

**OPINION
59-110**

December 4, 1959 (OPINION)

FIRES

RE: Fire Fighting Equipment - Township Contract - Duration

This is in reply to your letter of December 1, 1959, relative to section 18-0610 of the 1957 Supplement to the North Dakota Revised Code of 1943.

Your question is whether, under section 18-0610 of the 1957 Supplement to the North Dakota Revised Code of 1943, the township boards can be authorized to contract for a designated sum for fire protection to be paid annually for a number of years or must such contract be reconsidered each year at the annual township meeting.

Section 18-0610 of the 1957 Supplement to the North Dakota Revised Code of 1943 provides as follows:

TOWNSHIP MAY CONTRACT FOR PREVENTION AND EXTINGUISHMENT OF FIRES. The electors of each township shall have the power at the annual township meeting to authorize and empower the board of township supervisors to provide by contract or otherwise, for the prevention of, protection from and extinguishment of fires within the townships, in such manner as the board of supervisors shall deem advisable."

A township is a political subdivision of the state created by legislative enactments and can do nothing it is not authorized to do by statute. Ordinarily the township electors cannot authorize contracts which will bind the township in excess of a one year period. In those instances where specific statutory authority permits contracts in excess of a one year period, such contracts may be entered into.

Section 18-0610 of the 1957 Supplement to the North Dakota Revised Code of 1943, quoted above, appears to limit the time of contracts for fire prevention to one year since it provides that "the electors . . . shall have the power at the annual township meeting" to authorize the board to contract. It appears that if the electors authorize the board to contract at one annual meeting they could refuse or withdraw that authorization at the next annual meeting.

It is therefore the opinion of this office that township boards cannot contract for a designated sum for fire protection to be paid annually for a number of years. The township board must receive authorization from the township electors at each annual township meeting and, as a result, the contract would have to be reconsidered each year at such meeting.

LESLIE R. BURGUM

Attorney General