

1946

STAGE PERFORMANCES—AREA ORDINARILY OCCUPIED BY STAGE IS SO CONSTRUCTED NO AREA IS AVAILABLE FOR STAGE PERFORMANCES—THEATER DOES NOT CONTAIN STAGE WITHIN MEANING OF SECTION 12600-6 G. C.—PROSCENIUM WALL NOT REQUIRED.

SYLLABUS:

If the area ordinarily occupied by a stage is so constructed that no area is available for stage performances, the theater does not contain a stage within the meaning of Section 12600-6, General Code, and a proscenium wall is not required.

Columbus, Ohio, June 5, 1947

Hon. W. J. Rogers, Director, Department of Industrial Relations  
Columbus, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“The Department of Industrial Relations, Division of Workshops and Factories, hereby requests a formal opinion of Section 12600-6, Proscenium Wall, which reads as follows:

A theater stage shall be separated from the auditorium by walls not less than twelve (12) inches thick, constructed of brick or poured monolithic concrete and the said wall shall extend the entire width of the stage and to the highest adjoining roof.

The curtain wall under the proscenium opening shall be located under the center of the fire curtain and shall be a fire division wall not less than twelve (12) inches in thickness or poured monolithic concrete not less than eight (8) inches in thickness, built up to the under side of the stage floor.

There shall be no openings in this wall above the stage floor level except the proscenium opening and one (1) communicating opening between the stage and the auditorium, and not more than two (2) openings below the stage floor level.

The proscenium opening shall be covered by a fire curtain as hereinafter specified, and all other openings by standard self-closing fire doors. The latter openings shall not exceed twenty-one (21) square feet in area for any opening.

The wall over the proscenium opening shall be of masonry as above specified and shall be supported by fireproof construction.

The height of the proscenium wall, over the proscenium opening shall not be less than twice the greatest height of the proscenium opening plus six (6) feet.

The plans to alter a stage into a scenic garden or scenery display and eliminate or not construct the proscenium wall, has been submitted to this Division for approval.

The scenic display will be constructed of fire resistant material.

This opinion is needed to guide this Division in the approval of plans whereby raised sections will be used for scenic purposes and proscenium walls eliminated.

By constructing the scenic display, does this permit the elimination of the proscenium wall, if the stage area is so constructed that no flat area is available for acting or stage performances."

The building code, set forth in Section 12600-1 et seq., General Code, is designed to protect against the hazards of fire and to safeguard the health and safety of those occupying theaters and other public buildings.

A proscenium wall is required by the section quoted in your letter when there is a theater stage in the building. Theaters are defined by Section 12600-2, General Code:

"Under the classification 'theaters' are included all buildings or parts of buildings to which the general public is admitted, to witness regular theatrical, vaudeville, burlesque, dramatic or operatic performances in which scenery is used, or motion pictures or televised pictures projected."

While the term "stage" is not defined by the Legislature, it is a well settled principle of law that words of common usage should be given their usual, ordinary and natural meaning or signification according to the common usage when applying a statute, unless there is some indication to the contrary in the statute or in cognate statutes. See Crawford on Statutory Construction, page 317, and authorities cited.

The word "stage," as it pertains to a theater, is defined in Webster's New International Dictionary as:

“The raised flooring in a theater where plays are enacted.  
\* \* \* The whole space at the back of the proscenium, including wings, flies, property rooms, etc.”

From the data furnished by your office, in connection with your request, it appears that the plans submitted to you are for a new building and that, except for the scenic curtain of fire resistant material, and the motion picture curtain and sound equipment, nothing else will be included in the area behind the proscenium. In this connection your attention is called to the latter part of the definition of “stage,” as given above.

If the plans submitted to you eliminate the raised flooring in such a manner as to make it impossible to enact plays thereon, or no raised flooring is included in the plans, it is my opinion, and you are so advised, that the theater does not contain a stage within the meaning of the statute. It follows, therefore, that a proscenium wall is not required under the terms of Section 12600-6, General Code.

Specifically answering your question, you are advised that if the area ordinarily occupied by a stage is so constructed that no area is available for stage performance, the theater does not contain a stage within the meaning of Section 12600-6, General Code, and a proscenium wall is not required.

Respectfully,

HUGH S. JENKINS,  
Attorney General.