

AN ACT

To amend section 505.82 of the Revised Code to allow a board of township trustees to adopt a resolution to provide snow and debris removal from undedicated roads and stream banks in emergencies during any one-month period.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 505.82 of the Revised Code be amended to read as follows:

Sec. 505.82. If a board of township trustees by a unanimous vote, or, in the event of the unavoidable absence of one trustee, by an affirmative vote of two trustees adopts a resolution declaring that an emergency exists which threatens life or property within the unincorporated territory of the township or that such an emergency is imminent, the board may exercise the following powers ~~for the duration of~~ during the emergency in the one-month period following the adoption of the resolution:

(A) ~~If~~ Notwithstanding section 1517.16 Of the Revised Code, if an owner of an undedicated road or stream bank in the unincorporated territory of the township has not provided for the removal of snow, ice, debris, or other obstructions from the road or bank, provide for such removal. Prior to providing for such removal, the board of township trustees shall give, or make good faith attempt to give, oral notice to the owner of the road or bank of the trustees' intent to clear the road or bank and impose a service charge for doing so. The board shall establish just and equitable service charges for such removal to be paid by the owners of the road or bank. The trustees shall keep a record of the costs incurred by the township in removing snow, ice, debris, or other obstructions from the road or bank. The service charges shall be based on these costs and shall be in an amount sufficient to recover these costs. If there is more than one owner of the road or bank, the board shall allocate the service charges among the owners on an equitable basis. The board shall notify, in writing, each owner of the road or bank of the amount of the service charge and shall certify the charges to the county auditor. The charges shall constitute a lien upon the property. The auditor

shall place the charges on a special duplicate to be collected as other taxes and returned to the township general fund.

(B) Contract for the immediate acquisition, replacement, or repair of equipment needed for the emergency situation, without following the competitive bidding requirements of section 5549.21 or any other section of the Revised Code.

~~No emergency declared under this section shall remain in effect for more than five consecutive days unless it is extended, for a period of not more than five days, by a resolution adopted by a unanimous vote of the board, or in the event of the unavoidable absence of one trustee, by an affirmative vote of two trustees. A board may make more than one such extension, but each extension shall require a separate vote.~~

(C) The removal of snow, ice, debris, or other obstructions from an undedicated road by a board of township trustees acting pursuant to a resolution adopted under division (A) of this section does not constitute approval or acceptance of the undedicated road.

(D) As used in this section, "undedicated road" means a road which that has not been approved and accepted by the board of county commissioners and is not a part of the state, county, or township road systems as provided in section 5535.01 of the Revised Code.

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SECTION 2. That existing section 505.82 of the Revised Code is hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____