

Note from the Attorney General's Office:

1977 Op. Att'y Gen. No. 77-053 was overruled by
1981 Op. Att'y Gen. No. 81-023.

OPINION NO. 77-053**Syllabus:**

A board of township trustees may not recover the expenses of furnishing ambulance services, obtained by contract with a city pursuant to R.C. 505.443, by charging persons who use such service.

To: Lowell S. Peterson, Ottawa County Pros. Atty., Port Clinton, Ohio
By: William J. Brown, Attorney General, October 3, 1977

Your request for my opinion poses the question of whether a board of township trustees which contracts with a municipality, pursuant to R.C. 505.43, for the provision of ambulance services may properly charge the users for such service to recoup its expenses incurred thereby.

R.C. 505.443 provides, in pertinent part, as follows:

In order to obtain ambulance service, to obtain additional ambulance service in times of emergency, or to obtain emergency medical service, any township may enter into a contract, for a period not to exceed three years, with one or more townships, municipal corporations, counties, nonprofit corporations or private ambulance own-

ers, regardless of whether such townships, municipal corporations, non-profit corporations or private ambulance owners are located within or without the state, upon such terms as are agreed to by them to furnish or receive ambulance services or emergency medical services or the interchange of ambulance services or emergency medical services within the several territories of the contracting subdivisions . . .

Thus, a board of township trustees has authority to contract with a municipality to furnish or receive ambulance service. The section sets forth various methods that may be used by the parties to the contract in establishing the rates to be charged. However, R.C. 505.443 does not grant authority to a township receiving such services to charge individual users.

It is settled that a township is limited to exercising only those powers expressly conferred upon them by statute, and such others as are necessarily implied therefrom. 1970 Op. Att'y Gen. No. 70-114; Trustees of New London Township v. Miner, 26 Ohio St. 452 (1975). 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.

It should be noted that a township is not foreclosed from obtaining funds from which to pay for ambulance services. R.C. 5705.19(U) authorizes, inter alia, township boards of trustees to propose tax levies in excess of the ten-mill limitation in order to obtain funds for the provision of ambulance and emergency services.

Accordingly, it is my opinion, and you are so advised, that:

A board of township trustees may not recover the expenses of furnishing ambulance services, obtained by contract with a city pursuant to R.C. 505.443, by charging persons who use such service.