

3292.

## APPROVAL, BONDS OF WYANDOT COUNTY, \$13,979.73.

COLUMBUS, OHIO, April 22, 1926.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

3293.

## DISAPPROVAL, BONDS OF VILLAGE OF UNIVERSITY HEIGHTS, CUYAHOGA COUNTY, \$71,212.11.

COLUMBUS, OHIO, April 23, 1926.

Re: Bonds of Village of University Heights, Cuyahoga County, \$71,212.11.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

GENTLEMEN:—The transcript for the foregoing issue of bonds shows that said bonds are issued under the provisions of section 3914 of the General Code, and in anticipation of the collection of special assessments.

The transcript also discloses that the notice of the filing of the assessments as required by section 3895 of the General Code was given by posting, and not by publication as required therein.

The solicitor of the village has furnished his statement to the effect that this notice has not been published in any newspaper. He contends that such publication is not required in view of the provisions of section 4228 and 4232 of the General Code, which latter section gives the council the option of publishing notices, ordinances, resolutions, statements and orders where there is no newspaper printed in the municipality, either by posting copies thereof, or by publication in any newspaper printed in Ohio and of general circulation in such municipality.

However, section 3895 of the General Code as found in the chapter of statutes on assessments must be considered in its application to that chapter, and therefore, in addition to the general provisions of sections 4226 and 4232 of the General Code, section 3895 is specific and mandatory in its terms. Said section is as follows:

“Before adopting an assessment made as provided in this chapter, the council shall publish notice for three weeks consecutively, in a newspaper of general circulation in the corporation, that such assessment has been made, and that it is on file in the office of the clerk for the inspection and examination of persons interested therein.”

Consideration must also be given to its application for the reason that it provides for notification to property owners on a specific improvement and is not necessarily of particular interest to the inhabitants of the municipality generally, as would seem to be the intention of section 4232 of the General Code.

The ordinances, notices, etc., named in sections 4228 and 4232 of the General Code are general statutes, applicable to all the inhabitants of the municipality.

In the case of *Maple Heights vs. Holtz*, 100 O. S., 264, it was held

“Certainly the same reason that would impel the legislature to require a notice to be published before the first assessment is made would with equal force apply to a second and additional assessment, \* \* \*. Entertaining these views, we do not feel warranted in attempting by judicial construction to either read anything into or anything out of the statutes as enacted.”