

3137.

APPROVAL, LEASE TO OFFICE ROOMS IN AKRON, OHIO, FOR USE  
OF DEPARTMENT OF INDUSTRIAL RELATIONS.

COLUMBUS, OHIO, April 10, 1931.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a lease granting to you, as Superintendent of Public Works, for the use of the Department of Industrial Relations, certain office rooms, as follows:

Lease from the Akron Savings and Loan Company of Akron, Ohio, for Rooms numbers 608 and 609 on the sixth floor of the Akron Savings and Loan Building, Akron, Ohio. This lease is for a term of two years, beginning on the first day of January, 1931, and ending on the thirty-first day of December, 1932, by the terms of which the State will be required to pay one hundred and seventy dollars (\$170.00) per month on the first day of each and every month, in advance.

You have also submitted encumbrance estimate No. 1236, signed by the Director of Finance, made in pursuance of section 2288-2, General Code.

You have further submitted a copy of section 13 of the by-laws of the lessor, showing that the secretary has power to execute leases for said company.

Finding said lease in proper legal form, I hereby approve it as to form and return it herewith, together with all other papers submitted in connection therewith.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

3138.

RESIDENTIAL BUILDINGS—ABUTTING ON STREET CONTAINING  
PUBLIC SEWER—NECESSITY FOR CONNECTION WITH SUCH  
SEWER—PASSAGE OF HOUSE BILL NO. 593, UNNECESSARY.

*SYLLABUS:*

*Section 12600-171, General Code, requires buildings used for residential purposes, abutting upon a street where a public sewer is accessible, to have connection with such sewer.*

COLUMBUS, OHIO, April 10, 1931.

HON. LOUIS NIPPERT, *Chairman, Cities Committee, Ohio House of Representatives, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your letter of recent date requesting my opinion as to the necessity for the passage of Substitute House Bill No. 593, in view of the provisions of Section 12600-171, General Code.

It is unnecessary to quote Substitute House Bill No. 593 for the purposes of this opinion. It is sufficient to say that the bill purports to require buildings used for residential purposes, abutting upon a street where a public sewer is accessible, to have connection with such sewer. Your inquiry resolves itself into one of whether or not such buildings so situated are, under the present law, required to connect with such sewers.

Section 12600-171, General Code, provides as follows:

“The drainage and plumbing system of each new building or new work installed in an existing building shall be entirely separate and inde-

pendent of that of any other building, except as provided in section 2; and wherever available every building shall have an independent connection with a public or private sewer."

The express provision in the foregoing section, that every building shall have an independent connection with a public or private sewer whenever such sewer is available, is in my opinion dispositive of your inquiry. The reference is to "every building," and this manifestly includes private dwellings.

It is accordingly my opinion that section 12600-171, General Code, requires buildings used for residential purposes, abutting upon a street where a public sewer is accessible, to have connection with such sewer.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

3139.

COUNTY SURVEYOR—POSSESSES SOLE RIGHT TO FIX WAGE SCALE OF LABORERS HIRED BY HIM TO CONSTRUCT OR IMPROVE A ROAD BY FORCE ACCOUNT, AFTER COUNTY COMMISSIONERS AUTHORIZE SUCH IMPROVEMENT.

*SYLLABUS:*

*When the county commissioners have authorized the surveyor to construct or improve a road by force account, under the provisions of Section 7198 of the General Code, the surveyor has the sole power to contract with laborers with reference to the construction of such improvement, and the approval of the county commissioners is not required as a condition precedent to the payment of such wages.*

COLUMBUS, OHIO, April 10, 1931.

HON. F. H. BUCKINGHAM, *Prosecuting Attorney, Fremont, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion, which reads as follows:

"Please refer to your Opinion numbered 2106, dated July 18, 1930, regarding right of surveyor to employ necessary laborers for the prosecution of work done by force account; also your letter dated September 29, 1930, addressed to George E. Schroth, Jr., Prosecuting Attorney, Tiffin, Ohio, regarding the same question.

The surveyor and county commissioners of Sandusky County have a like controversy, but dissimilar in the following particulars:

The surveyor contends that he not only has the right to employ necessary laborers for the prosecution of the work done by force account as shown in your Opinion numbered 2106, dated July 18, 1930, but that he also has the right to fix the wage scale, or the amount of money that is paid to said employees.

It has been the practice of the county commissioners of this county in the past, to pass a resolution fixing the amount of the wages to be paid to all employees in the surveyor's office doing this kind of work, and they contend that they have the right to fix the schedule of wages to be paid the said employees, and that is the schedule of wages that must be adopted by the surveyor.