

FIRE ESCAPES:

No conflict between Sections 13226 and 13757, R. S. Mo. 1929; the first dealing with mercantile establishments, and the second with public buildings.

Sec 13757 - 13226 R S Mo 1929

October 6, 1933.

10/7



Miss Mary Edna Cruzen,
Labor Commissioner,
Jefferson City, Missouri.

Dear Miss Cruzen:

We are acknowledging receipt of your letter in which you inquire as follows:

"Will you please interpret the following sections of the Labor Laws regarding fire escapes. I am quite anxious for your opinion on this subject:
Section 13226, R. S. Mo. 1929,
Section 13757, R. S. Mo. 1929.

These two sections seem to conflict."

Section 13226, R. S. Mo. 1929, provides as follows:

"All manufacturing, mechanical, mercantile or other establishments in this state, of two or more stories in height, in which twenty or more persons are employed above the first floor thereof, shall be provided with at least one or more outside iron fire escapes. For every twenty persons employed on every floor above the second floor of such establishment, there shall be one rope or portable fire escape, and each story shall be amply supplied with means for extinguishing fire."

Section 13757, R. S. Mo. 1929, provides as follows:

"It shall be the duty of the owner, proprietor, lessee, trustee, or keeper of every hotel, boarding and lodging house, opera house, tenement house, school-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."

Section 13226 applies to manufacturing, mechanical and mercantile establishments. Under that section if such establishment is two or more stories in height and there are employed twenty or more persons above the first floor thereof, they shall be provided with at least one outside iron fire escape. For every twenty persons employed on every floor above the second, there shall be one rope or portable fire escape and these stories shall be supplied with ample means for extinguishing fire. Section 13757 applies to public buildings and provides for the construction of iron or steel stair fire escapes.

We do not believe that the two sections are so inconsistent or conflicting that either repeals the other. In *Yall v. Gillham*, 187 Mo. 393, 405, the court says:

"Repeals by implication are not favored by law, and the general and almost universal rule is that a later general act will not be construed to repeal a prior general act unless the two are so inconsistent that they can not stand together or be consistently reconciled. If the two can be read together without contradiction or repugnancy or absurdity or unreasonableness, they should be read together and effect given to both."

Section 13226, R. S. Mo. 1929, deals with manufacturing, mechanical and mercantile establishments and permits and requires, under certain circumstances, rope or portable fire escapes. Section 13757 deals with public buildings and specifies the use of iron or steel stationary fire escapes, thereby eliminating, as regards public buildings, rope or

Miss Mary Edna Cruzen,

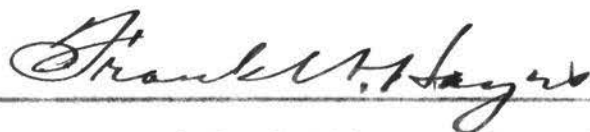
-3-

October 6, 1933.

portable fire escapes.

It is therefore the opinion of this Department that there is no conflict between the two sections; that each deals with a separate subject-matter; that Section 13326 deals with manufacturing establishments and Section 13757 deals with public buildings and places where people congregate and assemble.

Very truly yours,



Assistant Attorney General.

APPROVED:

Attorney General.

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