

**OPINION NO. 66-001**

**Syllabus:**

1. The municipal courts of Vermilion and Oberlin do not have concurrent jurisdiction between the easterly and westerly lines of Vermilion-on-the-Lake northerly beyond the south shore of Lake Erie to the International boundary line between the United States and Canada.

2. Prosecutions for violations of Ohio liquor laws may be instituted by and through the prosecuting attorneys of the respective counties along the south shore of Lake Erie in their respective common pleas courts for such liquor law violations committed on the "Ohio Waters" of Lake Erie within their respective county boundaries as such boundaries are defined by statute.

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**To: Donald D. Cook, Director, Department of Liquor Control, Columbus, Ohio**  
**By: William B. Saxbe, Attorney General, January 6, 1966**

Your letter requesting my opinion reads in pertinent part as follows:

"Do the municipal courts of Vermilion and Oberlin have concurrent jurisdiction, between the easterly and westerly boundary lines of Vermilion-on-the-Lakes northerly beyond the south shore of Lake Erie to the international boundary line between the United States and Canada?

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"May prosecutions for violation of Ohio liquor laws be instituted by and through the prosecuting attorneys of the respective counties along the south shore of Lake Erie in their respective common pleas courts for such violations on the 'Ohio Waters' of Lake Erie between the easterly and westerly boundary lines of their respective counties northerly to the international boundary line between the United States and Canada?"

Section 1901.02, Revised Code, reads in pertinent part:

"The Oberlin municipal court has jurisdiction within the corporate limits of the municipalities of \* \* \* Vermilion-on-the Lake,  
\* \* \*

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"The Vermilion municipal court has jurisdiction within the townships of Vermilion and Florence in Erie county and the township of Brownhelm in Lorain County."

Section 1901.023, Revised Code, provides:

"In addition to the territorial jurisdiction conferred by section 1901.02 of the Revised Code, the municipal courts of Ashtabula, Avon Lake, Bellevue, Cleveland, East Cleveland, Conneaut, Euclid, Lakewood, Lorain, Oberlin, Painesville, Port Clinton, Rocky River, Sandusky, Toledo, and Willoughby have jurisdiction northerly beyond the south shore of Lake Erie to the international boundary line between the United States and Canada, between the easterly and westerly boundary lines of the respective courts."

The newly created Vermilion Municipal Court has not been included in the enumeration of courts whose jurisdiction extends into Lake Erie. Utilizing the rule of statutory interpretation expressio unius est exclusio alterius, I conclude that the legislature's expression concerning the jurisdiction of certain municipal courts into Lake Erie, excludes such jurisdiction for municipal courts not specifically mentioned in the statute. The legislature did not include the Vermilion Municipal Court in Section 1910.023, supra, and I am constrained to believe that it does not have any jurisdiction in Lake Erie. Therefore, the municipal courts of Vermilion and Oberlin do not have concurrent jurisdiction between the easterly and westerly lines of Vermilion-on-the-Lake northerly beyond the south shore of Lake Erie to the international boundary line between the United States and Canada.

County boundary limits of those counties bordering Lake Erie have been established by acts of the legislature. Except for Lucas, Ottawa and Erie Counties the boundary of each of the counties bordering on Lake Erie is the northerly extension of the east and west boundary to the international boundary line. See 38 Ohio Laws, 102 (Local). Although Lucas, Erie

and Ottawa Counties have somewhat different boundary descriptions, in each instance the boundary extends into Lake Erie. See 34 Ohio Laws 470, (Local) (Lucas County); 65 Ohio Laws 218 (Erie and Ottawa Counties). Generally, a person charged with a criminal act must be tried in the county in which the offense was committed. Section 10, Article I, Ohio Constitution. Therefore, the liquor law violations committed on the "Ohio Waters" of Lake Erie are within the territorial jurisdiction and venue of the respective common pleas courts of the counties mentioned hereinabove.

The next question, are violations of the Ohio liquor laws within the subject matter jurisdiction of common pleas courts, now must be considered.

Section 2931.03, Revised Code, provides that the common pleas courts should have jurisdiction of all crimes except those minor offenses the jurisdiction of which has been given exclusively to an inferior court. Section 2931.04, Revised Code, reads as follows:

"Sections 2931.01 to 2931.03, inclusive of the Revised Code, do not affect, modify, or limit the jurisdiction of municipal courts. All municipal court judges have jurisdiction within the territory for which they were elected or appointed in all cases of violation of Chapters 4301. and 4303. of the Revised Code and of prosecutions for keeping a place where intoxicating liquor is sold, given away, or furnished, in violation of any law prohibiting such acts."

The phrase "exclusive jurisdiction" or words of like import are not used in Section 2931.04, supra. A review of the statutes reveals that in the instances when the legislature has established exclusive jurisdiction in a court, it has done so by using specific and unmistakable terms. See Sections 3707.49 and 4301.31, Revised Code. See also Hartzog v. State, 16 Ohio Law Abs., 97; Small v. State, 128 Ohio St., 548. This section merely states that the municipal court shall have jurisdiction.

Therefore, I must conclude that the courts of common pleas have subject matter jurisdiction concurrent with that of the various courts of inferior jurisdiction in all cases of violations of the Ohio liquor laws.

In conclusion then it is my opinion and you are advised as follows:

1. The municipal courts of Vermilion and Oberlin do not have concurrent jurisdiction between the easterly and westerly lines of Vermilion-on-the-Lake northerly beyond the south shore of Lake Erie to the International boundary line between the United States and Canada.

2. Prosecutions for violations of Ohio liquor laws may be instituted by and through the prosecuting attorneys of the respective counties along the south shore of Lake Erie in their respective common pleas courts for such liquor law violations committed on the "Ohio Waters" of Lake Erie within their re-

spective county boundaries as such boundaries are defined by statute.