

**OPINION NO. 70-099**

**Syllabus:**

A board of county commissioners has the authority to charge tie-down fees on county airport property.

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**To: Everett Burton, Scioto County Pros. Atty., Portsmouth, Ohio**  
**By: Paul W. Brown, Attorney General, July 31, 1970**

I have before me your request for my opinion as to whether a board of county commissioners has authority to charge tie-down fees on county airport property.

Section 307.20, Revised Code, reads, in part, as follows:

"The board of county commissioners, in addition to its other powers, shall have the same authority, subject to the same limitations, with respect to airports, landing fields, and other air navigation facilities as is conferred upon municipal corporations by Sections 717.01 and 719.01 of the Revised Code \* \* \*."

Section 717.01, Revised Code, provides that a municipal corporation may:

"\* \* \* \* \*"

"(V) Acquire \* \* \* real or personal property and thereon and thereof to establish \* \* \*, maintain and operate airports, landing fields, or other air navigation facilities \* \* \*."

"\* \* \* \* \*"

Inherent in this power is authority to charge reasonable fees for facilities and services related to the operation of an airport. Consider City of Toledo v. Jenkins et al., Board of Tax Appeals, et al., 143 Ohio St. 141 (1944), in which the

court recognized that a reasonable charge may be made for the storage of airplanes of individuals without necessarily altering the public character of the use. This is, of course, subject to such rules and regulations as may from time to time be promulgated by the Director of Commerce.

Therefore, it is my opinion and you are hereby advised that a board of county commissioners has the authority to charge tie-down fees on county airport property.