

the Treasurer of State which are about to mature, to be held by the Treasurer of State on like terms and conditions.

Respectfully,

GILBERT BETTMAN,

Attorney General.

4096

PUBLIC DANCE—PERMIT OF PROBATE JUDGE MAY DESIGNATE
TIME OF DANCE—PERMIT MAY NOT BE ASSIGNED.

SYLLABUS:

1. *A permit to hold a public dance issued by a probate judge, may, by its terms allow the giving of more than one public dance.*
2. *A permit for a public dance, issued by a probate judge under the authority of Section 13393, General Code, may be for such period of time as the probate judge may therein designate.*
3. *A permit for the giving of a public dance, issued by a probate judge, only authorizes the giving of such dance by the person to whom such permit is issued.*

COLUMBUS, OHIO, February 26, 1932.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—This will acknowledge your request for opinion with which you enclose a letter from one of your examiners, submitting three questions. These questions read as follows:

“1. When a person has procured a permit to give a public dance, is such permit sufficient for giving future public dances or must such person procure a permit for each public dance given?

“2. In case it is found that one permit is sufficient for giving several dances, for what period of time would a permit be in effect?

“3. Where the owner of a dance hall secured a permit to give a public dance or dances, may a person leasing such dance hall give a public dance without first obtaining a permit from the probate judge?”

Section 13393, General Code, reads as follows:

“No person shall give a public dance, roller skating or like entertainment in a city, village or township without having previously obtained a permit from the mayor of such city or village if such public dance, roller skating or like entertainment is given within the limits of a municipal corporation, or from the probate judge if such public dance, roller skating or like entertainment is given outside a city or village, or permit another to do so. All permits issued under the authority of this section

shall be subject to revocation at all times. The provisions of this section shall not apply to charter cities where the licensing authority is vested in some other officer than the mayor."

It should be noted that said section specifically provides that no person shall give a public dance or permit another so to do without first obtaining a permit.

It is apparent from the express language above quoted that while a permit is required for each public dance given, it does not necessarily follow that said permit may not by its terms include several public dances, and in view of the fact that no restriction is placed in said section as to the number of dances authorized by a permit, it follows that any number of dances may be included within the authorization. See 1925 *Opinions of the Attorney General*, 285. This conclusion is strengthened by consideration of the fact that authority is contained in said section to revoke such permit at any time.

I am, therefore, of the opinion that a permit to hold a public dance issued by a probate judge, may, by its terms, allow the giving of more than one public dance.

Coming now to your second inquiry, namely, the length of time such permit would be in effect, it would seem that since no statutory restriction exists as to the length of time for which such permit may be issued, such permit may be issued for such period of time as the probate judge issuing the same may therein designate. Of course, the permit will be subject at all times to revocation by the probate judge as required by Section 13393, General Code.

In view of the foregoing and in answer to your second inquiry, I am of the opinion that a permit for a public dance, issued by a probate judge under the authority of Section 13393, General Code, may be for such period of time as the probate judge may therein designate.

In answer to your third question, an examination of the General Code discloses no authority for the owner of a dance hall to secure a permit from a probate judge of the county in any instance other than where such proprietor himself gives the dance, in which event, Section 13393, General Code, would apply.

It should also be noted that the section specifically forbids the giving of a public dance by any person other than the one to whom the permit was issued. It, therefore, follows that the owner of a dance hall must first obtain a permit to give a public dance from the probate court if he is the person giving such dance, and such permit, when obtained, would not license a dance given by another person.

In view of the foregoing and in specific answer to your questions, I am of the opinion that:

1. A permit to hold a public dance issued by a probate judge, may, by its terms, allow the giving of more than one public dance.

2. A permit for a public dance, issued by a probate judge under the authority of Section 13393, General Code, may be for such period of time as the probate judge may therein designate.

3. A permit for the giving of a public dance, issued by a probate judge, only authorizes the giving of such dance by the person to whom such permit is issued.

Respectfully,

GILBERT BETTMAN,

Attorney General.