

1102.

APPROVAL, BONDS OF AUGLAIZE COUNTY, OHIO, IN AMOUNT OF \$5,500 FOR ROAD IMPROVEMENTS.

COLUMBUS, OHIO, March 25, 1920.

Industrial Commission of Ohio, Columbus, Ohio.

1103.

ADVERTISING SIGN RESEMBLING RAILROAD CROSSING WARNING SIGN—AN OBSTRUCTION UNDER PROVISIONS OF SECTION 7204 G. C.—FINDINGS, HOW MADE—PROSECUTIONS UNDER SECTIONS 13421-11 AND 13421-22 G. C.

1. *Under the provisions of section 7204 G. C. (107 O. L. 116), the state highway commissioner in the case of intercounty highways or main market roads, and the county surveyor in the case of county and township roads, are authorized to make a finding that the placing within the limits of the highway or road of an advertising sign resembling in appearance the standard railroad crossing warning sign, constitutes an obstruction. Upon the making of such finding the state highway commissioner or county surveyor may proceed as pointed out in said section 7204 in the removal of such obstruction.*

2. *Prosecution for the placing of such signs within the limits of a highway may be had under the provisions of sections 13421-11 and 13421-22 G. C.*

COLUMBUS, OHIO, March 27, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

DEAR SIR:—Your communication is received, reading as follows:

“I have at hand considerable correspondence from officials of railroads and people in general making complaint about signs resembling railroad crossing signs being placed along a public highway. The signs are for commercial purposes and are upon the right of way of the public highway. They are of such nature as to lead approaching pedestrians to the belief that a railroad crossing is near the sign.

In a number of instances we have advised county surveyors and county commissioners to have the signs destroyed. The county officials have refused on the ground that they did not know of any legal authority for such action.

I would be pleased to have your opinion as to whether or not we have authority for destroying signs of this nature.”

The only statute which has been found having a bearing on your inquiry so far as the state highway commissioner is concerned is section 7204 G. C. (107 O. L. 116) reading as follows:

“It shall be the duty of the owners or occupants of lands situated along the highways to remove all obstructions within the bounds of the high-