

House Bill No. 336, passed by the 93rd General Assembly on April 12, 1939, approved by the Governor and filed in the office of the Secretary of State April 18, 1939, and a summary of the same under the provisions of section 4785-175, General Code, which act is sought to be referred to the electors. Copy of said bill and summary of the same is hereto attached.

I am of the opinion that the attached summary is a fair and truthful statement of House Bill No. 336, and accordingly submit for uses provided by law the following certification :

“I, THOMAS J. HERBERT, Attorney General of the State of Ohio, pursuant to the duties imposed upon me under the provisions of section 4785-175 of the General Code of Ohio, hereby certify that in my opinion the foregoing summary is a fair and truthful statement of House Bill No. 336 of the 93rd General Assembly.”

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*

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645.

HOTEL—WHERE SEPARATE BUILDINGS OR STRUCTURES, UNDER SEPARATE ROOFS, LESS THAN FIVE ROOMS, FOR ACCOMMODATION OF GUESTS—NOT CLASSIFIED AS HOTEL—SECTION 843-1, G. C.

**SYLLABUS:**

*Several separate buildings or structures, each under separate roofs and each having less than five rooms for the accommodation of guests, can not be classified as a hotel within the meaning of Section 843-1, General Code.*

COLUMBUS, OHIO, May 25, 1939.

MR. RAY R. GILL, *State Fire Marshal, Columbus, Ohio.*

DEAR SIR: I am in receipt of your request for my opinion which reads as follows:

“I would like to have an opinion on Section 843-1 of the General Code of Ohio, in which a hotel is defined.

What I would like to know is where a person operates cabins and no one building has more than four rooms, but there are probably four or five cabins, making a total of fifteen or twenty rooms, whether that would be classed as a hotel and if the op-

erator should obtain a hotel license; or does this section mean that all rooms must be under one roof, or connected in some manner.”

Section 843-1, General Code, which defines a hotel, reads as follows :

“Every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which five or more rooms are used for the accommodation of such guests, and having one or more dining rooms or cafes where meals or lunches are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building or in buildings in connection therewith, and every building or other structure kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests, in which five or more rooms are used for the accommodation of such guests, shall, for the purposes of this act, be deemed a hotel.”

One of the essential elements therein specified is that a hotel shall be a building or structure having five or more rooms for the accommodation of guests. It would follow that if there were two buildings or structures, each having four rooms for the accommodation of guests, neither could be classified as a hotel, even though in the aggregate they contain five or more rooms.

It will be noted that the statute uses the singular in referring to building and structure and the word “hotel” itself as defined in Webster’s New International Dictionary contemplates a single structure by saying :

“A house for entertaining strangers or travelers.”

It is, therefore, my opinion that several separate buildings or structures, each under separate roofs and each having less than five rooms for the accommodation of guests, can not be classified as a hotel within the meaning of Section 843-1, General Code, even though the buildings may in the aggregate house fifteen or twenty guests.

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*