4.2. TOWNSHIP TRUSTEES GENERAL RESPONSIBILITIES - ORC Chapters 5571, 5573 and 5575, ORC 5535.01, 5535.08, 505.17 (Snow) 5571.08 (Snow).

The Township Trustees have responsibility for maintenance, resurfacing or improvement of the township road system. In that capacity, Townships are subject to the general charge and general supervision and direction of the County Engineer. See ORC 5543.01, 5571.05 and .07. Township roadwork may be done by force account (see dollar limitations in Chapter 10-Force Account) or by contract. The County Engineer works closely with the Trustees on these activities for highways, culverts and bridges.

The Board of Township Trustees may restrict parking on township streets and highways during a snow emergency and prescribe a procedure for declaring a snow emergency.

4.2.1.2. ANNUAL MEETING - ORC 5543.06

The County Engineer is to annually call a meeting of all township and county authorities having directly to do with construction and repair of roads and bridges. The expense of Trustees for attendance to the meeting including per diem salary are to be paid by the County from road funds.

4.2.2. MAINTAINING ROADS - ORC 307.13, 5535.08, 5535.15, 5543.01, 5543.09

The state, county and township must each maintain their own roads, however, the county or township may, by agreement contribute to the repair and maintenance of the roads under the control of others or under certain circumstance, may maintain, repair, construct, reconstruct, improve, or widen any section of a road under the control of others.

Maintenance or repair of township roads by the Township Trustees and their superintendents are subject to the general supervision and direction of the County Engineer.

The County may provide maintenance service to the Township Trustees. However, the cost of the work should be reimbursed.

4.2.3. BRIDGES AND CULVERTS - ORC 5543.09, OAG 94-025

The County Engineer is to supervise the construction, reconstruction, repair and maintenance of bridges and culverts on township roads. The size of culverts that are each agency's responsibility becomes a matter of negotiation and agreement with the Trustees. It is important that the County Engineer establish policy with the Trustees on size and responsibility.
5.7.1. Vacation of unopened road - ORC 5553.10
A road, or part thereof, which remains unopened for seven years after the order establishing it was made or authority granted for opening it shall be vacated.

5.7.2. County or township road in non-maintained status - ORC 5541.05, 5571.20

A Board of County Commissioners by resolution may place a graveled or unimproved county road under its jurisdiction that is not passable year-round or any portion of such a road on non-maintained status unless the road is the exclusive means for obtaining access to the land that adjoins that road and the road is passable year-round. Two prior hearings with prescribed notice are required. The County Engineer is required to issue an advisory opinion on the effect of vehicle traffic on that road or any adjacent road. See ORC 5541.05.

Upon adoption of such a resolution, a Board of Trustees is not required to cause the road to be dragged at any time, or to cut, destroy, or remove any brush, weeds, briers, bushes, or thistles upon or along the road, or to remove snow from the road, or to maintain or repair the road in any manner. The Board, in its discretion, may cause any of these actions to be performed on or to a road that it has placed on non-maintained status.

A process is available to terminate the non-maintained status. In limited circumstances, a property owner can require the removal of a road from non-maintained status. However, the process is not available if prior to being placed on non-maintained status, the road was not certified to DOT as mileage in the county used by and maintained for the public.

A similar authority exists relative to placing and removing township roads from non-maintained status. See ORC 5571.20.

5.7.3. Abandonment of roads to the township - ORC 5553.02, 5541.02, OAG 82-012

County Commissioners may remove a road from the County Highway System and establish a township road from an already existing county road.
5.7.5. **Township petition to vacate a township road** - ORC 5553.045

A Board of Township Trustees may petition the Board of County Commissioners to vacate a township road or a portion of a township road by passing a resolution that requests the vacation of the road or portion. The resolution must include a description of the general route and termini of the road or portion. The provision only applies to roads not used to calculate distributions of the auto registration distribution fund and, thus, is not a road or portion of a road certified by the Board of Township Trustees to the Director of Transportation as mileage in the Township used by and maintained for the public.

The Township Clerk shall file a copy of the resolution with the Board of County Commissioners and certify another copy to the County Engineer. Within 30 days after receipt of that copy of the resolution, the engineer shall issue to the Board of County Commissioners a written report. The failure of the Engineer to provide this report does not affect the actions required under this section and does not invalidate the vacation of a road or portion of a road under this section.

Upon receipt of the copy of the Township's resolution, the Board of County Commissioners must set a date for a public hearing on the vacation that is not more than 45 days after the date that the resolution is filed with the Board. The Board Clerk must notify by regular mail the landowners abutting the road or portion of the road proposed to be vacated. That notice shall be sent at least 20 days before the Board's public hearing, shall state that the Board of Township Trustees has filed a resolution requesting the vacation of the specified road or portion of the road under this section, and shall inform the landowners of the time and place of the public hearing on this issue. The notice shall be mailed to the addresses of the abutting landowners as they appear on the County Auditor's current tax list or the County Treasurer's mailing list. Failure of the delivery of this notice to any abutting landowner does not invalidate the vacation of a road or a portion of a road under this section.

After the public hearing, if the Board of County Commissioners determines that the vacation of the road or portion of the road would be for the public convenience or welfare, it shall adopt a resolution by a majority vote declaring the road or portion to be vacated and file a certified copy of the resolution with the Petitioner Board of Township Trustees, the County Recorder, and the County Engineer.

If the Board of County Commissioners fails to vote on the issue of vacating the road or portion of the road within 60 days after the Township's resolution is filed with it, the road or portion of the road specified in the resolution shall be deemed to be vacated, and the Petitioner Board of Township Trustees shall adopt another resolution describing the road or portion of the road that has been vacated and explaining this vacation is by action of this section. The Board of Township Trustees shall file a certified copy of that resolution with the Board of County Commissioners, the County Recorder, and the County Engineer.
Once the certified copies of the resolution declaring a road or portion of a road vacated are filed, the Board of Township Trustees, by resolution, must order the road or portion of the road vacated. The vacated road or portion of the road shall pass, in fee, to the abutting landowners subject to all of the following: (1) A permanent easement in, over, or under the road for the service facilities of a public utility or electric cooperative; (2) The right of ingress or egress to service and maintain those service facilities; (3) The right to trim or remove any trees, shrubs, brush, or other obstacles growing in or encroaching onto the permanent easement that may affect the operation, use, or access to those service facilities.

6.4.2. BRIDGES ON TOWNSHIP ROADS - ORC 5543.09, 5571.05, 5591.21, 5593.23, 5593.24, 5535.01, 5535.08. 5501.01 (C), 525.26, 5571.02

The county is required to construct and keep in repair all necessary bridges on township roads. The county is required to construct or repair all approaches or ways to such bridges if the cost exceeds $50. Except for the county's responsibilities as described, the township has responsibility for bridges on township roads, including maintenance responsibilities.

For purposes of constructing a bridge in a township, a culvert is not considered a bridge and culverts on township roads are considered a township responsibility. Most county engineers have adopted the ten foot rule in the ODOT bridge manual to distinguish a bridge from a culvert and it is recommended that each county engineer adopt a policy and make it known to township trustees.

The County Engineer is required to supervise the construction, reconstruction, improvement, maintenance and repair of bridges and culverts on township roads.

6.4.3. COUNTY RESPONSIBILITY ON BRIDGES OTHER THAN BRIDGES ON COUNTY OR TOWNSHIP ROADS - ORC 5591.02, 5591.21, 5591.23, 5591.24, 715.19, 723.01

A county is also required to construct and keep in repair all necessary bridges in municipalities on all county roads and improved roads that are of general and public utility, running into or through the municipal corporations, and that are not on state highways. Except for state highways, a county is required to construct and keep in repair necessary bridges over streams and public canals on or connecting state, county, and improved roads and is required to construct and keep in repair, approaches or ways to such bridges. The determination of whether a road is of general and public utility is a question of fact that in the first instance rests with the Board of County Commissioners, subject to judicial review. Agreements between a county and a municipality may clarify the responsibility of each entity.