

1090.

## DOG WARDEN—DUTIES—WHAT DOGS COUNTY RECORD SHALL INCLUDE.

## SYLLABUS:

*The duties of a county dog warden include that of making a record of all dogs owned, kept and harbored within his county, whether or not said dogs have been returned for taxation and whether or not the owners, keepers or harborers of them have applied for licenses and paid the fees therefor.*

COLUMBUS, OHIO, September 30, 1927.

HON. ROY N. MERRYMAN, *Prosecuting Attorney, Steubenville, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion as follows:

“It would be much appreciated if you would give me an opinion in regard to your interpretation of Section 5652-7 of the General Code of Ohio. This is an act passed by the last legislature having to do with a County Dog Warden making a census of the dogs in his particular county. I am not certain whether or not this section means he shall make up his record or census of the personal tax returns and applications for dog licenses, or whether he is to deputize and take an actual field census of the county such as is taken by the United States Census Bureau for ascertaining a general population.”

Section 5652-7, General Code, (112 O. L. 348) enacted by the 87th General Assembly is a part of House Bill No. 164, entitled “An Act—To amend Sections 5652 \* \* and to enact supplemental Sections 5652-7a \* \* relative to the licensing and regulation of dogs and providing for the payment of damages to livestock caused by dogs” and reads in part as follows:

“County commissioners shall appoint or employ a county dog warden and deputies \* \* \*

Such county dog warden and deputies shall make a record of *all dogs owned, kept and harbored* in their respective counties. They shall patrol their respective counties, seize and impound on sight all dogs more than three months of age, found not wearing a valid registration tag, except dogs kept constantly confined in a registered dog kennel. They shall also investigate all claims for damages to livestock inflicted by dogs. \* \* \*

An examination of the act as a whole, discloses that the evident purpose of the act is to provide for a more thorough regulation of the keeping and harboring of dogs, to the end that the damages done by dogs may be kept within as narrow limits as possible, and so that whatever damages are done may be borne by the persons keeping and harboring the dogs.

Provision is made for the payment of a license fee for each dog, to be evidenced by a tag to be worn by the dog, for which the fee is paid. These fees are to be paid into a special fund known as “the dog and kennel fund,” from which fund claims for damages done by dogs are paid. The dog warden is charged with the duty, among

others, of seizing and impounding dogs found not wearing a valid registration tag. To provide a list of dogs in the county, so that a check may be made with the list for which tags have been secured, as shown by the records in the office of the auditor, thus enabling the dog warden more effectually to seize and impound dogs for which the license fee has not been paid, the dog warden is charged with the duty of canvassing the county and listing the dogs found therein.

The language of the statute is very clear, where it says:

“Such county dog warden and deputies shall make a record of *all dogs owned, kept and harbored* in their respective counties.”

The statute does not require a record of the dogs which have been returned for taxation, or a list of those for which application for a license has been made, but a list of *all dogs owned, kept and harbored*. The language could not be more clear, and therefore neither calls for nor admits of interpretation or construction. A list of the dogs returned for taxation and of those for which license fees have been paid is already a matter of record without any action on the part of the dog warden.

I am therefore of the opinion that the duties of the county dog warden include that of making a record of all dogs owned, kept and harbored within his county, whether or not said dogs have been returned for taxation, and whether or not the owners, keepers or harborers of them have applied for licenses and paid the fees therefor.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

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1091.

APPROVAL, BONDS OF THE VILLAGE OF EUCLID, CUYAHOGA COUNTY, OHIO—\$144,788.12.

COLUMBUS, OHIO, September 30, 1927.

*Industrial Commission of Ohio, Columbus, Ohio.*

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1092.

APPROVAL, BONDS OF WINDHAM TOWNSHIP RURAL SCHOOL DISTRICT, PORTAGE COUNTY, OHIO—\$70,000.00.

COLUMBUS, OHIO, September 30, 1927.

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