

3597.

APPROVAL, NOTES OF VILLAGE OF GREENFIELD, HIGHLAND COUNTY, OHIO—\$2,800.00.

COLUMBUS, OHIO, September 28, 1931.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3598.

VOLUNTEER FIRE COMPANY—TOWNSHIP TRUSTEES UNAUTHORIZED TO CONTRACT WITH SUCH COMPANY FOR FIRE PROTECTION UNDER SECTION 3298-60, GENERAL CODE—SUCH NOT A LIMITATION OF GENERAL POWER TO SECURE FIRE PROTECTION UNDER SECTION, 3298-54, GENERAL CODE.

SYLLABUS:

Section 3298-60, General Code, does not authorize the township trustees to enter into a contract with a volunteer fire company to furnish fire protection to the township, for the reason that this section specifically mentions "city, village and township." However, said section authorizing contracts by townships with other subdivisions in no wise cuts down the power to contract for fire protection with volunteer fire companies or to furnish equipment for volunteer fire companies under Section 3298-54, General Code.

COLUMBUS, OHIO, September 24, 1931.

HON. HOWARD NAZOR, *Prosecuting Attorney, Jefferson, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent communication which reads:

"Section 3298-60, of the General Code, provides in substance, that any township, in order to obtain fire protection, may enter into a contract for a period of not to exceed three years, with any city, village or township for the use of its fire department and apparatus.

In the Township of Conneaut, there is a volunteer fire department, and it is desired by the trustees of said township, to enter into a contract with this volunteer fire department for fire protection. The purpose of this is to enable the trustees to help the volunteer company in a financial way, inasmuch as some of their equipment has been destroyed by fire.

I have advised the trustees that this section is not broad enough to cover a contract with the volunteer company, but is restricted only to villages, cities and townships, but they have requested an opinion from you as to this, and I would appreciate very much an opinion from you as to whether or not you would consider such a contract legal."

Section 3298-60, General Code, does not specifically mention a volunteer fire company, but on the other hand, does refer to the authority to enter into a contract with a city, village or township, for the use of its fire apparatus.

In connection with your inquiry, your attention is directed to an Opinion