

OPINION NO. 1339

Syllabus:

Section 1901.023, Revised Code, enlarges the jurisdiction of the Port Clinton Municipal Court to include generally that territory situated northerly beyond the south shore of Lake

Erie to the international boundary line between the United States and Canada and between the easterly and westerly boundary lines of the said court except Put-In-Bay Township of Ottawa County, Ohio, which is expressly excluded from such jurisdiction by reason of the language of Section 1901.02, Revised Code.

To: Leslie E. Meyer, Ottawa County Pros. Atty., Port Clinton, Ohio
By: William B. Saxbe, Attorney General, September 3, 1964

Your request for my opinion reads:

"I desire an opinion on the jurisdiction of the Port Clinton Municipal Court.

"Under R. C. 1901.02 such Municipal Court has jurisdiction within Ottawa County except in Put-In-Bay Township.

"Under Section 1901.023 in addition to the territorial jurisdiction conferred by Section 1901.02, such Municipal Court has 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 lines of the Municipal Court.

"Will you kindly advise me if the Port Clinton Municipal Court now has territorial jurisdiction over Put-In-Bay Township?"

Section 1901.02, Revised Code, as amended by Amended Substitute House Bill No. 266, effective July 11, 1963, reads in part:

"The municipal courts, established by section 1901.01 of the Revised Code, have jurisdiction within the corporate limits of their respective municipal corporations and are courts of record. Each of such courts shall be styled '..... municipal court,' inserting the name of the municipal corporation. The municipal courts also have jurisdiction as follows:

"* * * * *

"The Port Clinton municipal court has jurisdiction within Ottawa county, except in Put-In-Bay township."

There was no change made in the jurisdiction of the Port Clinton Municipal Court by the 1963 amendment.

By Amended Substitute House Bill No. 266, supra, the General Assembly enacted Section 1901.023, Revised Code; that

section 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."

Section 1901.023, Revised Code, if read without reference to Section 1901.02, Revised Code, would grant jurisdiction in Put-In-Bay Township to the Port Clinton Municipal Court; however, when the two sections are read together, it is my conclusion that the opposite result must be reached.

I find nothing in these two statutory provisions which seems to me to be so irreconcilably inconsistent that the general rules of law relating to repeal by implication need be discussed. It is my opinion that these two sections are clearly in pari materia and must be construed together. This well-recognized rule of construction is stated in this way in The State, ex rel. Pratt vs. Weygandt, 164 Ohio St., 463, in the second paragraph of the syllabus:

"2. Statutes relating to the same matter or subject, although passed at different times and making no reference to each other, are in pari materia and should be read together to ascertain and effectuate if possible the legislative intent."

Section 1901.023, Revised Code, grants increased territorial jurisdiction to certain municipal courts located in the counties bounded by Lake Erie. This section applies to the Municipal Court of Port Clinton to the same extent that it applies to the other municipal courts, except that Put-In-Bay Township is expressly excluded from that jurisdiction by the language used in Section 1901.02, Revised Code. It should, perhaps, be mentioned that prior to the enactment of Amended Substitute House Bill No. 266, certain municipal courts had by Section 1901.02, Revised Code, been granted jurisdiction beyond the south shore of Lake Erie. In Opinion No. 1619, Opinions of the Attorney General for 1960, page 546, it was held that a municipal court to which such specific jurisdiction had not been granted did not have jurisdiction over a case involving a violation set forth in Section 1531.18, Revised Code, where the act occurred in the waters of Lake Erie.

It is, therefore, my opinion and you are advised that Section 1901.023, Revised Code, enlarges the jurisdiction of the Port Clinton Municipal Court to include generally that territory situated northerly beyond the south shore of Lake Erie to the international boundary line between the United States and Canada and between the easterly and westerly boundary lines of the said court except Put-In-Bay Township

of Ottawa County, Ohio, which is expressly excluded from such jurisdiction by reason of the language of Section 1901.02, Revised Code.