

2514.

DISPOSITION OF FINES FOR VIOLATIONS OF SECTION 614-84 TO 614-102 G. C. DISCUSSED.

SYLLABUS:

Fines for violations of sections 614-84 to 614-102, General Code, inclusive, are payable into the treasury of the county wherein such fine is levied, unless the law establishing a municipal court, in which such a case is tried, should otherwise provide.

COLUMBUS, OHIO, May 23, 1925.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your letter of May 11th, as follows:

“You are respectfully requested to render this department your written opinion upon the following matter:

“Section 614-100, General Code, provides:

“Every officer, agent or employe of any corporation, and every other person who violates or fails to comply with or who procures, aids or abets in the violation of any provision of sections 614-84 to 614-102, inclusive, of the General Code, or who fails to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement, or any part or provision thereof, of the public utilities commission, or who procures, aids or abets any corporation or person in his failure to obey, observe or comply with any such order, decision, demand or regulation, or any part of provision thereof, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.’

“While this section provides for a fine for the non-compliance or violation of any of the provisions of sections 614-84 to 614-102, General Code, it makes no provision as to the disposition of such fines.

“Question: Into what treasury should a fine be placed, which has been imposed for the operating of a motor truck without a proper certificate of public utilities commission, as required by law?

“In this connection, we are calling your attention to the provisions of section 12378, General Code, which provides for the payment into the county treasury of fines not otherwise disposed of by law.”

Part of section 4270, General Code, reads:

“Except as otherwise provided by law, all fines and forfeitures collected by him (the mayor) in state cases together with all fees and expenses collected, which have been advanced out of the county treasury, shall be paid by him over to the county treasurer on the first business day of each month.”

Section 4581, General Code reads, in part, as follows:

“All fees, fines, forfeitures and expenses collected shall be disposed of

and accounted for by the judge and clerk in the same manner as provided for a mayor under the provisions of section 4270 of the General Code."

Section 13429, General Code, reads:

"Fines collected by a justice of the peace shall be paid into the general fund of the county where the offense was committed within thirty days after collection unless otherwise provided by law."

Section 12378, General Code, reads:

"Unless otherwise required by law, an officer who collects a fine shall pay it into the treasury of the county in which such fine was assessed, to the credit of the county general fund within twenty days after the receipt thereof, take the treasurer's duplicate receipts therefor and forthwith deposit one of them with the county auditor."

I find no provision of the Code that fines under the sections quoted in your letter shall be paid into any special fund. The sections above quoted provide for the payment of such fines into the county treasury.

In view of the above, I am of the opinion that fines for violations of sections 614-84 to 614-102, General Code, inclusive, are payable into the treasury of the county wherein such fine is levied, unless the law establishing a municipal court, in which such a case is tried, should otherwise provide.

Respectfully,
C. C. CRABBE,
Attorney General.

2515.

SCHOOL GROUNDS MAY BE USED FOR CARRYING ON RECREATIONAL PROGRAM SUBJECT TO LIMITATIONS OF SECTIONS 7622-1 AND 7622-3 G. C.

SYLLABUS:

A school district joining with a city in equipping and maintaining play grounds as provided in section 4065-5 of the General Code may permit, under the limitations provided in sections 7622-1 and 7622-3, the use of the school grounds adjacent to the several school buildings of such district for the carrying on of a recreational program.

COLUMBUS, OHIO, May 23, 1925.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your communication of recent date in which you submit the following inquiry:

"May a school district wishing to join with a city in equipping and maintaining play grounds, permit the use of school property, i. e., lands surrounding school buildings, for such purpose?"

I note also your reference to section 4065-1 of the General Code, which in effect