

therefor, who shall have all the powers of a peace officer who may sell and issue dog licenses, and take into custody and dispose of stray, injured, unlicensed, diseased or vicious dogs in accordance with rules and regulations of the county commissioners and pursuant to this subsection. The county commissioners are further authorized and empowered to provide dog pounds wherein dogs seized by dog wardens may be placed or, in the discretion of the commissioners to enter into agreement with adjacent counties for the establishment of a dog pound to serve all of [such] THE counties. The commissioners are further authorized to pay any expenses arising from the operation of this subsection. This subsection shall not be operative or effective within the corporate limits of any incorporated town or city within either county unless and until the governing body thereof shall indicate by resolution its intention to be governed by the provisions of this subsection.

198.

(a) If any inhabitant of a county has any sheep, poultry, or livestock destroyed or injured by a dog or dogs, he may apply to the sheriff of the county, who shall appoint three disinterested persons as appraisers to view and appraise the damages by him sustained. At least one of the appraisers shall be a deputy sheriff of the county, and they, under oath, shall state in writing to the county commissioners of the county, the number of sheep, poultry, or livestock killed, the character and extent of the injury, if any done, and the amount of the damages, upon which they shall all agree, sustained by the owner. The appraisers and the owner of the sheep, poultry or livestock shall make oath that they believe the sheep, poultry or livestock to have been destroyed or injured by a dog or dogs. (b) When the report of the proceedings has been filed, the county commissioners of the county shall review the report, and if in their judgment the amount of damages stated is unfair, they shall award an amount as they may deem fair. [The] IF THE OWNER OF THE DOG OR DOGS CANNOT BE DETERMINED, THE award shall be paid out of the DOG LICENSE fund [hereby created]. The sworn report of the appraisers shall be deemed prima facie evidence of the fairness of the award of damages in each instance. The county commissioners shall not change an award unless they have personal knowledge of its unfairness, or shall receive competent testimony to the effect that the award is in excess of a fair commercial valuation of the sheep, poultry or livestock injured or destroyed by dogs. (c) If the owner of the dog or dogs doing the damage be known, it is the duty of the county commissioners to notify the owner or owners to kill the dog or dogs immediately. [If the dog or dogs be killed by the owner, after notice as aforesaid, he shall be exempt from all further liability.] If the owner or owners refuse or neglect to kill the dog or dogs upon notice as aforesaid, the owner or owners shall be liable [to the county commissioners] for the damages to the same extent as he would be liable in case of negligence or malicious destruction of property. The county commissioners

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