

3523.

APPROVAL, BONDS OF VILLAGE OF UNIVERSITY HEIGHTS, CUYA-HOGA COUNTY, OHIO, \$9,000.00.

COLUMBUS, OHIO, November 28, 1934.

Industrial Commission of Ohio, Columbus, Ohio.

3524.

APPROVAL, BONDS OF VILLAGE OF UNIVERSITY HEIGHTS, CUYA-HOGA COUNTY, OHIO, \$2,000.00.

COLUMBUS, OHIO, November 28, 1934.

Industrial Commission of Ohio, Columbus, Ohio.

3525.

APPROVAL, BONDS OF VILLAGE OF UNIVERSITY HEIGHTS, CUYA-HOGA COUNTY, OHIO, \$1,000.00.

COLUMBUS, OHIO, November 28, 1934.

Industrial Commission of Ohio, Columbus, Ohio.

3526.

APPROVAL, BONDS OF VILLAGE OF UNIVERSITY HEIGHTS, CUYA-HOGA COUNTY, OHIO, \$400.00.

COLUMBUS, OHIO, November 28, 1934.

Industrial Commission of Ohio, Columbus, Ohio.

3527.

TOWNSHIP TRUSTEES—UNAUTHORIZED TO EXPEND TOWNSHIP FUNDS TO LAY WATER LINES AND CONSTRUCT DAMS TO IMPOUND WATER FOR FIRE PROTECTION—O. A. G. 1931, VOL. III, P. 1505, APPROVED.

SYLLABUS:

A board of township trustees has no authority to expend township funds to

lay water lines and construct dams to impound water for fire protection purposes. Opinion of Attorney General for 1931, Vol. III, page 1505, approved.

COLUMBUS, OHIO, November 30, 1934.

HON. FRANK E. STEVENS, *Prosecuting Attorney, Elyria, Ohio.*

DEAR SIR:—Your letter of recent date is as follows:

"I have been requested by the Board of Trustees of Amherst Township to obtain your opinion upon the legality of expending township funds to lay water lines and to construct dams to impound water in the small creeks of the township for fire protection purposes.

In accordance with Section 3298-60, General Code, the Board of Trustees has an agreement with the village of Amherst for fire protection by the village department. The value of this protection is materially lessened by the lack of adequate water supplies. The trustees feel that the proper water supply could be made available at a comparatively small cost to the township by having the work done as a C. W. A. or F. E. R. A. project.

I am aware of and have informed the trustees concerning Opinion No. 3854 rendered by your predecessor under date of December 14, 1931, but they desire that this inquiry be submitted for your consideration."

The question which you present is substantially identical with the question submitted to this office in December, 1931, by the Bureau of Inspection and Supervision of Public Offices and which was considered in the opinion to which you refer reported in Opinions of the Attorney General for 1931, Vol. III, page 1505. The letter of the Bureau there under consideration read as follows:

"Sections 3298-54 to 3298-60 of the General Code, refer to fire protection in townships.

Question: May township trustees install a water reservoir and water-lines necessary to provide an adequate supply of water for fire fighting purposes?"

In response thereto the then Attorney General held as set forth in the syllabus:

"The statutes do not authorize the installation by a board of township trustees, of a reservoir and water lines for providing a supply of water for fire protection."

Without quoting at length from the foregoing opinion, it is sufficient to say that the same has been carefully reconsidered and as a result of such reconsideration I am impelled to concur in the reasoning of such opinion and the conclusions of law based thereon.

In specific answer to your question it is accordingly my opinion that a board of township trustees has no authority to expend township funds to lay water lines and construct dams to impound water for fire protection purposes.

Respectfully,

JOHN W. BRICKER,
Attorney General.