

**OPINION 65-230****Syllabus:**

Pursuant to Section 5549.21, Revised Code, a board of township trustees may purchase additional land to be used for parking in connection with the operation of a township garage, if such land is reasonably necessary for storing road machinery and tools owned by the township.

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**To: Neil M. Laughlin, Licking County Pros. Atty., Newark, Ohio**  
**By: William B. Saxbe, Attorney General, December 17, 1965**

I am in receipt of your request for my opinion in which you ask whether a board of township trustees may purchase land to be utilized for parking in connection with township garage facilities.

In answering your question, I am advised that the township garage as well as the adjoining parking area will be used for housing or storing township road machinery or tools.

Section 5549.21, Revised Code, provides in part as follows:

"The board of township trustees may purchase or lease such machinery and tools as are necessary for use in constructing, reconstructing, maintaining, and repairing roads and culverts within the township, and shall provide suitable places for housing and storing machinery and tools owned by the township. \* \* \*"  
(Emphasis added)

It is, of course, the general rule that a board of township trustees may exercise only those powers expressly conferred by statute, or such others as may be necessarily implied there-

from. See Trustees of New London Township v. Miner, 26 Ohio St., 452.

The provision of Section 5549.21, Revised Code, requiring the board of township trustees to "provide suitable places for housing and storing machinery and tools" previously has been construed to authorize a board of township trustees to purchase land as well as to erect buildings on such land for the purpose of housing and storing machinery and tools owned by the township. Opinion No. 2803, Opinions of the Attorney General for 1925, page 625; Opinion No. 2748, Opinions of the Attorney General for 1962, page 21.

Analogous language found in Section 5549.01, Revised Code, requiring the board of county commissioners to "provide a suitable place for housing and storing machinery, tools, and equipment" was held in Opinion No. 1600, Opinions of the Attorney General for 1920, page 1020, to confer upon a board of county commissioners the authority, by necessary implication, to purchase a site, with a building, for the purpose of housing and storing machinery, tools and equipment.

With regard to your inquiry, the language of Section 5549.21, Revised Code, to "provide suitable places" appears to be comprehensive enough to include necessary parking space for township machinery and tools. A parking area, during certain times, may be a more suitable place than a garage for storing such equipment. The word "place" encompasses more than a building. Webster's Third New International Dictionary (1961) defines the word "place," as a "building or locality used for a special purpose."

It is my opinion, therefore, that pursuant to Section 5549.21, Revised Code, a board of township trustees may purchase additional land to be used for parking in connection with the operation of a township garage, if such land is reasonably necessary for storing road machinery and tools owned by the township.