

OPINION
49-125

August 17, 1949 (OPINION)

LIQUOR

RE: Public Building

This is in answer to your letter dated August 11, 1949, in which you ask, "Does a liquor establishment come under the heading of public building? Making them to comply with the State Law that all exits in public buildings must swing outward."

Section 23-1304 of the North Dakota Revised Code of 1943 provides, "All doors of ingress and egress in all schoolhouses and churches within the limits of any city or village and in all other buildings used for public assemblages of any character in this state, including theatres, public halls, city halls, courthouses, factories, hotels, and all other public buildings wherein numbers of persons are employed or are in the habit of meeting together for any purpose, shall be so constructed as to open and swing outward. Doorways in such buildings shall not be less than four feet in width and shall have proper landings and stairways of at least equal width."

50 C.J. page 850, section 11 defines "public buildings" as follows: "it is defined as a building, which, although privately owned, may be fairly deemed to promote a public purpose or to subserve a public use; a building where the public congregates in considerable numbers either for amusement or for other purposes."

A liquor establishment is a building where the public congregates in considerable number either for amusement or other purposes. It is my opinion that the law of this state above quoted was enacted by the Legislature to prevent the doors of buildings where large numbers of people gather from being jammed shut by crowds rushing to the door in an effort to get out when the crowd is excited because of fire, riot or some other type of commotion in the building.

Therefore, it is my opinion that doors of ingress and egress of a liquor establishment must be so constructed so as to open and swing outward.

WALLACE E. WARNER

Attorney General