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INSPECTION—NO AUTHORITY TO INSPECT DOCKS AND BRIDGES, OR AIRPLANE HANGARS UNDER CONSTRUCTION—DIVISION OF WORKSHOPS AND FACTORIES—SECTIONS 989, 1031, G. C.

SYLLABUS:

The Division of Workshops and Factories has no authority under Sections 989 and 1031, General Code, to inspect docks and bridges, or airplane hangars under construction.

Columbus, Ohio, August 20, 1945

Hon. J. Harry Moore, Director, Department of Industrial Relations  
Columbus, Ohio

Dear Sir:

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

“Our field inspectors under the Divisions of Factory and Workshops have asked me to have defined for them, their authority on the inspection of docks and bridges, and as a secondary question, their authority on the inspection of airplane hangars under construction.

Since these two matters have become more persistent of late, I am therefore referring these questions to you for an opinion.”

Section 989 of the General Code reads:

“Each district inspector of workshops and factories assigned to a district for the inspection of shops and factories therein, shall carefully inspect the sanitary conditions, system of sewerage, situation and condition of waterclosets, system of heating, lighting and ventilating rooms where persons are employed at labor, and the means of exit in case of fire or other disaster, within or connected with such shops and factories. He shall examine the belting, shafting, gearing, elevators, drums and machinery in and about such shops and factories, and see that they are not located as to be dangerous to employes when engaged in their ordinary duties, and, so far as practicable, securely guarded. He shall see that each vat, pan or structure filled with molten metal or hot liquid is surrounded by proper safeguards for preventing accident or injury to persons employed at or near them.”

"Shops and factories" are defined in General Code Section 1002, as follows:

"The term 'shops and factories' as used in this chapter shall include the following: Manufacturing, mechanical, electrical, mercantile, art and laundering establishments, printing, telegraph and telephone offices, railroad depots, hotels, memorial buildings, tenement and department houses."

The statute which fixes the general duties of the Department of Industrial Relations concerning inspection of buildings, is Section 1031, General Code, which reads:

"The department of industrial relations shall cause to be inspected all school houses, colleges, opera houses, halls, theatres, churches, infirmaries, children's homes, hospitals, medical institutes, asylums, and other buildings used for the assemblage or betterment of people in the state. Such inspection shall be made with special reference to precautions for the prevention of fires, the provision of fire escapes, exits, emergency exits, hallways, air space, and such other matters which relate to the health and safety of those occupying, or assembled in, such structures."

It is apparent that neither of the above sections, in specific terms, confers upon the Division of Workshops and Factories authority to inspect docks and bridges or airplane hangars under construction. It will be noted, however, that the latter section does contain the words "and other buildings used for the assemblage and betterment of people in the state." Obviously airplane hangars under construction can not be said to be buildings used for the assemblage or betterment of the people in the state. Likewise, it can scarcely be contended that docks and bridges are *buildings* so used. In view of this, it would appear that the language of the statutes in question is not broad enough in its meaning to include the subjects of your inquiry. Furthermore, a familiar rule of statutory construction, known as the doctrine of "ejusdem generis" would seem to forbid an interpretation of the language contained in the above section, which would authorize your inspection of such structures.

With respect to the doctrine of "ejusdem generis" it is stated in Black on Interpretation of Laws, Section 63:

"It is a general rule of statutory construction that where general words follow an enumeration of persons and things, by words of a peculiar and specific meaning, such words are not to

be construed in their widest extent but are to be held as applying only to persons or things of the same general kind or class as those specifically mentioned."

Certainly docks, bridges and airplane hangars are not to be included in the same kind or class of buildings as those enumerated in Section 1031, General Code. While such structures may be primarily intended for the use of the public at large, as distinguished from a purely private use, yet, since they do not fall within the specifically enumerated buildings mentioned in said section and inasmuch as they are not to be regarded as "other buildings used for the assemblage or betterment of people in the state" in the sense that phrase is used in the statute, I must conclude that they are not within the contemplation of the statute.

You are therefore advised that it is my opinion that the Division of Workshops and Factories has no authority to inspect docks and bridges, or airplane hangars under construction.

Respectfully,

HUGH S. JENKINS,

Attorney General