

## **RESOLUTION NO. 25-2021**

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**Emergency Resolution authorizing the removal of snow and ice from undedicated roads in accordance with Ohio Revised Code Section 505.82 and pursuant to Limited Home Rule Authority provided under Ohio Revised Code Chapter 504 and declaring an emergency and dispensing with the second reading**

**WHEREAS**, West Chester Township is a limited home rule Township pursuant to Ohio Revised Code, Chapter 504; and,

**WHEREAS**, when winter conditions arise, residents on undedicated road(s) in West Chester Township may be adversely impacted if an owner(s) or developer(s) of undedicated road(s) have not provided for removal of snow and ice; and,

**WHEREAS**, when there is no method to guarantee undedicated roads will be properly treated, and snow and ice properly removed, an immediate danger to the health, safety and welfare of the inhabitants of the undedicated road(s) exists; and,

**WHEREAS**, pursuant to Ohio Revised Code, Section 505.82 (A), the Township may appropriately notice and apply an equitable service charge for the removal or other treatment of snow and ice, and charge the owner(s) of undedicated road(s) when Township resources are used to remove snow and ice from or to treat accordingly the undedicated road(s); and,

**WHEREAS**, pursuant to Ohio Revised Code, Section 505.82 (B), the Township may enter into a contract with a developer whereby the developer agrees to pay the service for the removal or other treatment of snow and ice instead of the owners.

**NOW, THEREFORE BE IT RESOLVED** the West Chester Township Board of Trustees, by authority of Chapter 504 and Section 505.82 of the Ohio Revised Code, does hereby agree to:

**SECTION 1.** Define an emergency is and declare one arises from the obstruction by snow and ice on certain undedicated road(s) in the Township.

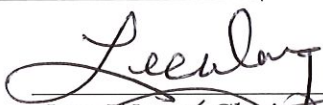
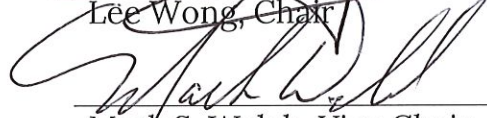
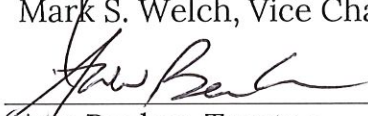
**SECTION 2.** Authorize the Township Administrator or her designee to cause for the removal or other treatment of snow and ice as provided for in Ohio Revised Code Section 505.82 (A) and (B).

**SECTION 3.** Determine, pursuant to Section 505.82 of the Ohio Revised Code, this Resolution shall remain in effect until April 30, 2022.

**SECTION 4.** Find and determine that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

**This Resolution shall be adopted as an emergency necessary for the immediate preservation of the public peace, health, safety, or welfare of the community and shall become effective at the earliest date permitted by law.**

Adopted this 16<sup>th</sup> day of November, 2021.

 _____ Lee Wong, Chair	<u>Yes</u> Yes/No
 _____ Mark S. Welch, Vice Chair	<u>Yes</u> Yes/No
 _____ Ann Becker, Trustee	<u>Yes</u> Yes/No

**ATTEST:**

  
\_\_\_\_\_  
Bruce Jones, Fiscal Officer

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Jack Hemenway, Acting Law Director