

## CHAPTER 299H

## THEATERS AND HALLS

Sec.		Sec.	
299H.01	Fire-resistant curtain.	299H.15	Exits for audience room; signs for exits.
299H.02	Inspector; duties; fees; certificate.	299H.16	Style of seats; distance to exits.
299H.03	Declaration for public safety.	299H.17	Aisles; size; free from obstruction.
299H.04	Cinematograph enclosed in booth; size of booth.	299H.18	Hand fire-extinguishers provided.
299H.05	Construction of booth; material.	299H.19	Machines to be above level of grade of street.
299H.06	Doorways and openings.	299H.20	Churches, schools, clubs, or halls excepted.
299H.07	Non-combustible material.	299H.21	Power of state fire marshal.
299H.08	Ventilation.	299H.22	Licenses; moving pictures.
299H.09	Portable booths, when permitted.	299H.23	Inspection.
299H.10	Picture machines and electrical equipment installed.	299H.24	County attorney to prosecute.
299H.11	Smoking and use of matches prohibited.	299H.25	License fees and fines paid into state treasury.
299H.12	Operator; age limitation; qualifications.	299H.26	Local regulations not abrogated.
299H.13	Wiring to be brought in metal conduits.	299H.27	Enforcement.
299H.14	Apparatus excepted.	299H.28	Violations; penalties.

**299H.01 FIRE-RESISTANT CURTAIN.** The proscenium or curtain opening of all halls and theaters used for theatrical purposes having a seating capacity of 600 or more in any city in the state shall have a fire-resistant curtain of asbestos or some other approved incombustible material. The curtain shall be properly constructed; operated by proper mechanism, and raised at the commencement of each performance and lowered at the close of each performance.

[ 1905 c 319 s 1 ] (5916)

**299H.02 INSPECTOR; DUTIES; FEES; CERTIFICATE.** It shall be the duty of the common council of each city in the state to appoint some competent person as inspector of halls and theaters. It shall be his duty to inspect every hall and theater in his city at least once each year to see that the provisions of section 299H.01 have been complied with. He shall receive for each hall or theater inspected by him a fee of \$3, to be paid by the owner or tenant of such hall or theater.

The certificate of such inspector shall be prima facie evidence of the compliance with the provisions of sections 299H.01 and 299H.02 for the period of one year from the date thereof.

[ 1905 c 319 s 2,3 ] (5917, 5918)

**299H.03 DECLARATION FOR PUBLIC SAFETY.** It is hereby declared that sections 299H.03 to 299H.27 are necessary for the public safety, health, peace, and welfare, are remedial in nature, and shall be construed liberally, and shall not be declared void for the reason that any particular section or provision thereof may be in contravention of the constitution.

[ 1917 c 466 s 29 ] (5948)

**299H.04 CINEMATOGRAPH ENCLOSED IN BOOTH; SIZE OF BOOTH.** No cinematograph or any other apparatus for projecting or showing moving pictures, save as excepted in section 299H.14, which apparatus uses combustible films more than ten inches in length, shall be set up for use or used in any building, or in any place of human assemblage, unless the apparatus be enclosed in a booth or room of the dimensions and of one of the constructions hereinafter specified.

The booth shall be not less than six feet in height and sufficiently large to permit the operator to walk freely on both sides and back of the machine and apparatus installed therein.

[ 1917 c 466 s 1,2 ] (5920, 5921)

**299H.05 CONSTRUCTION OF BOOTH; MATERIAL.** If the booth or enclosure is constructed of brick, tile, or concrete, it shall have walls, floor, and ceiling or roof not less in thickness than eight inches, except that if reinforced concrete is used the thickness need be only four inches.

If the booth or enclosure is constructed of cement or plaster on expanded metal, or of sheet metal, asbestos, or other approved fire-resisting material, it shall be con-

# MINNESOTA STATUTES 1976

4135

THEATERS AND HALLS 299H.08

structed with an angle-iron framework, the angle-irons to be not less than one and one-half inches wide by one-quarter inch thick, the adjacent members to be joined firmly with not less than three-sixteenth inch steel plates to which each adjoining angle or tee-iron shall be riveted or bolted. The angle members of the framework shall consist of four outside horizontal members at top and bottom, four corner uprights and intermediate uprights on sides and ends, and intermediate members on roofs spaced at least every two feet, but where expanded metal is used the studs and members may be made of folds in that metal.

Cement or plaster on expanded metal shall be at least two inches thick and grooves or binders for gravity doors shall be securely fastened to the metal studding.

Sheets of steel or galvanized iron then used as a covering for the frame shall be of not less than No. 20 U.S. gauge and sheets of asbestos board or other approved fire-resisting material shall be at least one-quarter inch in thickness. The fire-resisting material shall completely cover the sides, tops, and all joints of such booth.

Sheet metal shall be so cut and arranged that joints shall always come over a member and overlapped and bolted or riveted to the member by bolts or rivets spaced not more than three inches on centers.

Asbestos boards or their equivalent shall be so cut and arranged that vertical-joints between boards shall always come over an angle or tee-iron, to which the boards shall be securely fastened by means of proper bolts and nuts spaced not more than six inches on centers.

The floor space covered by the booth shall be covered with fire-resisting material not less than three-eighths inch in thickness. The entire booth shall be insulated so that it will not conduct electricity to any other portion of the building.

Unless the booth or enclosure is constructed in accordance with this section and other applicable provisions of this chapter, there shall be posted on the outside of the principal door of each booth or enclosure and also within the booth or enclosure in a conspicuous place, a sign with one inch block letters stating "safety film only permitted in this room".

[ 1917 c 466 s 3; 1971 c 725 s 1 ] (5922)

**299H.06 DOORWAYS AND OPENINGS.** The doorway to the booth shall be not less than two, nor more than three, feet in width, nor more than five feet ten inches in height. The door thereto shall consist of an angle frame of approved fireproof material covered with sheets of such fire-resisting material as may be used for the construction of a booth. It shall close against a substantial metal rabbet and so arranged as to close automatically when not open for ingress or egress.

There shall be two openings in the booth for each machine, one for observation by the operator and one for operation of the machines, and other necessary opening for spot-lights. These openings shall not exceed 12 inches by 14 inches in dimensions, and each shall be provided with a gravity door constructed of asbestos board or of sheet metal of not less than No. 14 U.S. gauge. These doors normally shall be held open by a fine combustible cord fastened to a fusible link which melts at 160 degrees Fahrenheit and which shall be located within the booth directly above the moving picture machine. Doors shall be arranged to slide closed when released and when closed shall overlap their respective openings two inches on each side.

[ 1917 c 466 s 4 ] (5923)

**299H.07 NON-COMBUSTIBLE MATERIAL.** All shelves, furniture, and fixtures within the booth shall be constructed of non-combustible material.

[ 1917 c 466 s 5 ] (5924)

**299H.08 VENTILATION.** Each booth shall be provided with a ventilating inlet on at least one side, the inlet to be approximately 15 inches long and three inches high, the lower side thereof to be not more than three inches above the floor level.

There shall also be an opening or vent in the ceiling or upper part of the side wall with a minimum cross-sectional area of 50 square inches, which shall communicate by means of a fireproof pipe or flue with the chimney or outer air.

[ 1917 c 466 s 6 ] (5925)

**299H.09 PORTABLE BOOTHS, WHEN PERMITTED.** Where motion pictures are exhibited daily in one place for not more than one month, or in educational or religious institutions or in bona fide social, scientific, political, or athletic clubs not oftener than three times a week, a portable booth may be substituted for the booth described in section 299H.05. This booth shall have a height of not less than six feet and an area of not less than 20 square feet and shall be constructed of asbestos board, sheet steel of not less than No. 24 U.S. gauge, or some other approved fireproof material. This portable booth shall conform to the specifications of section 299H.06 with reference to windows and doors, but need not so conform with reference to vent flues, except that there shall be an opening for ventilation in the top of the booth not less than ten inches in diameter with a metal sleeve at least 18 inches in height provided with a ventilating cap attached thereto.

The booth may be of the folding type, but shall be so constructed that when assembled it shall be rigid and all joints shall be so tight that flames cannot pass through them. The base of the booth shall have a flange extension outward on all four sides and so constructed that the booth may be securely fastened to the floor.

[ 1917 c 466 s 7 ] (5926)

**299H.10 PICTURE MACHINES AND ELECTRICAL EQUIPMENT INSTALLED.** All moving picture machines and all electrical equipment used in showing moving pictures shall be installed, constructed, and operated in the following manner:

(1) All electrical equipment shall be constructed and installed in substantial compliance with the provisions of the national electrical code;

(2) Each picture machine shall be securely fastened to the floor;

(3) No films shall be exposed in the booth at the same time other than the one in process of transfer to or from the machine or from the upper to the lower magazine or in process of rewinding; a special metal case made without solder shall be provided for each film and when the film is not in the magazine, or in process of rewinding, it shall be kept in such case; no material of a combustible nature shall be stored within any booth, except films needed for one day's operation;

(4) Each machine shall be equipped with magazines for receiving and delivering films during the operation of the machine. These magazines shall be constructed of metal of not less than No. 20 U.S. gauge, with slots for the delivery and reception of films only large enough for films to pass in and out and with covers so arranged that these slots can be instantly closed. No solder shall be used in the construction of these magazines. The doors to these magazines shall be provided with spring hinges and latches. A shutter shall be placed in front of the condenser so arranged as to close automatically when the film is stationary.

[ 1917 c 466 s 8 ] (5927)

**299H.11 SMOKING AND USE OF MATCHES PROHIBITED.** Neither smoking nor the keeping or use of matches shall be permitted in any booth, room, compartment, or enclosure where a motion picture machine is installed.

[ 1917 c 466 s 9 ] (5928)

**299H.12 OPERATOR; AGE LIMITATION; QUALIFICATIONS.** No person shall operate any motion picture machine unless he shall be at least 18 years of age and the state fire marshal, or one of his deputies under his direction when he shall deem it necessary may examine any operator of a motion picture machine as to his fitness to operate such a machine and, if he shall find any operator incompetent, he shall notify the operator in writing and thereafter the operator shall not be permitted to operate any such machine in this state until the incompetency shall have been removed to the satisfaction of the state fire marshal.

[ 1917 c 466 s 10 ] (5929)

**299H.13 WIRING TO BE BROUGHT IN METAL CONDUITS.** All electrical wiring shall be brought into the booth in metal conduits. All lights within the booth shall be provided with wire guards and reinforced cord shall be used for pendant purposes. If the house lights are controlled from within the booth, an additional emergency control must be provided near the main exit and kept at all times in good condition.

[ 1917 c 466 s 11 ] (5930)

**299H.14 APPARATUS EXCEPTED.** Sections 299H.04 to 299H.13 shall not apply to the use and operation of any miniature motion picture apparatus which uses only an enclosed incandescent electric lamp and approved acetate of cellulose or slow-burning films and is of such construction that films ordinarily used in full-sized commercial picture apparatus cannot be used therewith. Sections 299H.04 to 299H.13 shall not apply to miniature motion picture apparatus approved by the state fire marshal, when used only for purposes not for private gain.

[ 1917 c 466 s 12; 1927 c 97 s 1 ] (5931)

**299H.15 EXITS FOR AUDIENCE ROOM; SIGNS FOR EXITS.** Every audience room open to the public in which moving picture exhibitions are given shall be provided with at least two exits on the main floor, one of which shall be in the front and the other in the rear of the room, both leading by safe passage to unobstructed outlets in a street or alley. Where balconies or galleries are used by the audience one exit therefrom to the street or alley must be provided for each 200 seats, or fraction thereof, installed. All exit openings shall be not less than three feet in width and six feet eight inches in height. Exit doors must open outward and shall be so arranged that they can be readily opened from the inside without any keys or special effort and never locked when the room is open to the public. Exits must be of easy and safe access to a street or alley and passageways, stairways, and inclines leading from exits to streets or alleys must be kept well lighted at all times and be not less than five feet wide.

Each exit shall have over it, on the auditorium side, an illuminated sign bearing the word "exit" in letters not less than six inches high. Lights used in marking exits or lighting passageways, or stairways or inclines leading from them, shall be on a separate circuit or ahead of the main line switch and cutout. These lights shall not depend upon, or be exclusively controlled by, wires, switches, or fuses located in the booth or enclosure containing the motion picture machine, but shall be controlled from the ticket office or from some point of easy access on the main floor. All exit, passage, and stairway lights shall be kept lighted during all times when the audience room is open to the public.

[ 1917 c 466 s 13,14 ] (5932,5933)

**299H.16 STYLE OF SEATS; DISTANCE TO EXITS.** All seats occupied by the audience, except in loges and boxes, shall be fixed and immovable. In public halls used only partially for moving picture theatre or assembly purposes, they may be fastened together in rows of not less than four seats without being fastened to the floor. In buildings hereafter equipped as moving picture theatres, and in theatres wherein the seats are renewed or rearranged, there shall not be more than seven seats in any one row opening upon one main aisle and not more than 14 seats in any one row opening upon two main aisles and all rows of seats shall be separated by a space not less than 30 inches from back to back.

The number of seats in a row may be increased to 60 where seats are so spaced that there is an unobstructed space of not less than 18 inches horizontal projection between the rows of seats, and doorways leading directly to exit corridors are provided along each side of the place of assembly at the rate of one doorway for every five rows of seats.

In assembly areas not provided with enclosed exit corridors, the maximum distance to an exterior exit shall not exceed 150 feet.

The number of seats in a row may be increased to 28 where the travel distance from the most remote seat to an exterior exit does not exceed 150 feet in unsprinklered buildings, or 200 feet in sprinklered buildings and where the spacing of rows of unoccupied seats provides a clear width between rows measured horizontally of 18 inches between rows of 18 seats or less and 20 inches between rows of 19 to 28 seats. Automatic or self-rising seats shall be measured in the seat-up position; all other seats shall be measured in the seat-down position.

[ 1917 c 466 s 15; 1963 c 279 s 1; 1971 c 725 s 2 ] (5934)

**299H.17 AISLES; SIZE; FREE FROM OBSTRUCTION.** All aisles shall lead directly to exits without steps or obstructions and shall be not less than three feet six inches in width measured at a point furthest from an exit, cross aisle or foyer and shall be increased in width by one and one half inches for each five feet in length toward the exit, cross aisle or foyer. All exits and all aisles shall be kept clear and unob-

structed at all times during the performance. The changes contained herein shall apply to new and remodeling construction after July 1, 1971.

[ 1917 c 466 s 16; 1971 c 725 s 3 ] (5935)

**299H.18 HAND FIRE-EXTINGUISHERS PROVIDED.** Every audience room shall be supplied with at least two approved hand fire-extinguishers, one of which shall be inside the booth and within easy reach of the operator, and one of which shall be in an accessible place near the main entrance to the room. In addition thereto, there shall be at least one such extinguisher in each balcony or gallery used by the audience, and at least one such extinguisher in the room where the furnace or heating plant is located when this plant is in the same building with the theatre.

[ 1917 c 466 s 17 ] (5936)

**299H.19 MACHINES TO BE ABOVE LEVEL OF GRADE OF STREET.** No motion picture machine shall be installed, maintained, or operated in any audience room open to the public which is below the grade of the street on which it is located or above the second floor above the street level.

[ 1917 c 466 s 18 ] (5937)

**299H.20 CHURCHES, SCHOOLS, CLUBS, OR HALLS EXCEPTED.** The provisions of sections 299H.15 to 299H.19 shall not apply to churches, schools, clubs, or halls where moving picture exhibitions are given only upon occasions and solely for religious, benevolent, educational, or scientific demonstrative purposes. No exhibitions shall be given where sections 299H.15 to 299H.19 are not complied with unless there shall be present a duly authorized member of the local fire department, whose duty it shall be to keep all exits and aisles free from obstructions and to procure compliance with all laws for the prevention of fire; and it shall be the duty of the chief of the local fire department to direct the attendance of some member of his department upon request of any person intending to give such an exhibition.

[ 1917 c 466 s 19 ] (5938)

**299H.21 POWER OF STATE FIRE MARSHAL.** When the provisions of sections 299H.03 to 299H.27 are not conformed to, or where defects of installation exist, the state fire marshal, or his deputy under his direction, is hereby empowered to cut off all electric current from the room or building at once, and no person shall restore the supply of electric current to the room or building until the defects are remedied and until all provisions of sections 299H.03 to 299H.27 are complied with.

[ 1917 c 466 s 20 ] (5939)

**299H.22 LICENSES; MOVING PICTURES.** Subdivision 1. It shall be unlawful for any person to operate a moving picture machine or to exhibit moving pictures in any building, theater, hall, or open-air drive-in theater to which the public is admitted, or in any other place of public entertainment or amusement within this state, unless the owner, lessee, occupant, or agent of the place has been licensed by the state fire marshal to use the place for that purpose. The application shall be made and presented at least 30 days prior to the date when the license is desired to go into effect, to the end that the fire marshal may make the necessary investigation and inspection before the license issues. The license fee shall be \$5 for the year and each application shall be accompanied by the license fee. Every license shall expire on the first day of September each year. The state fire marshal, upon application therefor, shall furnish to any person desiring a license an application blank, upon which the applicant shall state the full name and address of the applicant or applicants and, if it be a corporation, the names and addresses of the principal officers thereof, whether the applicant be the owner, lessee, occupant, or agent of the building or open-air drive-in theater for which a license is desired, the location and a full description of the property and the building and the room within the building to be used, or proposed to be used, for the exhibition of moving pictures, and such other information as may be required to be contained therein by the state fire marshal. Every application shall be verified by the applicant for the license and the verified application shall be prima facie proof of the facts therein stated.

Subd. 2. Upon receipt of the application, the state fire marshal shall make such investigation as he shall deem necessary and shall grant a license to the applicant unless it appears to him that the applicable provisions of sections 299H.03 to 299H.27 are being violated or are about to be violated. The license thus granted shall not be

# MINNESOTA STATUTES 1976

4139

THEATERS AND HALLS 299H.26

transferable to any other building, room, or place than that stated in the license. The state fire marshal, in his discretion and under such regulations and conditions as he may prescribe therefor, may grant a permit for the exhibition of moving pictures in an unlicensed building, and without a formal license therefor, for not more than seven consecutive days. These exhibitions are to be given solely for religious, benevolent, educational, or scientific purposes. No license shall be granted except after examination by the state fire marshal, or his authorized deputy or agent; provided, that the state fire marshal may issue a temporary license upon the verified application herein provided for, which shall be good until revoked for cause or until a permanent license is substituted therefor. There shall be deducted from the fee for the permanent license a part thereof proportionate to the unexpired portion of the year for which the temporary license was granted. All public exhibitions of moving pictures in any place, except a building or open-air drive-in theater, shall be subject to such rules, conditions, and regulations, in addition to those provided by law with reference to the safety of the public, as the fire marshal may deem necessary. Any person, firm, or corporation giving public exhibitions of moving pictures in any place, except a building or open-air drive-in theater, shall be classified as itinerant moving picture exhibitors. No such person, firm, or corporation shall give any such public moving picture exhibition at any place, except under a permit from the state fire marshal authorizing the exhibition, and after the person, firm, or corporation has made and executed a bond of indemnity to the state in such sum as the fire marshal may approve, conditioned to pay any and all liability for damages ensuing through the negligence of the exhibitor. The fee for each such permit shall be \$5. No licenses or bond shall be required or necessary to operate a moving picture machine or to exhibit moving pictures by any firm, person, association, or corporation in any statutory city having a population of less than 700 where no admission charge is made therefor and where there is no licensed moving picture business.

Subd. 3. For the purposes of this section "open-air drive-in theater" shall mean a permanently established place or closure designed to exhibit motion pictures to patrons who view the exhibition from vehicles.

The license shall be posted in a conspicuous place within the theater and a picture thereof shall be exhibited upon the screen at the commencement of each performance.

[ 1917 c 466 s 21,22; 1925 c 399; 1935 c 155; 1949 c 108 s 1; 1973 c 123 art 5 s 7 ]  
(5940, 5941)

**299H.23 INSPECTION.** The state fire marshal, or his deputy under his direction, may enter any moving picture theatre or show or place where moving pictures are being exhibited at any reasonable time for the purpose of determining whether the provisions of sections 299H.03 to 299H.27 are being complied with. If he shall find that any provisions thereof are being violated, he shall notify the licensee, in writing, stating wherein the licensee is at fault; and, if the violations continue beyond a time within which the violations can be reasonably corrected, he shall cause the license to be revoked and canceled.

[ 1917 c 466 s 25 ] (5944)

**299H.24 COUNTY ATTORNEY TO PROSECUTE.** When the state fire marshal shall find a moving picture show which is being operated without a license he shall communicate that fact, together with any evidence he may have, to the county attorney of the county in which the moving picture show is located and it shall thereupon be the duty of this attorney to cause the arrest and prosecution of the offender.

[ 1917 c 466 s 26 ] (5945)

**299H.25 LICENSE FEES AND FINES PAID INTO STATE TREASURY.** All money collected under sections 299H.03 to 299H.27, whether in license fees or penalties, shall be paid into the state treasury for the benefit of the state fire marshal fund and may be used in the prosecution of the work of the office.

[ 1917 c 466 s 27 ] (5946)

**299H.26 LOCAL REGULATIONS NOT ABROGATED.** In municipalities having ordinances relating to the regulation, installation, and operation of moving picture machines, and containing additional regulations for the safe and proper installation and operation of these machines, nothing in sections 299H.03 to 299H.27 shall be construed to abrogate these local regulations, but the jurisdiction of the local authorities

# MINNESOTA STATUTES 1976

## 299H.27 THEATERS AND HALLS

4140

in such cases shall be additional and subordinate to the jurisdiction and authority of the state fire marshal as thereby prescribed.

[ 1917 c 466 s 28 ] (5947)

**299H.27 ENFORCEMENT.** It shall be the duty of the state fire marshal to enforce the provisions of sections 299H.03 to 299H.27 and to inspect and examine all moving picture shows within this state at least once a year.

[ 1917 c 466 s 24 ] (5943)

**299H.28 VIOLATIONS; PENALTIES.** Subdivision 1. The owner or owners, tenant or tenants, of any hall or theater in any city of this state failing or neglecting to comply with the provisions of section 299H.01 shall be liable to a fine of not more than \$300 and not less than \$50.

Subd. 2. Any person who shall operate a moving picture machine, or who shall cause moving pictures to be exhibited, in violation of any of the provisions of sections 299H.03 to 299H.27, and the owner, lessee, occupant, or agent of any building who permits it to be used for the exhibition of moving pictures in violation of any of the provisions of sections 299H.03 to 299H.27, shall be guilty of a misdemeanor; and, upon conviction thereof, punished, for the first offense, by a fine not exceeding \$25 and costs of prosecution, or if such fine be not paid, then by imprisonment in the county jail for a period not exceeding ten days; for the second offense, by a fine not exceeding \$50 and costs of prosecution, or if such fine be not paid, then by imprisonment in the county jail for a period not exceeding 30 days; and, for a third or any subsequent offense, by a fine not exceeding \$300 and costs of prosecution, or by imprisonment in the county jail for a period not exceeding 90 days, or by both such fine and imprisonment.

[ 1905 c 319 s 4; 1917 c 466 s 23; 1971 c 23 s 20 ] (5919, 5942)