

OPINIONS
OF THE
ATTORNEY GENERAL
OF
OHIO
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Department of—Director—Township has no right to grant a person or firm the right to place utility facilities in right-of-way of township roads—A municipal public utility facility located in the right-of-way of a highway may be required to relocate outside the highway at the expense of the utility—§5547.03 RC, Opinion 835, OAG 1959; §55595.02, 715.34 RC 368

Department of—Director—Title to a motor vehicle should be surrendered to the clerk of court only after the vehicle has been dismantled, destroyed, or changed in such manner that it has lost its character—Where a motor vehicle has been assigned to a salvage dealer, such dealer is required to obtain a certificate of title in his own name—§§4505.11, 4505.03 RC 40

Department of—Director—The registrar of motor vehicles may, in the case of an accident in which less than \$200 damage was done to a minor, waive the requirement for deposit of security upon a release from liability executed by a natural or legal guardian—The registrar may waive the deposit upon court approval of a release from liability regardless of the amount—If neither a release by the guardian or court approval is obtained in claims under \$200, the person concerned must deposit the required security—§§4509.21, 4509.12, 4509.15 RC 126

Director of—Access to private property for removal of advertising—The director of highways may use every legal means possible to remove an illegal advertising device on private property—The sheriff has the duty to provide police protection and assistance for the director of highways in gaining access to property—§§5516.99, 5516.04, 311.07 RC 514

Right-of-way—Township has no right to grant a person or firm the right to place utility facilities in right-of-way of township roads—A municipal public utility facility located in the right-of-way of a highway may be required to relocate outside the highway at the expense of the utility—§5547.03 RC, Opinion 835, OAG 1959; §§5595.02, 715.34 RC 368

HIGHWAY PATROL—

Law enforcement—The highway patrol is authorized to enforce state laws on all roads and highways of the state including those within municipal corps.—§5503.02 RC, Opinion 2573, OAG 1948, Opinion 6061, OAG 1955; §5577.02 RC 908

State—Arresting powers—Highway patrolmen are not authorized to arrest intoxicated non-drivers or pedestrians—§§5503.01, 5503.02 RC, Opinion 870, OAG 1939 460

HOSPITAL—

Discount for employee patients—A board of hospital trustees may not grant hospital employees, who become patients, a discount—§339.06 RC, Opinion 868, OAG 1949; Opinion 1126, OAG 1952 542

Management in the hands of a board of trustees—Where a municipality has donated property for hospital purposes and the management of said hospital is in a board of trustees, the municipality has no authority to divest the board of its authority—This also applies to village hospital when the village becomes a city—§§749.02, 749.19, 749.24 RC 631

Selling or assigning accounts—A board of county hospital trustees have no authority to sell or assign its delinquent accounts—§339.03 RC 631

Illegally practicing medicine—A hospital established pursuant to §839.01 RC, may not practice medicine—A hospital engaged in the unlawful practice of medicine—A physician working for such a hospital would be guilty of grossly unprofessional conduct and his license subject to revocation—Opinion 1751, OAG 1952; Opinion 3031, OAG 1962; §339.01 RC 694

Tubercular—Trustee serving as postmaster—Whether a person may serve simultaneously as a member of the board of trustees of a tuberculosis hospital and as postmaster depends on whether the proper federal authorities deem such service not to be in conflict with federal postal law—Opinion 2652, OAG 1934 860

Facilities—Operation—Hospital facilities constructed but no corporation to run them—The right to operate the facilities reverts to the board of county hospital trustees—§339.14 RC, Opinion 788, OAG 1957 631

HOSPITAL TRUSTEES—

Selling or assigning accounts—A board of county hospital trustees have no authority to sell or assign its delinquent accounts—§339.03 RC 631

County—Operations of a hospital—Hospital facilities constructed but no corporation to run them—The right to operate the facilities reverts to the board of county hospital trustees—§339.14 RC, Opinion 788, OAG 1957 860

HOUSE TRAILER TAX—

House trailer tax, assessing, reimbursement for miscalculation, improvements, distribution, penalties—§§4503.06, 319.36, Opinion 2909, OAG 1962; §§4501.01, 4503.06, 4503.061 RC 888

The house trailer tax imposed by §4503.06 RC, is a personal property tax—Members of the armed forces who are not Ohio residents and living in trailers are exempt from the tax in §4503.06 RC—§4503.06 RC, Opinion 2693, OAG 1961; §6292-2 GC 397

Assessment—An owner of house trailer who paid trailer tax prior to Jan. 1, 1962 is entitled to \$4.50 tax credit, but must pay tax due under §4503.06 RC—In determining cost to owner, all improvements added to trailer should be included, but in determining market value at time of purchase, only improvements at that time are considered—Improvements added after assessment not added to money until following year—Assessable value of trailer is 40% of cost to owner or market value at time of purchase—Div. (A), §§4503.06, 4503.064 RC 349

ICE CREAM TRUCKS—

Selling on township streets—A board of township trustees lack the authority to prohibit bell ringing or loud-speaker vending trucks selling ice cream and popsicles from township streets—However, drivers of such vehicles may be apprehended on warrants of disturbing the peace—Chapter 509 RC, §2923.41 RC 709

IMPRISONMENT—

Life—Prosecution by information—In an offense punishable by death or life imprisonment, a prosecution by information may not be used—In an offense of breaking and entering an inhabited dwelling, prosecution by information may not be used—§§2941.021, 2907.09, 1.02 RC; §10, Art. . ., OC 866

INCOMPATIBILITY—

Elected township trustee and county dog warden—The elected position of township trustee is incompatible with the position of county dog warden—§143.41 RC, Am. H. B. 135, 104th GA, Opinion 1014, OAG 1951; Opinion 338, OAG 1933; Opinion 862, OAG 1951 213

Township trustee and highway employee—The elective position of township trustee is incompatible with the position of county highway department employee—A county highway department employee who is in the classified service and is a candidate for township trustee violates the code—A county highway employee elected to township trustee may hold office if he vacates his job with the county—Opinion 4058, OAG 1954; Opinion 5350, OAG 1942 361

Clerk of common pleas and clerk of commissioner of jurors—Deputy clerk of court of common pleas is incompatible with the position of clerk of the commissioners of jurors of the county—§§2303.05, 2313.02, 2313.23 RC 660

INDEBTEDNESS—

School district division—In school district transfer of territory where a division of indebtedness has been made, only the assigned due indebtedness must be paid—Funds should be divided in the same proportion as the indebtedness—§3311.24 RC, Opinion 762, OAG 1949; Opinion 1979, OAG 1958; §4696. GC 879

INDUSTRIAL COMMISSION—

Honoring of levies of awards to injured workmen—The account section of the Bureau of Workmen's Compensation and/or the Industrial Commission must honor levies from the U.S. Treasury Dept. on all types of awards of compensation made to injured workmen—§4123.67 RC, Opinion 923, OAG 1959 223

INDUSTRIAL COMMISSION OF OHIO—

Chairman—The account section of the Bureau of Workmen's Compensation and/or the Industrial Commission must honor levies from the U.S. Treasury Dept. on all types of awards of compensation made to injured workmen—§4123.67 RC, Opinion 923, OAG 1959 223

Chairman—A federal credit union is a private corporation and subject to the Workmen's Compensation Act—§4123.01 RC, §1751-1752 USC, 1962 920

Chairman—An order of the industrial commission granting the claimants appeal constitutes an “award of compensation”—If the industrial commission awards compensation for total disability, payment on such should go on during contestation of said award in the courts, however only on total disability—During a pendency of an above action the payments thereof should go on to an action in which the claim was filed prior to November 2, 1959—If no appeal to the question pending said section is effective prior to November, 1959—§§4123.518, 4123.519, 4123.01, 1.20 RC; Am. Sub. H. B. 470, 1959.... 103

INELIGIBILITY—

An ineligible person is a de facto officer until his title to office is adjudged insufficient—The positions of municipal auditor and a member of a board of library trustees are not incompatible—An appointed person who is ineligible to hold said position is a **de facto officer** until his title is adjudged insufficient—§§3375.63, 3375.36 RC 208

INJURY—

Auto accident, claim by hospital—Hospital claim for cost of care of an indigent person injured in an auto accident—§4515.10 RC 696

On school property—A board of education may legally carry motor vehicle liability insurance—The board of education may permit the use of school property for public meetings and recreation but is not liable for tort damages to persons injured while on such school property—§§9.83, 3313.201, 3327.09 RC, Opinion 2826, OAG 1931... 530

INSPECTION AND SUPERVISION OF PUBLIC OFFICES—

Provision to institute action within 90 days to recover public money—The 90 day provision for the institution of civil action for the recovery of public monies illegally expended, is directory rather than mandatory—An officer receiving a report from the bureau of inspection to bring civil suit may refrain from action if he feels it is not warranted—§§117.10, 117.13 RC 428

INSTRUMENTS—

Acceptable as records—The county recorder shall not accept a photostat or copy of a deed or instrument for record except where he is specifically instructed to do so by statute, he may use a copy—§§317.08, 5301.47, 5301.56 RC; Opinion 7573, OAG 1957 154

Chattel mortgage—A Chattel Mortgage executed before July 1, 1962 may be filed after that date as a Chattel Mortgage; it does not have to be changed to security agreement—Opinion 3072, OAG 1962, Am. S. B. 5, 104th GA, §§1309.40, 1309.39, 1309.02 RC 558

INSURANCE—

Deductions for premiums from an employees’ salary by a school board—A board of education may make deductions from the salaries of employees who authorize it in writing to pay premiums to an insurer of an annuity contract—§3917.04 RC, Opinion 38, OAG 1959; Opinion 2778, OAG 1940 174

Group, for city employers—A non-charter city may not provide a weekly sum of money for disabled auxiliary policemen except those appointed under §737.10 RC—A charter city may establish auxiliary police force and provide weekly sum of money for disabled—Award paid to auxiliary policemen—City may purchase group insurance as part of compensation of its employees—Art. XVIII, §3 OC; Art. XV, §10 OC; §§737.05, 737.10, 737.11, 737.14 RC; Opinion 4685, OAG 1941; §3923.12 RC 464

Liability, township trustees—A board of township trustees' statutory liability is limited to roads, road machinery and equipment—It may only purchase insurance covering these liabilities—§5571.10 RC, §3298-17 GC, Opinion 2498, OAG 1950 633

Liability, for a board of education—A board of education may legally carry motor vehicle liability insurance—The board of education may permit the use of school property for public meetings and recreation but is not liable for tort damages to persons injured while on such school property—§§9.83, 3313.201, 3327.09, Opinion 2826, OAG 1931 538

Of county employees—Not waiver of governmental immunity—Liability insurance purchased under §307.44 RC for county employees does not waive governmental immunity from tort suits—Governmental immunity from tort suits not waived by respondeat superior—Fact that county not liable for torts of employees does not absolve insurance company from liability under policy issued by it—§307.44 RC 1030

INTERCHANGE AGREEMENT—

Definition—A power unit licensed in this state used to pull a trailer licensed in another state both owned by the same person does not constitute an interchange agreement—Opinion 2811, OAG 1962, §4503.38 RC, Am. H. B. 170, 102nd GA, Title 49, §207.5 FC 783

INTOXICATION—

Arrest made by state highway patrol—Highway patrolmen are not authorized to arrest intoxicated non-drivers or pedestrians—§§5503.01, 5503.02; Opinion 870, OAG 1939 460

JAIL—

Cost of maintaining a prisoner—Township police—A township constable is not liable for the cost of confining a person in a municipal jail—§§509.01, 2935.03, 2937.32, 1905.29, 753.02 RC 905

Use of a jail as a juvenile detention home—A juvenile detention home is a place not used for the confinement of adult persons, and such a home should be separate and apart from buildings in which adult persons are confined—Thus a juvenile detention home may not be established in a jail even though on a floor separate and apart from the jail—§2151.34 RC 121

JANITOR—

Wife of board of education member being appointed janitor—The wife of a board of education member may be appointed janitor—§§3313.33, 3319.21 RC, Opinion 5811, OAG 1955 168

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County courts, practicing law—Section 1907.081 RC, pertaining to judges practicing law constitutes to §4705.01 RC, a general statute barring judges from practicing law—Judge of a county allowed to practice law as long as it does not concern matters pending in his court—§§4705.01, 1907.081 RC 736

JUDGES—

If an even number in a county court district, the number to be elected for two and four year terms—In a county court district having an even number of judges, half of said judges should be elected for a four year term and half elected for a two year term—§§1907.051, 1907.042 RC 91

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On an accident rendered prior to a law change—Where a judgment is rendered prior to the enactment of a law changing the amount required to satisfy a judgment, the prior rules govern the judgment and not the new amendments—This is also true of security deposits made prior to the enactment of a new amendment—§4509.41 RC, 128 OL, 1221 (1228), §§1.20, 4509.29 RC 135

JURISDICTION—

Juvenile court—When a juvenile court commits a child to a boys' industrial school, the jurisdiction of the court over the boy ceases—§§2151.35, 5141.02, 5141.01 RC; §1639-35 GC, §1.24 RC 953

JUVENILE COURT—

Committing—When a juvenile court commits a child to a boys' industrial school, the jurisdiction of the court over the boy ceases—§§2151.35, 5141.02, 5141.01 RC; §1639-35 GC, §1.24 RC 953

Committing a child to an out-of-state institution—Payment of support for a child committed to a specialized school in another state by a juvenile court—§§2151.35, 3317.08, 2151.36, 2151.10 RC 274

JUVENILE DELINQUENT—

Time at state reformatory not serving a sentence—His release may be considered by the Pardon and Parole Commission—A person committed to the Ohio State Reformatory as a juvenile delinquent is not serving a sentence—The Pardon and Parole Commission may consider the release of a person from his commitment as a juvenile delinquent to the Ohio State Reformatory—§§2965.35, 2151.35, 5143.05, 2955.01, 5143.04 RC; Opinion 2704, OAG 1961 182

JUVENILE DETENTION HOME—

Definition—A juvenile detention home is a place not used for the confinement of adult persons, and such a home should be separate and apart from buildings in which adult persons are confined—Thus a juvenile detention home may not be established in a jail even though on a floor separate and apart from the jail—§2151.34 RC 121

JOURNALIZATION OF VERDICT—

Property passes to the state—In highway appropriations action, title to property passes to the state upon journalization of the verdict—**Lien of the State for taxes on real estate—**In the above action the treasurer proper but not necessary party to the proceedings—Property that carry liens in a condemnation action must have the liens cleared in order that the proceeds from such an action may be used to pay a tax assessment—The clerk of courts may withhold from funds deposited with court from a condemnation action, an approximate amount of the tax due—§5719.01 RC 447

LAW LIBRARY ASSOCIATION—

Clerk of a municipal court has the duty to retain fines and penalties and pay them to the trustees of a county law library—Counties with populations of less than 50,000 have a \$4,000, per year maximum—§3375.50 RC, Opinion 1114, OAG 1960 1019

LAW LIBRARY (COUNTY)—

Payment into from forfeited bail bond—Money collected by a clerk of municipal court from a bail bond forfeiture where the arrest was not made by a state trooper, should be distributed according to §§1901.31 and 4513. RC, except the clerk may satisfy the amount of the accrued cost in case out of the forfeited bail before making distribution—Fines paid into the state treasury, subject to payments to the county—Law library—§§1901.31, 4513.35; Opinion 1132, OAG 1952; Opinion 5975, OAG 1955; §2937.36 RC 674

LAND—

Partially developed—A building and loan association may make a loan to be used for the acquisition of undeveloped or partially developed land and may require that the land be developed in accordance with §1151.298 RC, even though the funds are not to be used for the development of the property—§§1151.298, 1.02; Opinion 2996, OAG 1962 530

For park by a city planning commission—The legislative authority of a city may adopt rules regulating the establishing standards and specifications for construction of streets—A city planning commission may adopt a plan for the parks of a city which will incorporate land up to 3 miles outside the city corporation limit—§§711.09, 711.101 RC; Opinion 599, OAG 1951; Opinion 7113, OAG 1956..... 580

LEASE—

Purchase of leased school lands refused—The supervisor of schools may refuse the sale of school lands which has been approved by the board of township trustees because he feels the price to be insufficient—§§501.01, 501.45, 501.49, 3315.18, 3315.19 RC 280

Of a county building to the federal or state governments—The lease of a portion of a county building to agencies of the federal or state governments does not destroy its tax-exempt status—The lease of a portion of a county building to a municipal band would not destroy its tax-exempt status—§§5709.09, 5709.12, 5709.08, 5713.08 RC 586

Of fairgrounds property by an agricultural society—A county agricultural society may sell or lease for a term of 99 years a portion of the fairgrounds owned by the society—§§1711.26, 1711.31 RC; Opinion 2488, OAG 1939; Opinion 576, OAG 1959 115

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LEASING OF MOTOR VEHICLES—

Regulation thereof—A dealer may engage in the leasing of motor vehicles at the same locations at which he conducts a “dealership” but may not conduct such a “dealership” at the same location at which a separate corporation is engaged in the leasing of motor vehicles since the dealer must operate from his own established place of business—§4517.01 (J) RC, Chapter 1517 RC, §§4517.02, 4517.18 RC 48

LEGAL RESIDENCE—

Or legal resident are not synonymous with legal settlement—The terms “legal resident” and “legal residence” are not synonymous with “legal settlement”—A person who lives in a certain place in a certain county for 1 year with the intention of making that his home and died there, was a legal resident of said place even though receiving poor relief from another county—§§5113.15, 5113.05 RC; Opinion 5912, OAG 1936 243

LEGAL SETTLEMENT—

Not synonymous with legal residence or resident—The terms “legal resident” and “legal residence” are not synonymous with “legal settlement”—A person who lives in a certain place in a certain county for 1 year with the intention of making that his home and died there, was a legal resident of said place even though receiving poor relief from another county—§§5113.15, 5113.05 RC; Opinion 5912, OAG 1936

LEVY—

Special, fund not to be used to pay executive officer, welfare board—An executive officer of a county child welfare board should be paid out of the general fund and not from a special levy for the education of retarded children—§5153.10 RC, Opinion 1744, OAG 1958 810

By U.S. Internal Revenue agent—A court decree is not a prerequisite for the making of a levy by an Internal Revenue agent—County auditor is required to turn over property or rights to an agent of the Secretary of the Treasury upon which a levy has been made—Opinion 923, OAG 1959 378

LIABILITY—

School property—A board of education may legally carry motor vehicle liability insurance—The board of education may permit the use of school property for public meetings and recreation but is not liable for tort damages to persons injured while on such school property—§§9.83, 3313.201, 3327.09 RC; Opinion 2826, OAG 1931... 538

Of an employer to pay into the public employees retirement fund—
 Employee of public library member of public employees retirement fund who was a member of local retirement plan—Liability of an employer to pay into the retirement fund—Computation of retirement allowance—Withdrawal from local retirement plan and entrance into public employees retirement fund—Am. H. B. 776, OL, GA, 117 OL 743, §§486-33c, 145-44, 486-65c GC; Am. S. B. 149, 98th GA, 123 OL 487 569

Of a private fire fighting company entering private property—Members of a private fire company have implied authority to enter on private property in performing their duties at the scene of a fire—The liability of such members is not limited by the section code which limits the liabilities of public fire fighting companies—§§701.02, 505.37, 505.44 RC; §19, Art. I OC; §§701.02, 505.42 RC; Opinion 7464, OAG 1956 84

Use of tax money by a non-profit corporation to construct a public library—A non-profit organization which operates a library pursuant to the law is entitled to share in the distribution of classified property taxes of a county—The expenditures of tax money by a non-profit corporation for the creation of a free public library mentioned in the statutes, said construction shall proceed in accordance with the rules of said corporation—§5705.28 RC, Opinion 4271, OAG 1935, §§5705.32, 1713.28 RC 292

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Land purchase—Library trustees have the right to purchase land for a parking lot and future building—Such lands may be rented—§§3375.33, 3375.40 RC; Opinion 2485, OAG 1953; Opinion 2534, OAG 1953 825

A board member not incompatible with municipal auditor—The positions of municipal auditor and a member of a board of library trustees are not incompatible—An appointed person who is ineligible to hold said position is a *de facto* officer until his title is adjudged insufficient—§§3375.63, 3375.36 RC 208

LICENSE—

Amusement devices at fairs—Municipal corporation may not license amusement devices at county fairs—A municipal corporation may license amusement devices on county fairgrounds except at the county fair—§§715.48, 715.63, 3765.01, 1711.11 RC; Opinion 1600, OAG 1933; Opinion 1500, OAG 11960; §718.01 RC 609

Trailer, interchange—A power unit licensed in this state used to pull a trailer licensed in another state both owned by the same person does not constitute an "interchange" agreement—Opinion 2811, OAG 1962, §4503.38 RC, Am. H. B. 170, 102nd GA, Title 49, §207.5 FC 783

Suspension—Financial responsibility—Where a license of person is suspended under the financial responsibility statute, he may not obtain a license during that 3-year period without giving proof of financial responsibility, but need not do so after the 3-year period—§§4509.31, 4509.34, 4509.67 RC 944

Of a dentist practicing for a corporation—A corporation employing licensed dentist under arrangement which contemplates gain as opposed to charity is unlawful—Dentist operating under such arrangement is subject to revocation of license—Determination of such legality or illegality is centered on profit-motivation—Non-profit organization may practice dentistry—§4715.01 RC, Opinion 2235, OAG 1947; Opinion 1751, OAG 1952 414

LICENSING—

Requirements of a trailer licensed out-of-state—A trailer licensed in another state, meeting the requirements of §4503.38 RC, may operate in this state for 15 days without being subject to Ohio laws governing registration and licensing—§4503.38 RC, §6306. GC, Am. Sub. H. B. 170, 102nd GA 117

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Civil Air Patrol—The Civil Air Patrol is not exempt from the annual motor vehicle license tax—§4503.16 RC, Opinion 6467, OAG 1943, §202, FC 36, §9441, FC 10, Opinion 1019, OAG 1951 546

LIEN TAX—

In condemnation action—In highway appropriations action, title to property passes to the state upon journalization of the verdict—Lien of the State for taxes on real estate—In the above action the treasurer proper but not necessary party to the proceedings—Property that carry liens in a condemnation action must have the liens cleared in order that the proceeds from such an action may be used to pay a tax assessment—The clerk of courts may withhold from funds deposited with court from a condemnation action, an approximate amount of the tax due—§5719.01 RC 447

LOAN—

For undeveloped or partially developed land—A building and loan association may make a loan to be used for the acquisition of undeveloped or partially developed land and may require that the land be developed in accordance with §1151.298 RC, even though the funds are not to be used for the development of the property—§§1151.298, 1.02 RC; Opinion 2996, OAG 1962 530

LOCAL AUTHORITY—

A board of county commissioners may not delegate its duties as a "local authority" to the county engineers, but the county engineer may advise the commissioners—§§4513.34, 4511.01 RC, Opinion 4644, OAG 1954 682

LOTTERY—

Constitutes—cards used in a television contest—Cards obtained for use in a television game of chance do not constitute a lottery—§6, Ohio Constitution, Art. 15; §§2915.10, 2915.12 RC 1011

MARRIED STUDENTS—

In non-credit school activities—The board of education may not prohibit married students or married pregnant students from attending non-credit activities except when they endanger the health of said students—The board of education may adopt a rule which prohibits the attendance of all unmarried pregnant students from such activities—§§3313.47, 3313.20 RC, Opinion 2147, OAG 1961 346

MAYOR VILLAGE—

Compatibility—One person may serve as an unclassified employee (non deputy) of the county auditor and serve as mayor of a village in the county, if it is physically possible to perform both duties—Opinion 2999, OAG 1953; §§325.17, 733.24 RC 112

MENTALLY DEFICIENT—

Pay tuition for a workshop or training center—A county child welfare board operating a training center or workshop for mentally deficient persons is without authority to require that persons twenty-one years of age pay tuition—§§5127.01, 5127.01 to 5127.05, 5153.161 RC 95

MENTAL HEALTH CLINICS—

Monies from general fund—No transfer can be made of tax levy money raised for special to general fund—Special levy proceeds to be used for the purpose of construction of permanent improvements must have purpose specific in resolution—County commissioners may construct buildings needed for mental health clinics from monies in general fund if it is necessary to issue bonds in excess of \$100,000.00 the provisions of §153.21 RC are followed—§§705.191, 5705.10, 5705.05, 5705.14, 5705.09, 5705.19 RC; Opinion 1697, OAG 1960; §§339.65, 307.02 RC; Opinion 1909, OAG 1938; Opinion 1573, OAG 1952 337

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Child welfare board providing transportation—A county child welfare board does not have a mandatory duty to provide transportation for the mentally deficient person, but may do so if deemed necessary—§§5127.01, 5153.161 RC 651

MENTAL HYGIENE AND CORRECTION—

Department of—Providing transportation for trainees to a workshop for the mentally retarded—The commissioner may establish a new workshop to the extent funds are available—Board of education must pay in spite of the fact that there is a lack of state funds—Opinion 3212, OAG 1962; §§5127.01, 5127.02, 5127.03, 5127.04 RC . . .

Acting director—When a juvenile court commits a child to a boys' industrial school, the jurisdiction of the court over the boy ceases—§§2151.35, 5141.02, 5141.01 RC; §1639-35 GC; §1.24 RC 820

MENTALLY RETARDED—

Combined tax levy with child welfare services—The board of county commissioners may not place a tax levy upon the ballot in excess of sixty-five one hundredths of a mill—The board may not place a tax levy upon the ballot for the combined purposes of child welfare services and the mentally retarded program—§§5705.24, 5705.19 RC; Informal Opinion 512, 1956 953

Workshops—funds—Providing transportation for trainees to a workshop for the mentally retarded—The commissioner may establish a new workshop to the extent funds are available—Board of education must pay in spite of the fact that there is a lack of state funds—Opinion 3212, OAG 1962; §§5127.01, 5127.02, 5127.03, 5127.04 RC.... 66

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Board of trustees—A creditor of an employee of a state university may not maintain action against the state to garnish wages of the employee—§§3345.05, 115.46 RC 820

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Fee simple—Auditor deeds in fee simple to purchases without reserving mineral rights—A.S.B 112, 84 GA, 109 OL, 76, §23-1 GA; §3203-13 GA; Opinion 2318, OAG 1921; Opinion 3861, OAG 1923... 981

MINOR—

Accident release from deposit of security—The registrar of motor vehicles may, in the case of an accident in which less than \$200 damage was done to a minor, waive the requirement for deposit of security upon a release from liability executed by a natural or legal guardian—The registrar may waive the deposit upon court approval of a release from liability regardless of the amount—If neither a release by the guardian or court approval is obtained in claims under \$200, the person concerned must deposit the required security—§§4509.21, 4509.12, 4509.15 RC 268

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Power to issue a warrant for by a clerk of county courts—A clerk of a county court may issue a warrant for the arrest of a person charged with either a misdemeanor or a felony—§1907.01 RC; Opinion 1297, OAG 1960; §§2935.10, 2935.06, 2935.09 RC 148

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Filing a duplicate—Filing of a duplicate real estate mortgage in the office of county recorder—Opinion 2849, OAG 1962; §5301.23 RC... 701

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License tax—Civil Air Patrol—The Civil Air Patrol is not exempt from the annual motor vehicle license tax—§4503.16 RC; Opinion 6467, OAG 1943; §202 Federal Code 36; §9441 Federal Code 10; Opinion 1019, OAG 1951 546

Financial responsibility—license—Where a license of person is suspended under the financial responsibility statute, he may not obtain a license during that 3 year period without giving proof of financial responsibility, but need not do so after the 3 year period—§§4509.31 4909.34, 4509.67 RC 944

Surrender of title to clerk of courts—Title to a motor vehicle should be surrendered to the clerk of court only after the vehicle has been dismantled, destroyed, or changed in such manner that it has lost its character—Where a motor vehicle has been assigned to a salvage dealer, such dealer is required to obtain a certificate of title in his own name—§§4505.11, 4505.03 RC 40

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Cemetery—Belonging to a township and accruing to a city—Township cemetery property within a city accrues to the city but personal property of the old township goes to the new township, when a new township is formed out of the old—Levy proceeds divided between city and old township—City and township may unite in the management of the cemetery—§§503.07, 759.08, 759.09, 517.10 RC; Opinion 1339, OAG 1929; Opinion 4163, OAG 1954; Opinion 2446, OAG 1928; §§759.27, 707.28 RC; Opinion 2686, OAG 1958; §703.22 RC 601

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By information—In an offense punishable by death or life imprisonment, a prosecution by information may not be used—In an offense of breaking and entering an inhabited dwelling, prosecution by information may not be used—§§2941.021, 2907.09, 1.02 RC; §10, Art. . . , OC 866

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Duties to initiate civil action—The county prosecuting attorney has the authority to bring civil action for the recovery of costs owing to a county officer; it has this duty to do so if directed by the officer—A county prosecutor who receives a report from the bureau of inspection certified to him to institute action to recover monies must institute action within 90 days—§§309.12, 117.01, 117.10 RC... 238

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Adams County—Compatibility—Township clerk and laborer for township—A township clerk may contract with the township trustees to apply weed killer—Such jobs as township clerk and laborer are compatible as long as no supply is involved—§2919.08 RC 1007

Ashland County—Members of a board of county commissioners, officers and employees of a county home, are not in their operation of a county home within the definition of a “person”—§§337.01, 4729.51, 4729.60, 4729.50, 4720.99 RC 591

Ashtabula County—An executive officer of a county child welfare board should be paid out of the general fund and not from a special levy for the education of retarded children—§5153.10 RC, Opinion 1744, OAG 1958 810

Ashtabula County—The board of county commissioners may authorize the employment of collectors and may fix the salary of such collectors—§§5719.31, 1.24 RC; §5696. GC 64

Ashtabula County—Highway patrolmen are not authorized to arrest intoxicated non-drivers or pedestrians—§§5503.01, 5503.02 RC; Opinion 870, OAG 1939 460

Belmont County—Township trustees may erect a building to house machinery and tools owned by township—§5549.21 RC 21

Belmont County—The board of education may not increase the salary of the superintendent of schools during the term for which he was appointed—The board cannot void a superintendent of schools contract and enter immediately into a new contract with him—A board of education cannot ratify a previously void contract—Opinion 886, OAG 1929; Opinion 7316, OAG 1944; §331.01 RC..... 534

Belmont County—A person of nineteen years of age may hold the position of clerk of the board of trustees of public affairs of a village—§§735.28, 733.68 RC 172

Belmont County—A member of a municipal legislature, appointed as president pro tempore may vote, when presiding, on roll call questions and to vote once where his vote would change the results, but not to create a tie and then to break a tie—§§733.09, 731.04 RC 643

Brown County—Recording of certificate or lien of a mutual company
 —The charge of filing a certificate with a county recorder is 50 cents—§§3929.18, 317.32, 317.08 RC 409

Butler County—A city legislature may adopt rules and regulations establishing standards and specifications for sewer, street, and sidewalk constructions—A city planning commission has exclusive jurisdiction as to the approval of plats in a city and an area within three miles of the corporate limits—§711.09 RC; Opinion 847, OAG 1929; Opinion 2775, OAG 1958; §711.101 RC 704

Butler County—Where inhabitants of an adjacent platted and unplatted territory, covering more than one county wish annexation with a municipality entirely in one county, the authority for determination lies in the hands of the county commissioners of the county which has the most qualified voters in said territory—§§709.11, 707.22, 709.2 RC 233

Carroll County—Jurisdiction of county courts as courts of record after January 1, 1963—§§4507.16, 4507.34, 1911.011, 1911.14, 1911.15 RC; Precedence over §§2309.41, 1909.07, 2323.12, 2323.13 RC 1023

Clark County—§§303.11 and 302.22 RC, are in *pari materia* and their provisions require but one issue to be presented for consideration to the eligible voter—When county commissioners adopt a zoning resolution, it must be submitted for rejection or approval to all the voters—To replace township zoning by county zoning an affirmative vote of the entire township covered by the county zoning and a majority of vote in the area of township zoning is needed—Repeal of township zoning is not a prerequisite to, nor the same as, a consideration of the question raised by §§303.11 and 303.22 RC—§§303.22, 303.11, 519.25 RC; Opinion 226, OAG 1951 316

Clermont County—§1907.081 RC, pertaining to judges practicing law constitutes to §4705.01 RC, a general statute barring judges from practicing law—Judge of a county allowed to practice law as long as it does not concern matters pending in his court—§§4705.01, 1907.081 RC 736

Clermont County—An employee is entitled at the time of separation to compensation for vacation leave which he did not use—§325.19 RC, Opinion 2021, OAG 1961 490

Clinton County—When a board of education decides to reduce the number of teachers, it may suspend teachers' contracts, and it determines what a reasonable reduction in the staff constitutes—The superintendent of schools must give preference to teachers with a continuing contract and seniority when making a reduction—Seniority refers to the length of continuous service in the district in which the reduction is being made—§3319.17 RC 256

Clinton County—A board of education may not prohibit married students or pregnant married students from attending non-credit activities except when it endangers the health of said students—The board may adopt a rule which prohibits the attendance of all unmarried pregnant students from such activities—§§3313.47, 3313.20 RC; Opinion 2147, OAG 1961 346

- Columbiana County**—Payment of support for a child committed to a specialized school in another state by a juvenile court—§§2151.35, 3317.08, 2151.36, 2151.10 RC 274
- Columbiana County**—Motor vehicle fire insurance is “fire insurance” within the meaning of §§2919.08 and 2919.09 RC, and comes within the prohibition of those actions—§§2919.08, 2919.09, 3937.01, 3937.02, 1.24 RC; §§9592-19, 9592-20 GC; §§3929.01, 3925.34 RC 228
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- Coshocton County**—The board of township trustees may allocate the water of the township fire department to private citizens during an emergency—The board may deliver the water in the aforesaid situation—§505.37 RC; §3298-54 GC; 124 OL 397; Opinion 2416, OAG 1953; Opinion 6541, OAG 1956 437
- Coshocton County**—If a proof of vaccination for rabies is presented, the county auditor should approve it—It is not necessary for it to be given by a veterinarian—A person may vaccinate his own dog without being a veterinarian—Auditor is not required to enforce §4741. RC, but should report infractions to the local police and the State Veterinary Medical Board—§§955.26, 4741.19, 4741.01, 4741.20 RC 390
- Crawford County**—Overpayment or double payment of taxes should be paid into the county treasury by the treasurer thereof to the credit of a trust fund and retained until claimed by the lawful owner. If not claimed in five years such money will revert to the general fund of the political subdivision where collected—Opinion 4785, OAG 1932; Opinion 2086, OAG 1933; §§286., 2639. GC; §117.10 RC 100
- Crawford County**—Parent of a non-resident student paying tuition in a school district where he owns real property can not have tuition reduced by reason of owning property—§§3327.06, 3313.64 RC; Opinion 2766, OAG 1962 788
- Crawford County**—Procedure for cancelling a chattel mortgage prior to July 1, 1962 which is cancelled after that date—Am. S. B. 5, 104th GA, Opinion 3072, OAG 1962, §1309.41 RC 699
- Crawford County**—A board of education may forbid pupils from leaving the school grounds during school hours—§3313.20 RC 1005
- Cuyahoga County**—House trailer tax, assessing, reimbursement for miscalculation, improvements, distribution, penalties — §§4503.06, 319.36 RC; Opinion 2909, OAG 1962; §§4501.01, 4503.06, 4503.061 RC 888
- Cuyahoga County**—Board of county commissioners may construct and operate facilities necessary to provide comfort of air travelers at a county airport—Board of county commissioners may lease land to private party for the construction and operation of county airport—§307.20 RC 1063

Cuyahoga County—Cards obtained at a supermarket for use in a television game of chance do not constitute a lottery—Art. 15, §6, OC, §§2915.10, 2915.12 RC 1011

Cuyahoga County—A part-time policeman is not included within the definition of “member of the police department” set forth in §741.31 RC, and cannot be a member of the police relief and pension fund—§741.31 RC; Opinion 4609, OAG 1954; Opinion 1737, OAG 1948; §4031-3 GC, Am. H. B. 325, 98th GA, 123 OL 345; §741.38 RC 637

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Cuyahoga County—Employee of public library member of public employees retirement fund who was a member of local retirement plan—Liability of an employer to pay into the retirement fund—Computation of retirement allowance—Withdrawal from local retirement plan and entrance into public employees retirement plan—Am. H. B. 776, OL GA, 117 OL 743; §§486-33c, 145-44, 486-65c GC; Am. S. B. 149, 98th GA, 123 OL 487 569

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Cuyahoga County—Employees of a community college district are not under the provisions of the civil service laws—§§3354.09, 3354.03, 3354.01, 143.08 RC; Opinion 182, OAG 1939; §486-1 GC 486

Cuyahoga County—County commissioners may purchase a building deemed necessary to provide public shelter for poor relief—Where a county has available funds from a general tax levy said funds may be used to purchase a building to provide public shelter for poor relief—A levy over 10 mills for the above purchase must have the purpose of the levy stated in the levy; however, any poor relief funds may be used to maintain the building—§307.02 RC, Opinion 1909, OAG 1938; §5113.01 RC, Opinion 1573, OAG 1952; §5705.01 RC, Opinion 1697, OAG 1960 312

Cuyahoga County—A member of the Public Employees Retirement Fund system who contributed to the system since Jan. 1, 1935, can consider prior service for credit without further contribution even though he was established by law—§486-32 GC, 118 OL 104, 122 OL 192-3; Opinion 1319, OAG 1949, 124 OL 617, §145.01 RC; 126 OL 1047, §145.44 RC 382

Darke County—A health commissioner may institute criminal proceedings to enforce sanitary rules and regulation—§3701.34 RC, Chapter 3701. RC, §§3701.57, 3707.48, 3707.99, 3701.56 RC; Reports of the Attorney General 1903-1908, p. 158, Opinion 691, OAG 1951; §1232. GC; §3709.11 RC; §1238. GC; §3707.51 RC 832

Delaware County—Party to the defendant in a delinquent tax case—Where a judgment in favor of the county treasurer is made, it may be followed by execution as provided in §2329.01 RC—Where funds are in the hands of the sheriff and subject to previous execution, the county treasurer cannot collect—§§5719.08, 5719.01, 2329.02, 2329.29, 2329.10 RC 203

- Delaware County**—In highway appropriations action, title to property passes to the state upon journalization of the verdict—Lien of the State for taxes on real estate—In the above action the treasurer proper but not necessary party to the proceedings—Property that carry liens in a condemnation action must have the liens cleared in order that the proceeds from such an action may be used to pay a tax assessment—The clerk of courts may withhold from funds deposited with court from a condemnation action an approximate amount of the tax due—§5719.01 RC 447
- Delaware County**—County commissioners giving notice of change in township boundaries—Vacancy created in a township office by a shift of boundaries—Vacancy filled by appointing a person with the qualifications of an elector—§§503.04, 503.07 RC; Opinion 2686, OAG 1958; Curwins Revised Statutes of Ohio, Volume 4, at 2864... 762
- Erie County**—County commissioners who have entered into a contract with municipal legislative authorities to provide local poor relief may levy taxes on the city for poor relief without submitting the levy to the electors if it is within the 10 mill limit—§§5113.02 307.15 RC 375
- Erie County**—Sewer rates fixed by a board of county commissioners must be uniform throughout the sewer district—§§6117.01, 6117.02 RC 656
- Erie County**—A board of education may upon written consent of its employees withhold as premiums on an annuity contract part of the employees pay—Opinion 2868, OAG 1962; §§3917.04, 3319.08, 3319.12, 3319.081, 3319.082 RC 957
- Erie County**—A county recorder is not required to determine a statement submitted to him is legally sufficient only if it is what it purports to be—The county recorder must accept a properly signed instrument for filing—A carbon copy or facsimile of such a signature meets the requirements of being signed—Whether a person intended to authenticate such a statement should not be determined by the recorder—Opinion 3072, OAG 1962, §1309.39 RC 723
- Fairfield County**—The legislature of a municipality may raise or lower the salary of a person serving as director of service and safety, if such person's office does not constitute serving a term—Opinion 3027, OAG 1962; §§731.07, 733.03, 731.07 RC; Art. II, §20 OC..... 560
- Fairfield County**—A "chattel mortgage" executed before July 1, 1962 may be filed after that date as a "chattel mortgage"; it does not have to be changed to "security agreement"—Opinion 3072, OAG 1962, Am. S. B. 5, 104th GA, §§1309.40, 1309.39, 1309.02 RC..... 558
- Fairfield County**—The legislative authority of a city may not increase the salary of a person serving as director of service or safety during said person's term of office—§731.07 RC, Opinion 4322, OAG 1954.. 394
- Fairfield County**—Contribution to a police relief and pension fund not payable to the estate of the deceased—§§741.39, 741.43, 741.49 RC.. 739
- Franklin County**—A board of county commissioners may not delegate its duties as a "local authority" to the county engineers, but the county engineer may advise the commissioners—§§4513.34, 4511.01 RC; Opinion 4644, OAG 1954 682

Franklin County—Transfer of township property to a municipality within the township—§505.10 RC 507

Franklin County—The board of county commissioners may not place a tax levy upon the ballot in excess of sixty-five one hundredths of a mill. The board of county commissioners may not place a levy upon the ballot for the combined purposes of child welfare services and the mentally retarded program—§§5705.24, 5705.19 RC; Informal Opinion 512, OAG 1956 66

Franklin County—A county child welfare board operating a training center or workshop for mentally deficient persons is without authority to require that persons twenty-one years of age pay tuition—§§5127.01, 5127.01 to 5127.05, 5153.161 RC 95

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Franklin County—Governmental immunity—Tort liability—County—Insurance of county employees does not constitute waiver—Liability insurance purchased under §307.44 RC, for county employees does not waive governmental immunity from tort suits—Governmental immunity from tort suits not waived by respondeat superior—Fact that county not liable for torts of employees does not absolve insurance company from liability under policy issued by it—§307.44 RC.. 1030

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Greene County—Township trustees may acquire an ambulance—§505.37 RC, Opinion 2416, OAG 1953 793

Greene County—A board of county hospital trustees have no authority to sell or assign its delinquent accounts—§339.03 RC 631

Greene County—A hospital established pursuant to §839.01 RC, may not practice medicine—A hospital engaged in the unlawful practice of medicine—A physician working for such a hospital would be guilty of grossly unprofessional conduct and his license subject to revocation—Opinion 1751, OAG 1952; Opinion 3031, OAG 1962; §339.01 RC 631

Greene County—A board of hospital trustees may not grant hospital employees, who become patients, a discount—§339.06 RC; Opinion 868, OAG 1949; Opinion 1126, OAG 1952 542

- Greene County**—A board of education may legally carry motor vehicle liability insurance—The board of education may permit the use of school property for public meetings and recreation but is not liable for tort damages to persons injured while on such school property—§§9.83, 3313.201, 3327.09 RC; Opinion 2826, OAG 1931 538
- Greene County**—A juvenile detention home is a place not used for the confinement of adult persons, and such a home should be separate and apart from buildings in which adult persons are confined. Thus a juvenile detention home may not be established in a jail even though on a floor separate and apart from the jail—§2151.34 RC... 121
- Guernsey County**—A juvenile court may commit a child to any person or institution meeting the requirements of §§5103.02 and 5103.03 RC, even though a county child welfare board exists—It may proceed against the county commissioners to compel it to appropriate the necessary funds if necessary—§§2151.35, 5103.03, 5103.02, 2151.10, 5705.41 RC 986
- Guernsey County**—The lease of a portion of a county building to agencies of the federal or state governments does not destroy its tax-exempt status—The lease of a portion of a county building to a municipal band would not destroy its tax-exempt status—§§5709.09, 5709.12, 5709.08, 5713.08 RC 586
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- Hardin County**—In school district transfer of territory where a division of indebtedness has been made, only the assigned due indebtedness must be paid—Funds should be divided in the same proportion as the indebtedness—§3311.24 RC; Opinion 762, OAG 1949; Opinion 1979, OAG 1958; §4696 GC 879
- Hardin County**—20 miles an hour speed limit to all vehicles when passing through a marked school zone during school hours—The 20 mile an hour limit is not in effect during non-school hours—The 20 mile an hour limit does not apply outside of school grounds—§§4511.21, 3313.47 RC 141
- Hardin County**—Deputy clerk of court of common pleas is incompatible with the position of clerk of the commissioners of jurors of the county—§§2303.05, 2313.02, 2313.23 RC 660
- Harrison County**—“Area affected” refers to the portion of a school district to be transferred—A petition filed proposing the transfer of a school district territory may contain only the signatures of qualified electors—§§3311.22, 3311.231 RC; Opinion 3336, OAG 1962 913
- Henry County**—Filing of a duplicate real estate mortgage in the office of county recorder—Opinion 2849, OAG 1962; §5301.23 RC... 701
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Lawrence County—Board of Township Trustees—failure of member to attend meetings—not vacation of office—may be grounds for removal—§3.07 RC 1044

Lawrence County—Fees for building permits, collected by the board of county commissioners should go in the general fund unless a special fund has been established for the deposit of such fees—§§307.37, 307.40 RC; Opinion 7442, OAG 1956; §§5705.09, 5705.12 RC 288

Lawrence County—A court decree is not a prerequisite for the making of a levy by an Internal Revenue agent—County auditor is required to turn over property or rights to an agent of the secretary of the treasury upon which a levy has been made—Opinion 923, OAG 1959 378

Lawrence County—A clerk of a county court may issue a warrant for the arrest of a person charged with either a misdemeanor or a felony—§1907.01 RC; Opinion 1297, OAG 1960; §§2935.10, 2935.06, 2935.09 RC 148

Logan County—Order of sequence in voting on the creation of a new school district when a question on part of said territory is pending—Petition to transfer part of a school district is sufficient if the number of signatures is equal to 55 per cent of the registered voters of the last general election—§§3311.37, 3311.22, 3311.231, 3311.26 RC 814

Logan County—A candidate who fails to file a statement of expenditures within the prescribed time is barred from any future election for a period of 5 years but not from being appointed to public office—§§731.12, 3517.11 RC 1002

Lorain County—The use of flashing lights on a village fire truck which is returning from an emergency call is not prohibited—§§4513.17, 4511.01, 701.02 RC 324

Lucas County—A local school district is a political subdivision—Status of a school teacher within said district who is a member of a reserve component of the armed services—Pay rights of said teacher who is absent because of his military duty—§5923.09 RC; Opinion 1468, OAG 1960; Opinion 1736, OAG 1960; Opinion 1158, OAG 1960 261

Lucas County—The ninety-day provision for the institution of civil action for the recovery of public monies illegally expended, is directory rather than mandatory—An officer receiving a report from the bureau of inspection to bring civil suit may refrain from action if he feels it is not warranted—§§117.10, 117.13 RC 428

- Lucas County**—The house trailer tax imposed by §4503.06 RC, is a personal property tax—Members of the armed services, who are not Ohio residents and living in trailers are exempt from the tax in §4503.06 RC—§4503.06 RC, Opinion 2693, OAG 1961, 6292-2 GC. . . . 397
- Lucas County**—The Board of Trustees of a county hospital may not contribute an annual sum of money to a private hospital planning association to make a study of hospital facilities in the area—§§339.02, 339.06 RC; Opinion 2188, OAG 1961; Opinion 3063, OAG 1953; Opinion 2397, OAG 1961; Opinion 7307, OAG 1956 712
- Lucas County**—A candidate who fails to file a statement of expenditures is subject to the specific penalty under §3517.10 RC, not §3599.40 RC—It is mandatory that each candidate file a statement of expenses and he may be prosecuted for failure to do so—§§3599.40, 3517.11, 3517.10 RC 195
- Lucas County**—The Civil Air Patrol is not exempt from the annual motor vehicle license tax—§4503.16 RC; Opinion 6467, OAG 1943; §202, FC 36; §9441, FC 10; Opinion 1019, OAG 1951 546
- Lucas County**—Funds of a township or a local board of education are not county monies and are not subject to recovery by the county prosecutor—Park district funds are—The county prosecutor is authorized to recover funds of a local school district—The county prosecutor is authorized to recover funds misappropriated funds in report of the bureau of inspection—§§309.12, 1545.22, 3313.35, 117.10 RC 158
- Madison County**—Municipal corporation may not license amusement devices at county fairs—A municipal corporation may license amusement devices on county fairgrounds except at the county fair—§§715.48, 715.63, 3765.01, 1711.11 RC; Opinion 1600, OAG 1933; Opinion 1500, OAG 1960; §718.01 RC 609
- Mahoning County**—A board of township trustees lack the authority to prohibit bell ringing or loud-speaker vending trucks selling ice cream and popsicles from township streets. However, drivers of such vehicles may be apprehended on warrants of disturbing the peace—Chapter 509 RC, §2923.41 RC 709
- Mahoning County**—The highway patrol is authorized to enforce state laws on all roads and highways of the state including those within municipal corps—§5503.02 RC; Opinion 2573, OAG 1948; Opinion 6061, OAG 1955; §5577.02 RC 908
- Mahoning County**—A county child welfare board does not have a mandatory duty to provide transportation for the mentally deficient person, but may do so if deemed necessary—§§5127.01, 5153.161 RC
- Mahoning County**—The county recorder shall not accept a photostat or copy of a deed or instrument for record except where he is specifically instructed to do so by statute, he may use a copy—§§317.08, 5301.47, 5301.56, 317.13 RC; Opinion 5369, OAG 1942; Opinion 7573, OAG 1957 651
- Mahoning County**—A public officer, such as a county auditor, is not a public employee and upon his death no amount may be paid, for earned but unused vacation leave, to his estate—§325.19 RC; Opinion 3081, OAG 1962; §2113.04 RC 154

- Mahoning County**—A local board of education may set certain reasonable requirements, based on grades alone, governing the taking of particular high school courses—§§3313.47, 3313.20, 3313.60 RC 667
- Mahoning County**—The state highway patrol may post signs without the authorization of the director of highways or local authorities—§§4511.091, 4511.11, 4511.01 RC; Am. Sub. H. B. 426, 100th GA. 662
- Mahoning County**—A full-time member of a township fire department, who was not under 30 years of age when hired, is not a member of the township firemen’s relief fund, but he is a public employee and must join the public employees retirement system—§521.01 RC; Opinion 7464, OAG 1956; §§521.02, 145.02, 145.01, 145.03 RC; Opinion 2327, OAG 1947 651
- Marion County**—A local school board and a local executive head may mutually rescind a contract between them and enter into another at a higher salary—An executive head need be compensated in accordance with a teacher’s salary schedule only to the extent of his teaching duties—Opinion 3198, OAG 1962; §§3319.08, 3319.22 RC 996
- Marion County**—The salary of a member of a statutory municipal civil service commission may not have his salary increased during his term of office; however, the salary of the clerk of such a commission may have an increase in salary—§143.30 RC 671
- Meigs County**—The Revised Code does not authorize the payment of holiday or vacation pay to part-time county employees—§325.19 RC 971
- Miami County**—Designating a plat of land as “reserved for sewage disposal” in itself does not constitute a dedication of the area concerned to the public for such purposes—Opinion 7113, OAG 1956, §711.10 RC 1007
- Miami County**—Where a license of person is suspended under the financial responsibility statute, he may not obtain a license during that 3 year period without giving proof of financial responsibility, but need not do so after the 3 year period—§§4509.31, 4509.34, 4509.67 RC 944
- Montgomery County**—Identification of an elector for eligibility to sign a county charter commission petition—Art. X, §4 OC; Art. V, §1 OC; Art. II, §§1 and 1a OC; §§3501.01, 3503.01, 3503.06 RC 850
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- Montgomery County**—When a state of emergency has been proclaimed in an area, the chief executive officer of a municipality may through the local civil defense director authorize expenditure of public funds for food and clothing—§§5915.01, 5915.06, 329.04 RC 456
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Voting on when there is a pending vote effecting the territory—Order of sequence in voting on the creation of a new school district when a question on part of said territory is pending—Petition to transfer part of a school district is sufficient if the number of signatures is equal to 55 per cent of the registered voters of the last general election—§§3311.37, 3311.22, 3311.231, 3311.26 RC 814

Transfer—“Area affected” refers to the portion of a school district to be transferred—A petition filed proposing the transfer of a school district territory may contain only the signatures of qualified electors—§§3311.22, 3311.231 RC; Opinion 3336, OAG 1962 913

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In a county court district—Having an even number of judges, half of said judges should be elected for a four year term and half elected for a two year term—§§1907.051, 1907.042 RC 91

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Agreement between village legislature and county commissioners—A board of county commissioners may enter into an agreement with legislature of a village for use of county equipment and labor to build and repair streets; materials to be furnished by the village and provided the county will be reimbursed on an actual hourly cost basis—§307.15 RC 635

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Standards by a municipal corporation—The legislative authority of a city may adopt rules regulating the establishing standards and specifications for construction of streets—A city planning commission may adopt a plan for the parks of a city which will incorporate land up to 3 miles outside the city corporation limit—§§711.09, 711.101 RC; Opinion 599, OAG 1951; Opinion 7113, OAG 1956 580

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Of schools—The supervisor of schools may refuse the sale of school lands which has been approved by the board of township trustees because he feels the price to be insufficient—§§501.01, 501.45, 501.49, 3315.18, 3315.19 RC 280

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Of schools—When a board of education decides to reduce the number of teachers, it may suspend teachers' contracts, and it determines what a reasonable reduction in the staff constitutes—The superintendent of schools must give preference to teachers with continuing contracts and seniority when making a reduction—Seniority refers to the length of continuous service in the district in which the reduction is being made—§3319.17 RC 256

Of schools, voiding of contract—The board of education may not increase the salary of the superintendent of schools during the term for which he was appointed—The board cannot void a superintendent of schools contract and enter immediately into a new contract with him—A board of education cannot ratify a previously void contract—Opinion 886, OAG 1929; Opinion 7316, OAG 1944; §331.01 RC 534

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Real property, erroneously exempted from taxes—When it is discovered that real property has erroneously been exempted from the tax list for more than five years while owned by one person, the county auditor must add said property to the list of taxable property and charge in addition to the current taxes, the taxes for the previous 5 years—§§5713.20, 319.40 RC 595

Exempt status, county building leased to the state or federal governments—The lease of a portion of a county building to agencies of the federal or state governments does not destroy its tax-exempt status—The lease of a portion of a county building to a municipal band would not destroy its tax-exempt status—§§5709.09, 5709.12, 5709.08, 5713.08 RC 586

Levy, to provide sufficient funds to cover the principal and interest of deferred payments—A board of township trustees may issue notes to cover deferred payments for the cost of remodeling the township firehouse; however the legislation authorizing the notes must provide a tax levy sufficient to pay interest and principal on such notes—To issue such notes a certificate of the fiscal officer must be obtained—§§505.37, 505.39, 5705.19, 5705.41 RC 564

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- Levy—Against state property**—A subdivision of the state has no power to collect a special assessment against state property without the permission of the legislature—The State Department cannot expend public funds to pay taxes on state property without the permission of the legislature—§§6117.30, 5703.02, 5713.08, 5717.03 RC; Opinion 728, OAG 1946; Opinion 2685, OAG 1961; Opinion 658, OAG 1959; §2, Article XII, OC 870
- House trailer**—House trailer tax, assessing reimbursement for miscalculation, improvements, distribution, penalties—§§4503.06, 319.36 RC; Opinion 2909, OAG 1962; §§4501.01, 4503.06, 4503.061 RC..... 888
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- Tax collectors, authorizing the employment of and fixing the salary**—The board of county commissioners may authorize the employment of collectors and may fix the salary of such collectors—§§5719.31, 1.24 RC; §5696. GC 64
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- Levy by county commissioners on a city for poor relief**—County commissioners who have entered into a contract with municipal legislative authorities to provide local poor relief may levy taxes on the city for poor relief without submitting the levy to the electors if it is within the 10 mill limit—§§5113.02, 307.15 RC 375
- Assessment, house trailer**—An owner of house trailer who paid trailer tax prior to January 1, 1962 is entitled to \$4.50 tax credit, but must pay tax due under §4503.06 RC—In determining cost to owner, all improvements added to trailer should be included, but in determining market value at time of purchase only improvements at that time to be considered—Improvements added after assessment not added to value until following year—Assesable value of trailer is 40% of cost to owner or market value at time of purchase—Div. (A) §§4503.06, 4503.064 RC 349
- Classified property: use for building a public library**—A non-profit organization which operates a library pursuant to the law is entitled to share in the distribution of classified property taxes of a county—The expenditure of tax money by a non-profit corporation for the erection of a free public library mentioned in the statutes, said construction shall proceed in accordance with the rules of such a corporation—§5705.28 RC; Opinion 4271, OAG 1935; §§5705.32, 1713.28 RC; Art. VIII, §6, OC 292

Levy, funds to be used for poor relief—County commissioners may purchase a building deemed necessary to provide public shelter for poor relief—Where a county has available funds from a general tax levy said funds may be used to purchase a building to provide public shelter for poor relief—A levy over 10 mills for the above purchase must have the purpose of the levy stated in the levy; however, any poor relief funds may be used to maintain the building—§307.02 RC; Opinion 1909, OAG 1938; §5113.01 RC; Opinion 1573, OAG 1952; §5705.01 RC; Opinion 1697, OAG 1960 312

Levy, joint vocational school—Joint vocational school district and the allocation of state funds—Joint vocational school district an entity in itself—Joint vocational school district tax levy—Contiguous—Transportation — §§3311.214, 3317.05, 3311.20, 133.04, 3311.217, 3311.21, 5705.21, 3311.213, 3311.06, 3317.051, 3327.04 RC 796

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