

File No. 100252

December 29, 1958

Mr. John T. O'Malley
Executive Secretary
The Board of Fire Commissioners
Gay and Lexington Streets
Baltimore - 2, Maryland

Dear Mr. O'Malley:

With reference to your request for an opinion as to whether or not the provisions of the Fire Prevention Code are applicable to the public, private and parochial schools within the City of Baltimore, we would like to advise as follows:

Section 26C of Article 9 of the Baltimore City Code of 1950 provides -

"Right of Entry. The Chief Engineer of the Fire Department or his authorized representatives when in uniform and upon exhibiting the proper credentials or proof of identity, if necessary, shall have the right to enter any building, structure or premises, except private residences, at any time during business or operating hours, or at such other times as may be necessary in an emergency resulting from or arising out of any causes that endangers or tends to endanger the public health or safety, for the purpose of performing his duties under this Fire Prevention Code, or enforcing the provisions of this Fire Prevention Code."

In McQuillin on Municipal Corporations (Third Edition) Section 24.519, it is stated:

"It is a general rule that schools are subject to building codes and regulations of cities in which the schools are located, even though the schools are under the jurisdiction and administration of an independent school district."

In the case of Pasadena School District vs. Pasadena, 166 Cal. 7, 134 Pac. 985, it was held that school buildings within the city limits are subject to city building ordinances.

In the case of Salt Lake City vs. Board of Education, 52 Utah 540, 175 Pac. 654, an ordinance requiring the placing of fire alarms and telephones in all completed school buildings was sustained as being valid.

The Missouri Court in the case of Kansas City vs. School District, 356 Mo. 364, 201 SW 2nd 930, classified both counties