

SENATE No. 514

The Commonwealth of Massachusetts

SENATE, May 28, 1943.

The committee on Military Affairs and Public Safety, to whom was referred the petition (accompanied by bill, Senate, No. 19) of the Massachusetts State Federation of Labor, by Thomas E. Wilkinson, for legislation to prohibit the use, except in the city of Boston, of revolving doors as a means of egress from premises used as a place of eating, drinking or dancing; the petition (accompanied by bill, Senate, No. 20) of the Massachusetts State Federation of Labor, by Thomas E. Wilkinson, for legislation to prohibit the use of revolving doors as a means of egress from premises used as a place of eating, drinking or dancing in the city of Boston; the petition (accompanied by bill, Senate, No. 59) of William P. Grant and Robert L. Taylor that the kind of doors used as a means of egress from certain public buildings be regulated; the petition (accompanied by bill, Senate, No. 354) of Robert L. Lee for legislation relative to places of assembly and defining the same; the petition (accompanied by bill, House, No. 161) of John J. Sawtelle for legislation to prohibit the use of revolving doors in all public and private buildings; the petition (accompanied by bill, House, No. 326) of Charles A. Kelley for legislation to prohibit the use of revolving doors, so called, in buildings; the petition (accompanied by bill, House, No. 480) of Arthur J. Frawley (acting mayor) and members of the city council that enforcement of the laws relating to fire escapes and exits of public buildings and inspection thereof

be placed under jurisdiction of the inspector of buildings of the city of Lynn; and petition (accompanied by bill, House, No. 1162) of William Arthur Reilly (fire commissioner of Boston) for legislation to define "places of public assembly" as contained in the laws relating to fire prevention, report the accompanying bill (Senate, No. 514).

For the committee,

RALPH V. CLAMPIT.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Three.

AN ACT DEFINING "PLACE OF ASSEMBLY", AS USED IN CERTAIN BUILDING LAWS, AND FURTHER REGULATING THE MEANS OF INGRESS TO AND EGRESS FROM PLACES OF ASSEMBLY.

1 *Whereas*, The recent terrible loss of life occurring in
2 connection with a fire at one of the places of public
3 assembly within the city of Boston has made apparent
4 the urgent need of immediate change in the laws
5 relative to means of ingress to and egress from such
6 places and the deferred operation of this act would in
7 part tend to defeat its purpose, which is to make
8 immediately effective certain laws relative thereto,
9 therefore it is hereby declared to be an emergency
10 law, necessary for the immediate preservation of the
11 public safety and convenience.

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

1 SECTION 1. Section one of chapter one hundred
2 and forty-three of the General Laws, as amended by
3 chapter six hundred and ninety-four of the acts of
4 nineteen hundred and forty-one, is hereby further
5 amended by inserting after the paragraph contained
6 in the twelfth to the fourteenth lines, inclusive, as
7 appearing in the Tercentenary Edition, the following
8 paragraph:—

9 "Place of assembly" shall be construed to mean
10 any building, or any portion of a building, designed,
11 constructed, reconstructed, remodeled, altered, used,
12 or intended to be used, for fifty or more persons to
13 assemble therein for any of the following: — Dance
14 halls; cabarets; restaurants, including the type of
15 restaurant commonly known as a night club; all
16 places in which alcoholic beverages are sold or for
17 sale to be consumed on the premises; any room or
18 space used for public or private banquets, feasts,
19 dances, socials, card parties, or weddings or religious
20 services except in the case of funerals in private
21 homes; lodge and meeting halls or rooms; skating
22 rinks; gymnasiums; swimming pools; billiard, pool,
23 bowling and table tennis rooms; halls or rooms used
24 for public or private catering purposes; funeral
25 parlors; recreation rooms; concert halls; theatres;
26 broadcasting studios; school and college auditoriums;
27 and all other places of similar occupancy. Nothing in
28 this paragraph shall apply to a single family or two-
29 family dwelling, or to a place of incarceration or
30 detention, a convent, a monastery, a church or a
31 synagogue.

1 SECTION 2. Said chapter one hundred and forty-
2 three is hereby further amended by striking out section
3 twenty-one, as appearing in the Tercentenary Edition,
4 and inserting in place thereof the following section: —
5 *Section 21.* Any building in whole or in part used
6 as a public building, and any building in which ten
7 or more persons are employed in a factory, work-
8 shop, mercantile or other establishment, and an office
9 building, dormitory, hotel, family hotel, apartment
10 house, boarding house, lodging house or tenement

11 house which has eight or more rooms, or in which
12 ten or more persons are accommodated, lodge or
13 reside above the second story, the owner, lessee or
14 mortgagee in possession whereof is notified in writing
15 by an inspector that sections fifteen to sixty, inclusive,
16 apply thereto, shall be provided with proper egresses
17 or other means of escape from fire sufficient for the
18 use of all persons accommodated, assembled, em-
19 ployed, lodged or resident therein; but no owner,
20 lessee or mortgagee in possession of such building
21 shall be deemed to have violated this provision unless
22 he has been notified in writing by an inspector as to
23 what additional egresses or means of escape from
24 fire are necessary, and for thirty days has neglected
25 or refused to provide the same. The egresses and
26 means of escape shall be kept unobstructed, in good
27 repair and ready for use, and, if the inspector so directs
28 in writing, every such egress shall be properly lighted
29 and provided with a sign having on it the word "Exit"
30 in letters not less than five inches in height, and so
31 made and placed as plainly to indicate to persons
32 within the building the situation of such egresses;
33 stairways shall have suitable hand rails; women or
34 children shall not be employed in a factory, workshop,
35 mercantile or other establishment in a room above
36 the second story from which there is only one egress.
37 Portable seats shall not be allowed in the aisles or
38 passageways of such buildings during any service or
39 entertainment held therein. Stairways on the outside
40 of the building shall have suitable railed landings at
41 each story above the first, accessible at each story
42 from doors or windows, and such landings, doors and
43 windows shall be kept clear of ice, snow and other
44 obstructions.

45 Nothing in this section shall be construed as pro-
46 hibiting any city or town from enacting from time to
47 time supplementary ordinances or by-laws imposing
48 further restrictions as to egresses and means of escape,
49 but no authority of any such city or town shall have
50 power to minimize, avoid or repeal any provision of
51 this section.

1 SECTION 3. Said chapter one hundred and forty-
2 three is hereby further amended by inserting after
3 said section twenty-one, as so amended, the three fol-
4 lowing sections: —

5 *Section 21A.* All doorways and windows which
6 serve as exits or as a means of egress from or within
7 any building shall open in the direction of egress, and
8 except in buildings (other than hospitals not of a
9 detention nature) which are used for detention pur-
10 poses, shall not be so equipped as to be locked, bolted
11 or otherwise fastened so that they cannot be opened
12 from the inside by the use of the ordinary door knob
13 or by pressure on the door or on a panic release device,
14 so called. This section shall not apply to one and two-
15 family houses.

16 *Section 21B.* No revolving door shall be installed,
17 maintained or used as a means of ingress to or egress
18 from any place of assembly, as defined in section one,
19 in any building or part thereof, and any such door
20 installed or maintained in violation of this act shall
21 be deemed a common nuisance, without other proof
22 thereof than proof of its installation or maintenance,
23 as the case may be, and the board or officer in charge
24 of the enforcement of building laws in the municipality
25 where such nuisance exists shall order the owner or
26 occupant, being the party in control thereof, at his

27 own expense to remove such nuisance within twenty-
28 four hours, or within such other time as it or he con-
29 siders reasonable, after notice; and an owner or occu-
30 pant, being the party in control, knowingly violating
31 such order shall forfeit not more than twenty dollars.

32 Such order shall be in writing and may be served
33 personally on the owner or occupant, being the party
34 in control, or his authorized agent by any person au-
35 thorized to serve civil process; or a copy of the order
36 may be left at the last and usual place of abode of the
37 owner or occupant, being the party in control, or his
38 agent, if he is known and within the commonwealth.
39 If the premises are unoccupied and the residence of the
40 owner or agent is unknown or is without the common-
41 wealth, the board or officer may order the notice to
42 be served by posting it on the premises and by adver-
43 tising it in one or more newspapers.

44 If the owner or occupant, being the party in con-
45 trol, fails to comply with such order, the board or
46 officer may cause the nuisance to be removed, and all
47 expenses incurred thereby shall be paid by the person
48 who caused or permitted the same.

49 *Section 21C.* Whoever in violation of any pro-
50 vision of section twenty-one B, after July first, nine-
51 teen hundred and forty-five, installs in any building
52 or part thereof a revolving door, so called, or after the
53 expiration of sixty days from said July first, nineteen
54 hundred and forty-five, maintains such a door, shall
55 be punished by a fine of not more than five hundred
56 dollars or by imprisonment for not more than one
57 year, or both such fine and imprisonment. Any such
58 door installed or maintained in violation of this sec-
59 tion shall be deemed a common nuisance, without other
60 proof thereof than proof of its installation or main-

61 tenance, as the case may be, and the officer or board
62 in charge of building laws in the city or town where
63 such nuisance exists shall proceed to abate the same
64 as provided by the pertinent provisions of section
65 twenty-one B.

1 SECTION 4. Sections one and two of this act shall
2 take effect upon its effective date. So much of sec-
3 tion three of this act as inserts in chapter one hundred
4 and forty-three of the General Laws a new section to
5 be known as twenty-one A shall take effect upon
6 January first, nineteen hundred and forty-four. So
7 much of said section three as inserts in said chapter
8 one hundred and forty-three new sections to be known
9 as sections twenty-one B and twenty-one C shall take
10 effect upon July first, nineteen hundred and forty-five.