

3435.

**BONDS—MAY NOT BE ISSUED UNDER SECTION 3939 G. C. FOR THE PURPOSE OF PURCHASING TRAFFIC SIGNAL LIGHTS OR SIGNS.**

**SYLLABUS:**

*Bonds may not be issued under section 3939 of the General Code for the purpose of purchasing traffic signal lights or signs.*

COLUMBUS, OHIO, June 10, 1926.

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN:—I am in receipt of your communication as follows:

“The Bureau is in receipt of the following inquiry: ‘Please advise whether a municipality may issue bonds for the purpose of purchasing traffic signal lights or signs under section 3939 G. C. or any other law providing for the issuance of bonds by municipalities?’

“Your views in this connection will be appreciated.”

The question presented by your inquiry as to whether a municipality may issue bonds for the purpose of purchasing traffic signal lights or signs depends primarily on the construction of section 3939 of the General Code, under the express provisions of which municipalities are authorized to issue bonds for certain enumerated and specific purposes.

A search of section 3939 of the General Code, discloses that among the twenty-nine sub-sections, no provision is made for the issuing of bonds for the purpose of purchasing police and traffic signals or signs. It is only necessary to determine whether by implication any part of section 3939 authorizes bonds to be issued for such purpose.

In the Opinions of the Attorney General for 1921, Vol 1, on page 605, it was held as follows:

“Under the provision of section 3939 G. C., a bond issue \* \* \* for the purpose of constructing, improving and extending the aerial fire and police alarm system in the City of Massillon, Ohio, is legal and authorized by the provision of said section.”

This opinion is based upon the construction of sub-section 28 (formerly sub-section 27) of section 3939 of the General Code, in connection with sub-sections 2, and 7 of the same section.

Sub-section 26 provides as follows:

“For erecting any building necessary for a fire department, purchasing fire engines, fire boats, constructing water towers, and fire cisterns, and paying the cost of placing underground the wires or other signal apparatus of any fire department, or installing and operating any municipal ice plant for the purpose of manufacturing ice for the citizens of any municipality.”

Section 7 provides as follows:

“For erecting workhouses, prisons and police stations.”

Section 2 provides as follows:

"For extending, enlarging, improving, repairing or securing a more complete enjoyment of a building or improvement authorized by this section, and for equipping and furnishing it."

On page 609 of the Opinion supra, may be found the following:

"It would seem, therefore, to be reasonably concluded that an 'aerial system,' as well as underground, would be authorized under the provisions of paragraph 27 and paragraph 2. Applying a similar process of reasoning to the police department or building used for a police station, it would seem that paragraph 7 when read in conjunction with paragraph 2 would authorize the equipping of such a building or station as is mentioned, with the necessary wires or signal apparatus, which would secure for the same 'a more complete enjoyment' as a police station.

"Arriving at such a conclusion, it would then appear that the combined provisions of paragraph 27, 2 and 7 would be necessary to vest in the municipality sufficient power to construct or reconstruct the aerial wires or signal apparatus for the police and fire alarm system, indicated in the present instance."

In the above opinion it was found necessary to base their conclusion on the fact that such a police and fire alarm signal system secured a more complete enjoyment of a building or improvement authorized by another section, to wit: section 7.

We are unable to see how traffic signal lights or signs could be considered as securing a more complete enjoyment of any building or improvement which is authorized by any other sub-section of section 3939.

It is therefore my opinion that bonds may not be issued under section 3939 of the General Code for the purpose of purchasing traffic signal lights or signs.

Respectfully,

C. C. CRABBE,

*Attorney General.*

3436.

APPROVAL, FINAL RESOLUTION ON ROAD IMPROVEMENT IN  
CHAMPAIGN COUNTY.

COLUMBUS, OHIO, June 11, 1926.

*Department of Highways and Public Works, Division of Highways, Columbus, Ohio.*

3437.

APPROVAL, FINAL RESOLUTION ON ROAD IMPROVEMENT IN  
CHAMPAIGN COUNTY.

COLUMBUS, OHIO, June 11, 1926.

*Department of Highways and Public Works, Division of Highways, Columbus, Ohio.*