

843.

APPROVAL, NOTES OF BENNINGTON RURAL SCHOOL DISTRICT,
LICKING COUNTY, OHIO—\$3,608.00.

COLUMBUS, OHIO, May 20, 1933.

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

844.

APPROVAL, NOTES OF ST. ALBANS VILLAGE SCHOOL DISTRICT,
LICKING COUNTY, OHIO—\$1,763.00.

COLUMBUS, OHIO, May 20, 1933.

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

845.

MEDICAL RELIEF—IN VILLAGES AFFORDED BY TOWNSHIP TRUSTEES IN TOWNSHIP WHERE VILLAGE LOCATED—APPLICABLE WHEN.

SYLLABUS:

Medical relief in villages need not be afforded by village authorities out of village funds but such relief should be afforded by the township trustees of the township in which the village is located. This, however, applies only to villages which have not the same boundaries as the townships.

COLUMBUS, OHIO, May 20, 1933.

HON. JESSE H. LEIGHNINGER, *Prosecuting Attorney, Youngstown, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter of recent date in which you request my opinion as to the following matters:

“Section 3476, General Code, places the duty of ordinary poor relief upon townships and cities. Section 3480 apparently places medical poor relief upon townships and municipal corporations regardless of size.

The townships in levying taxes for poor relief include in the levy an amount sufficient to cover medical relief, and this levy is made upon the property located in the villages within the township, as well as the property in the township outside the villages.

If Section 3480 is construed as placing the burden for medical relief upon villages, then the village taxpayer contributes toward the medical relief of the township outside the village, in addition to providing such relief to the inhabitants of the village.

In view of these facts, will you kindly give us your opinion as to whether medical relief in villages must be afforded by the village authorities and out of village funds, or should this relief be afforded by the township trustees.”

Section 3476, General Code, provides as follows:

"Subject to the conditions, provisions and limitations herein, the trustees of each township or the proper officers of each city therein, respectively, shall afford at the expense of such township or municipal corporation public support or relief to all persons therein who are in condition requiring it. It is the intent of this act (G. C. §§3476 et seq.) that townships and cities shall furnish relief in their homes to all persons needing temporary or partial relief who are residents of the state, county and township or city as described in sections 3477 and 3479. Relief to be granted by the county shall be given to those persons who do not have the necessary residence requirements, and to those who are permanently disabled or have become paupers and to such other persons whose peculiar condition is such they can not be satisfactorily cared for except at the county infirmary or under county control. When a city is located within one or more townships, such temporary relief shall be given only by the proper municipal officers, and in such cases the jurisdiction of the township trustees shall be limited to persons who reside outside of such a city."

This section provides that the township trustees and the proper officers of the city shall afford at the expense of such township or municipal corporation public support or relief to all persons therein who are in condition requiring it. This section also provides that the legal settlement mentioned in Sections 3477 and 3479, General Code, shall mean the township or city, thus limiting the term "municipal corporation" to that of "city."

Section 3480, General Code, reads as follows:

"When a person in a township or municipal corporation requires public relief, or the services of a physician or surgeon, complaint thereof shall be forthwith made by a person having knowledge of the fact to the township trustees, or proper municipal officer. If medical services are required, and no physician or surgeon is regularly employed by contract to furnish medical attendance to such poor, the physician called or attending shall immediately notify such trustees or officer, in writing, that he is attending such person, and thereupon the township or municipal corporation shall be liable for relief and services thereafter rendered such person, in such amount as such trustees or proper officers determine to be just and reasonable. If such notice be not given within three days after such relief is afforded or services begin, the township or municipal corporation shall be liable only for relief or services rendered after notice has been given. Such trustees or officer, at any time may order the discontinuance of such services and shall not be liable for service or relief thereafter rendered."

The opinions of this office have consistently held that relief of the needy poor shall be rendered to them by the proper authorities of the township or city in which the indigent have a legal settlement and wherever the indigent or needy poor may be situated. In Opinion No. 4421, rendered by my predecessor on June 15, 1932, in the body of the opinion it was stated that villages may expend public funds for hospital care of their indigent inhabitants who need such service and villages may afford medical relief. However, there is no express au-

thority in the statutes requiring villages authorities to provide for medical relief for its indigent poor except that in such cases where the boundaries of a village have become identical with a township, in which case the village authorities have all the rights and duties with respect to administering poor relief as a township does.

In Opinion No. 4380, rendered by my predecessor June 3, 1932, the question of whether the township or a village in the township was responsible for affording temporary or partial relief to the indigents or needy poor within the village was fully discussed. The syllabus of this opinion reads as follows:

“A village has no authority under general law to pay the cost of affording temporary or partial relief provided for by section 3476, General Code, but such expense must be borne by the township in which the persons needing such relief have a legal settlement.”

It would appear that the term “municipal corporation”, as applied in Section 3480, General Code, when considering this section with Sections 3476, 3477 and 3479, General Code, would be limited to the meaning of “city” and would not include villages. It is therefore my opinion that while a village may afford to its residents medical relief, there is no statute requiring village officials, which village does not have the same boundary lines as the township, to furnish such medical relief and it would be the duty of the trustees of the township to afford the relief needed for the needy poor or indigent of the village located within the township.

In specific answer to your question, I would therefore say that medical relief in villages need not be afforded by village authorities out of village funds but such relief should be afforded by the township trustees of the township in which the village is located. This, however, applies to villages which have not the same boundaries as the township.

Respectfully,
JOHN W. BRICKER,
Attorney General.

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JUSTICE OF PEACE—ONE HOLDING COMMISSION BEARING EARLIER DATE AUTHORIZED TO FILL VACANCY ON BOARD OF TOWNSHIP TRUSTEES BY APPOINTMENT.

SYLLABUS:

Where two justices of the peace were appointed by the township trustees of a township under authority of section 1714, General Code, on the same day, but received their commissions from the Governor of Ohio, under sections 138 and 139, General Code, at different times, and consequently qualified on different dates, the justice of the peace holding the commission bearing the earlier date is authorized to appoint a suitable person to fill a vacancy on the board of trustees of such township, in accordance with the terms of section 3262, General Code.