

**OPINION NO. 82-075****Syllabus:**

A county sheriff is not authorized to charge a fee for the issuance of a fireworks permit pursuant to R.C. 3743.33.

**To: Robert B. Hines, Holmes County Prosecuting Attorney, Millersburg, Ohio**  
**By: William J. Brown, Attorney General, September 28, 1982**

I have before me your request for my opinion as to whether a county sheriff is authorized to charge a fee to persons required to register with his office for the sale or use of fireworks pursuant to R.C. 3743.33.

A county sheriff is, of course, a county officer elected pursuant to R.C. 311.01. A county sheriff is, therefore, subject to the well-settled rule that a county officer has only those powers and privileges expressly granted or necessarily implied. See, e.g., *State ex rel. Clark v. Cook*, 103 Ohio St. 467, 470, 134 N.E. 655, 656 (1921); *State ex rel. Lochner v. Menning*, 95 Ohio St. 99, 115 N.E. 571, 772 (1916). Accordingly, a county sheriff may not charge a fee for the issuance of a permit, absent a statute empowering him to do so.

R.C. 3743.33 provides that fireworks may be sold and used for public or private exhibition in connection with celebrations "upon written permission secured from the fire chief of a municipal corporation, or from a sheriff." While R.C. 3743.33 implicitly authorizes a county sheriff to authorize the use of fireworks in certain situations, it does not expressly or implicitly authorize a sheriff to charge a fee in connection with the granting of such permission.

The general authority of a county sheriff to charge fees is set forth in R.C. 311.17. That section expressly authorizes a county sheriff to charge a fee for the performance of certain specifically enumerated services related to his duty to assist the courts. R.C. 311.17 does not list fireworks permits as an item for which a sheriff may charge a fee. Nor does it confer upon the sheriff any general authority to charge fees for services other than those enumerated. I must conclude, therefore, under the doctrine of *expressio unius est exclusio alterius* that the naming of services for which a sheriff may charge a fee pursuant to R.C. 311.17 excludes those not named. See *Kroger v. Bowers*, 3 Ohio St. 2d 78, 209 N.E.2d 211 (1965).

Therefore, it is my opinion, and you are advised, that a county sheriff is not authorized to charge a fee for the issuance of a fireworks permit pursuant to R.C. 3743.33.