

For these reasons, it is the opinion of this department that the words "brother" and "sister" as found in paragraph 3 of section 5334 of the General Code include half-brothers and half-sisters.

Respectfully,  
 JOHN G. PRICE,  
*Attorney-General.*

999.

**DRY CLEANING ESTABLISHMENT—WHERE PERMIT EXTENDS UNTIL FIRST DAY OF JANUARY NEXT AFTER DATE OF ITS ISSUE—HOLDER OF PERMIT HAS NO AUTHORITY TO CONDUCT BUSINESS IN ANOTHER BUILDING—RENEWED PERMIT DISCUSSED.**

1. *A permit to use a building or establishment for dry cleaning or dry dyeing, issued under section 4 of the act of April 14, 1919 (108 O. L. 306; section 843-22 G. C.), extends until the first day of January next after the date of its issue, unless renewed under authority of section 5 of the act (section 843-23 G. C.).*

2. *The mere fact that the holder of a permit intends at some future time to remove his business to another location, will not excuse him from having his permit renewed under section 5 of the act (section 843-22 G. C.), in case he desires to continue in business at his present location after the expiration of his permit.*

3. *A permit issued under section 4 of the act (section 843-22 G. C.) to conduct a dry cleaning or dry dyeing business in a certain building or establishment, confers no authority upon the holder to conduct his business in another building or establishment.*

COLUMBUS, OHIO, February 20, 1920.

HON. WILLIAM J. LEONARD, *State Fire Marshal, Columbus, Ohio.*

DEAR SIR:—Your letter of recent date propounding certain questions arising under the act passed April 14, 1919, (108 O. L. 306, Part I), which provides for the inspection of dry cleaning and dry dyeing buildings and establishments, was duly received.

The provisions of the act in so far as they are necessary to a proper determination of your questions will be briefly referred to.

Section 2 of the act (section 843-20 G. C.) provides that:

"No building or establishment shall be used for the business of dry cleaning or dry dyeing \* \* \*, until an application for permission to do so shall have been filed with and approved by the state fire marshal of the state of Ohio," etc.

By section 3 of the act (section 843-21 G. C.) an applicant for a permit is required to pay to the state fire marshal a filing and inspection fee of \$10.00.

By section 4 of the act (section 843-22 G. C.) it is provided that when an application for a permit is filed and the fee paid, the state fire marshal, his deputies or assistants

"shall make an inspection of such building, buildings or establishments, and if the same conforms to the requirements of law and rules which may be prescribed by the state fire marshal for such places, then the state fire marshal shall issue a permit to the applicant for the conduct of such business, which

permit shall extend until the first day of January next after the date of the issuing of same."

By section 5 of the act (section 843-23 G. C.) it is provided that:

"Permits may be renewed at any time within thirty days after the termination thereof, by the filing of an application for such renewal and the payment of a fee of \$5.00 therefor."

provided the applicant has complied with the provision of the act, and with the other laws of the state and municipal ordinances, etc.

The act then proceeds to designate the character of buildings that may be used for dry cleaning and dry dyeing, and to make special provisions as to walls and roof, sewer connections, ventilating apertures and covering, skylights and windows, fire extinguishment, protection of steam and hot water pipes, etc.

By section 30 (section 843-48 G. C.) it is provided that the act shall not be held to apply to any building, business or establishment now in use so as to cause the same to be rebuilt, remodeled, or repaired to conform to its provisions, but should any building or establishment, or part thereof, be reconstructed, rebuilt or repaired, it shall be constructed, built or repaired in conformity to its provisions.

1. *Life of Permit.*

A permit to use a building or establishment for dry cleaning or dry dyeing issued at any time during the calendar year, extends until the first day of January next after its date of issue (section 4 of the act, section 843-22 G. C.), unless renewed in the manner and within the time hereinafter mentioned.

2. *Renewal of Permit.*

In case the licensee desires to conduct a dry cleaning or dry dyeing business in the same building or establishment covered by his permit, on and after the first day of January next after the date of its issue, he must, within thirty days after the termination of his permit make application to the state fire marshal for its renewal and pay a fee of \$5.00 therefor. The mere fact that a licensee intends to remove his business to another building or establishment, will not excuse him from having his permit renewed as the act requires, in case he desires to continue in business at the present location after the termination of his permit.

3. *Permit only covers particular building or establishment referred to therein.*

A permit to conduct a dry cleaning or dry dyeing business in a certain building or establishment confers no authority upon the licensee to conduct his business in another building or establishment at another location. The act is specifically directed at the particular building or establishment that is required to be mentioned in the application for a permit, and provides that such building or establishment shall be inspected and found to conform to the requirements of law and rules prescribed by the state fire marshal before a permit shall be issued to the applicant.

It is not intended to hold that an "establishment" cannot embrace two or more buildings, but it is intended to hold that where the application is for a permit to conduct business in a certain "establishment," and a permit is granted therefor, its scope and operation is confined to the particular building or buildings referred to in the application as constituting the establishment.

It would result from the foregoing construction of the act, that if a building or establishment covered by a permit should be reconstructed, as distinguished from being repaired, it would cease to be the building or establishment theretofore inspected and covered by the permit, and before it could be used for the business of dry cleaning

or dry dyeing, it would be necessary that an application be made for a permit and a \$10.00 inspection and filing fee paid, that the building or establishment be inspected and found to be reconstructed in conformity to the act, and that a permit be issued to conduct business therein.

Respectfully,  
JOHN G. PRICE,  
*Attorney-General.*

1000.

MOTHERS PENSIONS—FOSTER-MOTHER IS NOT A MOTHER WITHIN  
MEANING OF SECTION 1683-2 G. C.

*A foster-mother is not a mother within the meaning of section 1683-2 of the General Code relating to mothers pensions.*

COLUMBUS, OHIO, February 10, 1920.

HON. WILBERT J. BISSMAN, *Probate Judge, Mansfield, Ohio.*

DEAR SIR:—Your letter of recent date inquiring whether or not the foster-mother of orphan children under school age who are in necessitous circumstances, is a mother within the meaning of section 1683-2 G. C. relating to mothers pensions, was duly received.

Section 1683-2 G. C., so far as material to the determination of your question, reads as follows:

“For the partial support of women whose husbands are dead, or become permanently disabled by reason of physical or mental infirmity, or whose husbands are prisoners or whose husbands have deserted, and such desertion has continued for a period of three years, when such women are poor, and are the *mothers of children* not entitled to receive age and schooling certificate, and such mothers and children have a legal residence in any county of the state for two years, the juvenile court may make an allowance to each of such women as follows:” etc.

In 1914 Annual Report of the Attorney-General, Vol. I, page 885, in an opinion dated June 29, 1914, it was held that neither an “adopted mother” nor a “grandmother” who is keeping and supporting a grandchild whose parents are dead, is a mother within the meaning of the statute above mentioned. The statute was subsequently amended (106 O. L. 436), but in a respect which does not require a modification of the opinion referred to in so far as the question under consideration is concerned.

In the opinion at page 887 the former Attorney-General said:

“I am of the opinion that an adopted mother, other conditions being met, is not entitled to the pension. While the act is to be given a liberal interpretation to accomplish the result at which it is aimed, yet, to my mind, the word ‘mother’ as repeatedly used therein, does not have, naturally, the significance of the term ‘adopted mother;’ and, in my judgment, such a meaning is too artificial to be given to the former term, even under the sanction of a liberal interpretation.

For similar reasons, a grandmother, who is keeping and supporting a child of her son or daughter, when both parents of the children are dead, cannot