

or pond, as set forth in Section 1251, *supra*. Under such circumstances, even though there may be no established system of sanitary sewers in a given territory within a municipality, conditions may be such as to warrant the director of health, in the exercise of his sound discretion, in refusing to approve any proposed means for sewage disposal other than by a system of sanitary sewers and a sewage disposal plant. That is to say, where the matter of water pollution is involved, a portion of a municipality may, for instance, be so thickly populated that no means of sewage disposal other than a system of sanitary sewers leading to an adequate sewage disposal plant, would be sufficient to prevent such water pollution. Under whatever circumstances it may be contended that the director of health has authority to compel a municipality to install sanitary sewers, such authority under Sections 1249 to 1251, inclusive, General Code, may only be exercised in the event of the pollution of a stream, water course, canal, lake or pond.

Sections 1252 to 1261, inclusive, General Code, relate to the jurisdiction of the State Department of Health in matters affecting the public water supply and provide the machinery for enforcing the orders of the State Department of Health in relation thereto.

Referring to the particular complaint which gave rise to your inquiry, it appears from an examination of the brief submitted in support of the complaint that it is claimed that sewage is actually being discharged into small streams and water courses which empty into Rocky River. You do not, however, state this to be a fact. It is of course a matter for your determination. If such proves to be the fact, I should have little difficulty in concluding that you as Director of Health have jurisdiction in the premises under Sections 1249, *et seq.*, hereinabove commented upon.

In view of the foregoing, it is my opinion in specific answer to your inquiry that the State Department of Health or the Director of Health has no authority to compel a municipality to install, maintain and operate a system of sewers in any territory within the limits of such municipality unless the sewage or other wastes of such territory are corrupting or polluting a stream, water course, canal, lake or pond as provided in Sections 1249, *et seq.*, General Code.

Respectfully,  
 GILBERT BETTMAN,  
*Attorney General.*

2808.

APPROVAL, FINAL RESOLUTION FOR ROAD IMPROVEMENT IN WOOD COUNTY, OHIO.

COLUMBUS, OHIO, January 9, 1931.

Hon. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

2809.

CHATTEL LOAN ACT—JEWELRY AND LOANS—SPECIFIC INSTANCE DEEMED TO COME WITHIN THE PROVISIONS OF SUCH ACT.

SYLLABUS:

*When a jewelry store is engaged in the business of selling jewelry and loaning money, and the consideration for making loans is two fold, first, that the borrower pay interest at the rate of eight per centum per annum, and, second, that the borrower*