

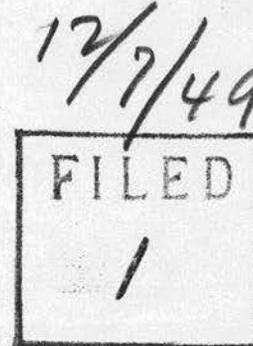
BUREAU OF FOOD AND
DRUGS:
HOTEL INSPECTION:

Hotel which has sleeping rooms which do not open to the outside of the building or upon light wells, air-shafts or courts violates Sec. 9940, R.S. Mo. 1939, and a skylight above a hall in which the rooms open would not be an adequate or a legal substitute for a light well or air-shaft.

December 6, 1949

Honorable C. F. Adams, M.D.
Acting Director, Division of Health
Jefferson City, Missouri

Dear Sir:



I.

We have the following request for an official opinion from your office:

"Under the State Hotel Laws, Section 9940, the last sentence in this section reads, 'No room shall be used for a sleeping room which does not open to the outside of the building or upon light wells, air shafts or courts, and there must be at least one window with opening so arranged as to provide easy access to the outside of the building, light wells, air shafts or courts.' We believe that any establishment which has rooms, the windows of which open into a hall or a hall which is provided with a sky light have failed to comply with the requirements of this Section.

'Is our interpretation of this section correct?'

"In order to clarify this question, we are enclosing some pencil sketches showing the floor plan of several such establishments."

II.

We first must consider what the Legislature meant by the terms light wells, air shafts or courts in Section 9940, R. S. Mo. 1939. This section provides as follows:

"Every hotel in this state shall be properly plumbed, lighted and ventilated, and shall be conducted in every department with strict regard to health, comfort and safety of the

guests: Provided, that such proper lighting shall be construed to apply to both daylight and illumination, and that such proper plumbing shall be construed to mean that all plumbing and drainage shall be constructed and plumbed according to approved sanitary principles, and that such proper ventilation shall be construed to mean at least one door and one window in each sleeping room. No room shall be used for a sleeping room which does not open to the outside of the building or upon light wells, air shafts or courts, and there must be at least one window with opening so arranged as to provide easy access to the outside of the building, light wells or courts."

This section shows that it was the intention of the Legislature to provide outside ventilation and light to each sleeping room in every hotel in this state.

The last sentence in this section provides that there must be at least one window with the opening so arranged as to provide easy access to the outside of the building, light wells or courts. You will note that this sentence omits the words "air shafts" which are too small to permit a person to make access to the outside of a building, but at least one window must be so arranged to allow the occupant of the room to secure easy access to the outside of the building, light well or court in order that the person occupying the room might escape in the event of a fire in the hotel. It is the duty of the Division of Health to protect and safeguard the health and safety of the public.

The term "well" is defined as an architectural term in Webster's Dictionary as meaning "an open space extending vertically through floors." The Dictionary of Architecture and Building by Russell Sturgis, Vol. 3, page 1034, defines a well as "an open space more or less enclosed and commonly of small dimensions as compared to its height. Thus, the open space between walls in which a stair or elevator is placed may be spoken of as a well." This same volume at page 490 defines a shaft as "in modern usage, often a straight enclosed space, as a well extending through the height of a building or through several stories, for the passage of an elevator; to give light to interior rooms, or the like. Commonly, as light shaft."

Therefore, a light well is the same as a light shaft and is an enclosed space inside of a building extending through the floors and open to the sky so that air and light may enter and leave through the light well or light shaft. The air shaft would

mean the same except that it is commonly of smaller dimensions and does not permit very much light to enter.

A court is an uncovered area partly or wholly enclosed by buildings or by walls according to Webster's Dictionary and is commonly understood to mean a larger area or space than a shaft or well.

Sky light is defined by said Sturgis' Dictionary of Architecture and Buildings in Vol. 3 at page 523 and 524 as "a glass aperture in a roof with a simple glazed frame set in the plane of a roof, or a structure surmounting a roof with upright or sloping sides and perhaps an independent roof; the entire structure consisting wholly or in a large part, of glazed frames. Sky lights are often provided with ventilators arranged to be opened or closed by cords from below."

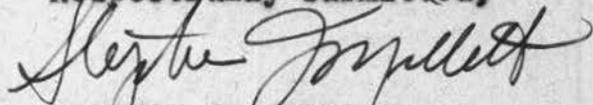
From the above definitions we believe that your interpretation of Section 9940, R. S. Mo. 1939, is correct in holding that hotel rooms that have windows which open into a hall or halls which are provided with only a sky light have failed to comply with requirements of the law.

III.

CONCLUSION

It is, therefore, the opinion of this department that a hotel which has sleeping rooms which do not open to the outside of the building or upon light wells, air shafts or courts violates Section 9940, R. S. Mo. 1939, and a sky light above a hall into which the rooms open would not be an adequate or a legal substitute for a light well or air shaft. Each room must have at least one window which will provide easy access to the outside of the building, light wells or courts.

Respectfully submitted,



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APPROVED:

J. E. TAYLOR
Attorney General

SJM:mw

