

4936.

APPROVAL, BONDS OF CITY OF TOLEDO, LUCAS COUNTY,
OHIO, \$35,000.00.

COLUMBUS, OHIO, November 25, 1935.

Industrial Commission of Ohio, Columbus, Ohio.

4937.

LIQUOR CONTROL DEPARTMENT—CLASS D-3, D-4 and D-5
PERMITS MAY NOT BE ISSUED WHEN — ELECTORS
VOTED AGAINST REPEAL — LOCAL OPTION — TOWN-
SHIPS AND MUNICIPALITIES.

SYLLABUS:

1. *The Department of Liquor Control cannot issue a Class D-3, Class D-4 or Class D-5 permit to the owner or operator of a hotel, restaurant or club which is located in a municipality or in a township exclusive of a municipal corporation wherein the electors at the November, 1933, election voted against the repeal of Section 9 of Article XV of the Ohio Constitution.*

2. *The provision of Section 6064-17, General Code, which prohibits the issuance by the Department of Liquor Control of Class D-3, Class D-4 and Class D-5 permits in townships and municipalities wherein the electors at the November, 1933, election, voted against the repeal of constitutional prohibition, does not prevent the Department of Liquor Control from issuing the other classes of permits authorized by Section 6064-15, General Code, which classes of permits in general, allow the manufacture and sale of beer, wine, prepared cocktails, and highballs, malt beverages containing more than 3.2% alcohol by weight and not exceeding 7% alcohol by weight and the sale of wine, alcohol and spirituous liquor by the holders of G permits, subject to the restrictions contained in Sections 6064-15 and 6064-23, General Code.*

COLUMBUS, OHIO, November 25, 1935.

HON. T. B. WILLIAMS, *Prosecuting Attorney, New Lexington, Ohio.*

DEAR SIR:—I am in receipt of your communication requesting my opinion which reads as follows:

“At the recent election held in the village of Crooksville, this