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## DORMITORIES — UNIVERSITY — CLASSIFICATION UNDER OHIO STATE BUILDING CODE.

## SYLLABUS:

Classification of university dormitories under the Ohio State Building Code, discussed.

Columbus, Ohio, May 24, 1946

Hon. Frank L. Raschig, Director, Department of Public Works  
Columbus, Ohio

Dear Sir:

This will acknowledge receipt of your request for my opinion, which reads as follows:

“We have had some discussion with the Division of Factory and Building Inspection of the Department of Industrial Relations, State of Ohio, as to the proper code classification of proposed new dormitories for the housing of students on university grounds.

The question involved is whether such dormitories are to be classified as school buildings, Section 12600-44, General Code, or as apartments under Section 2, part (b), Classification of Occupancy, under Bulletin No. 107, Specific Requirements, Hotels and Apartments.”

The term “dormitory” is not defined by statute in this state, but it is a fundamental rule of construction that words of a statute should be given their ordinary and natural meaning. *Denbow v. State*, 18 Ohio 11; *State, ex rel. v. Greene County Commissioners*, 94 O. S. 296. Therefore, it must be assumed that when the Legislature of this state, by the enactment of Section 4863-6, General Code (121 v. S. 333), authorized state universities to construct, equip, maintain and operate dormitories, it used the term in its ordinarily accepted sense.

The term “dormitory” is defined as “a sleeping room or building containing a series of sleeping rooms, a sleeping apartment capable of containing many beds, especially one connected with a college or boarding school.” See Webster’s New International Dictionary, Second Edition,

and *Russell v. Trustees of Purdue University*, 201 Ind. 367, 168 N. E. 529, at 534.

Section 12600-44, General Code, mentioned in your inquiry, defines "school buildings" and that section, in so far as pertinent here, reads:

"Classification. Under the classification of school buildings are included all public, parochial and private schools, colleges, academies, seminaries, libraries, museums and art galleries, including all buildings or structures containing one or more rooms used for the assembling of persons for the purpose of acquiring knowledge, or for mental training."

It is noted that this section uses neither the term "dormitory" nor the term "apartment". Obviously a dormitory as that term is defined is not a building "used for the assembling of persons for the purpose of acquiring knowledge, or for mental training", and therefore I must conclude that a dormitory is not a "school building" within the purview of Section 12600-44, General Code. The term "apartment" is defined in Section 2 (b) of Bulletin No. 107, Special Requirements, issued by the Department of Industrial Relations of the State of Ohio, as follows:

"Under the classification 'APARTMENTS' is included all buildings or parts thereof designed, constructed, altered or converted to be used as a place of residence for three (3) or more families living independently of each other and having common rights in halls, yards, cellars and stairs."

That language follows closely the ordinarily accepted definition of the term "apartment", which is generally described as a separate unit consisting not only of one or more bedrooms, but also of general living quarters, including kitchen facilities. This language obviously does not fit the description of a dormitory as set out above. Furthermore, in an opinion rendered by me on October 29, 1945, (No. 515), it was pointed out that the terms "dormitories" and "apartments" were not synonymous and that the Legislature having appropriated money to state universities for the construction of dormitories, such money could not lawfully be used for the construction of apartments. Therefore, I must conclude that a "dormitory" is not an "apartment" within the meaning of Bulletin No 107 of the Department of Industrial Relations.

However, it is noted that Section 2 (a) of Bulletin No. 107, Special Requirements, issued by the Department of Industrial Relations of the State of Ohio also defines hotels. A hotel is defined therein as follows:

“(a) Under the classification “HOTELS” is included all buildings or parts thereof designed, constructed, altered or converted, in which ten (10) or more rooms with sleeping accommodations are offered for pay to resident or transient guests.”

Since a dormitory is, as pointed out above, “a building containing a series of sleeping rooms,” it would appear that a dormitory would, for the purposes of your classification, more nearly conform to a hotel than either a school or an apartment.

You are therefore advised that if jurisdiction over the erection of dormitories may be lawfully exercised by the Division of Factory and Building Inspection, such buildings should be classified as hotels for the purposes of the Ohio State Building Code.

Since you have requested no opinion from me concerning your powers and duties with respect to the construction or equipping of dormitories, I express no opinion thereon.

Respectfully,

HUGH S. JENKINS  
Attorney General