

4687.

DISCHARGED SOLDIER—NOT EXEMPT FROM PAYMENT OF FEE FOR BOARD OF HEALTH PERMIT.

SYLLABUS:

The fee exemption provision of Section 6351, General Code, relative to peddlers' licenses does not apply to the fee required for a permit issued by a board of health under Section 4459, General Code.

COLUMBUS, OHIO, October 14, 1932.

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

DEAR SIRs:—Your recent request for my opinion reads as follows:

“Section 6351 G. C., reads as follows:

‘An applicant for the license, provided in Sec. 6347, proving to the auditor to whom such application is made that he has served as a soldier or sailor in the service of the United States during the late rebellion, the Spanish-American war, or the world war and has been honorably discharged therefrom, shall pay to such auditor as his fee for such license the sum of fifty cents, and shall not be required to make any other or further payment. He shall be exempted from paying any fee for a municipal or other license as required by law or ordinance, during the period covered by the license issued to him by such auditor.’

We are also quoting Sec. 4459 G. C., in part as follows:

‘The board of health shall keep for public inspection a record of the names, residences and places of business of all persons engaged in the sale of milk or meat, and may require permits after inspection, to vend either milk or meat to be renewed semi-annually, for which a charge of not more than fifty cents may be made.’

Question. Do the provisions of Sec. 6351 G. C. exempt an honorably discharged soldier or sailor from payment of permit fee established by a city board of health as authorized in Sec. 4459 G. C.?”

Section 6347, General Code, referred to in Section 6351, General Code, concerns the application for and granting of a peddler's license.

It is a well known rule of statutory construction that unless the contrary intention plainly appears, a proviso in a statute is to be construed with reference to the immediately preceding paragraph to which it is attached, and qualifies or limits only the part or paragraph to which it is appended. *Buckman vs. State ex rel.*, 81 O. S. 171.

Applying this rule of construction to Section 6351, General Code, quoted in your inquiry, it follows that the exemption of honorably discharged soldiers and sailors of the Civil War, etc., from the payment of any fees for municipal or other licenses required by law or ordinance, refers only to peddler's licenses issued by a municipality or required by law, and has no reference to the fee to be paid for the issuance of a permit from a board of health for the vending of either milk or meat.

In this respect it is interesting to note an opinion found in 1917 O. A. G. 439

which held that the provisions of Section 6351, General Code, did not exempt the holder of a peddler's license from the payment of a fee required by municipal ordinance for a license to operate a shooting gallery. That the Legislature did not intend the provisions of this section to extend to the issuance of a permit by a board of health is apparent from a consideration of the purpose clause of the bill enacting Section 6351 in its present form, which reads:

"To amend Section 6351 of the General Code relative to exempting honorably discharged soldiers or sailors of the United States who participated in the World War, from payment of the full fee for a traveling merchant's license."

In view of the foregoing and in specific answer to your inquiry, I am of the opinion that the fee exemption provision of Section 6351, General Code, relative to peddlers' licenses does not apply to the fee required for a permit issued by a board of health under Section 4459, General Code.

Respectfully,

GILBERT BETTMAN,
Attorney General.

4688.

APPROVAL, BONDS OF PAINESVILLE RURAL SCHOOL DISTRICT,
LAKE COUNTY, OHIO—\$4,000.00.

COLUMBUS, OHIO, October 14, 1932.

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

4689.

APPROVAL, BONDS OF SILVER LAKE VILLAGE SCHOOL DISTRICT,
SUMMIT COUNTY, OHIO—\$1,883.00.

COLUMBUS, OHIO, October 15, 1932.

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

4690.

APPROVAL, BONDS OF FAIRVIEW VILLAGE SCHOOL DISTRICT,
CUYAHOGA COUNTY, OHIO—\$15,000.00.

COLUMBUS, OHIO, October 17, 1932.

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