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MUNICIPAL CORPORATIONS—LICENSING OF FERRIES—  
§715.32 R.C.—EXCLUSIVE POWER TO LICENSE AND REGU-  
LATE—MUNICIPAL REGULATION EXCLUDES LICENSING  
UNDER §4583.01 R.C.

SYLLABUS:

Section 715.32, Revised Code, grants to municipal corporations exclusive power to license and regulate ferries from such municipal corporation, or any landing therein, and ferries subject to such licensing and regulation may not, under the provisions of Section 4583.01, Revised Code, be required to obtain an additional license from the court of common pleas of the county within which such municipal corporation is located.

Columbus, Ohio, May 21, 1958

Hon. William H. Irwin, Prosecuting Attorney  
Belmont County, St. Clairsville, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“I am respectfully requesting an official ruling or interpretation of the following Sections of the Revised Code of Ohio:

“Section 4583.01 provides that the Court of Common Pleas must license ferries that bound on the county; Section 715.32 provides that a municipal corporation shall have the exclusive power to establish, regulate and license ferries from such municipal corporation or any landing therein.

“The question is this: In the event a ferry is docked within a municipal corporation and is licensed by the municipal corporation, shall another license be obtained under the provision of Section 4583.01 of the Revised Code?

“We have been informed that some counties now hold that only one license is necessary while others are insisting that the two licenses are mandatory.”

Inasmuch as this question appears to concern Belmont County I assume you have reference to a ferry which travels across the Ohio River to West Virginia, that is to say, from a municipal corporation in Belmont County to some landing point in West Virginia and not to a landing point in another Ohio county.

Section 715.32, Revised Code, reads:

“Any municipal corporation shall have the *exclusive*  
power to:

“(A) Establish, regulate, and license ferries from such municipal corporation, or any landing therein, to the opposite shore, or from one part of the municipal corporation to another ;

“(B) Impose such reasonable terms and restrictions, in relation to the keeping of such ferries, and as to the time, manner, and rates of the carriage and transportation of persons and property, as are proper ;

“(C) Provide for the revocation of any such license, and for the punishments by proper fines and penalties for the violation of any ordinance prohibiting unlicensed ferries, or regulating those established and licensed.” (Emphasis added)

Section 4583.01, Revised Code, is the present codification of Section 5947, General Code, which in turn was the codification of a statute originally enacted in 1831 (29 Ohio Laws, 447).

Section 715.32, Revised Code, is the present codification of a statute originally enacted in 1869, being Section 446 of the municipal code enacted in that year. 66 Ohio Laws, 149, 223.

Section 715.32, Revised Code, is, thus, the later enactment, making a special exception to the earlier, general provision for licensing ferries. In 37 Ohio Jurisprudence, 407, it is said :

“It is well settled that a special law repeals an earlier general law to the extent of any irreconcilable conflict between their provisions \* \* \*.”

The provision in Section 715.32, Revised Code, that a municipal corporation shall have the *exclusive* power to license ferries from such municipal corporation is irreconcilable with any statutory provision granting to the county in which the municipality is located the power to license the same ferries.

It is my opinion, therefore, and you are advised, that Section 715.32, Revised Code, grants to municipal corporations exclusive power to license and regulate ferries from such municipal corporation, or any landing therein, and ferries subject to such licensing and regulation may not, under the provisions of Section 4583.01, Revised Code, be required to obtain an additional license from the court of common pleas of the county within which such municipal corporation is located.

Respectfully,  
WILLIAM SAXBE  
Attorney General