

**OPINION NO. 69-073**

**Syllabus:**

1. Rules and regulations for the construction and maintenance, protection, and use of garbage and refuse collection, and disposal facilities made by the Board of County Commissioners pursuant to Section 343.01, Revised Code, must be published.

2. The publication which is required by Section 343.01, Revised Code, is any publication which the Board of County Commissioners decides is reasonably likely to inform those affected by the rules and regulations that it makes.

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**To: Bernard W. Freeman, Huron County Pros. Atty., Norwalk, Ohio**  
**By: Paul W. Brown, Attorney General, July 1, 1969**

I have before me your request for my opinion on the following matter: Section 343.01, Revised Code, provides for the establishment of county garbage and refuse disposal districts. This section provides, in part, that the Board of County Commissioners may do the following:

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

"The board may make, publish, and enforce rules and regulations for the construction and maintenance, protection, and use of garbage and refuse collection, and disposal facilities. Such rules and regulations shall not be inconsistent with the rules and regulations of the department of health.

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

Your question in relation to this section are whether publication is necessary to make rules and regulations valid and, if publication is necessary, in what form should it be made.

In relation to your first question, it is clear that once the Board of County Commissioners has made rules and regulations pursuant to Section 343.01, *supra*, it must enforce such rules and publish them. The General Assembly did

not intend that the rules made pursuant to Section 343.01, supra, should be published but not enforced, or enforced but not published.

The syllabus of State of Ohio v. Nickles, 159 Ohio St. 353, 50 Ohio Op. 322 (1953), reads in pertinent part as follows:

"In determining the intention of the General Assembly as to the meaning and operation of statutes, a court, if possible, should avoid absurd and grotesque results."

This office, in its attempt to determine the intention of the General Assembly, is under a similar duty to avoid absurd results. Thus, once rules and regulations have been made pursuant to Section 343.01, supra, such rules and regulations must be both published and enforced.

Chapters 305. and 307., Revised Code, which deal with the powers and duties of the Board of County Commissioners, do not provide for the kind of publication that is required in Section 343.01, supra. Under these circumstances, any publication which the Board of County Commissioners decides is reasonably likely to inform those affected by the rules and regulations it makes will comply with the publication requirements of Section 343.01, supra. In this matter the Board of County Commissioners must exercise its own discretion.

In conclusion, it is my opinion and you are hereby advised:

1. Rules and regulations for the construction and maintenance, protection, and use of garbage and refuse collection, and disposal facilities made by the Board of County Commissioners pursuant to Section 343.01, Revised Code, must be published.
2. The publication which is required by Section 343.01, Revised Code, is any publication which the Board of County Commissioners decides is reasonably likely to inform those affected by the rules and regulations that it makes.