-government; they remain today the staunch guardians of home-rule for the folks who live in rural Ohio. To the theorists who see only the map, the thirteen hundred townships lying within the state's borders appear as small administrative districts which should be merged for the sake of efficiency; but the truth is that these townships are the very grass roots of democracy. The reason is that township
government is closest to the people, nearest to the soil. In Greek mythology the mighty giant Antaeus, son of Terra, was invincible so long as he remained in touch with his mother Earth; so too with the township. 2

2 Ibid., p. 3.

There is more than a casual coincidence between the foregoing assertions made on behalf of Ohio townships and the modern formulation of the grass roots theory in contemporary suburban communities. One political scientist, in assessing the problems of organizing government in metropolitan centers, makes the following observations, particularly germane to the point at hand:

All local governments in the United States owe their existence to a special tenet in the American political creed: a conviction that the best government is the one closest to home. In our folklore, we turn back to the archetype of the Colonial New England town when we seek an ideal for democracy. This commitment to grassroots democracy is of long standing ... (and) our shoddy subsequent history of municipal affairs has not shaken our belief that liberty is best protected, the general welfare most assured, in our lowest echelons of government ... .

It is suburbia's role today to proclaim, with the memories of the big city fresh in mind, that even in a modern habitat, grassroots government can continue. In the 20th Century, when truly small government seems to be disappearing everywhere, subdivisions provide the means for a renaissance of the miniature republic. While reformers have struggled
to purify and redeem the great city, to overthrow the bosses, to invent new mechanisms for popular participation, and to strengthen urban administration, the suburbs have appeared to offer at least a facsimile of the genuine article. While economically he (the suburbanite) retains his association with the central city, politically he can re-enter the civic life of a small community where a man is no longer a faceless member of a mass rally, but a citizen whose political participation makes a difference.3


It is important to note that the relevance of this new formulation is limited to townships in Class A, B, and C. As demonstrated in Chapter VII, it is only these townships which are part of contemporary suburbs and which, in an allegorical sense, may be said to be outposts of older established political communities somewhat as the early colonial settlements were outposts of the established order in England. In both instances, by the nature of their situation, the outposts have need of governmental institutions, but they seek autonomy from, and improvement on, those left behind. Within the context of the current study, the question remains whether the urban township as presently constituted in Ohio meets the requirements of the newly-emergent outposts.
Though the term "grass roots democracy" carries broad and varied connotations, depending on the context in which it is used, as it relates to the civil township in Ohio it emphasizes two fundamental concepts of the democratic theory of government. One is the principle of responsiveness and responsibility of government to the electorate, and the other, decentralization of governmental power. Fundamental to both is an underlying assumption of local autonomy. The following are illustrative declarations:

Today, as ever, the township is the great citadel of American democracy. The township officials of Ohio are the men who have the confidence of their neighbors, who know and understand local needs, who represent the will of the people at home.4

4Guitteau, op. cit., p.4.

Self government involves the determination of local policies by the folks living back home. The people living in Ohio's 1338 townships will not consent to have the control of these local policies centralized in some administrative district. One reason why they will not consent to surrender the principle of local self government is that they are descended from the men who fought at Lexington and Bunker Hill to establish the right of self-government and home rule. Our father of the Revolution believed that the people who paid the taxes were entitled to have a very large part in determining what those taxes should be. This lesson of American history has not been forgotten
by the men and women living within the township, although it may have been overlooked by some of the urban friends of centralized government.5

5From a speech of J. R. Thomas, First President of The Ohio State Association of Township Trustees and Clerks, quoted in Guitteau, op. cit., p. 63.

These governments were not suddenly created; they represent the oldest form of democratic government; they hold the great tradition of individual liberty. . . . The independence of the township was the nucleus around which the local interests, rights, and duties collected and clung. Local self-government, independent of general control except for general purposes, is the root and origin of all free republican government.6

6Guitteau, op. cit., p. 137.

The power of township government is gradually being whittled down and taken away . . . . Something must be done to bring back to the countryside a country form of government. A countryside must not be controlled by the cities. The township trustees are the nearest to the people. When government is removed farther away from the people it becomes more expensive.7

7J. R. Thomas, quoted in Guitteau, op. cit., p. 22.
The first concept is essentially a matter of relationship between the governed and the government, and the second, relationship between one governmental jurisdiction and another. In this context, as the foregoing excerpts indicate, the township is regarded as a governmental unit which has jurisdiction over local matters autonomous of other jurisdictions, and in which the electorate has effective control over both policies and officials.

Control by the electorate and responsibility of governmental officials rest on the proposition that the voters elect local individuals who know local needs and are therefore best qualified to serve the township. There is a tacit assumption that popular elections produce this rapport between the governed and the government, and further, that the organization and procedures of the township government reinforce the ballot in furthering popular control.

The township, as an exponent of the principle of decentralization is projected as a jurisdiction which is autonomous, within limits prescribed by the state legislature, of other local jurisdictions, specifically the county and municipalities. The implication is strong, moreover, that it is desirable that the township be independent of the county because the county is too large to admit of proper
responsiveness to local needs; and that it have no identifi-
cation with municipalities because the interests and
needs of municipalities are different from those of town-
ships. The point is unmistakable that the municipal
corporation serves urban needs while the township is
essentially a rural unit.

Ideal implementation of both of these principles of
the grass roots theory implies certain attributes in the
governmental jurisdiction involved. An examination of some
of these as currently manifested in Ohio townships is in
order.

Township elections

One requirement would be broad participation of the
electorate in the selection of elected officials and the
opportunity for it to effectuate turn-over in office holders
at frequent and regularly scheduled elections. It is
doubtful whether circumstances surrounding township electoral
processes approach this ideal.

Under present law, the nomination of candidates for
elective township offices can be effected by means of a
direct primary though it is necessary for a majority of the
electorate to petition that a primary election be held. 8

8 Sec. 3513.01, Ohio Revised Code.
According to best available records, no township has ever had a primary election.\(^9\) In the alternative, nominations are made by petitions of twenty-five electors.\(^10\) While in townships where the total population is less than 500 such petitions may well represent a fourth of the electors, in the larger townships, which number upwards of 5000 in population, such petitions account for a small percentage of the total number of electors.

Data as to voter turn-out in general elections are scarcely more indicative of broad participation. With the large number of townships found in the state, it is difficult to generalize about all of them in all elections; however, state-wide totals for "off year" elections tend to be substantiated by a sampling of returns in the 1961 township elections.\(^11\) It would appear that the vote for township

\(^9\)Records of the Ohio Secretary of State do not include detailed reports relating to township elections. Informed opinion of that office, however, indicates that probably no township ever took action under this provision of the law. See also Guitteau, op. cit., p. 92.

\(^10\)Sec. 3515.253, Ohio Revised Code.

\(^11\)Observations made here are based on a detailed tabulation of the 1961 and 1962 township elections, statistics in Franklin County; summary tables are found in Appendix D.
officials rarely exceeds 50% of the vote cast in a gubernatorial election. Incorporated portions of townships make a better showing than the unincorporated portions, with the former in some townships producing up to 65% of the electorate as compared with 20% to 40%, generally, for the latter. Perhaps equally significant is the fact that from 30% to 60% of the voters who do not participate in such off-year elections ignore the township ballot altogether. Suggestion is strong that issues and officials unrelated to the civil township are more important in attracting the electorate than the township candidates. It would appear, also, that almost 40% of the candidacies are uncontested, though this element appears to have no effect on the voter turn-out; in fact, an uncontested race in many instances draws a higher percentage of voters than in a two or three-way contest.

It is true, of course, that the mediocre record of townships in the electoral process is perhaps not strikingly different from that of other local jurisdictions. Certainly, the character of off-year elections in the United States is generally well-established. The point is here made to demonstrate that townships are not an exceptional citadel of grass roots democracy in this respect; on the contrary, they tend to trail the equally shabby record of other local jurisdictions.
Apart from the scope of participation in the electoral process, another factor is germane. Though township elections occur with unbending regularity every other year, the results may not, even with fullest participation, adequately implement the principle involved. The length of the term of office of elective township officials (four years), coupled with the statutory requirement for overlapping terms, makes a wholesale turn-over of all office holders impossible at any one election; quite often, both factors mitigate against the possibility of effecting a new majority on the three-member board in less than two elections. Moreover, as the accompanying table shows, three term incumbencies appear to be typical for one or more officials in a preponderant majority of townships. For perhaps two-thirds of the townships it is not unusual for one or two of the four elected officials to remain in office for three successive terms (twelve years); for perhaps 10% of the townships, this is true for three of the four elective officials; there are some — perhaps no more than twenty-five — mainly in the rural counties, in which all four elective officials remain in office for three consecutive terms. At the same time, it should be pointed out that for about 25% of the townships, one-term tenure appears to be typical.
TABLE 27

PERCENTAGE DISTRIBUTION OF TOWNSHIPS, BY CLASS OF COUNTY, SHOWING THE PERCENTAGE OF TOWNSHIP OFFICIALS WHO HELD OFFICE FOR THREE CONSECUTIVE TERMS BETWEEN 1952-1963

<table>
<thead>
<tr>
<th>Number of Elective Officials</th>
<th>Class I County</th>
<th>Class II County</th>
<th>Class III County</th>
<th>Class IV County</th>
<th>Class V County</th>
<th>All Counties</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>20.69%</td>
<td>19.05%</td>
<td>23.68%</td>
<td>14.29%</td>
<td>21.05%</td>
<td>19.88%</td>
</tr>
<tr>
<td>One</td>
<td>42.53</td>
<td>33.33</td>
<td>25.00</td>
<td>42.56</td>
<td>42.11</td>
<td>34.94</td>
</tr>
<tr>
<td>Two</td>
<td>31.03</td>
<td>38.10</td>
<td>39.48</td>
<td>35.71</td>
<td>23.68</td>
<td>35.09</td>
</tr>
<tr>
<td>Three</td>
<td>3.45</td>
<td>9.52</td>
<td>7.89</td>
<td>7.14</td>
<td>13.16</td>
<td>8.51</td>
</tr>
<tr>
<td>Four</td>
<td>2.30</td>
<td>.....</td>
<td>3.95</td>
<td>.....</td>
<td>.....</td>
<td>1.58</td>
</tr>
<tr>
<td>Totals</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
</tr>
</tbody>
</table>

SOURCE: Based on data for 300 townships selected for inclusion in sample as reported in the Ohio Roster of Municipal and Township Officers and Members of Boards of Education, published biennially by the Ohio Secretary of State.
Functions and organization of township government

The grass roots theory in its application to the civil township needs also to be examined in the light of changing functions and the relationship between elective officials and the electorate in carrying out these functions. Historically, the township in Ohio performed, in effect, state functions, the administration of which in the early history of the state was entrusted to townships. These responsibilities were carried out according to uniform state laws and township officials were in the main locally elected agents of the state. In time, most of these functions passed to other jurisdictions, while townships gained a steady accretion of other functions on an optional basis in alternative forms, all of them having decidedly local importance. Unlike the former ones which had general application throughout the state, the newer ones are undertaken at the option of a given community as befits local needs. They are, in fine, local service of importance to the community concerned. In this respect, townships are like municipalities. Despite the change in functions, however, the structure and organization of township government remained unchanged. Whereas municipalities provide for representation in the legislative authority and differentiate as between legislative and
executive-administrative powers, townships still retain the rudimentary three-member board of trustees in which all powers and functions are concentrated. With this body of governing officials now possessed of broader powers, responsiveness of elected officials to the will of the governed and their accountability to the electorate become major considerations, the more so since indications are that with accretion of optional functions the need for referring decisions of policy to the electorate has declined. Traditionally, activities of the townships required either extensive hearings with judicial appeals, or decision by a referendum, or both; while this is still true in many undertakings of the township, in the past two or three decades more discretion has inured to the trustees without either hearings or referenda.

In this connection, the powers granted to the civil township under Ohio laws may be grouped into three categories: (1) those which are at least optionally discretionary with the board of township trustees; (2) those which lie in the initiative of the board but require approval of the electorate; (3) those which the electorate initiate but which require the participation of the board for their implementation. Some, in alternative forms, fill into all three categories.12

12See full discussion of each function in Chapter Four
In the first category would be included all of the following:

**Roads.** While at many points the township road function is at least nominally subject to the supervision of the county engineer and the board of county commissioners, generally broad discretion rests with the township trustees. They may, by unanimous vote, undertake road improvement projects from any road funds available without tax levies requiring voter approval. Road repairs and maintenance also lie wholly within the authority of the board, as well as the purchase of all road machinery, supplies and equipment, letting of contracts, and the employment of workers for force account projects. Though all road contracts, whether for the purchase of equipment or for road improvements or maintenance and repair, require competitive bids above minimum statutory amounts, such amounts have steadily increased. In consequence, a fairly substantial portion of all road expenditures is not subject to competitive bidding. This is particularly true in smaller rural townships where total annual expenditures for roads are relatively small ($10,000-$15,000).

**Cemeteries.** The trustees have authority to maintain existing cemeteries and to acquire additional land for cemetery purposes out of funds derived from cemetery lot
sales or from tax levies authorized by law within the ten-mill limitation. They may also discontinue any cemetery under provisions established by law.

Fire protection. Trustees may provide for fire protection in all or any part of the unincorporated portion of the township in one of several alternative forms, financed from any funds in the township treasury or by tax levies within the ten-mill limitation. They are also authorized to purchase equipment under the deferred payment plan, providing for the retirement of such obligations by tax levies within the ten-mill limitation.

Police protection. Trustees may, at their discretion, provide police protection, either directly, or by contractual agreements with adjoining municipalities, or the sheriff.

Lights. Trustees may provide lights for any road, highway, or building under their jurisdiction if, in their judgment, the public welfare and safety justify such lighting.

Parks. Public squares and recreational areas, not under the jurisdiction of a township park board, are the responsibility of the trustees for maintenance and improvements, including the establishment of swimming pools either alone or with a contiguous municipality.
Sanitary Dumps. Trustees may establish sanitary dumps, subject to the approval of the local health board.

Sidewalks. Trustees may, by unanimous vote, order the construction of sidewalks to be financed in part by owners and in part by the township, or wholly by the owners.

Others. Trustees may impose parking regulations, provide for the numbering of houses and markings of streets and erect foot-bridges where needed in the township.

If any or all of the foregoing require tax levies, outside of the ten-mill limitation, or bond issues, voter approval would be necessary. If funds are available and no referendum is needed, the trustees have ample authority to act on their own discretion.

The second category includes the following:

1. Creation of waste disposal district, financed either by a levy, on property within the district, or by a system of charges. Action may be blocked by a protest petition.

2. Zoning for all or any part of the township outside of municipalities. Extensive hearings afford residents ample opportunity to be heard; moreover, ultimate approval of the plan rests with the electorate of the area to be zoned.
3. Hospital facilities for the township by contractual agreements or joint action with a hospital association or a municipal corporation. Tax levies or bond issues for this purpose require voter approval.

4. Several minor undertakings such as providing a residence for a resident physician in an island township, or the purchase of a scow or lighter, or a hearse and vault for the township -- all require voter approval.

In the third category are included township undertakings initiated by petitions from residents desiring a specific service. These necessitate the establishment of a special district within the township for such purpose, financed by levies on the property of the district, or by charges for services rendered. Waste disposal, sidewalks, and lighting are good examples. Zoning, when initiated by petition, is of this category too though costs are a general township obligation rather than a special charge on the area petitioned for zoning.

Certain other undertakings likewise initiated by petition differ from the foregoing in a very fundamental way: the activity, once undertaken, becomes a special district function, carried out by a local jurisdiction having its own legal identity, separate and distinct from the civil township. Such are township park districts,
joint township hospital districts, and township war memorial districts.

With respect to powers in the second and third categories, the relationship of the officials to the electorate and the structure and organization of townships, are not particularly important, inasmuch as their exercise is contingent on direct participation of the electorate. It is a different matter as regards powers in the first category. They represent services of vital importance to the residents, and the manner in which they are performed affects them directly. Laws governing the relationship between the electorate and the officials in whom such discretionary powers are vested should therefore provide for maximum responsibility and responsiveness.

In this context, it is essential to distinguish between urban townships, where such powers are likely to be invoked, and rural townships, where the bulk of such optional powers is likely to be unused. While for the latter, all further considerations are negligible, for the former the expansion of township powers thrust matters of structure and organization to the center of attention.

Political action on behalf of Ohio townships

While literature in the field of political science teems with a well-nigh universal consensus that the township

occurred for the last (and perhaps only) time in 1926. In 1925, the 86th Ohio General Assembly adopted a joint resolution authorizing the appointment of a joint committee to study the "best and most equitable methods of the taxation of property and to recommend needed legislation to carry such methods into effect . . . ." The text of the resolution had no direct reference to townships, but
clearly contemplated a searching review of all local jurisdictions:

Be it resolved, that a joint legislative committee is hereby constituted, consisting of four member of the Senate, to be appointed by the president of the Senate, and five members of the House, to be appointed by the speaker of the House, to investigate the revenues and expenditures of the state and its various local sub-divisions and the laws of this state and other states relating to taxation and public expenditures, and to investigate generally in respect to systems and methods of taxation, to the end that economy may be secured in such expenditure, that the divisions of government may be operated within their income, and that taxation be assessed in the most equitable manner effectually reaching all property which should be subject to taxation and avoiding conflicts and duplication of taxation on the same property; and to recommend the legislation necessary to secure such economy and taxation, including, if necessary, such change in the form of local government in this state as may be required.14

14 Amended Senate joint resolution No. 29, adopted March 27, 1925, 86th Ohio General Assembly, III Ohio Laws 536.

In a separate section of its report, the joint committee presented its conclusions and recommendations with respect to the civil township in Ohio. Significant portions, in part, read as follows:

The Committee has reached the following conclusions with reference to the future of township government in Ohio:

1. The decline of the township is inevitable and will continue. The process of decay which has
been particularly evident in the last decade and a half is due to a fundamental clause, namely, the fact that the township is no longer suited to the requirements of local government in rural areas. The conditions which were originally responsible for its creation have ceased to exist. Its ultimate elimination seems practically certain therefore.

2. The Committee recommends the immediate abolition of the township and the transfer of its remaining functions to the county. In practice, this would mean chiefly the centralization of road maintenance in the county surveyor, and the substitution of a county officer for the township trustees in the administration of poor relief. Both of these steps have been urged by persons desirous of improving rural administration in these fields, and such centralization of activities is now a fact in many states. Such occasional township enterprises as parks and libraries should be also transferred to the county.15


Publication of the joint committee's report in December of 1926 served as a tocsin for township officialdom. Largely under the vigorous leadership of one man, a five-term trustee of a township in the rich agricultural northwest section of the state, a veritable crusade was launched to protect Ohio townships from extinction.16

16 The facts relating to the formation of the Ohio State Association of Township Trustees and Clerks are presented here as reported, Passim, in Guitteau, op. cit.,
Local associations of township trustees and clerks were formed in county after county. Early in 1928, a formal resolution calling for the formation of a state association was adopted at a meeting of the Ashland County Association and a committee was formed to arrange a state convention in Columbus for June of that year. Invitations were sent to all trustees and clerks in the state on behalf of eight county associations: Ashland, Wayne, Wood, Allen, Hancock, Richland, Perry, and Athens. Fifty-one counties were represented at the organization convention; significantly, however, nine of Ohio's twelve most populous counties were not represented: Cuyahoga, Hamilton, Summit, Montgomery, Mahoning, Stark, Butler, Clark and Lorain.

The first order of business at the convention was the selection of a committee to prepare a constitution for the state organization. As subsequently adopted by unanimous vote, the constitution established the name of the organization as "The Ohio State Association of Township Trustees and Clerks" and provided for five officers to be elected at annual state meetings, and a finance committee of four and a legislative committee of sixteen, to be appointed by the president. For purposes of selecting members of the legislative committee the state was divided into sixteen districts, with one representative named from each.
Article III of the Constitution set forth the principles of the Association:

Local government is a vital principle of free institutions. This principle is recognized in the case of municipalities by giving Ohio cities the right to frame and amend their own charters. The people living in rural communities are likewise entitled to control their own local affairs. This can only be done by electing officials who are directly responsible to the voters, and by entrusting to them the control of township affairs. Township officials are neighborhood officials, and hence are more directly responsible to the voters than any other officials can possibly be.17

17As quoted in Guitteau, op. cit., p. 15.

Article IV listed the purposes of the Association as follows:

1. To protect the township against any attempt to abolish it as a governmental unit.
2. To resist any effort at further centralization of governmental powers by depriving the township of any rights, duties, or privileges which it now possesses.
3. To secure, through friendly intercourse, a better acquaintance among township officials.
4. To promote a better knowledge of the rights and duties of township officials, and by a comparison of experiences and interchange of ideas, to arrive at the best way to discharge those duties.
5. To secure from the General Assembly legislation which will enable township government to function more efficiently.
6. To secure for the 50,000 miles of township roads in Ohio an equitable share of gasoline tax revenue, such revenue to be expended on township roads by township officials.\textsuperscript{18}

\textsuperscript{18}The purposes as quoted here are those found in the original constitution of the Wood County Association which were adopted later as part of the constitution of the state association; see Guitteau, \textit{op. cit.}, p. 15.

By the end of 1930, all but one of the eighty-eight counties had established a local association, with overlapping membership in the state association, the last county joined the others in 1939. In 1935, the state association began publishing \textit{The Ohio Township News}, originally on a quarterly basis and now, five issues per year. The "mission" of the publication, as expressed by its first editor, is as follows:

The township is essentially a form of rural government. Its officials are scattered, its numerical strength outweighed by city votes. Yet the township is the balance wheel between area and population, without which no democratic government can sanely function. Because of the close contact of city people, they are more easily and quickly organized to act effectively. It is our hope that this magazine will more closely bind the outposts of government and make them vocal.\textsuperscript{19}

\textsuperscript{19}Quoted in Guitteau, \textit{op. cit.}, p. 86.
The headquarters of the state organization, until 1960, centered on the Secretary-Treasurer who was also editor and publisher of The Ohio Township News. That year the association headquarters was established in Columbus, and a full-time editor-publisher of The News appointed, acting also as the executive-secretary of the Association.20


The statement of principles and purposes in the constitution of the Association, and the aims of its organ, clearly indicate that the Association regarded itself as an exponent of the township as a rural jurisdiction, with the dual purpose of promoting closer relations among township officials and pressing the interest of the township before the General Assembly. The focus of the latter is on (a) preservation of the township as a local jurisdiction; (b) improving its efficiency; (c) strengthening the status of township officials, and (d) expanding the township road function.

A summary of major legislation affecting townships since the Association was established in 1928, serves as a measure of its success as far as legislative activities
are concerned. For purposes of analysis, enactments during the thirty-year period are here grouped into four categories (see summaries in Appendix E):

1. Those which relate to the road function.
2. Those which strengthen the status of township officials.
3. Those which expand the functions of townships.
4. Miscellaneous enactments which do not clearly fit any of the other three groups, though generally enhancing the status of townships.

The first category, concerned with the township road function, includes ten enactments which, in sum, achieved the following changes:

1. Provided allocations for township roads from the state tax on motor vehicle fuels (gasoline tax) and motor vehicle registration fees (auto licenses), the first in equal shares, and the second in proportion to mileage of township roads.
2. Authorized use of state road funds for township road improvements, (originally limited to maintenance and repair).
3. Authorized use of state road funds for the purchase of road equipment and machinery.
4. Abolished the statutory requirement that state road funds allocated to townships be used for maintenance and repair of county dirt roads.
5. Limited the responsibility of township trustees for snow removal to township roads (theretofore, all roads within a given township were a township responsibility).

6. Increased the statutory limitation for the purchase of road equipment and machinery by trustees without competitive bidding from $100 to $1000.

7. Increased the statutory limitation for road improvement contracts without competitive bidding from $1000 to $3000 per mile.

8. Increased the statutory limitation for road maintenance and repair contracts without competitive bidding from $200 to $1000 per mile.

9. Authorized township trustees to carry out road improvement projects by force account as an alternative to contractual agreements (originally only the latter permitted.)

Six of the ten enactments were sponsored by representatives from counties classed here as Class III, IV, or V: three were sponsored by representatives from counties of Class II, and one, in part, by representatives of Class I counties.
Those in the second category numbered nine which in sum effected the following:

1. Increased the term of office of township trustees from two to four years, with staggered terms, and increased their pay twice.

2. Authorized the trustees to appoint an attorney either for a special purpose or on a continuing basis.

3. Authorized trustees to appoint constables for special purpose.

4. Authorized the use of proceeds from cemetery lot sales for acquisition of additional cemetery sites without a vote of the electors.

5. Authorized use of general township fund moneys for purchase of site for township hall, and construction thereof, without a vote of the elector rate (as an alternative to a special levy approved by electorate).

6. Authorized trustees to provide additional office space for township purposes (other than town hall) out of general township fund moneys without vote of electors (as an alternative to a special levy approved to electors).

Of the nine enactments, five were sponsored wholly, or in part, by representatives of counties in Class I and II; the rest by representatives of counties in Class III, IV, and V.
Enactments in the third category, concerned with optional township functions, numbered fifteen, and established permissive authority with respect to fire protection, police protection, swimming pools, hospitals, garbage and waste disposal, street markers and house numbers, parking regulations, emergency equipment, and zoning. All but three were sponsored by representatives of Class I and Class II counties.

The miscellaneous group included five enactments, dealing with four subjects: township allocation from the Local Government Fund (state sales tax); voting requirements in annexation proceedings; fees of appointed police constables; and township in the maintenance and privileges of municipal universities. Legislation with respect to the first was sponsored by a senator representing a district comprised of Class III, IV, and V, counties; the others, by representatives of Class I and II counties.

The fact that such legislation was enacted during the period when the Association was presumably active on behalf of township legislation does not, of course, establish an irrefutable cause and effect relationship. Nor does the rural or urban character of the home county of legislators sponsoring specific bills establish a lineage with like interests. However, a perusal of the
Association's official organ during the thirty-year period clearly establishes such relationships; \(^21\) it could, in any event, be reasonably inferred in view of the coincidence of interests involved.

\(^21\) All editions of *Ohio Township News* in bound volumes are available at the office of the Ohio State Association of Township Trustees and Clerks, Columbus, Ohio.

The benefits and effects of this legislation are presumably the sum of the Association's activity on behalf of the grass roots philosophy. Since by its unequivocal declarations the township is regarded as a rural jurisdiction, it must be concluded that the benefits and effects of such legislation inure to townships as rural jurisdictions. A close scrutiny of the substance of the legislation, however, clearly shows that while all such benefits and effects can logically be claimed for urban townships (Class A, B, and C), only some can with equal logic inure to rural townships (Class D). This distinction can be inferred from *(a)* the nature and substance of the enactments *vis-a-vis* the nature and circumstances of the several townships, and *(b)* from the significance of the enactments to the several townships in
terms of the sponsorship of each specific legislation. On both counts, only legislation in the first and second categories, above, can be identified with Class D townships though apart from both factors, nothing in either category could be deemed irrelevant to any other class of townships. On both counts, legislation in the third and fourth categories is identified predominantly with Class A, B, and C townships and could, in most instances, have only tangential applicability to Class D townships.

Logically stated, then, on the legislative record of the Association, grass roots democracy for Class D townships means strengthening the autonomy and discretionary powers of township officials and enlarging their authority with respect to the road function with expanded subsidies from state-allocated road funds.

For Class A, B, and C townships, in addition to the foregoing, it means also enlarging the jurisdiction of townships to undertake optional functions of an urban character as may benefit local needs. This expanded jurisdiction, however, though optionally subject to direct participation of the electorate in decisions affecting its exercise, is also, in large measure, optionally concentrated in the township officials without direct participation of the electorate. While the latter method is in keeping with the traditional concepts of representative
government, its compatibility with the democratic ideal depends on the extent to which the structure and organization of a governmental jurisdiction provides for maximum responsiveness and responsibility of elected officials to the electorate. This aspect of township government has received scant, if any, attention in legislative enactments during the period of the Association's crusade for the preservation of the grass roots democracy on behalf of Ohio townships.

A final observation is in order. Implicit in the very existence of the Association and its avowed purposes is the fact that the grass roots theory as it relates to Ohio townships means, in effect, organized representation of local interests before the state legislature rather than the exercise of governmental autonomy by a local jurisdiction. This, in turn, points up the fundamental discrepancy between the traditional philosophy asserted on behalf of townships and the essential character of townships as presently constituted. They have only such powers as the legislature confers upon them, exercised within limitations fixed by statutes. While it is true that townships may perform optional functions in alternative ways, the decision that they may or may not undertake a given function at all rests with the General Assembly. In a
fundamental sense, then, there is no local control over local affairs; indeed, townships lack perhaps the prime ingredient of autonomy, i.e., the power to protect their territorial integrity. Correction of this basic discrepancy has been one of the stated aims of the Association, but thus far accomplishments have taken the form of piece-meal extensions in the range of township functions and greater discretionary powers for elected township officials.

The latter development, moreover, has not been accompanied by structural changes in township government consonant with the principles of local autonomy. In this context, the grass roots of township government would seem to be fixed in rather barren soil.
CHAPTER X

CONCLUSIONS AND RECOMMENDATIONS

A central thesis of the current study is that changing circumstances and changing functions, singly and in mutual interaction, have produced a definite cleavage between urban and rural townships in Ohio, with separate and distinct problems resulting for each group. In general, urban townships demonstrate inadequacy of adaptation of a political organism to changing conditions, and rural townships, impending obsolescence in consequence of changing conditions. This general proposition is borne out by the following conclusions which summarize major findings developed in preceding chapters.

1. Number of urban and rural townships. On the basis of revenue and expenditure patterns as well as demographic, economic and ecological data, vast differences distinguish a small minority of townships in urban circumstances, numbering perhaps no more than fifty, from the preponderant majority of townships in rural circumstances, exceeding 1000 in number. There are also somewhat less than 200 other townships which appear to be in a transitional stage.
exhibiting in most respects characteristics intermediate between the two extreme groups.

2. **Changing Functions.** The changing character and purpose of Ohio townships is reflected in large measure in their changing functions over the years. Historically, Ohio townships exercised jurisdiction with respect to governmental functions which were essentially state responsibilities, carried out by townships throughout the state under uniform statutory provisions. Then, as these were gradually transferred to other local jurisdictions (major exception: the road function), townships gained a steady accretion of powers in other areas of governmental responsibilities. Unlike earlier township functions, however, the latter are clearly local and generally urban in character, available to individual townships on an optional basis. In this regard, the township emerges as a local jurisdiction serving much the same purpose in unincorporated areas of the state as do municipalities within corporation boundaries. Though this fairly broad range of optional powers establishes a flexible framework for township development functionally, it also makes for vast differences among the several townships as to the scope of actual undertakings. Findings of the current study indicate that townships in urban circumstances tend to press toward
full utilization of this power potential while those in rural circumstances leave it largely untapped, with the road function clearly dominant.

3. The township road function. While the road function remains the major township responsibility, particularly for rural townships, its character has likewise undergone a change over the years. When it was originally assigned to the townships, public roads were secondary to waterways, and later to steam railroads, as arteries of communication. They served primarily local rural communities and township responsibility consisted almost wholly of maintenance and repairs. Then, as the character of public roads changed and their purpose broadened, primary responsibility for highway construction, improvement and maintenance passed to the counties and the state, with federal assistance, and township responsibilities contracted to their present dimensions: largely maintenance and repair of the secondary roads which comprise the township road system of today. Though this responsibility is vested in the board of township trustees, at least nominally subject to county supervision, it may be carried out in any of several alternative ways. Commonly, particularly in rural townships, trustees divide the township into three districts, with each trustee responsible for roads in one-third of the township. In this manner, the road function
becomes essentially a one-man responsibility in numerous small road districts.

Road expenditures are considerably greater in urban townships than in rural townships. In the former, moreover, local property tax levies cover the preponderant share of road costs while in rural townships road expenditures tend to equal state allocations from highway-user funds (gasoline tax and automobile licenses) or involve local funds up to no more than a third of the total annual costs. On a per-mile basis, costs vary markedly, not only as between rural and urban townships but among townships generally. Such differentials tend to substantiate conclusions drawn from the experiences of other states that greater economy and efficiency are obtained when responsibility for local roads is vested in a wider jurisdiction such as the county.\(^1\) The mere diffusion of authority among numerous small road districts tends to perpetuate rudimentary and outmoded practices or encourage needless duplication of expenditure in costly road equipment and materials.

4. **Structure and organization of township government.**

In structure and organization, township government in Ohio has moved from the long ballot and diffusion of power to the short ballot and greater concentration of power. Under early laws, most of the major responsibilities assigned to townships were entrusted to one or more elective officials. Under this arrangement, the board of township trustees exercised supervision in varying degrees over other elective officials and provided a measure of coordination among them, largely through its fiscal powers and the annual settlements of accounts (with officials having specific responsibilities such as poor relief, road maintenance, fence-viewing, and the like). In due course, as most of these responsibilities passed from township jurisdiction, the separately-elected officials were abolished and township government contracted to its present status: a three-member board of trustees and a clerk.

As initially authorized in legislative enactments, powers relating to the optional functions presently within township jurisdiction were vested in the township trustees, subject to a popular referendum at some point of the process. While this is still true, at least on an alternative basis, enactments of the General Assembly in the last two or three decades have widened the discretionary and permissive powers
of the trustees as an alternative to procedures involving a popular referendum.

Along with this trend toward greater concentration of responsibilities in the township board, accompanying changes occurred in their terms of office. Originally one-year terms were typical; those in time gave way to two years and ultimately to four years, staggered so that the terms of two of the four elective officials expire every two years.

Structurally, and in its operations, township government now, as in earlier periods, is rudimentary in character, with no differentiation as between executive-administrative and legislative powers, even though under its broadened optional functions as a local jurisdiction it exercises legislative powers. While not a pressing problem for townships in rural circumstances, where the scope of functions is limited, for townships in urban circumstances these weaknesses underscore departures from traditional tenets of democratic government.

A basic flaw in townships, as presently constituted, which touches not only on its structure and organization but strikes at perhaps the prime ingredient of viability of any governmental unit, is the absence of control of territorial integrity on the part of townships. In matters involving loss of territory, either by incorporation or annexation, the civil township as such has no legal standing
in procedures in which decisions with respect hereto are determined. Indeed, the agencies involved in such proceedings are not required to take into account the effects of such decisions on the continued existence of the township.

5. **Underlying theory and political action.** The theoretical foundations of Ohio townships, with wellsprings in the political institutions of England and American colonial experiences, have gained strong resurgence within the past two or three decades in Ohio and provide a powerful political impetus for the preservation of the township in contemporary times. In this regard, the New England town, with its emphasis on local autonomy, the responsibility of government and its responsiveness to the electorate, stands preeminent as the archetype of grass roots democracy. Though the township in Ohio, even in its earliest formulation bore more the imprint of experiences in the Middle Atlantic colonies, particularly New York and Pennsylvania, the spirit of the New England town permeated early statutory provisions. As time wore on, however, fidelity to the model consisted mainly in a strong emphasis on the ballot box, particularly in matters involving expenditure of public funds. As a practical matter
township government centered on the election of township officials, serving on a part-time basis, and the conduct of township business, on popular referenda and meetings and hearings of the board of township trustees. As most of the original township functions passed to other units, the philosophical foundations of townships lost their vigor even as the township itself was slipping from a meaningful purpose in the state's structure of local government.

A formal proposal to abolish the township as a local jurisdiction in the second decade of the present century snapped the lethargy and served to revitalize not only the purpose of township government but its defense as an exponent of grass roots democracy. Local associations of township trustees and clerks were formed in all counties, with overlapping membership in a federated state-wide organization established in 1928. A permanent legislative committee was created as an adjunct of the association with the avowed purpose of preserving the township by strengthening its status and expanding its functions.

The association forthrightly champions the township as a rural jurisdiction. Proclaiming it as the last citadel of grass roots democracy for the rural areas of the state, in its activities on behalf of townships it makes no distinction as between rural and urban townships.
Indeed, it tends to extoll the purposefulness of the township as a rural jurisdiction in terms of functions it performs as an urban jurisdiction, while at the same time continuing its efforts to strengthen the last remaining stronghold of rural townships, the road function. This ambivalence, though not calculated, serves the purpose of the association to good advantage. Emphasis on the township as a rural jurisdiction articulates well with the natural affinity which exists between the rural elements in the state legislature and matters of public policy affecting rural interests. At the same time, promotion of optional powers of interest to urban townships engenders support of urban elements in the legislature.

The measure of success achieved by the association in the past three decades suggests further developments along similar lines in the foreseeable future. Prospects for an early demise of the township by action of the General Assembly, as indeed for revisions in the existing status of the township road function, would seem to be fairly remote.

Recommendations for revisions

The foregoing conclusions indicate that recommendations for changes in the status of Ohio townships should encompass a three-fold objective: (a) improvement
of the township in urban areas; (b) elimination of the
township in rural areas; (c) transfer of the road function
to the county. Realistically, however, such recommen-
dations must take into account the influence of organized
political effort on behalf of townships as a contemporary
exponents of the traditional ideals of grass roots de-
mocracy in the rural areas of the state. In this context,
the following proposals merit consideration as feasible
legislative enactments which would advance the findings
and conclusions of the current study.

Abolition of townships. Perhaps the simplest course
of action, in theory, and most in keeping with formal
recommendations of many authorities in the field during
the past several decades, is outright elimination of
townships and the transfer of their functions to the
county. While this solution has merit in Ohio, with
respect to rural townships, it is questionable whether
it would meet the problem with respect to urban town-
ships. In large measure the weaknesses of township
government vis-a-vis the needs of unincorporated portions
of urbanized areas are also typical of county government.
While it is true that constitutional authority exists
for effecting changes in county government which, if
implemented, could provide a county-wide authority adequate
to the requirements of urban communities, the procedures
involved mitigate against timely effectuation. In this context, then, transfer of township functions to the county would merely shift the problems from one inadequate jurisdiction to another. This would not be true, of course, as regards townships in rural circumstances which have a limited scope of functions (mainly road maintenance); eliminating rural townships, therefore, and transferring their functions to the county would not only be feasible but desirable. However, a frontal attack against rural townships in their present entrenched position does not commend itself as a strategic move. Measures encouraging their voluntary demise offer a more hopeful prospect (see below).

Transfer of the road function to counties. While there are no serious impediments to the transfer of the township road function to the county, from the standpoint of the latter's adequacy to handle it, the feasibility of success in enacting necessary legislation to that end is not promising. The rising course of this stronghold of township jurisdiction during the past three decades has probably not reached culmination; any proposal contemplating an abrupt and complete reversal is therefore impractical, however, sound in principle. At the same time, the latter consideration must be given primacy in any objective appraisal of the
matter on its merits. In the preponderant majority of townships throughout the state, township roads are connecting links with primary highways and as such their importance transcends the parochial need of individual townships. They are integral segments of a communication network serving a highly mobile community which in its broadest sense is national in character. It is incongruous with modern advances in technology to allow economically inefficient upkeep and repair of these roads to continue out of expediency to local political pressures. From the standpoint of costs, moreover, the vast differentials in per-mile expenditures demonstrated in data developed in the current study raise questions as to the efficient use of highway funds available for township roads under existing statutory allocation formulae. As a minimal move, a re-examination by an agency of the General Assembly is clearly indicated, if only to evaluate the merits of allocating the township portion of the state motor vehicle fuel tax in equal shares in face of the many unequal aspects of the township function.

In another vein, legislation, authorizing the transfer of the road function to the county on an optional basis lies within the realm of feasibility. Should it serve to achieve this end in any county, its enactment would be
justified. In this event, the township might be retained as the basis for allocating state road funds, with the stipulation that such amounts be used on township roads of the county concerned; responsibility for actual administration of the township road function, however, would be vested in the county.

**Charter townships.** Granted the need of an adequate local jurisdiction to serve the unincorporated portions of urban areas, the historic stature of the township commends it as the logical object of attention. One approach to improve its capacity in this regard would be the enactment of statutory authority to establish charter townships on an optional basis. Minimal requirements would need to be prescribed to limit its applicability to townships in urban circumstances. Size and density of population together with minimal per capita amounts in assessed valuations of taxable property would serve this purpose. Changes in the structure and organization of government for charter townships should establish a clear separation as between executive-administrative and legislative functions. Provision should also be made for a full-time executive official and an enlarged legislative authority, both subject to statutory rules of procedure. The existing scope of optional powers, moreover, should be broadened to include licensing and
regulatory authority similar to that of municipal corporations. Thus strengthened, a charter township would be more adequately equipped to cope with responsibilities devolving upon it and would discourage further fragmentation of its territory by incorporations and annexations.

Optional de-organization of townships. A companion measure to the preceding one, directed at townships in rural circumstances, would be the enactment of permissive legislation authorizing the voluntary de-organization of such townships and the transfer of their functions to the county. The current study demonstrates that all Class D townships fall below the 3000 population level (and none are found below this level in the other three classes) and generally perform functions easily within the competence of county government as presently constituted. It would be desirable, therefore, that legislation permitting voluntary de-organization be applicable to townships with a population of 3000 or less, thus limiting its use for encouraging the elimination of least viable townships.

Consolidation of townships and villages. One proposal which would serve to alleviate problems peculiar to both urban and rural townships, commends itself apart from any others here offered. This is the enactment of legislation which would authorize the consolidation of a township with
a village (or villages if such be the case) contained within its territorial boundaries into a common township-wide jurisdiction. In urban areas, such action would have the effect of improving the structure and organization of government and preserving the territorial integrity of the township while enhancing the tax base of the combined unit and reducing overhead costs. In rural areas, the latter advantages would be the greater consideration.

Such legislation could provide either for voluntary action upon local initiative or for mandatory consolidation for townships and villages falling below a stipulated level of population and assessed valuations of taxable property. The latter alternative would, of course, limit its application to townships in rural circumstances and would doubtless find greater hurdles in the legislative process than a permissive measure having general application.

Classification of townships. Another proposal commends itself as an alternative to all of the foregoing proposals in that it contemplates achieving the same ends in one comprehensive act. This would be the enactment of legislation providing for a classification of townships on the basis of population and assessed valuation of taxable property, with separate provisions governing structure,
organization, procedures, and powers established for each class. Also included would be provisions for the voluntary transfer of the road function to the county, voluntary de-organization of townships in certain classes, and voluntary mergers of townships and villages, as proposed above.

Attractive from the standpoint of the opportunity it offers for a well-conceived, comprehensive plan, this alternative would probably encounter greater hazards in the political processes than would piece-meal enactments, by reason of its broad scope. Its chief virtue, in this context, is its greatest handicap.

Annexation and incorporation proceedings. Another proposal concerns existing provisions of Ohio law as to incorporation and annexation proceedings which affect municipal corporations as well as townships. The full ramifications of the problems involved which need corrective action lie beyond the purview of the current study;² of important concern, however, are those aspects which touch upon the territorial integrity of townships,

²A detailed analysis of Ohio's current laws relating to incorporation and annexation proceedings, together with a comprehensive proposal for revisions, is given in an unpublished monograph prepared in 1963 by Professor Harvey Walker, Department of Political Science, The Ohio State University.
particularly in urban counties. It is obvious, of course, that every prospective annexation or incorporation affects the status of one or more townships. Yet under existing laws, townships have no legal standing to participate in decisions relating thereto. Emphasis is wholly on the merits of such proposals as to the area to be incorporated or annexed, with no provision made for weighing the effects of such proposals on the viability of the township, or townships, involved, and only ambiguous and ineffective provisions as to the disposition of the remainder of such township or townships.

Other proposals offered above contemplating improvements in the status of urban townships would doubtless have the effect of discouraging annexations and incorporations in urbanized counties and to that extent would mitigate the problem raised here. Augmenting such enactments -- and more urgently in the absence of such enactments -- it would be advisable to adopt amendments to the present law as it applies to annexations and incorporations in urban counties which would establish adverse effects on the viability of townships as a bar to proposed annexations or incorporations. Resolution of this impediment would lie either in revising the area involved in the annexation or incorporation proposal to include the whole of the township, or in a mandatory disposition of the
remainder of the township as an indispensible part of the proceedings.

It would be desirable, moreover, that such proceedings be removed from the jurisdiction of the boards of county commissioners (and boards of township trustees in case of incorporations) and vested in the court of common pleas, with a further requirement that a full evaluation of each such proposal by the county planning commission be a condition precedent to a final decision.

Adoption of any or all of the foregoing proposals is necessary in recognition of the changing circumstances which have gradually overtaken Ohio townships in the course of their historic evolution from the pioneer days of the nineteenth century to the urban-industrial complexities of our own times. While these contemplate in the main permissive legislation which would depend on local action for effectuation of actual changes, it is believed that mandatory changes by direct legislative enactment are not feasible. Certainly, if there be responsible sentiment at the local level to correct deficiencies in the existing status of Ohio townships, proposals here submitted offer ample scope of action toward that end.
It is recognized, of course, that the problems here considered with the township as a focal point have an integral relationship with broader problems involving not only other local jurisdictions, but the state and federal governments as well.\(^3\) Precipitated in the main by the hectic pace of urban-industrial development throughout the country in recent decades, these problems have special and in some ways unique manifestations in individual states. Ohio, unlike most states, has several large metropolitan centers within its borders; but it also has at present extensive areas where rural circumstances prevail. Though this may be a temporary transitional situation, in due course to be engulfed by accelerated urbanization in the future, at present a dual approach is indicated. Changes in the structure and organization of local governments in urban areas require a different

approach from that in rural areas. With respect to the latter, the revisions proposed here contemplate the elimination of obsolete units and improving efficiency in the administration of necessary governmental responsibilities. In its fullest implication, this means not only the abolition of the rural township as a separate jurisdiction, but the consolidation of other marginal local units.

In urban areas, the proposals offered here underscore the need for strengthening the status of townships as a local jurisdiction serving the unincorporated portions of metropolitan centers. Under existing arrangements, such areas lie beyond the authority of municipal corporations and are served by township governments which are not adequate to responsibilities devolving upon them. In a general sense, the objective is to enhance their status as a viable local jurisdiction more nearly approximating that of municipal corporations.

This in itself is not the ultimate solution to the problems of government in highly urbanized areas encompassing a multiplicity of separate local jurisdictions. In the final analysis, neither improved urban townships nor municipal corporations of whatever size or resources can, each within its own jurisdiction, meet the general problems involved. More efficient townships in such areas,
however, would provide greater stability for these unincorporated "islands" on the fringes of existing municipal corporations and to that extent would help establish a more effective area-wide base for a federal approach to area-wide problems. As it is, these unincorporated "islands" are constantly subject to incorporation or annexation proceedings in which the immediate and narrower interests of existing or impending municipalities are emphasized, and attention diverted from the long-range development of the broader surrounding community. This is not to rule out the possibility of incorporation or annexation of township territory; the point is to enhance the status of the urban township pending either such action, and to make it an effective participant in the process. It is believed that the strengthening of urban townships would tend to discourage piecemeal exploitation and promote action towards comprehensive planning in the metropolitan centers of the state.
APPENDIX A

STATISTICAL REFERENCE TABLES
APPENDIX TABLE 1

PERCENTAGE DISTRIBUTION OF OHIO TOWNSHIPS, BY CLASS OF COUNTY, 
AND BY SELECTED POPULATION BRACKETS, 1960

<table>
<thead>
<tr>
<th>Population</th>
<th>Class I County</th>
<th>Class II County</th>
<th>Class III County</th>
<th>Class IV County</th>
<th>Class V County</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 500</td>
<td>2.30%</td>
<td>4.74%</td>
<td>4.59%</td>
<td>6.14%</td>
<td>16.52%</td>
<td>6.93%</td>
</tr>
<tr>
<td>500 - 999</td>
<td>3.45</td>
<td>24.74</td>
<td>42.81</td>
<td>45.32</td>
<td>42.62</td>
<td>38.25</td>
</tr>
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<td>18.42</td>
<td>20.46</td>
<td>26.90</td>
<td>22.61</td>
<td>21.16</td>
</tr>
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<td>17.24</td>
<td>17.37</td>
<td>17.95</td>
<td>15.58</td>
<td>12.17</td>
<td>16.19</td>
</tr>
<tr>
<td>2500 - 4999</td>
<td>31.03</td>
<td>16.32</td>
<td>11.00</td>
<td>4.68</td>
<td>3.48</td>
<td>10.17</td>
</tr>
<tr>
<td>5000 - 9999</td>
<td>14.94</td>
<td>11.05</td>
<td>3.13</td>
<td>1.17</td>
<td>1.74</td>
<td>4.29</td>
</tr>
<tr>
<td>10,000 - 14,999</td>
<td>10.34</td>
<td>4.21</td>
<td>....</td>
<td>.29</td>
<td>.43</td>
<td>1.43</td>
</tr>
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<td>15,000 - 19,999</td>
<td>5.75</td>
<td>1.58</td>
<td>....</td>
<td>....</td>
<td>.43</td>
<td>.68</td>
</tr>
<tr>
<td>20,000 - 29,999</td>
<td>6.90</td>
<td>1.05</td>
<td>....</td>
<td>....</td>
<td>....</td>
<td>.60</td>
</tr>
<tr>
<td>30,000 - 40,000</td>
<td>3.45</td>
<td>.52</td>
<td>....</td>
<td>....</td>
<td>....</td>
<td>.30</td>
</tr>
<tr>
<td>Totals</td>
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<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
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</tr>
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APPENDIX TABLE 2

PERCENTAGE DISTRIBUTION OF OHIO TOWNSHIPS, BY CLASS OF COUNTY, AND BY SELECTED AREA BRACKETS, 1960

<table>
<thead>
<tr>
<th>Area in Square Miles</th>
<th>Class I County</th>
<th>Class II County</th>
<th>Class III County</th>
<th>Class IV County</th>
<th>Class V County</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 5</td>
<td>6.90%</td>
<td>1.32%</td>
<td>.28%</td>
<td>1.91%</td>
<td>.95%</td>
<td>.95%</td>
</tr>
<tr>
<td>5 to 10</td>
<td>6.90</td>
<td>1.32</td>
<td>.28</td>
<td>1.91</td>
<td>.95</td>
<td>1.38</td>
</tr>
<tr>
<td>11 - 15</td>
<td>14.94%</td>
<td>1.97%</td>
<td>2.28%</td>
<td>1.91%</td>
<td>2.08%</td>
<td>3.29</td>
</tr>
<tr>
<td>16 - 20</td>
<td>10.34%</td>
<td>11.84%</td>
<td>3.99%</td>
<td>6.22%</td>
<td>1.39%</td>
<td>5.94</td>
</tr>
<tr>
<td>21 - 25</td>
<td>27.59%</td>
<td>21.71%</td>
<td>29.35%</td>
<td>29.19%</td>
<td>27.08%</td>
<td>27.57</td>
</tr>
<tr>
<td>26 - 30</td>
<td>10.31%</td>
<td>21.71%</td>
<td>20.80%</td>
<td>19.15%</td>
<td>33.34%</td>
<td>21.53</td>
</tr>
<tr>
<td>31 - 35</td>
<td>11.49%</td>
<td>15.79%</td>
<td>19.66%</td>
<td>18.18%</td>
<td>20.14%</td>
<td>18.02</td>
</tr>
<tr>
<td>36 - 40</td>
<td>8.05%</td>
<td>19.73%</td>
<td>16.81%</td>
<td>11.48%</td>
<td>10.42%</td>
<td>14.32</td>
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<tr>
<td>41 - 45</td>
<td>2.30%</td>
<td>2.63%</td>
<td>2.28%</td>
<td>7.18%</td>
<td>3.47%</td>
<td>3.61</td>
</tr>
<tr>
<td>46 - 50</td>
<td>.66%</td>
<td>1.99%</td>
<td>2.39%</td>
<td>1.39%</td>
<td>1.59%</td>
<td>1.59</td>
</tr>
<tr>
<td>More than 50</td>
<td>1.15%</td>
<td>1.32%</td>
<td>2.52%</td>
<td>1.91%</td>
<td>.69%</td>
<td>1.80</td>
</tr>
</tbody>
</table>

Totals 100.00 100.00 100.00 100.00 100.00 100.00

### APPENDIX TABLE 3

**Percentage Distribution of Ohio Townships, by Class of County, and by Selected Population Density Brackets, 1960**

<table>
<thead>
<tr>
<th>Density per Square Mile</th>
<th>Class I County</th>
<th>Class II County</th>
<th>Class III County</th>
<th>Class IV County</th>
<th>Class V County</th>
<th>Totals</th>
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<tbody>
<tr>
<td>Less than 25</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 - 50</td>
<td>5.25</td>
<td>42.76</td>
<td>56.13</td>
<td>62.68</td>
<td>54.16</td>
<td>50.49</td>
</tr>
<tr>
<td>51 - 99</td>
<td>19.39</td>
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<td>16.52</td>
<td>17.70</td>
<td>18.06</td>
<td>17.60</td>
</tr>
<tr>
<td>100 - 299</td>
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<td>20.39</td>
<td>10.26</td>
<td>5.26</td>
<td>5.56</td>
<td>12.08</td>
</tr>
<tr>
<td>300 - 599</td>
<td>18.39</td>
<td>5.26</td>
<td>1.42</td>
<td>.96</td>
<td>1.39</td>
<td>3.50</td>
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<tr>
<td>600 - 999</td>
<td>9.20</td>
<td>1.32</td>
<td>.42</td>
<td>.96</td>
<td>.136</td>
<td>1.06</td>
</tr>
<tr>
<td>1000 - 1999</td>
<td>8.05</td>
<td>.66</td>
<td>.66</td>
<td>.66</td>
<td>.66</td>
<td>.85</td>
</tr>
<tr>
<td>2000 - 2999</td>
<td>4.60</td>
<td>.66</td>
<td>.66</td>
<td>.66</td>
<td>.66</td>
<td>.53</td>
</tr>
<tr>
<td>3000 - 3999</td>
<td>1.15</td>
<td>.42</td>
<td>.42</td>
<td>.42</td>
<td>.42</td>
<td>.11</td>
</tr>
<tr>
<td>More than 4000</td>
<td>1.15</td>
<td>.66</td>
<td>.66</td>
<td>.66</td>
<td>.66</td>
<td>.21</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
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<td><strong>100.00</strong></td>
<td><strong>100.00</strong></td>
<td><strong>100.00</strong></td>
<td><strong>100.00</strong></td>
<td><strong>100.00</strong></td>
</tr>
</tbody>
</table>

*Source: Appendix Tables 1 and 2.*
### APPENDIX TABLE 4

**POPULATION OF OHIO TOWNSHIPS AND MUNICIPALITIES, AND PERCENTAGE DISTRIBUTION, BY CLASS OF COUNTY, 1960**

<table>
<thead>
<tr>
<th>Class of County</th>
<th>Townships</th>
<th>Per Cent of Total</th>
<th>Municipalities</th>
<th>Per Cent of Total</th>
<th>Totals</th>
<th>Per Cent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Population</td>
<td></td>
<td>Population</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I</td>
<td>702 755</td>
<td>14.19%</td>
<td>1,148 368</td>
<td>85.91%</td>
<td>4 851 123</td>
<td>100.00</td>
</tr>
<tr>
<td>II</td>
<td>653 002</td>
<td>36.47%</td>
<td>1,137 361</td>
<td>63.53%</td>
<td>1 790 363</td>
<td>100.00</td>
</tr>
<tr>
<td>III</td>
<td>729 724</td>
<td>42.93%</td>
<td>970 007</td>
<td>57.07%</td>
<td>1 699 731</td>
<td>100.00</td>
</tr>
<tr>
<td>IV</td>
<td>424 844</td>
<td>52.10%</td>
<td>390 594</td>
<td>47.90%</td>
<td>815 438</td>
<td>100.00</td>
</tr>
<tr>
<td>V</td>
<td>277 212</td>
<td>67.97%</td>
<td>130 615</td>
<td>32.03%</td>
<td>407 827</td>
<td>100.00</td>
</tr>
<tr>
<td>Totals</td>
<td>2 787 537</td>
<td>29.14%</td>
<td>6 776 945</td>
<td>70.86%</td>
<td>9 564 482</td>
<td>100.00</td>
</tr>
</tbody>
</table>

**Percentage Distribution among Classes of Counties:**

<table>
<thead>
<tr>
<th>Class of County</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>25.21%</td>
</tr>
<tr>
<td>II</td>
<td>23.43%</td>
</tr>
<tr>
<td>III</td>
<td>16.78%</td>
</tr>
<tr>
<td>IV</td>
<td>15.24%</td>
</tr>
<tr>
<td>V</td>
<td>9.94%</td>
</tr>
<tr>
<td>Totals</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

**SOURCE:** See Appendix Table 1.
N.B. The range shown in each instance in Appendix Tables 5 through 10 comprehends the preponderant majority of townships in each class, invariably upwards of 90%. The small minorities, which fall either below or above the range indicated, do not follow the pattern for others in their own class, usually for reasons peculiar to the township involved. In some instances, such deviations are explained by factors peculiar to so-called "rump" townships, usually found in highly urbanized counties. From another standpoint, quite commonly data for year for which the tabulations were made are not typical for most years, a special undertaking for the single year throwing the fiscal pattern askew. In other instances, a more favored tax duplicate under unique circumstances, or simply local decisions for whatever reason not in keeping with the class generally make for singularly distinctive fiscal patterns. These minority exceptions, it is felt, do not affect the preponderant evidence establishing the characteristics for each of the four classes of townships as shown.
### APPENDIX TABLE 5

**SUMMARY OF THE RANGE IN THE MAGNITUDE OF TOWNSHIP REVENUES, BY CLASS OF TOWNSHIP AND BY MAJOR SOURCE, 1960**

<table>
<thead>
<tr>
<th>Source</th>
<th>Class A Township</th>
<th>Class B Township</th>
<th>Class C Township</th>
<th>Class D Township</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Tax</td>
<td>$50,000 to $300,000</td>
<td>$25,000 to $80,000</td>
<td>$10,000 to $50,000</td>
<td>$3,000 to $30,000</td>
</tr>
<tr>
<td>Cemeteries and Lots</td>
<td>Less than $100 to $10,000</td>
<td>Less than $100 to $20,000</td>
<td>Less than $100 to $20,000</td>
<td>Less than $100 to $20,000</td>
</tr>
<tr>
<td>Other Local Sources</td>
<td>$3,000 to $15,000</td>
<td>$1,000 to $15,000</td>
<td>Less than $100 to $10,000</td>
<td>Less than $100 to $5,000</td>
</tr>
<tr>
<td>Total Local Sources</td>
<td>$55,000 to $300,000</td>
<td>$25,000 to $70,000</td>
<td>$5,000 to $40,000</td>
<td>$3,000 to $25,000</td>
</tr>
<tr>
<td>Motor Fuel Tax</td>
<td>...</td>
<td>...</td>
<td>Equal portions to all townships</td>
<td>...</td>
</tr>
<tr>
<td>Motor Vehicle Licenses</td>
<td>$1,000 to $15,000</td>
<td>$1,000 to $5,000</td>
<td>$1,000 to $5,000</td>
<td>Less than $500 to $5,000</td>
</tr>
<tr>
<td>Local Government Fund</td>
<td>$5,000 to $20,000</td>
<td>$3,000 to $10,000</td>
<td>$1,000 to $5,000</td>
<td>$300 to $5,000</td>
</tr>
</tbody>
</table>
APPENDIX TABLE 5 -- Continued

<table>
<thead>
<tr>
<th>Source</th>
<th>Class A Township</th>
<th>Class B Township</th>
<th>Class C Township</th>
<th>Class Township</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beer &amp; Liquor Permits</td>
<td>$5 000 to $20 000</td>
<td>$1 000 to $10 000</td>
<td>$300 to $5 000</td>
<td>Less than $100 to $1 500</td>
</tr>
<tr>
<td>Inheritance Tax</td>
<td>$3 000 to $35 000</td>
<td>$1 000 to $5 000</td>
<td>Less than $100 to $5 000</td>
<td>Less than $100 to $3 000</td>
</tr>
<tr>
<td>Cigarette Licenses</td>
<td>$500 to $3 000</td>
<td>$300 to $1 000</td>
<td>Less than $100 to $500</td>
<td>Less than $100 to $300</td>
</tr>
<tr>
<td>Total State Sources</td>
<td>$25 000 to $80 000</td>
<td>$15 000 to $30 000</td>
<td>$10 000 to $25 000</td>
<td>$5 000 to $20 000</td>
</tr>
<tr>
<td>Grand Total Revenues</td>
<td>$90 000 to $350 000</td>
<td>$55 000 to $100 000</td>
<td>$30 000 to $70 000</td>
<td>$10 000 to $35 000</td>
</tr>
</tbody>
</table>
## APPENDIX TABLE 6

SUMMARY OF THE RANGE IN THE RELATIVE IMPORTANCE OF MAJOR SOURCES OF TOWNSHIP REVENUES, BY CLASS OF TOWNSHIP, 1960

<table>
<thead>
<tr>
<th>Source</th>
<th>Class A Township</th>
<th>Class B Township</th>
<th>Class C Township</th>
<th>Class D Township</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Tax</td>
<td>50% to 30%</td>
<td>45% to 75%</td>
<td>20% to 65%</td>
<td>8% to 50%</td>
</tr>
<tr>
<td>Cemetery</td>
<td>None to 8%</td>
<td>None to 20%</td>
<td>None to 25%</td>
<td>None to 20%</td>
</tr>
<tr>
<td>Lots</td>
<td>None to 20%</td>
<td>None to 25%</td>
<td>None to 30%</td>
<td>None to 30%</td>
</tr>
<tr>
<td>Other Local Sources</td>
<td>Less than 1% to 30%</td>
<td>Less than 1% to 25%</td>
<td>None to 30%</td>
<td>None to 30%</td>
</tr>
<tr>
<td>Total Local Sources</td>
<td>60% to 90%</td>
<td>55% to 80%</td>
<td>20% to 65%</td>
<td>85 to 60%</td>
</tr>
<tr>
<td>Motor Fuel Tax</td>
<td>1% to 15%</td>
<td>5% to 20%</td>
<td>5% to 60%</td>
<td>10% to 80%</td>
</tr>
<tr>
<td>Motor Vehicle Licenses</td>
<td>Less than 1% to 5%</td>
<td>Less than 1% to 20%</td>
<td>Less than 1% to 20%</td>
<td>Less than 1% to 30%</td>
</tr>
<tr>
<td>Local Government Fund</td>
<td>None to 20%</td>
<td>Less than 1% to 25%</td>
<td>None to 30%</td>
<td>None to 35%</td>
</tr>
</tbody>
</table>
**APPENDIX TABLE 6 -- Continued**

<table>
<thead>
<tr>
<th>Source</th>
<th>Class A Township</th>
<th>Class B Township</th>
<th>Class C Township</th>
<th>Class D Township</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beer &amp; Liquor Permits</td>
<td>None to 20%</td>
<td>None to 15%</td>
<td>None to 15%</td>
<td>None to 15%</td>
</tr>
<tr>
<td>Inheritance Tax</td>
<td>Less than 1% to 20%</td>
<td>Less than 1% to 20%</td>
<td>None to 15%</td>
<td>None to 35%</td>
</tr>
<tr>
<td>Cigarette Licenses</td>
<td>Less than 1% to 2%</td>
<td>Less than 1% to 2%</td>
<td>None to 3%</td>
<td>None to 2%</td>
</tr>
<tr>
<td>Total State Sources</td>
<td>12% to 40%</td>
<td>20% to 50%</td>
<td>30% to 85%</td>
<td>35% to 92%</td>
</tr>
</tbody>
</table>
### APPENDIX TABLE 7

**SUMMARY OF THE RANGE IN PER CAPITA AMOUNTS OF TOWNSHIP REVENUES, BY CLASS OF TOWNSHIP AND BY MAJOR SOURCE, 1960**

<table>
<thead>
<tr>
<th>Source of Revenue</th>
<th>Class A Township</th>
<th>Class B Township</th>
<th>Class C Township</th>
<th>Class D Township</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property Tax</strong></td>
<td>1 to $16</td>
<td>3 to $20</td>
<td>Less than $1 to $21</td>
<td>Less than $1 to $45</td>
</tr>
<tr>
<td><strong>Cemetery Lots</strong></td>
<td>Less than 1/ to 1</td>
<td>Less than 10/ to $3</td>
<td>Less than 10/ to $4</td>
<td>Less than 10/ to $5</td>
</tr>
<tr>
<td><strong>Other Local Sources</strong></td>
<td>10/ to $8</td>
<td>10/ to $12</td>
<td>Less than 10/ to $6</td>
<td>Less than 10/ to $33</td>
</tr>
<tr>
<td><strong>Total Local Sources</strong></td>
<td>1$ to $20</td>
<td>$4 to $20</td>
<td>50/ to $25</td>
<td>50/ to $25</td>
</tr>
<tr>
<td><strong>Motor Fuel Tax</strong></td>
<td>10/ to $2</td>
<td>50/ to $3</td>
<td>50/ to $4</td>
<td>$2 to $30</td>
</tr>
<tr>
<td><strong>Motor Vehicle Licenses</strong></td>
<td>Less than 10/ to 50/</td>
<td>Less than 10/ to $1</td>
<td>Less than 10/ to $2</td>
<td>Less than 10/ to $9</td>
</tr>
<tr>
<td><strong>Local Government Fund</strong></td>
<td>10/ to $2</td>
<td>10/ to $3</td>
<td>10/ to $6</td>
<td>10/ to $9</td>
</tr>
</tbody>
</table>
## Appendix Table 7 -- Continued

<table>
<thead>
<tr>
<th>Source of Revenue</th>
<th>Class A Township</th>
<th>Class B Township</th>
<th>Class C Township</th>
<th>Class D Township</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beer &amp; Liquor Permits</td>
<td>Less than 10¢ to 97¢</td>
<td>Less than 10¢ to 93¢</td>
<td>Less than 10¢ to 94¢</td>
<td>Less than 10¢ to 95¢</td>
</tr>
<tr>
<td>Inheritance Tax</td>
<td>Less than 10¢ to 92¢</td>
<td>Less than 10¢ to 93¢</td>
<td>Less than 10¢ to 93¢</td>
<td>Less than 10¢ to 97¢</td>
</tr>
<tr>
<td>Cigarette Licenses</td>
<td>Less than 10¢ to 25¢</td>
<td>Less than 10¢ to 25¢</td>
<td>Less than 10¢ to 25¢</td>
<td>Less than 10¢ to 11¢</td>
</tr>
<tr>
<td>Total State Sources</td>
<td>$1 to $5</td>
<td>$1 to $7</td>
<td>$1 to $11</td>
<td>$4 to $40</td>
</tr>
<tr>
<td>Grand Total Sources</td>
<td>$3 to $25</td>
<td>$6 to $25</td>
<td>$2 to $30</td>
<td>$6 to $55</td>
</tr>
</tbody>
</table>
### Appendix Table 3

**Summary of the Range in the Magnitude of Township Expenditures, by Class of Township and by Purpose, 1960**

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Class A Township</th>
<th>Class B Township</th>
<th>Class C Township</th>
<th>Class D Township</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Government</td>
<td>$10,000 to $40,000</td>
<td>$5,000 to $15,000</td>
<td>$3,000 to $15,000</td>
<td>$1,000 to $10,000</td>
</tr>
<tr>
<td>Public Health</td>
<td>$3,000 to $20,000</td>
<td>$1,000 to $10,000</td>
<td>$500 to $5,000</td>
<td>$100 to $3,000</td>
</tr>
<tr>
<td>Roads</td>
<td>$35,000 to $300,000</td>
<td>$5,000 to $50,000</td>
<td>$5,000 to $40,000</td>
<td>Less than $5,000 to $20,000</td>
</tr>
<tr>
<td>Fire Protection</td>
<td>$10,000 to $90,000</td>
<td>$3,000 to $30,000</td>
<td>$1,000 to $10,000</td>
<td>$100 to $5,000</td>
</tr>
<tr>
<td>% of townships</td>
<td></td>
<td></td>
<td>13%</td>
<td>12%</td>
</tr>
<tr>
<td>no expenditures</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Protection</td>
<td>$5,000 to $20,000</td>
<td>$500 to $15,000</td>
<td>Less than $1,000 to $5,000</td>
<td>Less than $100 to $31,000</td>
</tr>
<tr>
<td>% of townships</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>no expenditures</td>
<td>32%</td>
<td>53%</td>
<td>57%</td>
<td>94%</td>
</tr>
<tr>
<td>Purpose</td>
<td>Class A Township</td>
<td>Class B Township</td>
<td>Class C Township</td>
<td>Class D Township</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------------</td>
<td>-----------------</td>
<td>-----------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Lighting</td>
<td>$300 to $20,000</td>
<td>Less than $100</td>
<td>Less than $100</td>
<td>Less than $100</td>
</tr>
<tr>
<td>% of townships no expenditures</td>
<td>22%</td>
<td>39%</td>
<td>59%</td>
<td>75%</td>
</tr>
<tr>
<td>Waste</td>
<td>$500 to $20,000</td>
<td>$5,000 to $3,000</td>
<td>Less than $100</td>
<td>Less than $100</td>
</tr>
<tr>
<td>Disposal</td>
<td>$60,000</td>
<td>$5,000</td>
<td>$3,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>% of townships no expenditures</td>
<td>89%</td>
<td>91%</td>
<td>90%</td>
<td>94%</td>
</tr>
<tr>
<td>Zoning</td>
<td>$1,000 to $10,000</td>
<td>$5,000 to $1,000</td>
<td>Less than $100</td>
<td>$1,000 to $5,000</td>
</tr>
<tr>
<td>% of townships no expenditures</td>
<td>46%</td>
<td>48%</td>
<td>72%</td>
<td>94%</td>
</tr>
<tr>
<td>Cemeteries</td>
<td>Less than $100</td>
<td>Less than $100</td>
<td>Less than $100</td>
<td>Less than $100</td>
</tr>
<tr>
<td>% of townships no expenditures</td>
<td>$2,000 to $25,000</td>
<td>$2,500 to $25,000</td>
<td>$1,000 to $10,000</td>
<td>$1,000 to $5,000</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>$1,000 to $25,000</td>
<td>Less than $1,000</td>
<td>Less than $1,000</td>
<td>$1,000 to $5,000</td>
</tr>
<tr>
<td>% of townships no expenditures</td>
<td>25%</td>
<td>22%</td>
<td>15%</td>
<td>14%</td>
</tr>
<tr>
<td>Grand Total</td>
<td>$90,000 to $350,000</td>
<td>$45,000 to $100,000</td>
<td>$25,000 to $70,000</td>
<td>$5,000 to $50,000</td>
</tr>
</tbody>
</table>
### APPENDIX TABLE 9

**SUMMARY OF THE RANGE IN THE RELATIVE IMPORTANCE OF MAJOR PURPOSES OF TOWNSHIP EXPENDITURES, BY CLASS OF TOWNSHIP, 1960**

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Class A Township</th>
<th>Class B Township</th>
<th>Class C Township</th>
<th>Class D Township</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>Less than 5% to 35%</td>
<td>Less than 5% to 35%</td>
<td>Less than 5% to 35%</td>
<td>Less than 5% to 35%</td>
</tr>
<tr>
<td>Government</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Health</td>
<td>Less than 1% to 15%</td>
<td>Less than 1% to 15%</td>
<td>Less than 1% to 15%</td>
<td>Less than 1% to 15%</td>
</tr>
<tr>
<td>Roads</td>
<td>10% to 70%</td>
<td>10% to 70%</td>
<td>10% to 85%</td>
<td>10% to 90%</td>
</tr>
<tr>
<td>Fire Protection</td>
<td>1% to 140%</td>
<td>1% to 140%</td>
<td>None to 40%</td>
<td>None to 40%</td>
</tr>
<tr>
<td>Police Protection</td>
<td>None to 15%</td>
<td>None to 15%</td>
<td>None to 15%</td>
<td>None to 15%</td>
</tr>
<tr>
<td>Lighting</td>
<td>None to 15%</td>
<td>None to 5%</td>
<td>None to 15%</td>
<td>None to 10%</td>
</tr>
<tr>
<td>Waste Disposal</td>
<td>None to 30%</td>
<td>None to 10%</td>
<td>None to 20%</td>
<td>None to 20%</td>
</tr>
<tr>
<td>Purpose</td>
<td>Class A Township</td>
<td>Class B Township</td>
<td>Class C Township</td>
<td>Class D Township</td>
</tr>
<tr>
<td>-------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Zoning</td>
<td>None to 5%</td>
<td>None to 5%</td>
<td>None to 5%</td>
<td>None to 5%</td>
</tr>
<tr>
<td>Cemeteries</td>
<td>None to 15%</td>
<td>None to 25%</td>
<td>None to 40%</td>
<td>None to 40%</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>None to 25%</td>
<td>None to 25%</td>
<td>None to 25%</td>
<td>None to 25%</td>
</tr>
</tbody>
</table>
### APPENDIX TABLE 10

**SUMMARY OF THE RANGE IN PER CAPITA AMOUNTS OF TOWNSHIP EXPENDITURES, BY CLASS OF TOWNSHIP AND BY PURPOSE, 1960**

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Class A Township</th>
<th>Class B Township</th>
<th>Class C Township</th>
<th>Class D Township</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Government</td>
<td>50¢ to $3</td>
<td>50¢ to $4</td>
<td>50¢ to $5</td>
<td>50¢ to $10</td>
</tr>
<tr>
<td>Public Health</td>
<td>Less than</td>
<td>Less than</td>
<td>Less than</td>
<td>Less than</td>
</tr>
<tr>
<td></td>
<td>50¢ to $2</td>
<td>50¢ to $2</td>
<td>50¢ to $3-</td>
<td>50¢ to $4</td>
</tr>
<tr>
<td>Roads</td>
<td>$1 to $10</td>
<td>$1 to $15</td>
<td>$1 to $15</td>
<td>$1 to $50</td>
</tr>
<tr>
<td>Fire Protection</td>
<td>Less than</td>
<td>Less than</td>
<td>Less than</td>
<td>Less than</td>
</tr>
<tr>
<td></td>
<td>50¢ to $15</td>
<td>50¢ to $10</td>
<td>50¢ to $10</td>
<td>50¢ to $20</td>
</tr>
<tr>
<td>Police Protection</td>
<td>None to $3</td>
<td>None to $4</td>
<td>None to $5</td>
<td>None to $5</td>
</tr>
<tr>
<td>Lighting</td>
<td>Less than</td>
<td>Less than</td>
<td>Less than</td>
<td>Less than</td>
</tr>
<tr>
<td></td>
<td>50¢ to $2</td>
<td>50¢ to $1</td>
<td>50¢ to $3</td>
<td>50¢ to $20</td>
</tr>
<tr>
<td>Waste Disposal</td>
<td>Less than</td>
<td>Less than</td>
<td>Less than</td>
<td>Less than</td>
</tr>
<tr>
<td></td>
<td>50¢ to $5</td>
<td>50¢ to $1</td>
<td>50¢ to $5</td>
<td>50¢ to $10</td>
</tr>
<tr>
<td>Purpose</td>
<td>Class A Township</td>
<td>Class B Township</td>
<td>Class C Township</td>
<td>Class D Township</td>
</tr>
<tr>
<td>-------------</td>
<td>-----------------</td>
<td>-----------------</td>
<td>-----------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Zoning</td>
<td>Less than 50¢ to $1</td>
<td>Less than 50¢ to $1</td>
<td>Less than 50¢ to $1</td>
<td>Less than 50¢ to $2</td>
</tr>
<tr>
<td>Cemeteries</td>
<td>Less than 50¢ to $2</td>
<td>Less than 50¢ to $4</td>
<td>Less than 50¢ to $7</td>
<td>Less than 50¢ to $25</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>Less than 50¢ to $10</td>
<td>Less than 50¢ to $3</td>
<td>Less than 50¢ to $5</td>
<td>Less than 50¢ to $14</td>
</tr>
<tr>
<td>Grand total Expenditures</td>
<td>$3 to $25</td>
<td>$6 to $25</td>
<td>$2 to $35</td>
<td>$4 to $60</td>
</tr>
</tbody>
</table>
### APPENDIX TABLE 11

**ASSESSED VALUATION OF REALTY IN CLASS A TOWNSHIPS, BY CLASS OF PROPERTY, SHOWING THE PERCENTAGE DISTRIBUTION OF TOWNSHIPS AMONG SELECTED PERCENTAGE BRACKETS, 1960**

<table>
<thead>
<tr>
<th>Per Cent of Total Valuations</th>
<th>Agricultural Property</th>
<th>Industrial Property</th>
<th>Commercial Property</th>
<th>Residential Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>40.90%</td>
<td>9.09%</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Up to 5%</td>
<td>16.82%</td>
<td>22.78%</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>5% - 10%</td>
<td>29.55%</td>
<td>52.23%</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>11% - 15%</td>
<td>15.91%</td>
<td>13.62%</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>16% - 20%</td>
<td>4.55%</td>
<td>6.82%</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>21% - 25%</td>
<td>6.92%</td>
<td>4.55%</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>26% - 30%</td>
<td>2.27%</td>
<td>4.55%</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>31% - 35%</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>36% - 40%</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>2.27%</td>
</tr>
<tr>
<td>41% - 50%</td>
<td>...</td>
<td>2.27%</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>51% - 60%</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>9.09%</td>
</tr>
<tr>
<td>61% - 70%</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>18.16%</td>
</tr>
<tr>
<td>71% - 80%</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>36.47%</td>
</tr>
<tr>
<td>81% - 90%</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>29.00%</td>
</tr>
<tr>
<td>91% - 100%</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>9.09%</td>
</tr>
</tbody>
</table>

| Totals | 100.00 | 100.00 | 100.00 | 100.00 |

**SOURCE:** Based on projections of assessed valuation data for 300 selected townships from the records of the Division of County Affairs, Ohio Department of Taxation; for explanation of sample, see pp. 107-109.
### APPENDIX TABLE 12

Assessed Valuation of Realty in Class B Townships, by Class of Property, Showing the Percentage Distribution of Townships Among Selected Percentage Brackets, 1960

<table>
<thead>
<tr>
<th>Per cent of Total Valuations</th>
<th>Agricultural Property</th>
<th>Industrial Property</th>
<th>Commercial Property</th>
<th>Residential Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>........</td>
<td>11.32%</td>
<td>........</td>
<td>........</td>
</tr>
<tr>
<td>Up to 5%</td>
<td>........</td>
<td>56.40%</td>
<td>54.72%</td>
<td>........</td>
</tr>
<tr>
<td>5% - 10%</td>
<td>3.78%</td>
<td>1.89%</td>
<td>32.07%</td>
<td>........</td>
</tr>
<tr>
<td>11% - 15%</td>
<td>16.98%</td>
<td>13.21%</td>
<td>11.32%</td>
<td>........</td>
</tr>
<tr>
<td>16% - 20%</td>
<td>20.75%</td>
<td>11.32%</td>
<td>........</td>
<td>........</td>
</tr>
<tr>
<td>21% - 25%</td>
<td>24.53%</td>
<td>........</td>
<td>1.89%</td>
<td>........</td>
</tr>
<tr>
<td>26% - 30%</td>
<td>30.18%</td>
<td>........</td>
<td>........</td>
<td>........</td>
</tr>
<tr>
<td>31% - 35%</td>
<td>........</td>
<td>5.66%</td>
<td>........</td>
<td>........</td>
</tr>
<tr>
<td>36% - 40%</td>
<td>1.89%</td>
<td>........</td>
<td>........</td>
<td>........</td>
</tr>
<tr>
<td>41% - 50%</td>
<td>1.89%</td>
<td>........</td>
<td>........</td>
<td>11.32%</td>
</tr>
<tr>
<td>51% - 60%</td>
<td>........</td>
<td>........</td>
<td>........</td>
<td>33.96%</td>
</tr>
<tr>
<td>61% - 70%</td>
<td>........</td>
<td>........</td>
<td>........</td>
<td>26.12%</td>
</tr>
<tr>
<td>71% - 80%</td>
<td>........</td>
<td>........</td>
<td>........</td>
<td>24.53%</td>
</tr>
<tr>
<td>81% - 90%</td>
<td>........</td>
<td>........</td>
<td>........</td>
<td>3.77%</td>
</tr>
<tr>
<td>91% - 100%</td>
<td>........</td>
<td>........</td>
<td>........</td>
<td>........</td>
</tr>
</tbody>
</table>

**Totals**: 100.00 100.00 100.00 100.00

**Source**: See Appendix Table 11.
APPENDIX TABLE 13

ASSESSED VALUATION OF REALTY IN CLASS C TOWNSHIPS, BY CLASS OF PROPERTY, SHOWING THE PERCENTAGE DISTRIBUTION OF TOWNSHIPS AMONG SELECTED PERCENTAGE BRACKETS, 1960

<table>
<thead>
<tr>
<th>Per Cent of Total Valuations</th>
<th>Agricultural Property</th>
<th>Industrial Property</th>
<th>Commercial Property</th>
<th>Residential Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>...</td>
<td>20.60%</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Up to 5%</td>
<td>...</td>
<td>10.49%</td>
<td>60.11%</td>
<td>...</td>
</tr>
<tr>
<td>5%-10%</td>
<td>1.81%</td>
<td>12.27%</td>
<td>23.61%</td>
<td>...</td>
</tr>
<tr>
<td>11%-15%</td>
<td>7.97%</td>
<td>3.68%</td>
<td>6.75%</td>
<td>...</td>
</tr>
<tr>
<td>16%-20%</td>
<td>3.07%</td>
<td>8.59%</td>
<td>6.1%</td>
<td>14.29%</td>
</tr>
<tr>
<td>21%-25%</td>
<td>1.23%</td>
<td>3.07%</td>
<td>...</td>
<td>2.45%</td>
</tr>
<tr>
<td>26%-30%</td>
<td>13.50%</td>
<td>...</td>
<td>6.1%</td>
<td>6.75%</td>
</tr>
<tr>
<td>31%-35%</td>
<td>3.68%</td>
<td>...</td>
<td>...</td>
<td>13.50%</td>
</tr>
<tr>
<td>36%-40%</td>
<td>15.31%</td>
<td>...</td>
<td>...</td>
<td>15.31%</td>
</tr>
<tr>
<td>41%-50%</td>
<td>22.71%</td>
<td>...</td>
<td>...</td>
<td>21.48%</td>
</tr>
<tr>
<td>51%-60%</td>
<td>15.95%</td>
<td>...</td>
<td>...</td>
<td>15.95%</td>
</tr>
<tr>
<td>61%-70%</td>
<td>10.42%</td>
<td>2.45%</td>
<td>...</td>
<td>12.88%</td>
</tr>
<tr>
<td>71%-80%</td>
<td>2.45%</td>
<td>...</td>
<td>...</td>
<td>5.52%</td>
</tr>
<tr>
<td>81%-90%</td>
<td>1.84%</td>
<td>...</td>
<td>...</td>
<td>1.84%</td>
</tr>
<tr>
<td>91%-100%</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Totals</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
</tr>
</tbody>
</table>

SOURCE: See Appendix Table 11.
## APPENDIX TABLE 14

**ASSESSED VALUATION OF REALTY IN CLASS D TOWNSHIPS, BY CLASS OF PROPERTY, SHOWING THE PERCENTAGE DISTRIBUTION OF TOWNSHIPS AMONG SELECTED PERCENTAGE BRACKETS, 1960**

<table>
<thead>
<tr>
<th>Per Cent of Total Valuations</th>
<th>Agricultural Property</th>
<th>Industrial Property</th>
<th>Commercial Property</th>
<th>Residential Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>60.02%</td>
<td>17.13%</td>
<td>3.09%</td>
<td></td>
</tr>
<tr>
<td>Up to 5%</td>
<td>26.13%</td>
<td>73.23%</td>
<td>17.44%</td>
<td></td>
</tr>
<tr>
<td>5% - 10%</td>
<td>5.76%</td>
<td>8.36%</td>
<td>31.90%</td>
<td></td>
</tr>
<tr>
<td>11% - 15%</td>
<td>1.91%</td>
<td>.19%</td>
<td></td>
<td>15.17%</td>
</tr>
<tr>
<td>16% - 20%</td>
<td>0.99%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21% - 25%</td>
<td>2.34%</td>
<td></td>
<td></td>
<td>5.99%</td>
</tr>
<tr>
<td>26% - 30%</td>
<td>.66%</td>
<td></td>
<td></td>
<td>9.83%</td>
</tr>
<tr>
<td>31% - 35%</td>
<td>1.31%</td>
<td>5.34%</td>
<td></td>
<td>2.83%</td>
</tr>
<tr>
<td>36% - 40%</td>
<td>2.81%</td>
<td>1.21%</td>
<td></td>
<td>2.53%</td>
</tr>
<tr>
<td>41% - 50%</td>
<td>3.93%</td>
<td></td>
<td></td>
<td>1.12%</td>
</tr>
<tr>
<td>51% - 60%</td>
<td>7.10%</td>
<td>1.32%</td>
<td></td>
<td>1.69%</td>
</tr>
<tr>
<td>61% - 70%</td>
<td>9.03%</td>
<td>.09%</td>
<td></td>
<td>.09%</td>
</tr>
<tr>
<td>71% - 80%</td>
<td>13.39%</td>
<td></td>
<td>.09%</td>
<td></td>
</tr>
<tr>
<td>81% - 90%</td>
<td>28.93%</td>
<td></td>
<td>0.09%</td>
<td></td>
</tr>
<tr>
<td>91% - 100%</td>
<td>32.13%</td>
<td></td>
<td>0.09%</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
</tr>
</tbody>
</table>

**SOURCE:** See Appendix Table 11.
### APPENDIX TABLE 15

PERCENTAGE DISTRIBUTION OF MILEAGE OF TOWNSHIP ROADS, BY CLASS OF COUNTY AND BY TYPE OF ROAD, 1962

<table>
<thead>
<tr>
<th>Type of Road</th>
<th>Class I County</th>
<th>Class II County</th>
<th>Class III County</th>
<th>Class IV County</th>
<th>Class V County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dirt</td>
<td>1.71%</td>
<td>1.70%</td>
<td>7.90%</td>
<td>7.22%</td>
<td>10.83%</td>
</tr>
<tr>
<td>Gravel or Crushed Stone</td>
<td>32.89</td>
<td>61.30</td>
<td>62.74</td>
<td>80.37</td>
<td>68.83</td>
</tr>
<tr>
<td>Low Type Bituminous</td>
<td>26.57</td>
<td>27.57</td>
<td>20.86</td>
<td>8.62</td>
<td>13.06</td>
</tr>
<tr>
<td>High Type Bituminous</td>
<td>19.44</td>
<td>8.20</td>
<td>8.32</td>
<td>3.52</td>
<td>7.15</td>
</tr>
<tr>
<td>Concrete or Brick</td>
<td>19.39</td>
<td>1.53</td>
<td>.18</td>
<td>.27</td>
<td>1.13</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>100.00</strong></td>
<td><strong>100.00</strong></td>
<td><strong>100.00</strong></td>
<td><strong>100.00</strong></td>
<td><strong>100.00</strong></td>
</tr>
</tbody>
</table>

**SOURCE:** Based on mileage data of 300 townships selected for inclusion in sample as reported in *Classification by Surface Type of Existing Mileage in Each County on State Highway, County and Township Systems*, Ohio Department of Highways, Division of Planning and Programming, Bureau of Planning Survey, January 1, 1962.
APPENDIX TABLE 16

STATE HIGHWAY USER ALLOCATIONS AS PER CENT OF TOTAL TOWNSHIP ROAD EXPENDITURES,
BY CLASS OF TOWNSHIP, SHOWING THE PERCENTAGE DISTRIBUTION OF
TOWNSHIPS AMONG SELECTED PERCENTAGES, 1960

<table>
<thead>
<tr>
<th>Per Cent of Total Township Road Expenditures</th>
<th>Class A Township</th>
<th>Class B Township</th>
<th>Class C Township</th>
<th>Class D Township</th>
<th>All Townships</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 5%</td>
<td>2.70%</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
<td>.08%</td>
</tr>
<tr>
<td>5% - 10%</td>
<td>5.40%</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
<td>.15%</td>
</tr>
<tr>
<td>10% - 15%</td>
<td>27.03%</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
<td>.90%</td>
</tr>
<tr>
<td>16% - 20%</td>
<td>16.22%</td>
<td>4.35%</td>
<td>2.90%</td>
<td>.....</td>
<td>1.05%</td>
</tr>
<tr>
<td>21% - 25%</td>
<td>18.92%</td>
<td>4.35</td>
<td>5.80</td>
<td>.....</td>
<td>1.51%</td>
</tr>
<tr>
<td>26% - 30%</td>
<td>16.22%</td>
<td>26.09%</td>
<td>4.35</td>
<td>1.16%</td>
<td>2.94%</td>
</tr>
<tr>
<td>31% - 35%</td>
<td>2.70%</td>
<td>8.70</td>
<td>10.13</td>
<td>1.16%</td>
<td>2.64%</td>
</tr>
<tr>
<td>36% - 40%</td>
<td>8.11%</td>
<td>12.74%</td>
<td>8.70</td>
<td>1.58%</td>
<td>2.71%</td>
</tr>
<tr>
<td>41% - 45%</td>
<td>.....</td>
<td>4.35</td>
<td>11.59%</td>
<td>1.74%</td>
<td>2.94%</td>
</tr>
<tr>
<td>46% - 50%</td>
<td>.....</td>
<td>8.69</td>
<td>7.25</td>
<td>4.65%</td>
<td>5.05%</td>
</tr>
<tr>
<td>51% - 55%</td>
<td>.....</td>
<td>.....</td>
<td>10.13%</td>
<td>4.07%</td>
<td>4.59%</td>
</tr>
<tr>
<td>56% - 60%</td>
<td>.....</td>
<td>.....</td>
<td>4.35</td>
<td>4.07%</td>
<td>3.84%</td>
</tr>
<tr>
<td>61% - 65%</td>
<td>.....</td>
<td>4.35</td>
<td>11.48%</td>
<td>4.07%</td>
<td>5.27%</td>
</tr>
<tr>
<td>66% - 70%</td>
<td>.....</td>
<td>2.90</td>
<td>2.90</td>
<td>6.98%</td>
<td>6.02%</td>
</tr>
<tr>
<td>71% - 75%</td>
<td>.....</td>
<td>1.44</td>
<td>11.05%</td>
<td>6.62%</td>
<td>7.45%</td>
</tr>
<tr>
<td>76% - 80%</td>
<td>8.69%</td>
<td>1.44</td>
<td>7.56</td>
<td>9.41%</td>
<td>10.47%</td>
</tr>
<tr>
<td>81% - 85%</td>
<td>2.70%</td>
<td>1.44</td>
<td>9.30</td>
<td>7.45%</td>
<td>10.47%</td>
</tr>
<tr>
<td>86% - 90%</td>
<td>.....</td>
<td>.....</td>
<td>5.80</td>
<td>11.21%</td>
<td>23.04%</td>
</tr>
<tr>
<td>91% - 100%</td>
<td>.....</td>
<td>8.69</td>
<td>5.80</td>
<td>27.33%</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

Totals ....... 100.00 100.00 100.00 100.00 100.00
### APPENDIX TABLE 17

**TOWNSHIP ROAD EXPENDITURES, BY CLASS OF TOWNSHIP, SHOWING THE PERCENTAGE DISTRIBUTION OF TOWNSHIPS AMONG SELECTED AMOUNT BRACKETS, 1960**

<table>
<thead>
<tr>
<th>Amount of Township Road Expenditures</th>
<th>Class A Township</th>
<th>Class B Township</th>
<th>Class C Township</th>
<th>Class D Township</th>
<th>All Townships</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $5 000</td>
<td>2.70%</td>
<td>8.70%</td>
<td>2.90%</td>
<td>4.07%</td>
<td>3.99%</td>
</tr>
<tr>
<td>$5 - $10 000</td>
<td>4.35%</td>
<td>17.38%</td>
<td>20.29%</td>
<td>20.29%</td>
<td>16.27%</td>
</tr>
<tr>
<td>$11 - $15 000</td>
<td>5.40%</td>
<td>21.73%</td>
<td>15.94%</td>
<td>15.94%</td>
<td>4.82%</td>
</tr>
<tr>
<td>$16 - $20 000</td>
<td>10.81%</td>
<td>17.38%</td>
<td>5.80%</td>
<td>5.80%</td>
<td>1.16%</td>
</tr>
<tr>
<td>$21 - $25 000</td>
<td>8.12%</td>
<td>8.70%</td>
<td>8.70%</td>
<td>8.70%</td>
<td>2.70%</td>
</tr>
<tr>
<td>$26 - $30 000</td>
<td>8.12%</td>
<td>13.04%</td>
<td>1.45%</td>
<td>1.45%</td>
<td>1.36%</td>
</tr>
<tr>
<td>$31 - $35 000</td>
<td>5.40%</td>
<td>5.40%</td>
<td>2.90%</td>
<td>2.90%</td>
<td>1.28%</td>
</tr>
<tr>
<td>$36 - $40 000</td>
<td>5.40%</td>
<td>8.70%</td>
<td>1.16%</td>
<td>1.16%</td>
<td>.68%</td>
</tr>
<tr>
<td>$41 - $45 000</td>
<td>8.12%</td>
<td>15.91%</td>
<td>1.82%</td>
<td>1.82%</td>
<td>.30%</td>
</tr>
<tr>
<td>$46 - $50 000</td>
<td>5.40%</td>
<td>2.33%</td>
<td>16.86%</td>
<td>16.86%</td>
<td>.15%</td>
</tr>
<tr>
<td>$51 - $55 000</td>
<td>5.40%</td>
<td>3.61%</td>
<td>16.24%</td>
<td>16.24%</td>
<td>.15%</td>
</tr>
<tr>
<td>$56 - $60 000</td>
<td>5.40%</td>
<td>4.07%</td>
<td>35.17%</td>
<td>35.17%</td>
<td>.07%</td>
</tr>
<tr>
<td>$61 - $65 000</td>
<td>5.40%</td>
<td>4.07%</td>
<td>35.17%</td>
<td>35.17%</td>
<td>.07%</td>
</tr>
<tr>
<td>$66 - $70 000</td>
<td>5.40%</td>
<td>4.07%</td>
<td>35.17%</td>
<td>35.17%</td>
<td>.07%</td>
</tr>
<tr>
<td>$71 - $75 000</td>
<td>5.40%</td>
<td>4.07%</td>
<td>35.17%</td>
<td>35.17%</td>
<td>.07%</td>
</tr>
<tr>
<td>$76 - $80 000</td>
<td>5.40%</td>
<td>4.07%</td>
<td>35.17%</td>
<td>35.17%</td>
<td>.07%</td>
</tr>
<tr>
<td>$81 - $85 000</td>
<td>5.40%</td>
<td>4.07%</td>
<td>35.17%</td>
<td>35.17%</td>
<td>.07%</td>
</tr>
<tr>
<td>$86 - $90 000</td>
<td>5.40%</td>
<td>4.07%</td>
<td>35.17%</td>
<td>35.17%</td>
<td>.07%</td>
</tr>
<tr>
<td>$91 - $100 000</td>
<td>5.40%</td>
<td>4.07%</td>
<td>35.17%</td>
<td>35.17%</td>
<td>.07%</td>
</tr>
<tr>
<td>$100 - $200 000</td>
<td>21.63%</td>
<td>100.00%</td>
<td>100.00%</td>
<td>100.00%</td>
<td>100.00%</td>
</tr>
<tr>
<td>$200 - $300 000</td>
<td>2.70%</td>
<td>100.00%</td>
<td>100.00%</td>
<td>100.00%</td>
<td>100.00%</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>100.00%</td>
<td>100.00%</td>
<td>100.00%</td>
<td>100.00%</td>
<td>100.00%</td>
</tr>
</tbody>
</table>
## APPENDIX TABLE 18

LOCAL ROAD FUNDS, BY CLASS OF TOWNSHIP, SHOWING THE PERCENTAGE DISTRIBUTION OF TOWNSHIPS AMONG SELECTED AMOUNT BRACKETS, 1960

<table>
<thead>
<tr>
<th>Amount of Local Road Expenditures</th>
<th>Class A Township</th>
<th>Class B Township</th>
<th>Class C Township</th>
<th>Class D Township</th>
<th>All Townships</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nothing</td>
<td>8.69%</td>
<td>5.80%</td>
<td>27.33%</td>
<td>23.01%</td>
<td></td>
</tr>
<tr>
<td>Less than $1,000</td>
<td>2.70%</td>
<td>8.70%</td>
<td>10.15%</td>
<td>11.19%</td>
<td></td>
</tr>
<tr>
<td>$1 - $5,000</td>
<td>11.19%</td>
<td>10.15%</td>
<td>37.65%</td>
<td>32.02%</td>
<td></td>
</tr>
<tr>
<td>$5 - $10,000</td>
<td>4.35%</td>
<td>9.71%</td>
<td>18.60%</td>
<td>18.46%</td>
<td></td>
</tr>
<tr>
<td>$11 - $15,000</td>
<td>5.80%</td>
<td>9.71%</td>
<td>18.60%</td>
<td>18.46%</td>
<td></td>
</tr>
<tr>
<td>$16 - $20,000</td>
<td>21.74%</td>
<td>10.14%</td>
<td>8.70%</td>
<td>1.16%</td>
<td></td>
</tr>
<tr>
<td>$21 - $25,000</td>
<td>8.69%</td>
<td>10.15%</td>
<td>20.28%</td>
<td>2.48%</td>
<td></td>
</tr>
<tr>
<td>$26 - $30,000</td>
<td>13.04%</td>
<td>5.80%</td>
<td>2.30%</td>
<td>1.58%</td>
<td></td>
</tr>
<tr>
<td>$31 - $35,000</td>
<td>8.70%</td>
<td>1.45%</td>
<td>3.49%</td>
<td>0.99%</td>
<td></td>
</tr>
<tr>
<td>$36 - $40,000</td>
<td>4.35%</td>
<td>1.45%</td>
<td>6.02%</td>
<td>4.45%</td>
<td></td>
</tr>
<tr>
<td>$41 - $50,000</td>
<td>2.90%</td>
<td></td>
<td>2.90%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>$51 - $60,000</td>
<td>4.35%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$61 - $100,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$100 - $200,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$200 - $300,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
</tr>
</tbody>
</table>
## APPENDIX TABLE 19

MILEAGE OF TOWNSHIP ROADS, BY CLASS OF TOWNSHIP, SHOWING THE PERCENTAGE DISTRIBUTION OF TOWNSHIPS AMONG SELECTED MILEAGE BRACKETS, 1960

<table>
<thead>
<tr>
<th>Number of Miles per Township</th>
<th>Class A Township</th>
<th>Class B Township</th>
<th>Class C Township</th>
<th>Class D Township</th>
<th>Totals All Townships</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1</td>
<td>......</td>
<td>......</td>
<td>1.45%</td>
<td>1.74%</td>
<td>1.58%</td>
</tr>
<tr>
<td>1 - 5</td>
<td>2.70%</td>
<td>8.69%</td>
<td>2.90</td>
<td>3.49</td>
<td>3.54</td>
</tr>
<tr>
<td>6 - 10</td>
<td>4.10</td>
<td>17.39</td>
<td>4.35</td>
<td>9.30</td>
<td>8.81</td>
</tr>
<tr>
<td>11 - 15</td>
<td>5.40</td>
<td>17.39</td>
<td>10.13</td>
<td>13.95</td>
<td>13.18</td>
</tr>
<tr>
<td>16 - 20</td>
<td>2.70</td>
<td>4.35</td>
<td>8.70</td>
<td>12.22</td>
<td>11.22</td>
</tr>
<tr>
<td>21 - 25</td>
<td>5.40</td>
<td>4.35</td>
<td>10.05</td>
<td>18.02</td>
<td>17.09</td>
</tr>
<tr>
<td>26 - 30</td>
<td>10.82</td>
<td>17.39</td>
<td>13.05</td>
<td>12.22</td>
<td>11.90</td>
</tr>
<tr>
<td>31 - 35</td>
<td>2.70</td>
<td>8.69</td>
<td>13.05</td>
<td>13.37</td>
<td>13.55</td>
</tr>
<tr>
<td>36 - 40</td>
<td>10.82</td>
<td>21.74</td>
<td>13.05</td>
<td>4.29</td>
<td></td>
</tr>
<tr>
<td>41 - 45</td>
<td>10.82</td>
<td>4.35</td>
<td>1.39</td>
<td>1.05</td>
<td>5.72</td>
</tr>
<tr>
<td>46 - 50</td>
<td>10.82</td>
<td>1.45</td>
<td>5.23</td>
<td>1.74</td>
<td>1.74</td>
</tr>
<tr>
<td>51 - 60</td>
<td>13.52</td>
<td>4.35</td>
<td>5.80</td>
<td>0.58</td>
<td></td>
</tr>
<tr>
<td>61 - 70</td>
<td>8.10</td>
<td>4.35</td>
<td>1.39</td>
<td>1.05</td>
<td>1.05</td>
</tr>
<tr>
<td>71 - 80</td>
<td>2.70</td>
<td>4.35</td>
<td>1.39</td>
<td>1.05</td>
<td>1.05</td>
</tr>
<tr>
<td>81 - 90</td>
<td>8.10</td>
<td>4.35</td>
<td>1.39</td>
<td>1.05</td>
<td>1.05</td>
</tr>
<tr>
<td>91 - 100</td>
<td>5.40</td>
<td>4.35</td>
<td>1.39</td>
<td>1.05</td>
<td>1.05</td>
</tr>
<tr>
<td>100 - 200</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
</tr>
</tbody>
</table>

**Totals** 100.00 100.00 100.00 100.00 100.00

**SOURCE:** See Appendix C.
APPENDIX TABLE 20

STATE HIGHWAY USER FUND ALLOCATIONS AS PER-MILE AMOUNTS, BY CLASS OF TOWNSHIP,
SHOWING THE PERCENTAGE DISTRIBUTION OF TOWNSHIPS AMONG SELECTED
BRACKETS OF PER-MILE AMOUNTS, 1960

<table>
<thead>
<tr>
<th>Amount Per Mile</th>
<th>Class A Township</th>
<th>Class B Township</th>
<th>Class C Township</th>
<th>Class D Township</th>
<th>Totals All Townships</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $100</td>
<td>......</td>
<td>......</td>
<td>......</td>
<td>......</td>
<td>83.83%</td>
</tr>
<tr>
<td>$100 - $200</td>
<td>24.32%</td>
<td>......</td>
<td>......</td>
<td>......</td>
<td>28.69%</td>
</tr>
<tr>
<td>$200 - $300</td>
<td>43.26%</td>
<td>43.47%</td>
<td>30.14%</td>
<td>27.20%</td>
<td>32.68%</td>
</tr>
<tr>
<td>$300 - $400</td>
<td>21.62%</td>
<td>26.08%</td>
<td>31.88%</td>
<td>33.40%</td>
<td>16.19%</td>
</tr>
<tr>
<td>$400 - $500</td>
<td>......</td>
<td>4.35%</td>
<td>7.25%</td>
<td>18.83%</td>
<td>8.96%</td>
</tr>
<tr>
<td>$500 - $600</td>
<td>2.70%</td>
<td>11.60%</td>
<td>9.30%</td>
<td>4.67%</td>
<td>4.67%</td>
</tr>
<tr>
<td>$600 - $700</td>
<td>5.40%</td>
<td>8.70%</td>
<td>4.65%</td>
<td>3.61%</td>
<td>3.61%</td>
</tr>
<tr>
<td>$700 - $800</td>
<td>......</td>
<td>4.35%</td>
<td>4.34%</td>
<td>1.74%</td>
<td>2.18%</td>
</tr>
<tr>
<td>$800 - $900</td>
<td>2.70%</td>
<td>4.35%</td>
<td>......</td>
<td>......</td>
<td>6.0%</td>
</tr>
<tr>
<td>$900 - $1000</td>
<td>......</td>
<td>......</td>
<td>......</td>
<td>......</td>
<td>1.23%</td>
</tr>
<tr>
<td>$1000 - $2000</td>
<td>......</td>
<td>4.35%</td>
<td>4.34%</td>
<td>1.00%</td>
<td>2.0%</td>
</tr>
<tr>
<td>$2000 - $3000</td>
<td>......</td>
<td>......</td>
<td>......</td>
<td>......</td>
<td>1.15%</td>
</tr>
<tr>
<td>$3000 - $4000</td>
<td>......</td>
<td>4.35%</td>
<td>......</td>
<td>......</td>
<td>1.15%</td>
</tr>
<tr>
<td>$4000 - $5000</td>
<td>......</td>
<td>......</td>
<td>1.45%</td>
<td>1.45%</td>
<td>1.15%</td>
</tr>
<tr>
<td>More than $5000</td>
<td>......</td>
<td>......</td>
<td>......</td>
<td>......</td>
<td>1.15%</td>
</tr>
</tbody>
</table>

Totals 100.00 100.00 100.00 100.00 100.00

396
APPENDIX TABLE 21

LOCAL ROAD FUNDS AS PER-MILE AMOUNTS, BY CLASS OF TOWNSHIP, SHOWING THE PERCENTAGE DISTRIBUTION OF TOWNSHIPS AMONG SELECTED BRACKETS OF PER-MILE AMOUNTS, 1960

<table>
<thead>
<tr>
<th>Amount Per Mile</th>
<th>Class A Township</th>
<th>Class B Township</th>
<th>Class C Township</th>
<th>Class D Township</th>
<th>Totals All Townships</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nothing</td>
<td>......</td>
<td>......</td>
<td>......</td>
<td>......</td>
<td>23.04%</td>
</tr>
<tr>
<td>Less than $50</td>
<td>......</td>
<td>......</td>
<td>8.69%</td>
<td>5.80%</td>
<td>27.33%</td>
</tr>
<tr>
<td>$51 - $100</td>
<td>......</td>
<td>......</td>
<td>4.35</td>
<td>18.93</td>
<td>15.81</td>
</tr>
<tr>
<td>$100 - $150</td>
<td>2.70%</td>
<td>......</td>
<td>1.45</td>
<td>12.53</td>
<td>10.84</td>
</tr>
<tr>
<td>$151 - $200</td>
<td>......</td>
<td>8.69</td>
<td>4.35</td>
<td>14.53</td>
<td>12.35</td>
</tr>
<tr>
<td>$200 - $300</td>
<td>......</td>
<td>10.14</td>
<td>7.25</td>
<td>7.59</td>
<td>7.00</td>
</tr>
<tr>
<td>$300 - $400</td>
<td>8.70</td>
<td>21.74</td>
<td>3.12</td>
<td>5.81</td>
<td>7.76</td>
</tr>
<tr>
<td>$400 - $500$</td>
<td>2.70</td>
<td>17.39</td>
<td>11.59</td>
<td>5.23</td>
<td>5.87</td>
</tr>
<tr>
<td>$500 - $600$</td>
<td>5.40</td>
<td>17.39</td>
<td>8.70</td>
<td>4.07</td>
<td>5.50</td>
</tr>
<tr>
<td>$600 - $700</td>
<td>2.70</td>
<td>4.35</td>
<td>5.60</td>
<td>1.58</td>
<td>2.33</td>
</tr>
<tr>
<td>$700 - $800</td>
<td>10.82</td>
<td>6.70</td>
<td>5.60</td>
<td>1.16</td>
<td>1.13</td>
</tr>
<tr>
<td>$800 - $900</td>
<td>8.11</td>
<td>4.35</td>
<td>1.16</td>
<td>1.88</td>
<td>.60</td>
</tr>
<tr>
<td>$900 - $1000</td>
<td>13.52</td>
<td>4.35</td>
<td>2.90</td>
<td>1.16</td>
<td>1.96</td>
</tr>
<tr>
<td>$1000 - $2000</td>
<td>48.65</td>
<td>17.39</td>
<td>14.48</td>
<td>2.90</td>
<td>4.29</td>
</tr>
<tr>
<td>$2000 - $3000</td>
<td>2.70</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
<td>.08</td>
</tr>
<tr>
<td>$3000 - $4000</td>
<td>2.70</td>
<td>.....</td>
<td>.....</td>
<td>.....</td>
<td>.08</td>
</tr>
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</table>

Totals 100.00 100.00 100.00 100.00 100.00
APPENDIX TABLE 22
TOWNSHIP ROAD EXPENDITURES AS PER-MILE AMOUNTS, BY CLASS OF TOWNSHIP,
SHOWING THE PERCENTAGE DISTRIBUTION OF TOWNSHIPS AMONG
SELECTED BRACKETS OF PER-MILE AMOUNTS, 1960

<table>
<thead>
<tr>
<th>Amount per Mile</th>
<th>Class A Township</th>
<th>Class B Township</th>
<th>Class C Township</th>
<th>Class D Township</th>
<th>Totals All Townships</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $200</td>
<td>......</td>
<td>......</td>
<td>......</td>
<td>11.63%</td>
<td>9.34%</td>
</tr>
<tr>
<td>$200 - $300</td>
<td>......</td>
<td>......</td>
<td>......</td>
<td>1.45%</td>
<td>21.93%</td>
</tr>
<tr>
<td>$300 - $400</td>
<td>......</td>
<td>......</td>
<td>15.94</td>
<td>20.10</td>
<td>18.15</td>
</tr>
<tr>
<td>$400 - $500</td>
<td>......</td>
<td>4.35</td>
<td>15.70</td>
<td>13.18</td>
<td></td>
</tr>
<tr>
<td>$500 - $600</td>
<td>17.39%</td>
<td>17.74</td>
<td>8.14</td>
<td>13.18</td>
<td></td>
</tr>
<tr>
<td>$600 - $700</td>
<td>5.40</td>
<td>7.25</td>
<td>5.23</td>
<td>5.27</td>
<td></td>
</tr>
<tr>
<td>$700 - $800</td>
<td>2.70%</td>
<td>26.09</td>
<td>6.10</td>
<td>7.66</td>
<td></td>
</tr>
<tr>
<td>$800 - $900</td>
<td>5.40</td>
<td>7.25</td>
<td>5.23</td>
<td>5.27</td>
<td></td>
</tr>
<tr>
<td>$900 - $1,000</td>
<td>8.11</td>
<td>17.39</td>
<td>2.90</td>
<td>2.71</td>
<td></td>
</tr>
<tr>
<td>$1,000 - $2,000</td>
<td>72.98</td>
<td>26.08</td>
<td>8.72</td>
<td>13.78</td>
<td></td>
</tr>
<tr>
<td>$2,000 - $3,000</td>
<td>8.11</td>
<td>8.70</td>
<td>8.72</td>
<td>13.78</td>
<td></td>
</tr>
<tr>
<td>$3,000 - $4,000</td>
<td>2.70</td>
<td>5.80</td>
<td>1.58</td>
<td>1.58</td>
<td></td>
</tr>
<tr>
<td>$4,000 - $5,000</td>
<td>......</td>
<td>4.34</td>
<td>1.45</td>
<td>1.58</td>
<td></td>
</tr>
<tr>
<td>More than $5,000</td>
<td>......</td>
<td>......</td>
<td>......</td>
<td>......</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Amount</td>
<td>Class A Township</td>
<td>Class B Township</td>
<td>Class C Township</td>
<td>Class D Township</td>
<td>Totals All Townships</td>
</tr>
<tr>
<td>-----------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
<td>------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Less than $9 000</td>
<td>8.11%</td>
<td>17.39%</td>
<td>15.95%</td>
<td>22.67%</td>
<td>21.16%</td>
</tr>
<tr>
<td>$9 000 - $10 000</td>
<td>8.11</td>
<td>8.70</td>
<td>24.64</td>
<td>27.91</td>
<td>26.13</td>
</tr>
<tr>
<td>$10 000 - $11 000</td>
<td>18.92</td>
<td>30.43</td>
<td>28.97</td>
<td>32.56</td>
<td>31.54</td>
</tr>
<tr>
<td>$11 000 - $12 000</td>
<td>18.92</td>
<td>30.43</td>
<td>23.19</td>
<td>13.37</td>
<td>15.44</td>
</tr>
<tr>
<td>$12 000 - $13 000</td>
<td>16.22</td>
<td>8.70</td>
<td>7.25</td>
<td>2.91</td>
<td>4.14</td>
</tr>
<tr>
<td>$13 000 - $14 000</td>
<td>16.22</td>
<td>4.35</td>
<td></td>
<td>0.58</td>
<td>1.13</td>
</tr>
<tr>
<td>$14 000 - $15 000</td>
<td>8.11</td>
<td></td>
<td></td>
<td></td>
<td>0.30</td>
</tr>
<tr>
<td>$15 000 - $16 000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.08</td>
</tr>
<tr>
<td>$16 000 - $17 000</td>
<td>2.70</td>
<td></td>
<td></td>
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<tr>
<td>$17 000 - $18 000</td>
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<td></td>
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<tr>
<td>$18 000 - $19 000</td>
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<td></td>
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</tr>
<tr>
<td>$19 000 - $20 000</td>
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</tr>
<tr>
<td>$20 000 - $21 000</td>
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<td><strong>100.00</strong></td>
<td><strong>100.00</strong></td>
<td><strong>100.00</strong></td>
<td><strong>100.00</strong></td>
</tr>
</tbody>
</table>
APPENDIX B

CONSTITUTIONAL PROVISIONS RELATING TO OHIO TOWNSHIPS

Article VI, section 3, of Ohio's first constitution (1803) provided: "All town and township officers shall be chosen annually, by the inhabitants thereof, duly qualified to vote for members of Assembly, at such time and place as may be designated."

When the Constitution of 1851 was adopted to replace the earlier one, Article X, section 1, provided: "The General Assembly shall provide, by law, for the election of such county and township officers as may be necessary."

Article X was amended in 1933, at which time the existing provision was adopted as section 2 thereof: "The General Assembly shall provide by general law for the election of such township officers as may be necessary. The trustees of townships shall have such powers of local taxation as may be prescribed by law. No money shall be drawn from any township treasury except by authority of law."

Article X, section 4 of the Constitution of 1851 provided: "Township officers shall be elected on the first Monday of April annually, by the qualified electors of their respective townships, and shall hold offices for one year, from the Monday next succeeding their election and until their successors are qualified."

The foregoing was amended in 1885 to read as follows: "Township officers shall be elected by the electors of each township, at such time and in such manner, and for such terms, not exceeding three years, as may be provided by law; but shall hold their offices until their successors are elected and qualified."

In 1905, Article XXII, section 2, which related to the terms of office of all elected officials of Ohio, was amended as it pertains to township officials as follows: "The term of office of all elected county, township, municipal and school officers shall be such even number of years, not exceeding four years as may be prescribed by law." This provision, currently in effect, superseded the provisions of Article X, section 4, quoted in the preceding paragraph, although it was not formally repealed until 1933.
DEFINITIONS OF THE SEVERAL CATEGORIES
OF TOWNSHIP ROADS

Dirt roads

Unimproved earth. A road composed wholly or with minor exceptions of the natural ground of the region traversed, which may or may not have bladed, which does not conform in respect to alignment, grade, drainage at least to the definition of a "Graded and Drained Earth Road" and on which the only work that has been done by public authority is that required to maintain in a condition of bare passability for horse-drawn or motor vehicle.

Graded and Drained Earth. A road of natural earth aligned and graded to permit reasonably convenient use by motor vehicles and drained sufficiently by longitudinal and transverse drainage systems, natural or artificial, to prevent serious impairment of the road by surface water.

Gravel or stone

A road, the wearing surface of which consists of gravel, broken stone, slag, chert, caliche, iron ore, shale chat, disintegrated rock or granite, or other similar fragmental material (coarser than sand).

Low type bituminous

Surface treated low type bituminous. A graded and drained earth road, a soil-surfaced road, or a gravel or stone road to which has been added by any process a surfacemat of bituminous material and mineral aggregate less than one inch in compacted thickness.

Mixed in place low type bituminous. A road, the wearing course of which is one inch or more in a compacted thickness, composed of gravel, stone, sand, or similar material mixed with bituminous material under partial control as to grading and proportions.
High type bituminous

Penetration high type bituminous. A road, the wearing course of which is one inch or more in compacted thickness, composed of gravel, stone, sand or similar material, bound with bituminous material introduced by downward or upward penetration.

Concrete

Bituminous concrete and sheet asphalt. A road, the wearing course of which is one inch or more in compacted thickness, composed of mineral aggregate mixed with bituminous material in accordance with precise specifications defining gradation of aggregate and proportions of aggregate and bituminous cement.

Cement concrete. A road consisting of portland cement with or without a bituminous mat wearing surface less than one inch in compacted thickness.

Brick

A road consisting of vitrified paving brick with or without a bituminous mat wearing surface less than one inch in compacted thickness.

Source: Bureau of Planning Survey, Division of Planning and Programming, Ohio Department of Highways, Classification by Surface Type of Existing Mileage in each County on State Highway, County and Township Systems, 1961.
APPENDIX D

ELECTION STATISTICS, 1961 and 1962,
17 TOWNSHIPS, FRANKLIN COUNTY, Ohio
APPENDIX TABLE 2

VOTERS WHO DID NOT CAST TOWNSHIP BALLOT AS PER CENT OF TOTAL NUMBER OF VOTERS PARTICIPATING IN THE 1961 GENERAL ELECTION, SHOWING THE PERCENTAGE OF TOWNSHIPS FALLING IN SELECTED PERCENTAGE BRACKETS, UNINCORPORATED AND INCORPORATED TERRITORIES, 17 TOWNSHIPS, FRANKLIN COUNTY, OHIO

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<tr>
<th>Voters who did not cast township ballot as per cent of total vote cast</th>
<th>Unincorporated Territories</th>
<th>Incorporated Territories</th>
<th>Townships as a Whole</th>
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</thead>
<tbody>
<tr>
<td>60% - 65%</td>
<td>......</td>
<td>15.00%</td>
<td>6.00%</td>
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<tr>
<td>55% - 59%</td>
<td>12.00%</td>
<td>......</td>
<td>6.00</td>
</tr>
<tr>
<td>50% - 54%</td>
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<td>5.00</td>
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<tr>
<td>45% - 49%</td>
<td>12.00</td>
<td>15.00</td>
<td>6.00</td>
</tr>
<tr>
<td>40% - 44%</td>
<td>12.00</td>
<td>25.00</td>
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<td>35% - 39%</td>
<td>17.00</td>
<td>5.00</td>
<td>6.00</td>
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<tr>
<td>30% - 34%</td>
<td>12.00</td>
<td>20.00</td>
<td>18.00</td>
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<tr>
<td>25% - 29%</td>
<td>12.00</td>
<td>......</td>
<td>6.00</td>
</tr>
<tr>
<td>20% - 24%</td>
<td>6.00</td>
<td>......</td>
<td>6.00</td>
</tr>
<tr>
<td>13% - 19%</td>
<td>......</td>
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<td>6.00</td>
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<tr>
<td>Totals</td>
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<td>100.00</td>
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SOURCE: Records of the Franklin County Board of Elections.
APPENDIX TABLE 25

TOTAL VOTE CAST, 1961 GENERAL ELECTION, AS PERCENT OF TOTAL VOTE CAST, 1962 GENERAL ELECTION, SHOWING THE PERCENTAGE OF TOWNSHIPS FALLING IN SELECTED PERCENTAGE Brackets, Unincorporated and Incorporated Territories,
17 TOWNSHIPS, FRANKLIN COUNTY, OHIO

<table>
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<tr>
<th>1961 total vote as per cent of 1962 total vote</th>
<th>Unincorporated Territories</th>
<th>Incorporated Territories</th>
<th>Townships as a whole</th>
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<tr>
<td>60% - 65%</td>
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<td>10.00%</td>
<td>...</td>
</tr>
<tr>
<td>55% - 59%</td>
<td>...</td>
<td>5.00</td>
<td>...</td>
</tr>
<tr>
<td>50% - 54%</td>
<td>...</td>
<td>20.00</td>
<td>12.00%</td>
</tr>
<tr>
<td>45% - 49%</td>
<td>6.00%</td>
<td>15.00</td>
<td>6.00</td>
</tr>
<tr>
<td>40% - 44%</td>
<td>18.00</td>
<td>15.00</td>
<td>18.00</td>
</tr>
<tr>
<td>35% - 39%</td>
<td>18.00</td>
<td>5.00</td>
<td>24.00</td>
</tr>
<tr>
<td>30% - 34%</td>
<td>24.00</td>
<td>15.00</td>
<td>12.00</td>
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<tr>
<td>25% - 29%</td>
<td>24.00</td>
<td>10.00</td>
<td>28.00</td>
</tr>
<tr>
<td>20% - 24%</td>
<td>12.00</td>
<td>5.00</td>
<td>...</td>
</tr>
</tbody>
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Totals 100.00 100.00 100.00

SOURCE: See Appendix Table 24.
APPENDIX TABLE 26

VOTE FOR TOWNSHIP OFFICIALS, 1961, AS PER CENT OF VOTE FOR GOVERNOR, 1962, 17 TOWNSHIPS, FRANKLIN COUNTY, OHIO

<table>
<thead>
<tr>
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<th>Unincorporated Territories</th>
<th>Townships as a whole</th>
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</thead>
<tbody>
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<td>Blendon *</td>
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<tr>
<td>Brown</td>
<td>51.22</td>
<td>33.20</td>
<td>33.20</td>
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<tr>
<td>Clinton **</td>
<td>38.08</td>
<td>41.12</td>
<td>41.12</td>
</tr>
<tr>
<td>Franklin</td>
<td>31.77</td>
<td>28.85</td>
<td>29.62</td>
</tr>
<tr>
<td>Hamilton **</td>
<td>31.18</td>
<td>33.64</td>
<td>39.64</td>
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<tr>
<td>Jackson</td>
<td>26.08</td>
<td>21.80</td>
<td>25.40</td>
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<tr>
<td>Jefferson</td>
<td>34.39</td>
<td>29.39</td>
<td>29.39</td>
</tr>
<tr>
<td>Madison *</td>
<td>61.09</td>
<td>46.07</td>
<td>54.37</td>
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<tr>
<td>Miflin</td>
<td>22.91</td>
<td>33.21</td>
<td>29.68</td>
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<tr>
<td>Norwich</td>
<td>44.75</td>
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<tr>
<td>Perry</td>
<td>34.75</td>
<td>37.49</td>
<td>37.49</td>
</tr>
<tr>
<td>Plain</td>
<td>46.34</td>
<td>39.79</td>
<td>41.07</td>
</tr>
<tr>
<td>Pleasant *</td>
<td>43.70</td>
<td>30.66</td>
<td>36.74</td>
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<tr>
<td>Prairie</td>
<td>57.55</td>
<td>28.95</td>
<td>26.71</td>
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<tr>
<td>Sharon *</td>
<td>49.85</td>
<td>25.58</td>
<td>36.94</td>
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<tr>
<td>Truro *</td>
<td>41.04</td>
<td>43.16</td>
<td>50.68</td>
</tr>
<tr>
<td>Washington</td>
<td>44.07</td>
<td>40.99</td>
<td>41.88</td>
</tr>
</tbody>
</table>

* - Uncontested Election  ** - One candidacy uncontested

SOURCE: See Appendix Table 24.
<table>
<thead>
<tr>
<th>Township</th>
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<th>Unincorporated Territories</th>
<th>Townships as a whole</th>
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</thead>
<tbody>
<tr>
<td>Blendon *</td>
<td>31%</td>
<td>34%</td>
<td>31%</td>
</tr>
<tr>
<td>Brown</td>
<td>...</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>Clinton **</td>
<td>...</td>
<td>30%</td>
<td>30%</td>
</tr>
<tr>
<td>Franklin</td>
<td>49%</td>
<td>41%</td>
<td>42%</td>
</tr>
<tr>
<td>Hamilton ***</td>
<td>48%</td>
<td>35%</td>
<td>40%</td>
</tr>
<tr>
<td>Jackson</td>
<td>60%</td>
<td>55%</td>
<td>60%</td>
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<tr>
<td>Jefferson</td>
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</tr>
<tr>
<td>Truro *</td>
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<td>21%</td>
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</tr>
<tr>
<td>Washington</td>
<td>44%</td>
<td>38%</td>
<td>40%</td>
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</tbody>
</table>

* - Uncontested Election  ** - One candidacy uncontested

SOURCE: See Appendix Table 24.
APPENDIX E

SUMMARIES OF LEGISLATION RELATING TO OHIO TOWNSHIPS, 1929-1961
LEGISLATION AFFECTING TOWNSHIP HIGHWAY FUNCTION, 1929-1953

Ohio Laws, 113 v. 70 (1929). First legislation allocating a portion of motor vehicle fuel tax to townships; H. B. No. 335, sponsored by legislators representing Class IV counties.

Ohio Laws, 114 v. 507 (1931). Township share of motor vehicle fuel tax increased; its use permitted for road construction and reconstruction (originally limited to maintenance and repair); previous provision requiring that township motor vehicle fuel tax allocations be spent in part on county roads repealed; H. B. No. 7, sponsored by legislators representing Class IV counties.

Ohio Laws, 118 v. 162 (1939). Township allocations from motor vehicle fuel tax authorized to be used for the purchase of road machinery and equipment and supplies; H. B. No. 17, sponsored by legislators representing Class III counties.

Ohio Laws, 119 v. 426 (1941). Township trustees authorized to proceed with road construction and reconstruction projects by force account as an alternative to contracts (only by contract originally); if by contract, competitive bids not required if cost is less than $1000 per mile; competitive bids not required for contracts involving the purchase of road machinery and equipment if the total cost does not exceed $500 (previous limit was $200); trade-ins of township road equipment authorized as part payment on new equipment; S. B. No. 369, sponsored by legislators representing Class III and IV counties.

Ohio Laws, 122 v. 159 (1947). Statutory limit for the purchase of road machinery and equipment without competitive bidding increased from $500 to $1000; S. B. No. 218, sponsored by legislators representing Class III and IV counties.

Ohio Laws, 124 v. 375 (1951). Statutory limit for construction contracts without competitive bidding raised from $1000 to $3000 per mile; that for maintenance and repair contracts, from $200 to $600 per mile; Am. S. S. No. 239, sponsored by legislators representing Class III counties.
Ohio Laws, 124 v. 640 (1951). Townships receive first allocation from motor vehicle registration fund (automobile licenses); Am. H. B. No. 267, sponsored by legislators representing Class I and IV counties.

Ohio Laws, 125 v. 106 (1953). Statutory limit for maintenance and repair contracts without competitive bidding raised from $600 to $1000 per mile; Am. H. B. No. 309, sponsored by legislators representing Class II counties.

Ohio Laws, 125 v. 819 (1953). Township share of allocations from the motor vehicle registration fund increased to 5% of total receipts; H. B. No. 734, sponsored by legislators representing Class V counties.

Ohio Laws, 125 v. 221 (1953). Township responsibility for snow removal limited to township roads (previously, all roads in township); sponsored by legislators representing Class II counties.

LEGISLATION AFFECTING TOWNSHIP OFFICIALS, 1937-1961

Ohio Laws, 117 v. 287 (1937). Terms of officers increased from two to four years; H. B. No. 12, sponsored by legislators representing Class II counties.


Ohio Laws, 125 v. 162 (1953). Township trustees authorized to do fence work by force account in absence of competitive bids; H. B. No. 310, sponsored by legislators representing Class IV and V counties.
Ohio Laws, 127 v. 176 (1957). Township trustees authorized to use township general funds for the purchase of site for, and construction of, town hall without vote of the electors (previously limited to do so if amount did not exceed $2000, requiring vote of electors if in excess of that amount); S. B. No. 269, sponsored by legislators representing Class II, III, IV and V counties.

Ohio Laws, 129 v. 1294 (1961). Township trustees authorized to provide additional office space; cost out of general fund without vote of electors or by special levy with vote of electors; H. B. No. 314, sponsored by legislators representing Class I and IV counties.


Ohio Laws, 129 v. 1589 (1961). Proceeds from sales of cemetery lots authorized to be used for the purchase of additional cemetery sites; H. B. No. 735, sponsored by legislators representing Class I, III, IV and V counties.

LEGISLATION CONCERNING OPTIONAL TOWNSHIP FUNCTIONS, 1939-1959


Ohio Laws, 119 v. 11 (1941). Residence for physician in island townships; H. B. No. 73, sponsored by legislators representing Class II, III and IV counties.


Ohio Laws, 119 v. 683 (1941). H. B. No. 215 authorizes sanitary dumps; sponsored by legislators representing Class II counties.


Ohio Laws, 121 v. 172 (1945). Street markers authorized; H. B. No. 175, sponsored by legislators representing Class II counties.

Ohio Laws, 122 v. 265 (1947). Parking regulations by townships authorized; H. B. No. 175, sponsored by legislators representing Class II counties.

Ohio Laws, 122 v. 597 (1947). Rural zoning by townships as an alternative to county zoning authorized; sponsored by legislators representing Class II, III and IV counties.


MISCELLANEOUS LEGISLATION RELATING TO TOWNSHIPS, 1939-1959

Ohio Laws, 118 v. 3 (1939). Townships included in allocations from Local Government Fund (state sales tax); Am. S. B. No. 41, sponsored by legislators representing Class III, IV and V counties.
Ohio Laws, 119 v. 853 (1941). Annexation of part of a township requires referendum in the part to be annexed; H. B. No. 398, sponsored by legislators representing Class IV counties.


Ohio Laws, 122 v. 685 (1947). Fees of appointive police constables to be credited to township general fund; H. B. No. 159, sponsored by legislators representing Class I and II counties.

Ohio Laws, 128 v. 1033 (1959). Townships authorized to participate in the maintenance of municipal universities and to share in rights and privileges relating thereto; H. B. No. 753, sponsored by legislators representing Class I counties.
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--- "Investigating County and Township Government in Michigan," American Political Science Review, XXVII (February 1933) pp. 80-84.


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Indiana Statutes (Burns, 1961).

Iowa Code Annotated (1962).

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<td>Statutes (West, 1963).</td>
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--- 1957 Census of Governments: Governments in the United States.


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McClintock v. Cain, 74 OLA 554 (CP).

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