

726.

APPROVAL, CONTRACT FOR ELIMINATION OF GRADE CROSSING
OVER B. & O. R. R. IN BUTLER COUNTY.

COLUMBUS, OHIO, August 12, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter under date of August 5, 1929, enclosing a copy of a contract providing for the elimination of grade crossing over the tracks of the B. & O. Railroad in Butler County on (I. C. H.) No. 43 near Schenk's Crossing.

I have carefully examined the agreement, and find it correct in form, and hereby approve the same.

Respectfully,
GILBERT BETTMAN,
Attorney General.

727.

MUNICIPALITY—RIGHT TO CONTRACT FOR FIRE PROTECTION WITH
PRIVATE VOLUNTEER COMPANY—EXCEPTION NOTED.

SYLLABUS:

A municipal corporation may legally contract for fire protection with a volunteer company which is a private organization and pay for such protection from public funds, unless such municipality in pursuance of its constitutional authority, has adopted a charter and other regulations inconsistent with the provisions of the general law with respect to such power.

COLUMBUS, OHIO, August 12, 1929.

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

GENTLEMEN:—Acknowledgment is made of your recent communication which reads:

“May a municipal corporation legally contract for fire protection with a volunteer company, which is a private organization, and legally pay for such protection from public funds?”

It is a cardinal rule, as established by judicial interpretation in this state, that municipalities have only such powers as are expressly granted by the constitution or legislative enactments, and such implied power as is essential to carry into effect the express powers so granted.

Section 4393 of the General Code, which is a part of Chapter 9, under the sub-heading of Cities and Villages, provides:

“The council may establish all necessary regulations to guard against the occurrence of fires, protect the property and lives of the citizens against damages and accidents resulting therefrom, and for such purpose may establish and maintain a fire department, provide for the establishment and organization