

ELEEMOSYNARY INSTITUTIONS: Buildings to house inmates must comply with statutory requirements as to fire escapes.

January 2, 1942

Mr. Ira A. Jones
President, Board of Managers
State Eleemosynary Institutions
Jefferson City, Missouri



Dear Mr. Jones:

We are in receipt of your letter of December 30th, 1941, wherein you state as follows:

"The last legislature turned over to the Board of Managers, Eleemosynary Institutions, the School for Children at Carrollton, Missouri, to be used as State School #2 for feeble-minded.

"At this place there is one frame building that is not fire proof. Just when the building was built, I do not know. Is it possible for us to house inmates of the Missouri State School #2 in this building, in view of the fact it is a frame building and not fire proof?"

You have orally advised us that the building at Carrollton, to which you refer, is a two-story frame building.

Laws of Missouri, 1941, Sections 9634 and 9635, both found on page 320, provide respectively as follows:

"Section 9634. There is hereby established an institution at Carrollton, Missouri, to be known as Missouri State School Number Two and to be used in connection with and as a part of the Missouri State School at Marshall,

Missouri, as a colony for feeble-minded and epileptic in accordance with the provisions of Article 6 of Chapter 51 of the Revised Statutes of Missouri, 1939, which institution shall be under the control, management and supervision of the Board of Managers of State Eleemosynary Institutions."

"Section 9635. The control and management of all the lands and other properties now used by what is known and designated by law as the 'State Home for Children' at Carrollton, Missouri, is hereby transferred to the Board of Managers of the State Eleemosynary Institutions for the use of said Missouri State School Number Two."

The above sections set out your authority to convert and use the State Home for Children at Carrollton, Missouri, as a part of the Missouri State School at Marshall, Missouri. You inform us that the building at Carrollton, Missouri, is not fire proof and inquire whether it may be used under such circumstances to house inmates.

Section 14950, R. S. Mo. 1939, provides as follows:

"It shall be the duty of the owner, proprietor, lessee, trustee, or keeper of every hotel, boarding and lodging house, tenement house, schoolhouse, opera house, theater, music hall, factory, office building, except fire proof office buildings in which all structural parts are wholly of brick, stone, tile, concrete, reinforced concrete, iron, steel or incombustible material, and which are not used for lodging purposes in the state of Missouri, and every building therein where people congregate or which is used for a business place or for public or private assemblages, which has a height of three or more stories, to provide said structure with iron

or steel stair fire escapes attached to the exterior of said building and by staircases located in the interior of said building. The fire escapes shall extend from the upper story to the ground, pavement or sidewalk with iron or steel ladder from the upper story to the roof: Provided, however, that such fire escapes, if not continued to the ground, pavement or sidewalk, shall be equipped with a counter-balance device attachment, appliance or apparatus which shall extend from the floor level of the second story to the ground, pavement or sidewalk. School buildings, opera houses, theaters and church buildings, also hospitals, blind and lunatic asylums and seminaries, shall each have a stair fire escape built solid to the ground. In no case shall a fire escape run past a window where it is practicable to avoid it. All fire escapes required by this article, except as hereinbefore provided, must be of the kind known as stationary fire escapes. All buildings heretofore erected shall be made to conform to the provisions of this article." (Underscoring ours)

Under the above section certain buildings having a height of three or more stories, wherein people congregate for public and private assemblages and which are not used for lodging purposes, must provide a specific type of fire escape. Whereas, a lunatic asylum, regardless of the height of the building, must have a stair fire escape built solid to the ground.

Section 9387, R. S. Mo. 1939, provides that:

"There shall be established in this state a colony for feeble-minded and epileptics, to be known as the Missouri state school."

It is quite obvious that the Missouri State School would come within the meaning of a lunatic asylum.

Mr. Ira A. Jones

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From the foregoing we are of the opinion that if the frame building at Carrollton, Missouri, proposed to be used to house inmates of the Missouri State School No. 2, does not meet the statutory requirements with respect to fire escapes as provided for in Section 14950, R. S. Mo. 1939, then said building should not be used to house said inmates.

Respectfully submitted,

MAX WASSERMAN
Assistant Attorney-General

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APPROVED:

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