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ALTHOUGH A BOARD OF TOWNSHIP TRUSTEES IS AUTHORIZED TO CLEAN SNOW FROM TOWNSHIP ROADS, IT IS WITHOUT AUTHORITY TO USE TOWNSHIP PROPERTY AND PERSONNEL TO CLEAN OFF THE DRIVES OF A PUBLIC SCHOOL LOCATED IN THE TOWNSHIP—§§5501.14, R.C., 5571.08, R.C.

SYLLABUS:

Although a board of township trustees is authorized under Sections 5501.14 and 5571.08, Revised Code, to clean snow from the township roads, such a board is without authority to use township property and personnel to clean off the drives of a public school located in the township.

Columbus, Ohio, March 24, 1961

Hon. John D. Sears, Jr., Prosecuting Attorney
Crawford County, Bucyrus, Ohio

Dear Sir:

Your request for my opinion reads as follows:

"I respectfully request your opinion as to whether or not the township trustees have the authority to use township property and personnel in cleaning off the drives of the local school buildings located within the township. I realize that the snow for this winter is probably half over, however, this question has been presented to me on several occasions and there is quite a bit of disagreement in regard to it.

"Let me point out that the Civil Defense program and meetings in which the township participates is held in the school building and also there is a definite problem in regard to fire protection which is furnished the schools by the township volunteer fire dept."

The board of township trustees pursuant to Section 503.01, Revised Code, and the board of education pursuant to Section 3313.17, Revised Code, are separate bodies politic and corporate. The board of township trustees has charge of township property (Section 503.01, *supra*), while the board of education has charge of school property (Section 3313.37, Revised Code). The board of township trustees, however, may hold meetings in the school buildings with the permission of the board of education pursuant to Section 3313.75, *et seq.*, Revised Code, and the board of township trustees must furnish fire protection for such school buildings within the township pursuant to Section 505.37, *et seq.*, Revised Code. It is understandable, therefore, that a board of township trustees might wish to clean the snow off the drives of the local school. The trustees, however, have only such authority as is conferred by statute or necessarily implied therefrom (*The Trustees of New London Township v. Miner*, 26 Ohio St., 452), and such authority is strictly construed (*Johnson v. Grunkemeyer*, 8 O.N.P., 274, 11 O.D.N.P., 412).

While there are two different statutes which confer authority on the board of township trustees to clean snow off the township roads (Sections 5501.14 and 5571.08, Revised Code), I have been unable to find any authority for the board of township trustees to use township property and personnel to clean off the drives of the local school. Such authority is not necessarily implied because the board of education already has authority under Section 3313.37, *supra*, to clean off such snow.

Accordingly, it is my opinion and you are advised that although a board of township trustees is authorized under Sections 5501.14 and

5571.08, Revised Code, to clean snow from the township roads, such a board is without authority to use township property and personnel to clean off the drives of a public school located in the township.

Respectfully,
MARK MCELROY
Attorney General