

1450.

APPROVAL, BONDS OF DEFIANCE COUNTY, OHIO, IN AMOUNT OF \$42,000 FOR CONSTRUCTION OF BRIDGE.

COLUMBUS, OHIO, July 23, 1920.

Industrial Commission of Ohio, Columbus, Ohio.

1451.

MUNICIPAL CORPORATIONS—REQUIRED TO GIVE FIRE AND POLICE PROTECTION THROUGHOUT ENTIRE CITY REGARDLESS OF WHETHER LANDS IN CITY ARE PLATTED OR UNPLATTED OR WHETHER STREETS OR ALLEYS DEDICATED TO PUBLIC USE AND ACCEPTED BY ORDINANCE—MUST ALSO SUPPLY WATER IMPARTIALLY TO ALL SECTIONS OF CITY—CERTAIN LIMITATIONS—DOES NOT HAVE EFFECT OF TAKING OVER OF STREETS AND ALLEYS WITHIN SUCH AREA FOR CARE AND CONTROL BY CITY—WHETHER OR NOT CITY LIABLE FOR CARE AND CONTROL OF STREETS AND ALLEYS IN EACH PARTICULAR CASE.

1. *The fact whether lands in a given area within a municipal corporation of Ohio are platted or unplatted, or whether dedication of streets or alleys shown on a plat of a given area within the corporation has been accepted by ordinance or otherwise, is immaterial to the matter of the municipality's affording fire and police protection, and furnishing a supply of water, within such area.*

2. *Municipal corporations in this state are under the implied duty of giving fire and police protection throughout the entire corporation and to all its residents, to such extent as council may find to be in accord with the financial resources of the corporation and its welfare as a whole. Such duty, however, may not be enforced against the corporation, directly or indirectly.*

3. *Municipal corporations in this state having water works systems are under a duty to supply water impartially to all sections of the corporation reasonably within the reach of the system, and insofar as permitted by the financial resources and needs of the corporation as a whole. The carrying out of this duty is within the sound discretion of the director of public service, subject to the prior appropriation by council of necessary funds. The duty may be enforced by mandamus.*

4. *The furnishing by the municipality of fire and police protection and a supply of water to a given area within the corporate limits, does not have the effect of a taking over by the municipality of streets and alleys within such area for care and control.*

5. *The platting of lands within a municipal corporation, and the use by the public generally of streets and alleys within the platted area, do not have the effect of a taking over by the municipality of such streets and alleys for care and control, in the absence of an ordinance of acceptance as mentioned in section 3723 G. C. If, however, in the absence of such ordinance, the municipality improves or repairs a section of such streets or alleys it thereby becomes liable for the care, control and keeping free from nuisance of the section it so improves or repairs. Whether it also becomes likewise liable as to sections of*