

2571.

APPROVAL, BONDS OF VILLAGE OF GERMANTOWN, MONTGOMERY COUNTY, OHIO—\$20,000.00.

COLUMBUS, OHIO, November 22, 1930.

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

2572.

TRAFFIC LIGHTS—ERECTED BY COUNTY COMMISSIONERS AT ROAD INTERSECTIONS—TOWNSHIP TRUSTEES WITHOUT AUTHORITY TO MAINTAIN.

SYLLABUS:

Township trustees are without authority to maintain traffic lights erected by the county commissioners at road intersections.

COLUMBUS, OHIO, November 22, 1930.

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

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

“The county commissioners are going to install a traffic light at the intersection of two main market roads.

Would it be possible under the law for the township trustees to take care of the maintenance of said light, or would this also fall upon the commissioners?”

In my Opinion No. 2386, issued under date of September 29, 1930, it was held as disclosed by the syllabus, that:

“Township trustees have no legal authority to erect signs indicating the names of roads or streets.”

In the body of said opinion it was pointed out that a board of township trustees has only such powers as are expressly provided by statute and such implied powers as are necessary to carry into effect the express powers granted. It was further stated that no statutes had been found which would authorize such trustees to erect signs indicating the names of streets or roads.

Applying the same fundamental principles set forth in said opinion to the question presented, it becomes necessary to search the statutes to determine whether or not the legislature has expressly authorized township trustees to expend money for the purpose which you mention. No statutes have been found which either require or authorize township trustees to erect or maintain traffic lights at road intersections. It is true that Section 3428 of the General Code authorize the lighting of streets and public ways of an unincorporated district in the township in the manner provided

for in said section and its related sections. This authority would not seem to cover traffic lights. Section 6906 of the General Code, among other things, provides :

“ * * * The board of county commissioners shall also have authority to purchase, erect and maintain automatic traffic signals at such intersections of public highways outside of municipalities, as they deem necessary for the protection of the public traveling upon such highways; provided, however, such power and authority shall not extend to intersections of public highways on the state highway system unless the board of county commissioners first obtain the consent and approval of the director. * * * ”

From the foregoing it will be seen that the legislature has expressly provided for the erection and maintenance of traffic signals. There is no other authority for the erection and maintenance of such signals except that which is granted to the Director of Highways under the provisions of Section 1190 of the General Code. Inasmuch as the legislature has expressly vested such power and authority in different officials than those of the township trustees, the conclusion is irresistible that township trustees are not authorized to expend the township's funds for such purpose.

Based upon the foregoing, and in specific answer to your inquiry, it is my opinion that the township trustees are without authority to maintain traffic lights erected by the county commissioners at road intersections.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2573.

DISAPPROVAL, BONDS OF SALEM-LIBERTY RURAL SCHOOL DISTRICT, WASHINGTON COUNTY, OHIO—\$8,000.00.

COLUMBUS, OHIO, November 22, 1930.

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

2574.

APPROVAL, LEASE TO STATE RESERVOIR LANDS AT LAKE ST. MARYS—WILLIAM SWARTZ AND EMIL DOHSE.

COLUMBUS, OHIO, November 24, 1930.

HON. PERRY L. GREEN, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—There has been submitted for my examination and approval two certain leases in triplicate executed by the State of Ohio, through the conservation commissioner, by which there is leased and demised, for terms of fifteen years, to