

**OPINION NO. 81-023****Syllabus:**

A board of township trustees which has contracted with an adjoining municipality for the provision of ambulance or emergency medical services may establish reasonable charges pursuant to R.C. 505.84 for those persons who use the contracted service. (1977 Op. Att'y Gen. No. 77-053 overruled.)

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**To: Wilfrid G. Dues, Preble County Pros. Atty., Eaton, Ohio**  
**By: William J. Brown, Attorney General, April 28, 1981**

I have before me your request for my opinion concerning whether a board of township trustees which has contracted with a municipality for the provision of ambulance and emergency medical services may establish reasonable charges under R.C. 505.84 for township residents who use the contracted services. You state in your request that R.C. 505.84 does not specifically refer to establishing charges for ambulance or emergency medical services that are provided pursuant to a contract entered into by the board of township trustees under R.C. 505.44.

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R.C. 505.84, which was enacted by Am. S.B. 82, 113th Gen. A. (1979) (eff. Oct. 31, 1979), provides as follows:

A board of township trustees may establish reasonable charges for the use of ambulance or emergency medical services. Charges collected under this section shall be kept in a separate fund designated as "the ambulance and emergency medical services fund," and shall be appropriated and administered by the board. Such funds shall be used for the payment of the costs of the management, maintenance, and operation of ambulance and emergency medical services in the township. If the ambulance and emergency medical services are discontinued in the township, any balance remaining in the fund shall be paid into the general fund of the township. (Emphasis added.)

This statute clearly authorizes a board of township trustees to establish reasonable charges for persons who use ambulance or emergency medical services. It also requires that the charges collected be kept in a separate fund to be administered by the township board for the management, maintenance, and operation of ambulance and emergency medical services in the township.

You have noted in your request that the question whether a board of township trustees may charge the users of ambulance services has been previously addressed in 1977 Op. Att'y Gen. No. 77-053. Rendered prior to the enactment of R.C. 505.84, Op. No. 77-053 concluded that a board of township trustees could not recover the expenses of furnishing ambulance services, obtained by contract with a city pursuant to R.C. 505.443 (renumbered R.C. 505.44 by Am. S.B. 98, 113th Gen. A. (1980) (eff. Oct. 6, 1980)), by charging persons who used such service. In Op. No. 77-053 I stated:

I am not aware of any section in the Revised Code which authorizes a township to charge users of its ambulance service, whether provided by the township itself or by contract with any of the entities enumerated in R.C. 505.443, for recoupment of its expenses incurred in providing such services. Absent such express authority, I must conclude that a board of township trustees may not assess a service charge against persons using the ambulance service provided by the township or a party contracting with the township. (Emphasis added.)

This statement is no longer valid, however, as there is now in existence R.C. 505.84, which expressly authorizes a township to charge users of an ambulance and emergency medical service. The language of R.C. 505.84 does not distinguish between the ambulance or emergency medical services provided by a township itself and those services provided by another entity through a contract with a township. I find, therefore, that R.C. 505.84 extends to both situations, and that a township may establish reasonable service charges for services which it provides itself or for the ambulance and emergency medical services it has obtained through a contract with another entity pursuant to R.C. 505.44.

In conclusion, it is my opinion, and you are so advised, that a board of township trustees which has contracted with an adjoining municipality for the provision of ambulance or emergency medical services may establish reasonable charges pursuant to R.C. 505.84 for those persons who use the contracted service. (1977 Op. Att'y Gen. No. 77-053 overruled.)