

# MASON'S MINNESOTA STATUTES

1927

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THE GENERAL STATUTES OF 1923

EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-  
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT  
THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED  
BY THE SUBSEQUENT LEGISLATION OF 1925  
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES  
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE  
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

COMPILED AND EDITED BY THE EDITORIAL STAFF OF THE  
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secretary of state and, upon such approval, it shall be filed in his office. The bond of a surety company may be received if approved as aforesaid; or cash may be accepted in lieu of sureties. ('13 c. 532 § 4) [5101]

5892. Record of bonds—The secretary of state shall keep a record of the bonds filed with him under the provisions hereof, with the names, places of residence and places of business of the principals and sureties, and the name of the officer before whom the bond was executed or acknowledged; and the record shall be open to public inspection. ('13 c. 532 § 5) [5102]

5893. Violation a gross misdemeanor—Any person, member of a partnership or officer of an association or corporation who fails to comply with any provision of this act shall be guilty of a gross misdemeanor. ('13 c. 532 § 6) [5103]

5894. Not applicable to attorneys, banks or trust companies—This act shall not apply to any attorney-at-law duly authorized to practice in this state and resident herein, to a national bank, or to any bank or trust company duly incorporated under the laws of this state. ('13 c. 532 § 7) [5104]

CHAPTER 36

PROTECTION AGAINST FIRE, AND REGULATION OF HOTELS AND RESTAURANTS

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**HOTELS, THEATERS AND OTHER BUILDINGS**

**5895. Classification of buildings**—For the purposes of this chapter, buildings shall be classified as follows:

1. Hotels and other structures two stories high, with ten or more sleeping rooms, where sleeping accommodations are furnished to the public.
2. Such hotels and structures more than two stories high.
3. Tenements, flat buildings and boarding houses, more than two stories high, accommodating more than twenty persons, whether in one family or more; an attic or mansard-roof floor, when used for sleeping, to be counted as a story.
4. Buildings used as theaters or public halls, and having a seating capacity of over three hundred.
5. Public school buildings, and seminary, academy and college buildings, more than two stories high.
6. Hospitals and asylums two or more stories high.
7. Prisons, reformatories, workhouses, jails and other places of penal confinement. (2365) [5105]  
116-299, 133+856; 126-149, 148+110.

**5896. Requirements for class one**—For each twenty-five hundred feet of area, or fractional part thereof, covered by a building in class one, there shall be provided an efficient chemical fire extinguisher, conveniently located in a public hallway outside of the sleeping rooms, and always in condition for use, or a one and one-fourth inch inside standpipe, with hose connection, and hose of sufficient length always attached, in such hallway, which standpipe shall be supplied by a sufficient pressure of water. (2366) [5106]

**5897. Class two**—Each six thousand feet of area, or fractional part thereof, covered by a building in class two, shall be provided with a one and three-fourths inch inside standpipe, and sufficient one and one-fourth inch hose connected therewith on each floor, and constantly furnished with sufficient water pressure from waterworks or pump which can be put into instant action; or for each such area there shall be a two and one-half inch metallic standpipe, with metallic ladder attached above the first story, located upon the outside of the wall, extending above the roof, and so situated as to be accessible from the roof, and from each story above the first, with valves and male hose connections at every story and on the roof, and female hose connection at base of the pipe, of such size and pattern as to allow connection with the equipment of the local fire department. There shall also be provided for each eighty-five hundred feet of such area,

or fractional part thereof, at least one efficient chemical fire extinguisher on each floor containing sleeping apartments. If, for lack of waterworks or steam to operate pumps, the inside standpipe be not practicable, then, in addition to the fire extinguishers, there shall be placed in the hallway on each floor containing sleeping apartments one barrel of water and two pails, labeled "For fire purposes only," for each twenty-five hundred feet of area, or fraction thereof, on such floor. A red light shall be kept burning all night at the head of each stairway above the first floor, and at or near each approach to a stationary fire escape. In each sleeping room above the first floor the following printed notice shall be conspicuously posted: "Exit in case of fire. Upon leaving this room, turn to the (here insert 'right' or 'left') and by passing (here insert distance in feet) you will reach a red light which indicates (here insert 'fire escape' or 'stairway')." (2367) [5107]

126-149, 148+110.

**5898. Class three**—For each five thousand feet of area, or fraction thereof, covered by a building in class three, there shall be provided one outside standpipe, as described in § 5897, and one non-combustible ladder or stairway for each twenty persons, or fraction thereof, that such building accommodates above the first story.

Provided, that this law shall not apply to flats, apartments or tenements designed for single families in buildings not over four stories high, where such flats, apartments or tenements are each substantially surrounded by solid brick, stone or concrete walls and where two stairways are provided on opposite sides of such buildings from each flat, apartment and tenement, such stairways not to be more than sixty feet apart.

Provided further, that said act shall not apply to flats, apartments or tenements designed for single families in buildings not over three stories high, where the outside walls of such buildings are of brick, stone or concrete construction and where such flats, apartments or tenements are provided with two stairways on opposite sides of such buildings from each flat, apartment or tenement; such stairways, however, not to be more than fifty feet apart. (R. L. '05 § 2368; G. S. '13 § 5108, amended '15 c. 292 § 1)

'15 c. 292 § 2, provides that act shall apply only to cities of first class not governed by a home rule charter (126-149, 148+110).

**5899. Class four**—Each building in class four shall be provided with a standpipe running to the stage, and with hose always connected, and of length to reach all parts of the stage; also with an efficient chemical fire extinguisher properly located to protect scenery. If, for lack of constant water pressure, the standpipe should be impracticable, the stage shall be provided with two such extinguishers, and at least one barrel of water, with two pails, labeled, "For fire purposes only." The foregoing provisions of this section shall not apply to halls where neither curtains nor scenery are used, but all buildings in class four shall have exits, non-combustible stairways, ladders, fire escapes, and other means of fire protection in such number and of such character and size as may be determined from time to time by the proper local authorities. (2369) [5109]

**5900. Classes five and six**—Buildings in classes five and six shall be provided, when practicable, with an inside or outside standpipe, as required for those in

class two. A chemical fire extinguisher shall be provided on each floor above the first, and there shall be exits, non-combustible stairways and ladders and fire escapes, in such number and of such character and size as may be determined from time to time by the proper local authorities. (2370) [5110]

5901. Class seven—Each building in class seven that is not built of stone, brick or iron, with non-combustible partitions, and roof practically fireproof, shall have a standpipe and sufficient hose, connected on each floor with constant water pressure, or an efficient chemical fire extinguisher on each floor. (2371) [5111]

5902. Enforcing law—Penalties—The proprietor and lessee of every building in any of the classes hereinbefore mentioned shall equip the same in the manner prescribed, and every failure so to do shall constitute a misdemeanor. Every fire warden, marshal, chief of fire department, chief of police and building inspector of an incorporated place, or, where no such officer exists, the town and county boards, shall enforce the provisions of this chapter. Every person who shall fail to comply with any such provision within thirty days after written notice so to do from any such officer shall be guilty of a gross misdemeanor. All fines collected hereunder shall be turned into the school fund of the county in which the conviction occurs. (2372) [5112]

The owner and lessor, who unlawfully fails to equip the building with fire escapes, as provided by R. L. §§ 2365, 2368 cannot maintain an action on the lease for rent (116-299, 133+856).

5903. Defining hotels, restaurants, lodging houses, boarding houses and places of refreshment—Every building or structure, or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public whether with or without meals and furnishing accommodations for periods of less than one week shall for the purpose of this act be deemed an hotel.

Every building or other structure, or any part thereof and all buildings in connection, kept, used or maintained as, or advertised as, or held out to the public to be a place where meals or lunches are served without sleeping accommodations, and furnishing accommodations for periods of less than one week, shall for the purpose of this act be deemed to be a restaurant, and the person or persons in charge thereof, whether as owner, lessee, manager or agent, for the purpose of this act, shall be deemed the proprietor of such restaurant, and whenever the word "restaurant" shall occur in this act, it shall be construed to mean such structure as described in this section.

Every building or structure, or any part thereof, kept, used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished for regular roomers, for periods of one week or more, and having accommodations for ten or more persons, shall, for the purpose of this act, be deemed a lodging house.

Every building or structure, or any part thereof, used as, maintained as, or advertised as, or held out to be a place where food is furnished to regular boarders for periods of one week or more, and having accommodations for ten or more boarders, shall, for the purpose of this act, be deemed a boarding house.

Every building or other structure or any part thereof, kept, used as, maintained as, or advertised as, or held out to be a place where confectionery, ice cream,

sandwiches, or drinks of various kinds are made, sold or served at retail, shall, for the purpose of this act, be deemed to be a place of refreshment.

This act shall not be construed to apply to any building or premises operated or controlled by an sectarian corporation, society or organization. ('19 c. 499 § 1)

5904. Governor to appoint hotel inspector—For the purpose of carrying into effect the provisions of this act, the governor shall appoint an hotel inspector at a salary of \$2,400 per year, payable monthly, who shall hold office for two years, and who shall furnish a bond in the sum of \$2,000.00 to be approved by the attorney general. He shall keep a set of books for public use and inspection, showing the condition of all hotels, restaurants, lodging houses, boarding houses and places of refreshment, together with name or names of the owner, proprietor or manager thereof, and showing their sanitary condition, the number and condition of fire escapes, and any other information that may be for the betterment of the public service, and likewise shall assist in the enforcement of any orders promulgated by the state board of health, and pure food department of this state, relating to hotels, restaurants, lodging houses, boarding houses, and place of refreshment. ('19 c. 499 § 2)

Powers, etc., for state hotel inspector transferred to Department of Health; appointment of hotel inspector and other inspectors and agents. See § 53-34, herein.

5905. Hotels, restaurants, lodging houses, boarding houses, and places of refreshment to be licensed—Fees—Within sixty days after the passage of this act and each year thereafter, every person, firm or corporation now engaged in the business of conducting a hotel, restaurant, lodging house, boarding house or place of refreshment, and every person, firm or corporation who shall hereafter engage in conducting such business, must procure a license for each hotel, restaurant, lodging house, boarding house, or place of refreshment, so conducted, provided that one license shall be sufficient for each combined hotel and restaurant, lodging house, boarding house, and places of refreshment, where each are conducted in the same building and under the same management. Each license shall expire on the 31st day of December next following its issuance. The hotel inspector shall furnish to any person, firm or corporation desiring to conduct an hotel, restaurant, lodging house, boarding house or place of refreshment, an application blank to be filled out by such person, firm or corporation for a license therefor, and which shall require such applicant to state the full name and address of the owner of the building, the lessee and manager of such hotel, restaurant, lodging house, boarding house or place of refreshment, together with a full description of the building and property to be used or proposed to be used for such business, the location of the same, the name under which such business is to be conducted, and such other information as may be required therein by the hotel inspector to complete such application for license, and such application shall be accompanied by a license fee of \$3.50 and all such fees shall be turned into the state treasury on the first of January, April, July and October of each year.

Upon the approval of such application by such hotel inspector, a license to conduct such business as such application is made for, shall be issued by such hotel inspector. No hotel, restaurant, lodging house, boarding house, or place of refreshment, shall be maintained and conducted in this state after the taking effect of

this act, without having secured a license therefor as herein provided, and no license shall be transferable. Provided, however, that after the making of application for license herein provided for and pending the issuance of such license, such hotel, restaurant, lodging house, boarding house, or place of refreshment, shall be permitted to operate as such, until the final refusal of such application by the inspector.

Provided, also, that no hotel, restaurant, lodging house, boarding house, or place of refreshment, shall be denied relief in the courts in any action instituted by either such hotel, restaurant, lodging house, boarding house, or place of refreshment, by reason of the fact that a license has not been issued to such hotel, restaurant, lodging house, boarding house, or place of refreshment. ('19 c. 499 § 3)

**5906. Annual inspection**—It shall be the duty of such hotel inspector to inspect or cause to be inspected at least once annually every hotel, restaurant, lodging house, boarding house, or place of refreshment, in this state, and for such purpose he shall have the right to enter and have access thereto at any time between the hours of seven o'clock A. M. and six o'clock P. M., and whenever, upon such inspection it shall be found that such business and property so inspected is not being conducted or is not equipped, in the manner required by the provisions of this act, or is being conducted in such manner as to violate any of the laws of this state pertaining to said business it shall thereupon be the duty of the hotel inspector to notify the owner, proprietor or agent in charge of such business, or the owner or agent of the buildings so occupied, of such condition so found, and such owner, proprietor or agent shall forthwith comply with the provisions of this act unless otherwise herein provided. A reasonable time may be granted by the hotel inspector for compliance with the provisions of this act. ('19 c. 499 § 4)

137-254, 163+514.

**5907. Plumbing, lighting, heating, etc.**—Every hotel, restaurant, lodging house, boarding house, or place of refreshment, shall be properly plumbed, lighted and ventilated, and shall be conducted in every department with strict regard to health, comfort and safety of the guest. Provided, that such proper lighting shall be construed to apply to both daylight and illumination, and that such proper plumbing shall be construed to mean that all plumbing and drainage shall be constructed and plumbed according to the local approved sanitary principles, and that such proper ventilation shall be construed to mean at least one door and one window in each sleeping room.

No rooms shall be used for a sleeping room which does not open to the outside of the building or light wells, air shafts, or courts, and all sleeping rooms shall have at least one window to the outside of the building or light wells, air shafts, or courts and shall have one door opening on a hallway, and unless adequate provision is made for unobstructed egress to the outside of building at bottom of the aforesaid light wells, air shafts, or courts, then the hallway upon which such door or doors open shall run through to an outside wall and there be provided with proper, safe and unobstructed egress from the building. Storm windows on all sleeping rooms must be so arranged that rooms can be thoroughly ventilated. All light wells, air shafts or courts shall be open at the top or properly ventilated.

Outside windows of, and used entrances of all hotels,

restaurants, lodging houses, boarding houses or places of refreshment, shall be properly screened or approved ventilators installed, to keep out flies and other insects, except in cases where swinging doors, vestibules or revolving doors are installed.

Provided, that the provisions of paragraphs 1 and 2 of this section shall not apply to any hotel in which the compartments are arranged on the cubical plan, or the dormitory plan, in conformity with the provisions of local ordinances and regulations.

In all cities, towns and villages where a system of water works and sewerage is maintained for public use, every hotel and lodging house, shall, within six months after the passage of this act, be equipped with suitable water closets for the accommodation of its guests, which water closet or closets shall be connected by proper plumbing with such sewerage system, and the means of flushing such water closet with the water of said system or their own sufficient water system or tanks, in such manner as to prevent sewer gas or effluvia from arising therefrom.

All lavatories, bath tubs, sinks, drains, closets and urinals, in such hotels and lodging houses must be connected and equipped in a similar manner as to methods and time. Public toilets in hotels, restaurants or lodging houses shall be properly ventilated in order to prevent any odor from permeating the premises.

In all cities, towns and villages not having a system of water works, every hotel and lodging house shall have properly constructed privies or overvaults, which shall be heated during the days of the winter months between the hours of 6 A. M. to 10 P. M. to receive the night soil, the same to be kept clean and well screened at all times and free from all filth of every kind, furnishing separate apartments for sexes, each being properly designated.

Each hotel in this state shall be provided with a main public washroom convenient and of easy access to guests in lieu of having such accommodations in the guest rooms. ('19 c. 499 § 5)

**5908. Fire protection to be provided**—In all hotels and lodging houses, two stories high, where sleeping accommodations are furnished to the public, there shall be provided for each twenty-five hundred feet area or fractional part thereof an efficient chemical fire extinguisher, conveniently located in a public hallway outside of the sleeping rooms, and always in condition for use, or a one and one-fourth inch inside standpipe with hose connections and a hose of sufficient length always attached in such hallway, which standpipe shall be supplied by a sufficient pressure of water. ('19 c. 499 § 6)

**5909. Additional fire protection in larger hotels, etc.**—In all hotels and lodging houses more than two stories high where sleeping accommodations are furnished to the public each six thousand feet of area or fractional part thereof shall be provided with a two-inch standpipe, and sufficient one and one-fourth inch hose connected therewith on each floor and constantly furnished with sufficient water pressure from water works or pump which can be put into instant action, or for each such area there shall be a two and one-half inch metallic standpipe with metallic ladder attached above the first story, located on the outside of the wall extending above the roof and so situated as to be accessible from the roof and from each story above the first, with valves and male hose connections at every story and on the roof, and female hose connections at base of the pipe of such size and pattern

as to allow connections with the equipment of the local fire department. There shall also be provided for each eighty-five hundred feet of such area or fractional part thereof at least one efficient chemical fire extinguisher on each floor containing sleeping apartments. If, for lack of water works or steam power to operate pumps the inside standpipe is impracticable, then, in addition to the fire extinguishers there shall be placed in the hallway on each floor containing sleeping apartments one barrel of water and two pails labeled "For fire purposes only." For each twenty-five hundred feet area or fraction thereof on such floor a red light shall be kept burning all night at the head of each stairway above the first floor, and that near each approach to a stationary fire escape in each sleeping room above the first floor the following printed notice shall be conspicuously posted: "Exit in case of fire. Upon leaving this room, turn to the (here insert right or left) and pass along the hall until you reach a red light, which indicates (here insert fire escape or stairway)." ('19 c. 499 § 7)

137-254, 163+514.

**5910. Iron stairways for exit, and other provisions**—That within six months after the passage of this act every hotel and lodging house in this state, occupied and used as such, and which is more than three stories high shall be equipped with an iron stairway on the outside of the building extending from the cornice of said building to within twelve feet of the ground, and connecting on each floor above the ground with an opening from such floor, which stairway shall have platform landings at each floor not less than six feet in length and three feet in width, and which stairway and landing shall be guarded by an iron railing not less than thirty inches in height and shall be safely fastened and secured. Said stairway shall not be less than two feet wide, with steps not less than six inches tread and shall be placed at an angle of not more than forty-five degrees. The way of egress to such fire escape shall at all times be kept free and clear of any and all obstructions of any and every nature. Fire escapes shall be placed where the hotel inspector may direct. And if there are more than fifteen sleeping rooms on any floor above the third floor there shall be provided one such additional fire escape for each fifteen sleeping rooms or fractional number thereof on any floor, every hotel or lodging house less than four stories high shall have hallways placarded to indicate all stairways and exits, and shall keep a five-eighths inch manilla rope of sufficient length to reach the ground in lieu of said described iron stairway fire escape or properly constructed fire-escape stairway inside the building, having knots at least every fifteen inches apart, in each bedroom, such rope to be fastened six feet above the floor near a window in a substantial manner and capable of sustaining at least five hundred pounds weight.

Provided, however, that nothing in this section shall be construed to prevent the use of any recognized automatic fire escape in lieu of knotted rope.

Whenever it shall be proposed to erect a building three stories or more in height intended for use as an hotel or lodging house in this state, it shall be the duty of the owner, contractor or builder of such hotel or lodging house to construct same so that one main hall on each floor above the ground floor shall run through from one outside wall to another outside wall of said building, and every building converted into an hotel or

lodging house after the passage of this act must comply with the provisions thereof.

Provided, however, that the provisions of this act relating to outside fire escapes and ropes or automatic appliances shall not apply to hotels or lodging houses having or making provisions for interior fire proof stairways approved as such by the hotel inspector.

All hotels in this state shall hereafter provide each bedroom with at least two clean towels daily for each guest, and shall also provide the main public wash room with clean individual towels, maintaining same in view and reach, and for the use of guests during the regular meal hours, and where no regular meal hours are maintained, then between the hours of 6:30 A. M. and 9:00 A. M. and 11:30 A. M. and 2:00 P. M. and 6:00 P. M. and 8:00 P. M. so that no two or more guests will be required to use the same towel unless it has first been washed. Such individual towels shall not be less than nine inches wide and thirteen inches long after being washed; provided, that this shall not prohibit the use of individual paper towels or mechanically operated driers in such wash rooms.

All hotels and lodging houses hereafter shall provide each bed, bunk, cot or sleeping place for the use of guests with pillow slips and under and top sheets; each sheet shall not be less than 99 inches long nor less than 24 inches wider than the mattress; provided, that a sheet shall not be used which measures less than 90 inches in length after being laundered. Said sheets and pillow slips to be made of white cotton or linen, and all such sheets and pillow slips, after being used by one guest, must be washed and ironed before they are used by another guest, a clean set being furnished each succeeding guest.

All bedding, including mattresses, quilts, blankets, pillows, sheets and comforts used in any hotel or lodging house in this state must be thoroughly aired and kept clean, provided that no bedding including mattresses, quilts, blankets, pillows, sheets or comforts shall be used which are worn out or unfit for further use.

Any room in any hotel, restaurant, or lodging house, infested with vermin or bedbugs, shall be fumigated, disinfected, and renovated at the expense of the proprietor of the said hotel or lodging house until said vermin or bedbugs are exterminated, and said room shall not be used as a sleeping room until all vermin or bedbugs have been exterminated. All rugs and carpets in all sleeping rooms shall be taken up and thoroughly cleaned at least once a year and oftener if deemed necessary by the hotel inspector, except where steam or electrically operated vacuum cleaners are used.

All tables, table linens, chairs and other furniture, all hangings, draperies, curtains, carpets and floors in all dining rooms of hotels, restaurants, boarding houses or places of refreshment, shall be kept in a clean and sanitary condition, all dishes and table cutlery used in serving food and all drinking glasses shall be thoroughly washed in hot water, and soap, or other cleansing material of like efficiency.

No dishes that are badly cracked or chipped on the top side or chipped glasses shall be used.

It shall be unlawful to sweep or dust in any dining room in any hotel, restaurant, boarding house or place of refreshment, while guests are eating, except in the case of restaurants where a continuous service is maintained, and then only at such times when the smallest number of guests is likely to be present. Sweeping

compound, moist sawdust or other substance to prevent the raising of dust must be used.

Every kitchen in all hotels, restaurants, boarding houses, or places of refreshment shall be provided with soap, clean water and towels, and all employes who in any manner come in contact with or handle foods to be prepared or served, shall, before beginning work or after using toilets, thoroughly wash their hands in clean water.

No person known to be suffering from any contagious disease shall be employed in any capacity in any hotel, restaurant, lodging house, boarding house or place of refreshment.

No hotel, restaurant, boarding house or place of refreshment, kitchen or dining room used as such shall be used as a sleeping or dressing room by any employe or other person.

All garbage and kitchen refuse must be kept in water-tight metal containers with tight-fitting metal covers, and must be removed as often as necessary to prevent decomposition.

No dishwasher, wash water or other substance which is or may become foul or offensive shall be thrown out on the ground near any hotel, restaurant, lodging house, boarding house or place of refreshment.

No water closet shall be maintained in any kitchen or dining room of any hotel, restaurant, boarding house, or place of refreshment.

All sample rooms shall be kept clean and properly ventilated, heated and lighted.

An abstract of these laws relating to the operation of hotels, restaurants, lodging houses, boarding houses and places of refreshment, shall be prepared by the state hotel inspector, with the approval of the attorney general which shall be furnished free of charge to all proprietors of hotels, lodging houses, restaurants, boarding houses and places of refreshment, where the public may have easy access thereto.

All notices to be served by the hotel inspector provided for in this act shall be in writing and shall be either delivered personally, or by registered letter, to the owner, agent, lessee or manager of such hotel, restaurant, lodging house, boarding house or place of refreshment.

Any person, firm or corporation, who shall operate an hotel, restaurant, lodging house, boarding house or place of refreshment in this state, or who shall let a building used for such business without having first complied with the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days.

The county attorney of each county in this state is hereby authorized and required upon complaint on oath of the hotel inspector or his duly authorized deputy to prosecute to termination before any court of competent jurisdiction in the name of the state of Minnesota, a proper action or proceeding against any person or persons violating the provisions of this act. ('19 c. 499 § 8)

*Restaurant conducted in a room on the third floor of four story building, does not come within the operation of this section (139-27, 165+477).*

**5911. Revocation of license**—Whenever the owner, manager or person in charge of any hotel, restaurant, lodging house, boarding house or place of refreshment, shall have been convicted as provided in the preceding section, and shall for a period of ten days after such

conviction, fail to comply with any provisions of this act, the license granted to such person to conduct such business may be cancelled by the hotel inspector. ('19 c. 499 § 9)

**5912. Compensation of inspectors**—The hotel inspector shall appoint three deputy inspectors at a salary of fifteen hundred dollars (\$1,500) each per year, and such special inspectors as may be deemed necessary to carry into effect the provisions of this act, the compensation of these special inspectors not to exceed \$5.00 per day and necessary traveling expenses, whose terms of office shall be of the same duration as that of the hotel inspector, also one office assistant at a salary not to exceed \$1,200 per annum, and also one stenographer at a salary not to exceed \$1,080 per annum, who shall assist under his direction in performing the duties imposed by this act. The office of the hotel inspector shall be in the state capitol. ('19 c. 499 § 10)

**5913. Payment of compensation**—On or before the 15th day of each month, the hotel inspector shall certify to the state auditor the amount due to each of his deputies as compensation and necessary traveling expenses for the preceding month, also the items and amounts of all expenses necessarily incurred by him in the performance of his duties, including the cost of blanks, stationery, postage and travel, and also the amount due the stenographers as compensation for the preceding month, and such salaries, mileage and expenses being duly audited shall be paid by the state. ('19 c. 499 § 11)

**5914. Posting license**—Every hotel, restaurant, lodging house, boarding house or place of refreshment, securing a license or license fee receipt, under the provisions of this act shall keep the same posted in a conspicuous place in the office of such hotel, restaurant, lodging house, boarding house or place of refreshment.

All prosecutions under this act shall be conducted by the county attorney of the county in which the offense was committed. ('19 c. 499 § 12)

**5915. Payment of alterations**—All alterations, changes, reconstruction work, fire escapes, outside standpipes, inside standpipes and necessary pumps, fittings and connections, storm windows and screens and all other changes, alterations, improvements (structural or otherwise) to, in, on and about the said building ordered by the state hotel inspector to meet the requirements of this act shall be ordered installed and paid for by the owner or owners of the buildings in question and not by the lessee. ('19 c. 499 § 13)

*Explanatory note*—Laws '19, c. 499, § 14, repeals Laws '05, c. 343; Laws '11, c. 206; and Laws '13, c. 569.

**5916. Halls and theaters—Fire resistant curtain**—That the proscenium or curtain opening of all halls and theaters used for theatrical purposes and having a seating capacity of 600 or more in any city in the state of Minnesota shall have a fire resistant curtain of asbestos or some other approved incombustible material. Said curtain shall be properly constructed; shall be operated by proper mechanism and shall be raised at the commencement of each performance and lowered at the close of each performance. ('05 c. 319 § 1) [5125]

**5917. Inspector—Duties—Fees**—That it shall be the duty of the common council of every city in the state of Minnesota, 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 in each year to see that the provisions of section

one [5916] of this act have been complied with. He shall receive for each hall or theater inspected by him a fee of three dollars to be paid by the owner or tenant of such hall or theater. ('05 c. 319 § 2) [5126]

5918. **Certificate as evidence**—That the certificate of such inspector shall be prima facie evidence of the compliance with the provisions of this act for the space of one year from the date thereof. ('05 c. 319 § 3) [5127]

5919. **Penalty for violation**—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 one [5916] of this act shall be liable to a fine of not more than three hundred dollars and not less than fifty dollars. ('05 c. 319 § 4) [5128]

#### MOVING PICTURES

5920. **Cinematograph to be enclosed in booth**—No cinematograph or any other apparatus for projecting or showing moving pictures, save as excepted in section 12 of this act, 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 such apparatus be enclosed in a booth or room of the dimensions and of one of the constructions hereinafter specified. ('17 c. 466 § 1)

5921. **Size of booth**—Such booth shall be not less than six feet in height and shall be sufficiently large to permit the operator to walk freely on both sides and back of the machine and apparatus installed therein. ('17 c. 466 § 2)

5922. **Material in which booth is to be constructed**—(a) 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.

(b) 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, such booth shall be constructed with an angle-iron framework, the angle-irons to be not less than one and one-half inches wide by one-quarter of an 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 said 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 of an 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 shall be overlapped and bolted or riveted to such 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 verticle joints between boards shall always come over an angle or tee-iron, to which such 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 of an inch in thickness. The entire booth shall be insulated so that it will not conduct electricity to any other portion of the building. ('17 c. 466 § 3)

5923. **Doorways and openings**—The doorway to such booth shall be not less than two or 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 fire-proof 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 shall be 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 twelve inches by fourteen 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. Such 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. ('17 c. 466 § 4)

5924. **Non-combustible material**—All shelves, furniture and fixtures within the booth shall be constructed of non-combustible material. ('17 c. 466 § 5)

5925. **Ventilation**—Each booth shall be provided with a ventilating inlet on at least one side, said inlet to be approximately fifteen 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 fifty square inches, which shall communicate by means of a fire-proof pipe or flue with the chimney or outer air. ('17 c. 466 § 6)

5926. **Portable booths permitted under certain conditions**—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 three of this act. Such booth shall have a height of not less than six feet and an area of not less than twenty square feet and shall be constructed of asbestos board, sheet steel of not less than No. 24 U. S. gauge, or some other approved fire-proof material. Such portable booth shall conform to the specifications of section four of this act 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 eighteen 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. Provided, however, that any fire-proof booth in use when this act goes into effect, which is in substantial compliance with the provisions of the foregoing sections may be continued in such use so long as the same is reasonably safe, anything to the contrary herein contained, notwithstanding. ('17 c. 466 § 7)

**5927. Manner in which picture machines and electrical equipment are to be installed**—All moving picture machines and all electrical equipment used in showing moving pictures shall be installed, constructed and operated in the following manner:

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

(b) Each picture machine shall be securely fastened to the floor.

(c) 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.

(d) Each machine shall be equipped with magazines for receiving and delivering films during the operation of the machine. Such 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 such slots can be instantly closed. No solder shall be used in the construction of these magazines. The doors to such 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. ('17 c. 466 § 8)

**5928. Smoking and use of matches prohibited**—Neither smoking nor the keeping nor use of matches shall be permitted in any booth, room, compartment or enclosure where a motion picture machine is installed. ('17 c. 466 § 9)

**5929. Limitation of age and qualification of operator**—No person shall operate any motion picture machine unless he shall be at least eighteen years of age, and the state fire marshal or one of his deputies under his direction, whenever 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 such operator incompetent, he shall notify such operator thereof, in writing, and thereafter such operator shall not be permitted to operate any such machine in this state until such incompetency shall have been removed to the satisfaction of the state fire marshal. ('17 c. 466 § 10)

**5930. 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 emer-

gency control must be provided near the main exit and kept at all times in good condition. ('17 c. 466 § 11)

**5931. Apparatus excepted from operation of law**—The foregoing sections of this act 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 on full sized commercial picture apparatus, cannot be used therewith, and provided that the foregoing provisions of this act shall not apply to miniature motion picture apparatus approved by the state fire marshal, when used only for purposes not for private gain. ('17, c. 466, § 12; amended '27, c. 97)

**5932. Exits for audience room**—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 such 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 two hundred seats or fraction thereof installed. All exit openings shall be not less than three feet in width and six feet and 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 shall never be 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. ('17 c. 466 § 13)

**5933. Electrical exit signs**—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. Such 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 such audience room is open to the public. ('17 c. 466 § 14)

**5934. Style of seats**—All seats occupied by the audience, except in loges and boxes shall be fixed and immovable; provided, however, that in public halls used only partially for moving picture theater 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 theaters and in theaters wherein the seats are renewed or re-arranged there shall not be more than seven seats in any one row opening upon one main aisle and not more than fourteen seats in any one row opening upon two main aisles, and all rows of seats shall be separated by a space not less than thirty inches from back to back. ('17 c. 466 § 15)

**5935. Size of aisles and to be free from obstruction**—All aisles shall lead directly to exits without steps or obstructions and shall be not less than three feet in width, and in buildings hereafter built or equipped as moving picture theaters such aisles shall be not less

than three feet in width at the point most distant from the exit and shall increase in width toward the exit at least two inches to each ten running feet of length. All exits and all aisles must be kept clear and unobstructed at all times during the performance. ('17 c. 466 § 16)

**5936. Hand fire extinguishers to be provided—**Every such 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 such 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 such plant is in the same building with the theater. ('17 c. 466 § 17)

**5937. 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. ('17 c. 466 § 18)

**5938. Certain sections not to apply to churches, schools, clubs or halls—**The provisions of sections 13, 14, 15, 16, 17, and 18 of this act 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. Provided, however, that no exhibitions shall be given where said sections 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. ('17 c. 466 § 19)

**5939. Power of state fire marshal—**Whenever the provisions of this act 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 said room or building at once, and no person shall restore the supply of electric current to such room or building until the defects are remedied and until all provisions of this law are complied with. ('17 c. 466 § 20)

**5940. Licenses for operation of moving picture machines or exhibition of moving pictures—Applications for—Fees—Issue of licenses—Transfer—Itinerant exhibitions—Permits—Bonds—Fees—**On and after the first day of September, 1917, it shall be unlawful for any person to operate a moving picture machine or to exhibit moving pictures in any building, theatre or hall 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 said place has been licensed by the state fire marshal to use such place for such purpose. The application shall be made and presented at least thirty 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 five dollars 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 such applicant be the owner, lessee, occupant or agent of the building 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 such license and such verified application shall be prima facie proof of the facts therein stated.

Upon receipt of such application, the state fire marshal shall make such investigation as he shall deem necessary and shall grant a license to such applicant unless it appears to him that the provisions of this act are being violated or are about to be violated. The license thus granted shall not be 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 such 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, however, 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 such permanent license a part thereof proportionate to the unexpired portion of the year for which the temporary license was granted. Provided that all public exhibition of moving pictures in any place except a building 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 such public exhibitions of moving pictures in any place except a building shall be classified as itinerant moving picture exhibitions. No such person, firm or corporation shall give any such public moving picture exhibition at any place except under a permit from the fire marshal authorizing such exhibition, and after said person or firm or corporation has made and executed a bond of indemnity to the State of Minnesota in such sum as the fire marshal may approve, conditioned to pay any and all liability for damages ensuing through the negligence of such exhibitor. The fee for each such permit shall be five dollars (\$5.00). ('17, c. 466, § 21; amended '25, c. 399)

**5941. Posting of license—**Such license shall be posted in a conspicuous place within the theatre and a picture thereof shall be exhibited upon the screen at the commencement of each performance. ('17 c. 466 § 22)

**5942. Penalty for violation—**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 this act, 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 this act, shall be guilty of

a misdemeanor, and upon conviction thereof shall be punished for the first offense, by a fine not exceeding twenty-five dollars 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, he shall be punished by a fine not exceeding fifty dollars and cost of prosecution, or if such fine be not paid, then by imprisonment in the county jail for a period not exceeding thirty days, and for a third offense or any subsequent offense he shall be punished by a fine not exceeding one hundred dollars and cost of prosecution, or by imprisonment in the county jail for a period not exceeding ninety days, or by both such fine and imprisonment. ('17 c. 466 § 23)

**5943. Fire marshal to enforce provisions**—It shall be the duty of the state fire marshal to enforce the provisions of this act and to inspect and examine all moving picture shows within this state, at least, once a year. ('17 c. 466 § 24)

**5944. Fire marshal and deputies permitted to inspect during reasonable hours**—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 this act are being complied with. If he shall find that any provisions hereof are being violated, he shall notify the licensee in writing, stating wherein such licensee is at fault and if such violations continue beyond a time within which such violations can be reasonably corrected he shall cause such license to be revoked and cancelled. ('17 c. 466 § 25)

**5945. To report to county attorney for prosecution**—Whenever the state fire marshal shall find a moving picture show which is being operated without a license, he shall communicate such fact, together with any evidence he may have, to the county attorney of the county in which such moving picture show is located, and it shall thereupon be the duty of such attorney to cause the arrest and prosecution of the offender. ('17 c. 466 § 26)

**5946. License fees and fines to be paid into state treasury**—All money collected under this act, 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 department. ('17 c. 466 § 27)

**5947. Local regulations not to be abrogated**—Provided, however, that in municipalities having ordinances relating to the regulation and installation and operation of moving picture machines, and containing additional regulations for the safe and proper installation and operation of such machines, nothing herein shall be construed to abrogate such local regulations, but the jurisdiction of the local authorities in such cases shall be additional and subordinate to the jurisdiction and authority of the state fire marshal as hereby prescribed. ('17 c. 466 § 28)

**5948. Declaration for public safety**—It is hereby declared that this act is necessary for the public safety, health, peace and welfare, is 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. ('17 c. 466 § 29)

#### STATE FIRE MARSHAL

Commissioner of insurance ex-officio state fire marshal. See § 53-31, herein.

**5949. Insurance commissioner to appoint fire marshal**—The commissioner of insurance shall appoint and

may at pleasure remove, a fire marshal, who shall, under the general direction and supervision of said commissioner of insurance perform the duties and exercise the powers and have the rights and privileges now conferred by law on the fire marshal. Such fire marshal shall give bond to the state in the sum of \$10,000 conditioned for the faithful performance of his duties and shall receive a salary of \$3,000 per annum in full compensation for all his services. Section 1 of Chapter 564, Laws of Minnesota, 1913, is hereby repealed. ('19 c. 102 § 1)

**5950. Duties of such officers and assistants**—It shall be the duty of the state fire marshal to enforce all laws of the state, thereof, as follows:

1. The prevention of fires.
2. The storage, sale and use of combustibles and explosives.
3. The means and adequacy of exits, in case of fire, from churches, schools, halls, theaters, amphitheaters and all other places in which numbers of persons congregate from time to time for any purpose.
4. The suppression of arson and investigation of the cause, origin and circumstances of fires.
5. The state fire marshal, chief assistant fire marshal and deputies shall have such other powers and perform such other duties as are set forth in other sections of this act, as may be conferred and imposed from time to time by law. ('13 c. 564 § 2) [5130]

141-247, 169+798.

**5951. Offices abolished**—The offices of assistant fire marshal, first deputy fire marshal, second deputy fire marshal and special deputies as the same now exist are hereby abolished and section 3 of chapter 564, Laws of Minnesota, 1913, is hereby repealed. ('19 c. 102 § 2)

**5952. Appointment of deputy fire marshals and their duties and compensation**—Assistants, clerks, etc.—The commissioner of insurance may appoint and at his pleasure remove such deputy fire marshals as he may deem advisable. Such deputies shall perform the duties and have and enjoy the rights, privileges and immunities now imposed on and granted to the deputy fire marshals. Such deputies shall receive such compensation for their services not to exceed \$2,400 per annum as shall be fixed by the commissioner of insurance in the certificate of appointment which shall be filed with the state auditor. The commissioner of insurance may from time to time, by an instrument in writing likewise to be filed with the state auditor, change or alter the compensation payable to any deputy so appointed by him. The commissioner of insurance may also employ such clerical assistance and office employes as he may deem advisable and necessary to carry on the work of the fire marshal's office. ('19 c. 102 § 3)

**5953. Attorney general may appoint special attorney for department**—The attorney general may appoint a special attorney for the department whose work shall be under the supervision of the attorney general, who shall fix his compensation, such compensation to be paid out of the fund created under this act. ('13 c. 564 § 4) [5132]

**5954. Duties of chief assistant and others**—The duties of the chief assistant and the deputy fire marshals shall be to assist the state fire marshal. In the event of a vacancy in the office of state fire marshal and until a successor is appointed, or during the absence and disability of that officer, the chief assistant fire marshal shall assume the duties of that office. ('13 c. 564 § 5) [5133]

5955. Officers to investigate origin of fires—1. The chief of the fire department of every city or village in which a fire department is established, and the mayor of every incorporated city in which no fire department exists, and the president of the village board of every incorporated village in which no fire department exists, and the town clerk of every organized township without the limits of any organized city or village shall investigate or cause to be investigated the cause, origin and circumstances of every fire occurring in such city, village or town by which property has been destroyed or damaged when the damage exceeds twenty-five dollars, except that all fires of unknown origin shall be reported, and shall especially make investigation as to whether such fire was the result of carelessness, accident or design.

2. Such investigation shall be begun within two days of the occurrence of such fire, and the state fire marshal shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary.

3. The officer making investigation of fires occurring in cities, villages and towns shall forthwith notify said state fire marshal and shall within one week of the occurrence of the fire, furnish to the said fire marshal a written statement of all the facts relating to the cause and origin of the fire, and such further information as may be called for by the blanks furnished by said state fire marshal. The state fire marshal shall keep in his office a record of all fires occurring in the state, together with all facts, statistics and circumstances including the origin of the fires, which may be determined by the investigation provided by this act; such statistics shall be at all times open to public inspection. ('13 c. 564 § 6) [5134]

5956. Taking of evidence—The state fire marshal shall, when in his opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have any means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, he shall cause such person to be arrested and charged with such offense, and shall furnish to the proper prosecuting attorney all such evidence, together with the copy of all names of witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case; and shall keep a record of the proceedings and progress made in all such prosecutions for arson and the result of all cases finally disposed of. ('13 c. 564 § 7) [5135]

5957. Power to summon and compel the attendance of witnesses—1. The state fire marshal, chief assistant fire marshal, and deputy state fire marshals shall each have the power in any county of the state of Minnesota, to summon and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto by them or either of them. Such summons shall be served in the same manner and have the same effect as subpoenas from district courts. All witnesses shall receive the same compensation as is paid to witnesses in district courts which shall be paid out of the fire marshal fund, upon vouchers signed by the state fire marshal, chief assistant fire marshal or deputy fire marshal before whom

any witnesses shall have attended, and such officer shall at the close of the investigation wherein such witness was subpoenaed certify to the attendance and mileage of such witness, which certificate shall be filed in the office of the state fire marshal. All investigations held by or under the direction of said state fire marshal, or his subordinates, may, in his discretion be private, and persons other than those required to be present by the provisions of this act, may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

2. Said state fire marshal, chief assistant state fire marshal, and deputy state fire marshals are each hereby authorized and empowered to administer oaths and affirmations to any person appearing as witnesses before them; and false swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punished as such.

3. Any witness who refuses to be sworn, or who refuses to testify or who disobeys any lawful order of said state fire marshal, chief assistant fire marshal, or deputy state fire marshal, in relation to said investigation, or who fails or refuses to produce any paper, book or document touching any matter under examination, or who is guilty of any contemptuous conduct, after being summoned to appear before them to give testimony in relation to any matter or subject under examination or investigation as aforesaid, may be summarily punished by the said state fire marshal, chief assistant state fire marshal or deputy state fire marshals, as for contempt by a fine in a sum not exceeding one hundred dollars or be committed to the county jail until such time as such person may be willing to comply with any reasonable order made by said state fire marshal, chief assistant state fire marshal or deputy state fire marshals, as provided in this act, and subject to the provisions of chapter 91, section 4639, Revised Laws 1905. ('13 c. 564 § 8) [5136]

**Explanatory Note**—For R. L. '05, § 4639, see § 9793, herein.

117-384, 135+1128.

131-116, 154+750.

An objection of incompetent, irrelevant, and immaterial to introduction of sworn statement of defendant to state fire marshal under provisions of G. S. 1923, §§ 5957, 5958, does not present question whether or not statement was an involuntary one which defendant was required to give against himself. 210+403.

5958. How disobedience may be punished—Disobedience of any subpoena in such proceedings, or contumacy of a witness, may, upon application of the state fire marshal, be punished by any district court in the same manner as if the proceedings were pending in such court. ('13 c. 564 § 9) [5137]

210+403, note under § 5957. ○

5959. Power to enter premises day and night—In the performance of the duties imposed by the provisions of this chapter, the state fire marshal and such of his subordinates, at all times of day or night may enter upon and examine any building or premises where a fire has occurred, and other buildings and premises adjoining or near thereto. ('13 c. 564 § 10) [5138]

5960. May enter any building within reasonable hours—The state fire marshal, his chief assistant, deputies and subordinates, the chief of the fire department of each city or village where a fire department is established, the mayor of a city or village where no fire department exists, or the clerk of a township in territory without the limits of a city or village, at all

reasonable hours may enter into all buildings and upon all premises within their jurisdiction for the purpose of examination. ('13 c. 564 § 11) [5139]

**5961. May order certain buildings repaired or torn down**—The state fire marshal may condemn and by order direct the destruction, repair or alteration of any building or structure which by reason of age, dilapidated condition, defective chimneys, defective electric wiring, gas connections, heating apparatus or other defect, is especially liable to fire and which building or structure, in the judgment of said state fire marshal, is so situated as to endanger life or limb or other buildings or property in the vicinity. In case the order requires the repair of a building, the owner, lessee, or other person upon whom rests the duty to keep the structure in repair and upon whom such order is served, shall make such repairs as thereby directed, and the order may direct that the structure be closed and not further used or occupied until such repairs are made. Any person who shall wilfully disobey the order directing the closing of such building pending the making of such repairs shall be guilty of a misdemeanor. ('13 c. 564 § 12, amended '17 c. 469 § 1) [5140]

§§ 5140 to 5146, valid exercise of the police power of the State (142-219, 171+773).  
149-203, 183+141.

**5962. May order exits opened**—Whenever the state fire marshal, upon inspection, shall find a building of such construction and use that the exits and means of egress already provided do not afford reasonably safe escape in case of fire for the number of people customarily within, he may order such exits to be opened and such means of escape to be provided as, in his judgment, are reasonably necessary to eliminate the danger arising therefrom. ('13 c. 564 § 12, amended '17 c. 469 § 1)

**5963. Order to be made in writing**—The order shall be in writing, shall recite the grounds therefor and shall be filed in the office of the clerk of the district court of the county in which the building or structure so ordered to be altered, repaired or demolished is situated, and thereupon all further proceedings for the enforcement thereof shall be had in said court. ('13 c. 564 § 13, amended '17 c. 469 § 1) [5141]

**5964. Service of notice upon owner**—A copy of the order filed in accordance with the preceding section, together with a written notice that the same has been so filed and will be put in force unless the owner or occupying tenant shall file with the clerk of said court his objections and answer thereto within the time specified in the next succeeding section, shall be served upon the owner of the building or structure so directed to be altered, repaired or demolished, and if there be a tenant occupying the building, then also upon such occupant, which service shall be made upon such owner, and tenant if there be one, personally, either within or without the state; but if the whereabouts of such owner is unknown and the same cannot be ascertained by the state fire marshal in the exercise of reasonable diligence, then upon his filing in the office of the clerk of the district court his affidavit to this effect, service of said notice upon such owner may be made by publishing the same once in each week for three successive weeks in a newspaper printed and published in the county in which such building or structure is located and by posting a copy thereof in a conspicuous place upon said building or structure, and the service so made shall be deemed to be complete upon the expiration of said publication period. Proof of service of said notice shall be filed in the office of the clerk of the

district court within five days after the service thereof. ('13 c. 564 § 14, amended '17 c. 469 § 1) [5142]

**5965. Owner may file written objections**—The owner of any building so condemned or any lessee upon whom such notice and order are served, within twenty days from the date of such service as herein provided, may file with the clerk of the court and serve upon the state fire marshal by registered mail written objections to said order in the form of an answer denying the existence of any of the facts therein recited which he desires to controvert. If no answer is so filed and served, the owner and all other persons in interest shall be deemed to be in default, and thereupon the court shall affirm the order of condemnation and direct the state fire marshal to proceed with the enforcement thereof; but if an answer be filed and served as herein provided, the court shall hear and determine the issues so raised and give judgment thereon as herein provided. ('13 c. 564 § 15, amended '17 c. 469 § 1) [5143]

**5966. Time and place of hearing**—The court, upon application of the state fire marshal, shall make its order fixing a time and place for such hearing, which place may be at any convenient point within the judicial district and which time shall be within ten days from the date of the filing of the answer, or as soon thereafter as may be; and upon such trial the order of condemnation shall be prima facie evidence of the existence of the facts therein recited. If upon such trial the order shall be sustained, judgment shall be given accordingly and fixing a time within which the building shall be altered, destroyed or repaired, as the case may be, in compliance with such order, but otherwise the court shall annul and set aside the order of condemnation. ('13 c. 564 § 16, amended '17 c. 469 § 1) [5144]

**5967. Failure to comply with order—Penalty**—If the owner or other party in interest shall fail to comply with the order of condemnation of a structure as hereinbefore provided, within the time fixed thereby, or within the time fixed by the court in case a trial is had therein, then the state fire marshal shall proceed to cause such building or structure to be demolished, or repaired, in accordance with the direction contained in such order, and where a building is demolished in accordance with such order he may sell and dispose of the salvage materials therefrom at public auction upon three days' posted notice. He shall keep an accurate account of the expenses incurred in carrying out the order, and shall credit thereon the proceeds of such salvage sale, if any, and shall report his action thereon with a statement of said expenses or the balance thereof, the expense incurred by him and the amount, if any, received from such salvage sale, to the court for approval and allowance, and thereupon the court shall examine, correct if necessary and allow said expense account, and by its order shall certify the amount so allowed to the county auditor for collection; and the owner or other party in interest shall pay the same within thirty days thereafter with twenty-five per cent penalty added thereon, and in default of such payment the auditor shall enter said expense on the tax lists of said county as a special charge against the real estate on which said building is or was situated and the same shall be collected in the same manner as other taxes and the amount so collected, including the penalty thereon, shall be paid into the state treasury and credited to the fund of the state fire marshal; if the amount received as salvage shall exceed the expense incurred by the state fire marshal, the court shall direct the pay-

ment of the surplus to the owner or the payment of the same into court for its use and benefit. ('13 c. 564 § 17, amended '17 c. 469 § 1) [5145]

**5968. Combustible material shall be ordered removed—Penalty—**The state fire marshal, the chief assistant fire marshal or any deputy fire marshal who finds any building or upon any premises any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable matter of any kind endangering the safety of such building or property or the occupants thereof or the occupants of adjoining buildings, shall order such materials removed or such dangerous condition corrected forthwith. Such order shall be in writing and directed generally to the owner, lessee, agent or occupant of such building or premises, and any such owner, lessee, agent or occupant upon whom such notice shall be served who shall fail to comply therewith within twenty-four hours thereafter, unless the order prescribes a longer period within which it may be complied with, shall be guilty of a misdemeanor and said material may be removed or dangerous condition corrected, at the expense of the owner of such building and premises or the person upon whom such service is so made, or both, and said state fire marshal may maintain all necessary actions for the recovery thereof. ('13 c. 564 § 18, amended '17 c. 469 § 1) [5146]

**5969. Fire insurance companies required to report fire losses—**Every fire insurance company authorized to transact business in this state is hereby required to report to the state fire marshal through the secretary or other officer of the company designated by the board of directors for that purpose, all fire losses on property insured in any such company, giving the date of fire, the amount of probable loss, the character of property destroyed or damaged, and the supposed cause of the fire, together with the amount of insurance carried by such company. Such report shall be mailed to the state fire marshal within three days after notice of loss is received by such company. Each company is hereby also required to report the amount of loss adjusted on each fire after adjustment is made. Such report shall be in addition to and not in lieu of any report or reports such companies may be required to make by any law of this state to the commissioner of insurance. ('13 c. 564 § 19) [5147]

**5970. Punishment of officer for failure to comply—**Any officer referred to in section 6 [5955] of this act, who neglects to comply with any of the requirements of this act shall, upon conviction, be punished by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each neglect or violation. ('13 c. 564 § 20) [5148]

**5971. Salaries of marshal and assistants—**The state fire marshal shall receive an annual salary of three thousand dollars (\$3,000), the chief assistant fire marshal shall receive an annual salary of two thousand five hundred dollars (\$2,500), the first deputy fire marshal shall receive an annual salary of one thousand eight hundred dollars (\$1,800) and the second deputy fire marshal shall receive an annual salary of one thousand five hundred dollars (\$1,500), payable monthly. All officers who shall perform any service at the request of any such state fire marshal, chief assistant fire marshal, or deputy fire marshal, shall receive the same fees as officers in justice court, and such fees shall be paid out of the fire marshal fund in the same manner as witnesses testifying under this compilation. ('13 c. 564 § 21) [5149]

**5972. Employment of clerks and assistants—**Said state fire marshal shall employ clerks and assistants,

and incur such other expense as may be necessary in the performance of the duties of the office, including necessary traveling expenses, not to exceed, including salaries, such sum as may be paid into the state treasury in the manner hereinafter provided. Provided, that no clerks or assistants shall be appointed, except as expressly provided for in this act until the necessity of such appointment shall first be passed upon by the governor and approved by him. ('13 c. 564 § 22) [5150]

**5973. Fire insurance companies to pay cost of maintenance—**For the purpose of maintaining the department of state fire marshal and paying all the expenses incident thereto, every fire insurance company doing business in the state of Minnesota, excepting town insurance companies, farmers' mutual fire insurance companies and township mutual fire insurance companies, shall hereafter pay to the state treasurer on or before March 1, 1914, and annually thereafter, a tax upon its fire premiums or assessments or both, as follows:

A sum equal to three-eighths of one per cent of the gross premiums and assessments, less return premiums, on all direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, including premiums on policies covering fire risks only on automobiles, whether written under floater form or otherwise; provided, however, that this act shall in no way affect the tax due March 1, 1913, and the payment thereof. In the case of a mutual company, the dividends paid or credited to members in this state shall be construed to be return premiums. The money so received into the state treasury shall be set aside as a special fund and is hereby appropriated for the maintenance of such office of state fire marshal and the expenses incident thereto. The state shall not be liable in any manner for the salary of said fire marshal, his chief assistant, deputies, clerks and other employes or for the maintenance of the office of fire marshal or any expenses incident thereto, and the same shall be payable only from the special fund provided for in this section. ('13 c. 564 § 23, amended '15 c. 341 § 1) [5151]

**5974. Itemized statement to be kept—**The state fire marshal shall keep on file in his office an itemized statement of all expenses incurred by his department and shall approve all vouchers issued therefor, before the same are submitted to the state auditor for payment, which said voucher shall be allowed and paid in the same manner as other claims against the state. ('13 c. 564 § 24) [5152]

**5975. Office at the capitol—**The state fire marshal or one of his chief subordinates shall at all times be in the office of the fire marshal at the state capitol ready for such duties as are required by this act. ('13 c. 564 § 25) [5153]

**5976. Records to be public, except in certain cases—**All records on file in the fire marshal department shall be public, except any testimony, correspondence or other matter taken in an investigation under the provisions of this act which the state fire marshal in his discretion may withhold from the public. ('13 c. 564 § 26) [5154]

**5977. County attorneys to assist—**The county attorney of any county, upon request of the state fire marshal, his deputies or assistants, shall assist such officers upon an investigation of any fire which, in their opinion, is of suspicious origin. ('13 c. 564 § 27) [5155]

5978. **Fire drills in schools**—It shall be the duty of the state fire marshal, his deputies and assistants to require teachers of public and private schools and educational institutions to have one fire drill each month and to keep all doors and exits unlocked during school hours. ('13 c. 564 § 28) [5156]

5979. **Penalties, etc., to be paid into state treasury**—All penalties, fees or forfeitures collected under the provisions of this act shall be paid into the treasury of the state for the benefit of the state fire marshal fund. ('13 c. 564 § 29) [5157]

5980. **Declaration for public safety**—It is hereby declared that this act is necessary for the public safety, health, peace and welfare, is remedial in nature, and shall be construed liberally, and this act shall not be declared unconstitutional and void for the reason that any section or provision thereof may be in contravention of the constitution. ('13 c. 564 § 30) [5158]

5981. **Annual report**—The fire marshal shall submit annually as early as consistent with full and accurate preparation, and not later than the fifteenth day of February, a detailed report of his official action to the governor. ('13 c. 564 § 31) [5159]

5982. **Compensation for fires reported**—There shall be paid to the chiefs of fire departments, and mayors of cities, who do not receive to exceed fifty dollars annually as compensation for their services as such chiefs and mayors, and to presidents of the village boards, and to the township clerks of every organized township, who are by this act required to report fires to the state fire marshal, the sum of one dollar for each fire reported to the satisfaction of the state fire marshal, and in addition thereto, mileage at the rate of ten cents per mile for each mile traveled to and from the place of fire. Said allowance shall be paid by the state fire marshal at the close of each fiscal year out of any funds appropriated as heretofore provided for the use of the office of said state fire marshal.

All chiefs of departments who receive a stated salary and devote their entire time to the duties of chiefs of the department, and those mayors of cities who receive a stated salary exceeding fifty dollars as such officer shall be precluded from receiving any extra allowance from the report herein mentioned. ('13 c. 564 § 32) [5160]

5983. **When statement is not to be used in civil action**—No statement or admission of assured in any fire insured policy given to the fire marshal department in any investigation or proceeding had by that department shall be used in any civil action based upon such policy of insurance. ('13 c. 564 § 33) [5161]

(117-384, 135+1128).

#### DRY CLEANING AND DRY DYEING BUILDINGS AND ESTABLISHMENTS

5984. **Dry cleaning and dyeing establishments must be licensed**—For the purpose of this act a dry cleaning or dry dyeing business is defined to be the business of cleaning, or dyeing cloth, clothing, feathers, or any sort of fabrics or textiles by the use of carbon bisulphide, gasoline, naphtha, benzine, benzol, or other light petroleum or coal tar products or inflammable liquid, or cleaning or dyeing by processes known as dry cleaning and dry dyeing where inflammable volatile substances are used.

No person, firm or corporation shall advertise as conducting a dry cleaning or dry dyeing business, or either, until such person, firm or corporation shall have made application to the state fire marshal for

permission to engage in such business and paid the fee as hereinafter provided. ('21 c. 459 § 1)

5985. **State fire marshal to approve use of building**—No building or establishment shall be used for the business of dry cleaning or dry dyeing as above defined, or for the storage of inflammable or volatile substances for use in such business until an application for permission to do so shall have been filed with and approved by the state fire marshal of the state of Minnesota, and on blanks provided by him for that purpose. ('21 c. 459 § 2)

5986. **Fee**—Upon the filing of every such application, the applicant shall pay to the state fire marshal a filing and inspection fee of ten dollars (\$10.00). ('21 c. 459 § 3)

5987. **Inspection—Permit**—When any application is filed with the state fire marshal and the fee paid as above mentioned the state fire marshal by himself, his deputies or assistants shall make an inspection of such building, buildings, or establishments and if the same conforms to the requirements of law and rules which may be prescribed by the state fire marshal for such places, then the state fire marshal shall issue a permit to the applicant for the conduct of such business, which permit shall extend until the first day of January next after the date of the issuing of same. ('21 c. 459 § 4)

5988. **Renewal of permit**—The permits may be renewed at any time within thirty days after the termination thereof, by the filing of an application for such renewal and the payment of a fee of five dollars therefor, provided the applicant for such renewal permit has complied with the provisions of this act, and with the laws of the State of Minnesota, and the ordinances of the municipality where the business or establishment is located. ('21 c. 459 § 5)

5989. **Permits must be exhibited**—All permits must be exhibited for inspection to the state fire marshal or any of his deputies or assistants whenever the same are requested and no one except the person to whom the same are issued shall have the right to operate a business or establishment under any permit. ('21 c. 459 § 6)

5990. **Permits may be refused, etc.**—Permits may be refused, suspended, or revoked by the state fire marshal, for fraud in procuring the same, a violation of any law of the State of Minnesota, or ordinance of the municipality in which the business is located, or a violation of any rule or regulation lawfully provided for the conduct of any business or establishment. ('21 c. 459 § 7)

5991. **Buildings to be fire proof**—All buildings or establishments used or to be used for the purpose of the business of dry cleaning or dry dyeing as above defined shall be of fire-resisting design and construction and not to exceed three stories in height and shall be without basement, cellar or open space below the ground floor, the workroom where all dry cleaning is done to be located on the ground floor. Such building must also comply in all other respects with the provisions of this act. Fire-resisting construction is defined to consist of the use of fire-resisting material as follows: Brick, hollow tile, steel and concrete or reinforced concrete. Any building in which gasoline, naphtha, benzol, carbon bisulphide or light petroleum or coal tar products are used in connection with a dry cleaning or dry dyeing business must be at least fifteen (15) feet from any other building or lot occupied for business, dwelling, manufacturing or storage pur-

poses, except the buildings used for operating a dry cleaning or dry dyeing business. ('21 c. 459 § 8)

**5992. Construction**—All walls of such dry cleaning and dry dyeing buildings or establishments shall be of brick laid in cement mortar, or of reinforced concrete not less than twelve inches in thickness, or of stone, laid in cement mortar not less than sixteen inches in thickness, or of other non-combustible and fire-resisting material constructed of a thickness of not less than twelve inches. The roof of such building shall be of fire-resistive construction. ('21 c. 459 § 9)

**5993. Same**—There shall be no sewer connection with such dry cleaning and dry dyeing building or establishment, and the floor of the same shall be of concrete construction laid not lower than the surface of the earth surrounding the wall, and be pitched at such grade from all of its walls as to secure perfect drainage, flow of all liquids to an underground cement-lined pit or well on the outside of said building, and of sufficient capacity below the level of the floor of said building to hold twice the quantity of liquids that may be used or kept in said building at any one time, the top of said pit or well to extend not less than twelve inches above the level of the floor of said building, and to be provided with a tight-fitting cover and kept locked when not in use. ('21 c. 459 § 10)

**5994. Same**—Ventilating apertures of size not less than sixty square inches in area shall be placed in the walls of such dry cleaning and dry dyeing buildings at or near the level of the floor, and spaced not over six feet apart from center to center; such openings shall be covered with 2x2 wire mesh, number sixteen galvanized wire web or its equal, and shall be kept clear of all obstructions and such ventilating apertures shall be so arranged as to completely change the air volume every five minutes while the plant is in operation. Other ventilating systems may be substituted for the above, which will completely change the air every five minutes, while the plant is in operation provided same are approved before constructed by the state fire marshal. ('21 c. 459 § 11)

**5995. Same**—Skylights and windows must be of wired glass set in steel frames, skylights to be stationary and for lighting purposes only. All windows shall be so arranged so as to close automatically, the automatic release to consist of fusible links which will melt at one hundred twenty (120) degrees Fahrenheit. Such windows shall be covered with 12x12 mesh, or equivalent brass wire screen to prevent the entrance of sparks. ('21 c. 459 § 12)

**5996. Same**—As a means of fire extinguishment in any such buildings, the same shall be equipped with a high pressure boiler of sufficient size and horse power, such boiler to be located in a fire-proof building at least ten (10) feet from any building used for the purpose of dry cleaning or dry dyeing, such boiler to be connected with a two-inch steam supply pipe in the dry cleaning or dry dyeing room so installed as to give as nearly as possible an equal distribution of steam, and to be so placed that the steam when turned in will immediately fill the entire room; such steam pipes shall be provided with perforations or jets of one-quarter of one inch in diameter, equally spaced, so that there is one opening to each twenty-five square feet of floor space; a standard globe valve shall be placed in the steam service line or lines connected to this perforated steam pipe outside of the building, and to be accessible for operation in case of fire. The steam supply for such pipes shall be continually available for service while the plant is in operation, and shall

be sufficient to completely fill the room space in less than one minute, and continue the flow of steam sufficient to keep the room space filled with steam for a period of at least thirty minutes. ('21 c. 459 § 13)

**5997. Same**—All steam or hot water pipes must be protected by wire screen or otherwise so as to prevent contact of pipes and inflammable goods. All windows, doors or other openings in the dry cleaning building or drying rooms within one hundred feet of exposed openings or combustible structures or materials shall be provided with wired glass in metal frames, or fire-proof shutters, doors or covers. All doors shall be arranged for ready opening from either side in case of emergency. ('21 c. 459 § 14)

**5998. Fire extinguishers**—One approved hand chemical extinguisher, especially efficient for such conditions shall be provided for each five hundred feet of floor space. ('21 c. 459 § 15)

**5999. Construction of machinery**—All dry cleaning, washing, extracting and redistilling shall be carried on in closed machines which shall be fluid tight; the outside, or shell of washers shall be made of metal and shall have hinged metal doors and shall be arranged so that in case of an explosion the doors will automatically close; the inside or cylinder of the washers may be made of wood. The transfer of all liquids shall be through continuous piping, and all outlet or drain lines shall be drained by gravity to settling or storage tanks. No dry cleaning liquid shall be settled in any open or unprotected vessels or tanks. All piping and all metallic parts of each machine shall be properly grounded by at least number ten copper insulated wire to a water pipe or other grounded device. Scrubbing and brushing may be performed in the dry cleaning rooms, but not more than one gallon of volatile fluid shall be used in any one container, and shall be so used in a metallic pan or container, and such volatile substance shall be returned to the settling or storage tanks as soon as the brushing or cleaning operation is completed. ('21 c. 459 § 16)

**6000. Same**—Settling tanks shall be constructed, located and vented essentially as given for the storage tanks. At the close of the day's operations all liquids contained in washers, extractors, stills or otherwise shall be returned to the stock of settling tanks. The location of all tanks, buried or otherwise, and their contents and hazards shall be plainly marked by signs as approved by the state fire marshal. ('21 c. 459 § 17)

**6001. Same**—No gas or gasoline engine, steam generator or heating device nor any electrical dynamo or motor shall be located, maintained or used inside of nor within a distance of ten feet of any building used for the business of dry cleaning and dry dyeing as above defined, except that an electrical motor may be placed within such ten feet but without a solid fire-proof wall. ('21 c. 459 § 18)

**6002. Lighting**—The lighting of such building shall be secured only by keyless socket incandescent electric lights with globe or bulbs in vapor proof receptacles, and all switches, cutoffs or fuses used in the installation or operation of such lights shall be located and operated from the outside of such building. The interior electrical equipment must conform with the most advanced stage of the art at the time of installation. ('21 c. 459 § 19)

**6003. Heating**—The heating of such building shall be secured only by the use of steam or hot water systems. ('21 c. 459 § 20)

6001  
29 — 402  
6001  
31 — 268

**6004. Drying rooms**—Drying rooms if under the same roof as the dry cleaning and dry dyeing rooms must be separated from such rooms by a fire-resistive wall, the entrance of such drying room or rooms shall be provided with standard, self-closing fire doors. Means for the ventilating of such drying room shall conform to the conditions provided in relation to dry cleaning and dry dyeing buildings and the provision for the presence of steam jets for fire extinguishment must be complied with. If the drying room be a separate building, it must conform in all respects of construction and equipment to the conditions named relative to dry cleaning and dry dyeing buildings as above described. ('21 c. 459 § 21)

**6005. Storage tanks**—All volatile substances received for use in the business of dry cleaning and dry dyeing as above defined shall be stored in steel tanks, the shell of which may not be less than three-sixteenths of an inch thick, the exterior of such tank to be coated with an approved rust preventative, and all joints in same shall be calked in an approved manner. ('21 c. 459 § 22)

**6006. Same**—No storage tank shall be placed, constructed or maintained under a public sidewalk or in a sidewalk area. ('21 c. 459 § 23)

**6007. Underground tanks**—All such tanks shall be buried underground to such a depth as to secure a covering of earth of at least two feet above the top of the tank at the surface level of the ground. ('21 c. 459 § 24)

**6008. Construction**—All such tanks shall be provided with a vent pipe not less than one inch in diameter, extending from the top of the tank to the outer air, and discharging at a point not less than two feet above the roof of said dry cleaning and dry dyeing building, and also be provided at the discharge end with an inverted "U" cap or gooseneck. ('21 c. 459 § 25)

**6009. Same**—All such tanks must be provided with a filling pipe of not less than one inch in diameter, extending from the top of the tank shell to within one inch of the bottom of the tank. Such filling pipe must be laid with inclination toward the tank to secure proper drainage; the intake end of said filling pipe shall be fitted with a controlling feed cock or valve, which shall be kept closed except while in use, and the intake end of the pipe above such cock or valve shall be provided with a screw cap securely in place by an iron or other metal chain; such screw cap to be securely screwed on the feed pipe inlet when the same is not in use. Both the controlling cock or valve and the feed pipe inlet must be enclosed in an iron box or hood set level or above the surface of the ground, and be kept securely locked when not in use; such feed pipe inlet and controlling cock or valve shall in no case be located inside of any building. ('21 c. 459 § 26)

**6010. Same**—All pipes connected to the said storage tanks used in said dry cleaning and dry dyeing business must enter or be attached to same at their tops; service pipes carrying volatile substances from the storage tanks to the dry cleaning and dry dyeing machines or apparatus shall extend from the top of the tank shell, and the controlling cock or valve in said service pipes shall be kept closed when not in use. ('21 c. 459 § 27)

**6011. Pumps**—No volatile substances shall be carried or converted into the dry cleaning and dry dyeing buildings or any of its machines or apparatus, or be returned to the storage tanks from such devices except through service pipes as above described; the

movement or transmission of such volatiles through such service pipes shall be secured by pumps or siphon only; such device to be located as to insure the return of all volatile substances remaining in the service pipes when delivery is shut off to the storage tanks by gravity. ('21 c. 459 § 28)

**6012. Separate buildings for gas, etc.**—No carbon bi-sulphide, gasoline, naphtha, benzol or light petroleum or coal tar product used in the dry cleaning and dry dyeing business shall be distilled or redistilled in connection with the said dry cleaning or dry dyeing business except in a building of fire-proof construction, which building must be located more than fifteen (15) feet from any other building or lot occupied for business, dwelling, manufacturing or storage purposes, except the buildings used in said dry cleaning and dry dyeing business. ('21 c. 459 § 29)

**6013. Application**—The provisions of this act shall not be held to apply to any building, business or establishment now in use, so as to cause the same to be rebuilt, remodeled or repaired so as to conform to the provisions hereof, but should any building or establishment, or part thereof, be reconstructed, rebuilt or repaired, the same shall be so constructed, built or repaired in conformity to the provisions hereof. Nothing in this act shall be held to in any manner limit the laws which provide against fire hazards in this state. Nothing in this section shall permit any person to operate a business or establishment mentioned in this act without first securing a license as provided herein, for so doing, but the provisions of this section shall be given full consideration by the state fire marshal in issuing licenses to persons now engaged in said business. ('21 c. 459 § 30)

**6014. Abandoned buildings**—Should any building, business or establishment of dry cleaning or dry dyeing as herein defined, be discontinued or not carried on in any building which does not conform to the provisions herein set forth, for a period of three months, such business shall be considered as having been abandoned, and before the same can again be carried on in such building, the said building must be so constructed, repaired or rebuilt as to conform to the provisions of this act. ('21 c. 459 § 31)

**6015. Inspection**—All buildings, structures, pipes, storage tanks, electrical wiring, connections and apparatus constructed and used in said dry cleaning and dry dyeing business shall be inspected and approved by the state fire marshal or a deputy or assistant before being used in said dry cleaning and dry dyeing business. ('21 c. 459 § 32)

**6016. Violations—Penalties**—Any person or persons being the owner, occupant, lessee or agent, who shall violate any of the provisions of this act or fail to comply therewith, or who shall violate or fail to comply with any order or regulation made thereunder, within ten days, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder shall severally for each and every such violation and non-compliance respectively be guilty of a misdemeanor, and, upon conviction thereof, shall be fined for the first offense not less than ten dollars nor more than two hundred dollars, and for the second offense shall be fined not less than fifty dollars, nor more than five hundred dollars, and imprisoned in a county jail or workhouse not to exceed six months. ('21 c. 459 § 33)

**6017. Fire marshal to enforce act**—It shall be the duty of the state fire marshal, his deputies and assist-

ants, to enforce the provisions of this act, and he shall have the same power and authority in the enforcement of the provisions hereof as are given to the state fire marshal under the provisions of the state fire marshal law, namely, sections 5129-5166 of the General Statutes of Minnesota, 1913. ('21 c. 459 § 34)

**Explanatory note**—For G. S. 1913, §§ 5129 to 5166, see §§ 5950 to 6022, herein. Sections 5129, 5131 and 5166, were repealed.

**6018. Disposition of fines**—All fees, penalties or forfeitures collected by the state fire marshal, his deputies or assistants under the provisions of this act, shall be paid into the state treasury. ('21 c. 459 § 35)

**MATCHES**

**6019. Manufacture, storage or sale of certain matches prohibited**—That no person, association, or corporation, shall manufacture, store, offer for sale, sell or otherwise dispose of, or distribute, white phosphorous, single-dipped, strike-anywhere matches of the type popularly known as "parlor matches"; nor manufacture, store, sell, offer for sale, or otherwise dispose of, or distribute, white phosphorous, double-dipped, strike-anywhere matches or any other type of double-dipped matches, unless the bulb or first dip of such match is composed of a so-called safety or inert composition, non-ignitable on an abrasive surface; nor manufacture, store, sell, offer for sale or otherwise dispose of, or distribute, matches which will ignite in a laboratory oven at a temperature of less than 200 degrees F. when subjected in said oven to a gradually increasing heat and maintained at the before stated continuous temperature for a period of not less than eight hours; nor manufacture, store, offer for sale, sell or otherwise dispose of, or distribute, Blazer, or so-called wind matches, whether of the so-called safety or strike-anywhere type. ('13 c. 99 § 1) [5162]

Section 5 repeals all laws in conflict, etc.

**6020. Brands and trade-marks—Retail stores—Warehouses, etc.—How packed, etc.**—No person, association or corporation, shall offer for sale, sell or otherwise dispose of, or distribute any matches, unless the package or container in which such matches are packed, bears plainly marked on the outside thereof, the name of the manufacturer and the brand or trade-mark under which such matches are sold, disposed of, or distributed; nor shall more than one case of each brand of matches of any type or manufacture be opened at any one time in any retail store where matches are sold or otherwise disposed of; nor shall loose boxes, or paper wrapped packages, of matches be kept on shelves or stored in such retail stores at a height exceeding five feet from the floor; all matches, when stored in warehouses, excepting manufacturer's warehouse at place of manufacture, when such warehouse contains automatic sprinkler equipment, must be kept only in properly secured cases, and not piled to a height exceeding ten feet from the floor; nor be stored within a horizontal distance of ten feet from

any boiler, furnace, stove or other like heating apparatus, nor within a horizontal distance of twenty-five feet from any explosive material kept or stored on the same floor; all matches shall be packed in boxes or suitable packages, containing not more than seven hundred matches in any one box or package; provided, however, that when more than three hundred matches are packed in any one box or package, the said matches shall be arranged in two nearly equal portions, the heads of the matches in the two portions shall be placed in opposite directions; and all boxes containing three hundred and fifty or more matches, shall have placed over the matches a center holding or protecting strip, made of chip board, not less than one and one-quarter inches wide, said strip shall be flanged down to hold the matches in position when the box is nested into the shuck or withdrawn from it. ('13 c. 99 § 2) [5163]

**6021. Containers or cases—Number of boxes or packages—How marked**—All match boxes or packages shall be packed in strong shipping containers or cases; maximum number of match boxes or packages contained in any one shipping container or case, shall not exceed the following number:

Number of Boxes	Numerical Number of Matches Per Box
½ gross .....	700
1 gross .....	500
2 gross .....	400
3 gross .....	300
5 gross .....	200
12 gross .....	100
20 gross. Over 50 and under...	100
25 gross. Under .....	50

No shipping container or case constructed of fibre-board, corrugated fibre-board, or wood, nailed or wire-bound, containing matches, shall have a weight, including its contents, exceeding seventy-five (75) pounds; and no lock-cornered wood case containing matches shall have a weight, including its contents, exceeding eighty-five (85) pounds; nor shall any other article or commodity be packed with matches in any such container or case; and all such shipping containers or cases containing strike-anywhere matches, shall have plainly marked on the outside thereof the words "STRIKE-ANYWHERE MATCHES" and all shipping containers or cases containing "Strike on Box" matches shall have plainly marked on the outside thereof the words "STRIKE ON BOX MATCHES." ('13 c. 99 § 3) [5164]

**6022. Penalty for violation**—Any person, association, or corporation, violating any of the provisions of the act, shall be fined for the first offense, not less than five dollars (\$5.00), nor more than twenty-five dollars (\$25.00); and for each subsequent violation, not less than twenty-five dollars (\$25.00). ('13 c. 99 § 4) [5165]

1940 Supplement  
To  
**Mason's Minnesota Statutes**  
1927

(1927 to 1940)  
(Superseding Mason's 1931, 1934, 1936 and 1938  
Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions, and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.



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## CHAPTER 36

Protection against Fire, and Regulation of Hotels  
and Restaurants

## HOTELS, THEATERS AND OTHER BUILDINGS

**5903.** Defining hotels, restaurants, lodging houses, boarding houses, places of refreshment, and original container—religious and college buildings.—Every building or structure or enclosure, or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public whether with or without meals and furnishing accommodations for periods of less than one week shall for the purpose of this act be deemed an hotel.

Every building or other structure or enclosure, or any part thereof and all buildings in connection, kept, used or maintained as, or advertised as, or held out to the public to be an enclosure where meals or lunches are served without sleeping accommodations, and furnishing accommodations for periods of less than one week, shall for the purpose of this act be deemed to be a restaurant, and the person or persons in charge thereof, whether as owner, lessee, manager or agent, for the purpose of this act shall be deemed the proprietor of such restaurant, and whenever the word "restaurant" shall occur in this act, it shall be construed to mean such structure as described in this section.

Every building or structure, or any part thereof, kept, used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public as regular roomers, for periods of one week or more, and having five or more beds to let to the public, shall, for the purpose of this act, be deemed a lodging house.

Every building or structure or enclosure, or any part thereof, used as, maintained as, or advertised as, or held out to be an enclosure where meals or lunches are furnished to five or more regular boarders for periods of one week or more, shall for the purpose of this act, be deemed a boarding house. Every building or structure, or any part thereof, used as, maintained as, or advertised as, or held out to be a place where confectionery, ice cream, sandwiches, or drinks of various kinds are made, sold or served at retail, shall, for the purpose of this act, be deemed to be a place of refreshment. Provided, however, that a *general merchandise* store or grocery store retailing or serving ice cream, soft drinks or foods of any kind, if such foods and soft drinks are sold and delivered to the public in an original container and the purchaser thereof consumes the contents directly from the original container, shall not be deemed a place of refreshment within the meaning of this act. The term "original container," as used in this act, shall be construed to mean any carton, box, wrapper, package, pail, can, jar, keg, glass, bottle, or other thing in which the manufacturer, wholesaler, or distributor has placed and entirely enclosed said ice cream, drinks, or other refreshments, before delivery to the retailer and shall also be construed to include any straw, spoon, fork, or other eating and drinking utensil, placed in the container by the manufacturer, wholesaler, or distributor at his place of business and before delivery to the retailer. This act shall not be construed to apply to any building constructed and primarily used for religious worship, nor to any building used for the housing of college or university students in accordance with regulations promulgated by such college or university. ('19, c. 499, §1; Mar. 29, 1935, c. 77; Apr. 24, 1935, c. 274, §1; Jan. 18, 1936, Ex. Ses., c. 36, §1.)

Act Apr. 24, 1935, c. 274, §1, purports to amend the last two paragraphs as a part of §5905. This is immediately followed by a paragraph amending §5905. This seems to be the result of a clerical error in preparing the en-

rolled bill. This defect is cured by the amendment of Jan. 18, 1936, cited.

It would seem that this section is not limited to stores wherein confectionery is sold to be consumed on premises. Op. Atty. Gen., Mar. 7, 1933.

Park board of village of Excelsior may be licensed to sell non-intoxicating malt liquors. Op. Atty. Gen., Apr. 22, 1933.

Whether particular business is restaurant within meaning of beer law is primarily question of fact to be determined by governing body of municipality. Op. Atty. Gen., June 26, 1933.

Whether a residence advertised as a tourist rooming house is a hotel is question of fact. Op. Atty. Gen., Aug. 14, 1933.

Laws 1935, c. 77, amending this section was in turn repealed by Laws 1935, c. 274, the two acts being absolutely inconsistent. Op. Atty. Gen. (238d), May 16, 1935.

The first amendment to §5905 as contained in Laws 1935, c. 274, was intended as an amendment of the last two paragraphs of this section and should be considered as an amendment thereof. Op. Atty. Gen. (238d), May 16, 1935.

Buildings used for housing of college or university students are exempt. Op. Atty. Gen. (238k), Mar. 6, 1936.

Lunchroom for employees and their guests only must have restaurant license. Op. Atty. Gen. (238j), Jan. 5, 1937.

Filling station selling soft drinks in bottles and furnishing straws must have a refreshment license. Op. Atty. Gen. (238g), Jan. 18, 1938.

Whether a concession stand in a public park is a "restaurant" which may sell malt liquor is a question of fact for city council in first instance. Op. Atty. Gen. (217f-1), Mar. 16, 1938.

One operating a combined grocery store and filling station and selling soft drinks is not required to have a license. Op. Atty. Gen. (634b), June 2, 1938.

County fair association must have refreshment license if it desires to sell soft drinks. Op. Atty. Gen. (634b), Aug. 23, 1938.

Gasoline filling station selling soft drinks in original containers must have a license. Op. Atty. Gen. (238g), Jan. 20, 1939.

**5905.** Hotels, restaurants, lodging houses, boarding houses, and places of refreshment to be licensed—fees.—Within sixty days after the passage of this act and each year thereafter, every person, firm or corporation now engaged in the business of conducting an hotel, restaurant, lodging house, boarding house or place of refreshment, and every person, firm or corporation who shall hereafter engage in conducting such business, must procure a license for each hotel, restaurant, lodging house, boarding house, or place of refreshment, so conducted, provided that one license shall be sufficient for a combination of an hotel and restaurant, lodging house, boarding house, and place of refreshment, where such businesses are conducted in the same enclosure and under the same management. Each license shall expire on the 31st day of December next following its issuance, and any proprietor who operates a place of business as defined herein after January 1st following, without first having made application for a license and without having made payment of the fee thereof, shall have violated the provisions of this act and is subject to prosecution as provided herein, and in addition thereto, a penalty of one dollar and fifty cents (\$1.50) shall be added to the amount of the license fee and paid by the proprietor as provided herein if the said application has not reached the office of the Division of Hotel Inspection of the State Board of Health on or before January 31st following the expiration of license, or, in the case of a new business, thirty days after the opening date of such business. The Hotel Inspector shall furnish to any person, firm or corporation desiring to conduct an hotel, restaurant, lodging house, boarding house or place of refreshment, an application blank to be filled out by such person, firm or corporation for a license therefor, and which shall require such applicant to state the full name and address of the owner of the building, structure or en-

closure, the lessee and manager of such hotel, restaurant, lodging house, boarding house or place of refreshment, together with a full description of the enclosure to be used or proposed to be used for such business, the location of the same, the name under which such business is to be conducted, and such information as may be required therein by the Hotel Inspector to complete such application for license, and such application shall be accompanied by a license fee of \$3.50 and all such fees shall be turned into the State Treasury on the first day of January, April, July and October of each year. '19, c. 499, §3; Apr. 24, 1935, c. 274; Jan. 18, 1936, Ex. Ses., c. 36, §1.)

Section 4367 does not exempt war veterans from payment of fees for licenses, for hotels, restaurants, lodging houses, boarding houses, or places of refreshment. Op. Atty. Gen., May 25, 1932.

Operators of hotels, restaurants and places of refreshment within boundaries of Red Lake Reservation who do not confine their trade to Indian wards but who are either white men or Indians not under federal control must have licenses under this section. Op. Atty. Gen., May 19, 1933.

Right to lien upon baggage is not predicated on license. Op. Atty. Gen., Mar. 19, 1934.

Municipal liquor store must have refreshment license. Op. Atty. Gen. (238g), May 21, 1934.

"On Sale" liquor establishment must obtain a refreshment license from inspection department. Op. Atty. Gen. (218g-6), June 5, 1934.

The first amendment to this section as contained in Laws 1935, c. 274, was intended as an amendment to the last two paragraphs of §5903 and should be given that effect. Op. Atty. Gen. (238d), May 16, 1935.

Any person conducting a lodging house previous to April 24, 1935, but not within terms of §5903, who came within the terms of Laws 1935, c. 214, had 60 days from April 24 to obtain a license. Op. Atty. Gen. (238k), Oct. 22, 1935.

Hotel in a fourth class city is not required to have any further hotel license than regular hotel meal license as all restaurants have, but it may need various types of licenses as for milk and cigarette sales. Op. Atty. Gen. (596b-3), June 24, 1936.

Director of division of hotel inspection of Department of Health has right to issue order that all persons handling food and catering to public in a bakery and cafe keep his or her person clean and sanitary. Op. Atty. Gen. (238j), July 10, 1936.

#### 5907. Plumbing, lighting, heating, etc.

A guest in a hotel, injured by stumbling down a short, unlighted stairway in hallway just outside door of his room, held entitled to recover as for negligence. *Gustafson v. A.*, 194M575, 261NW447. See Dun. Dig. 4513.

Violation of this section, if proximate cause of injury, establishes liability in absence of contributory negligence or assumption of risk. *Jewell v. B.*, 199M267, 271NW461. See Dun. Dig. 4513.

Trap door in lavatory in restaurant held not a nuisance, nor so faulty in design or construction that landlord could be held responsible for creation of an unreasonable risk to patrons of lessee. *Lyman v. H.*, 203M 226, 280NW862. See Dun. Dig. 5369(39).

Contributory negligence of hotel guest in going down unlighted steps at entrance held for jury. *Id.*

Board of health cannot compel restaurants or places of refreshment to provide toilets or hot and cold running water. Op. Atty. Gen. (238g), Nov. 5, 1935.

#### 5908. Fire protection to be provided.

Section 5908 applies to hotels and lodging houses two stories in height while §5909 applies to hotels and lodging houses more than two stories in height. Op. Atty. Gen., Jan. 2, 1934.

#### 5909. Additional fire protection in larger hotels, etc.

Op. Atty. Gen., Jan. 2, 1934; note under §5908.

This section supersedes §1630-56 insofar as it refers to outside standpipes in hotels and lodging houses. Op. Atty. Gen., July 24, 1933.

#### 5910. Iron stairways for exit, and other provisions.

Fire escape which has as only exit a room containing a door which may be locked does not comply with statute. Op. Atty. Gen., May 8, 1933.

Hotel inspector being satisfied that interior stairway is fireproof may cancel outstanding fire escape order. Op. Atty. Gen., Aug. 23, 1933.

Lessees are responsible for compliance with order issued against theaters and public halls, but owners are liable for compliance with respect to other buildings. Op. Atty. Gen. (238), May 6, 1937.

**5911. Revocation of license.**—It shall be the duty of the State Hotel Inspector to revoke a license, if and when it be found by the Hotel Inspector that a place of business as defined herein is being operated in violation of the provisions of this Act so as to con-

stitute a filthy, unclean and unsanitary condition and dangerous to public health, or if the owner or proprietor persistently refuses or fails to comply with the provisions of this Act. Upon such revocation of license, the said place of business shall be immediately closed to public patronage until such a time that the owner or proprietor shall have complied with the provisions of this Act, as certified to by the issuance of a new license.

The third such revocation of license in any one year and on any one proprietor shall be made permanent for a period of one year from the date of the last revocation. ('19, c. 499, §9; Apr. 24, 1935, c. 274.)

Where a license is granted to a proprietor after revocation of a previous one, it is proper to collect another fee of \$3.50 for the new license. Op. Atty. Gen. (238f), May 29, 1935.

Licensee should be served with a written notice specifying charges against him and setting a date for a hearing at which licensee may be heard. *Id.*

#### 5915. Payment of alterations.

"Changes" referred to are those ordered by state hotel inspector. *Lyman v. H.*, 203M225, 280NW862. See Dun. Dig. 4513.

Lessees are responsible for compliance with order issued against theaters and public halls, but owners are liable for compliance with respect to other buildings. Op. Atty. Gen. (238), May 6, 1937.

### MOVING PICTURES

#### 5934. Style of seats.

Injury to patron from falling of disconnected seat. 181M109, 231NW716.

**5940. Licenses for operation of moving picture machines or exhibition of moving pictures—Application for—Fees—Issue of licenses—Transfer—Itinerant exhibitions—Permits—Bonds—Fees.**—On and after the first day of September, 1917, it shall be unlawful for any person to operate a moving picture machine or to exhibit moving pictures in any building, theatre or hall 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 said place has been licensed by the state fire marshal to use such place for such 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 five dollars 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 such applicant be the owner, lessee, occupant or agent of the building 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 such license and such verified application shall be prima facie proof of the facts therein stated.

Upon receipt of such application, the state fire marshal shall make such investigation as he shall deem necessary and shall grant a license to such applicant unless it appears to him that the provisions of this act are being violated or are about to be violated. The license thus granted shall not be 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, such 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, however, 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 such permanent license a part thereof proportionate to the unexpired portion of the year for which the temporary license was granted. Provided that all public exhibition of moving pictures in any place except a building 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 such public exhibitions of moving pictures in any place except a building shall be classified as itinerant moving picture exhibitions. No such person, firm or corporation shall give any such public moving picture exhibition at any place except under a permit from the fire marshal authorizing such exhibition, and after said person or firm or corporation has made and executed a bond of indemnity to the state of Minnesota in such sum as the fire marshal may approve, conditioned to pay any and all liability for damages ensuing through the negligence of such exhibitor. The fee for each such permit shall be five dollars. Provided, however, that no licenses nor bond shall be required nor necessary to operate a moving picture machine or to exhibit moving pictures by any firm, person, association or corporation in any village having a population of less than 700 inhabitants where no admission charge is made therefor and where there is no licensed moving picture business. ('17, c. 466, §21; '25, c. 399; Apr. 11, 1935, c. 155.)

An application for motion picture operator's license can be made by mail. Op. Atty. Gen., Mar. 6, 1933.

Parent and teachers' associations may show motion pictures without obtaining license, but must obtain permit from fire marshal. Op. Atty. Gen., Mar. 20, 1933.

Fire marshal in granting license to itinerant motion picture exhibitor need not consider §§1929-1 to 1929-5. Op. Atty. Gen. (197d), June 25, 1934.

Fee having once been paid, it may not be refunded, or the subject of a credit upon a subsequent license, even though the theatre in connection with which a license was issued never opened for business and license was returned at request of fire marshal. Op. Atty. Gen. (197d), Aug. 15, 1934.

Exhibitor showing pictures out of doors in municipalities of less than 700 without moving picture theatres is not required to obtain license, permit, or bond, no admission being charged, though local merchants compensate exhibitor. Op. Atty. Gen. (197d), Sept. 1, 1939.

#### STATE FIRE MARSHAL

##### 5955. Officers to investigate origin of fires.

State fire marshal has no power to hire persons to assist in investigation of arson cases and bind the county for payment thereof. Op. Atty. Gen. (197a), Aug. 30, 1937.

There is no statute authorizing sheriff to hire persons in investigation of arson cases and bind county for payment of their services except insofar as he is authorized to appoint special deputies who would receive their compensation as such deputies. Id.

Duty of investigating fires is imposed on fire chief of local municipality, and he is not entitled to charge expense of investigation against county. Id.

##### 5957. Power to summon and compel, etc.

Act of fire marshal in compelling person suspected of arson to testify under subpoena, held to violate the constitutional right of such person against self incrimination. 180M573, 231NW217.

##### 5960. May enter any building within reasonable hours.

State fire marshal may not use force to effect entry on premises for purpose of making inspection, but owner padlocking premises so that inspection may not be made is guilty of offense of resisting, delaying and obstructing a public officer in discharge of his duties. Op. Atty. Gen. (197c), May 9, 1935.

##### 5961. May order certain buildings repaired or torn down.

City ordinance making it unlawful to alter or repair building damaged or deteriorated more than 50% does not conflict with state statute prescribing powers and duties of state fire marshal. Zalk & Josephs Realty Co. v. S., 191M60, 253NW8. See Dun. Dig. 6525.

Evidence held to sustain finding that building was a fire hazard and dangerous to life and limb. State Fire Marshal v. S., 201M594, 277NW249. See Dun. Dig. 3763c.

Fact that there are delinquent taxes on property is not a bar to condemnation of building by fire marshal. Op. Atty. Gen. (197c), Aug. 1, 1935.

Village may refer buildings which are life and limb hazards to persons on sidewalks to state fire marshal or deal with owners thereof under nuisance statute. Op. Atty. Gen. (477b-20), Mar. 23, 1937.

State fire marshal is not authorized to condemn or direct repair of buildings or structures located upon lands forfeited to state for delinquent taxes. Op. Atty. Gen. (197c), May 3, 1937.

**5961-1. State Fire Marshal may repair or demolish certain structures.**—The state fire marshal is hereby authorized to petition the district court of any county for an order of condemnation directing the destruction, repair or alteration of any building or structure located on land owned by and/or on land held in trust by the state, which is especially liable to fire and dangerous to life and limb, within the purview of the provisions of Section 5961, Mason's Minnesota Statutes of 1927. In case the petition is for an order requiring repairs the person or persons authorized by law to make such repairs, and upon whom such order is served, shall make such repairs as thereby directed, and the order may direct that the building or structure be closed and not further used or occupied until such repairs are made. Upon the filing of such petition with the district court wherein any such building or structure is located, the court shall make a temporary order directing the state fire marshal to serve a copy of such petition and a copy of the temporary order upon the Minnesota Tax Commission, and the County Board of the County wherein such lands are situated, and if such lands are situated in cities of the first class, then also upon the assessor of such city of the first class, as well as ordering that notice be served upon the parties who have an interest of record in said property within such time as may be fixed by the court in said order. If within twenty days no objections are filed to said petition by the parties so served or by any person or persons claiming an interest in said property, the court may require the state fire marshal to present sufficient proof to sustain the allegations set forth in his petition, and thereupon the court may or may not make, as the case may require, an order of condemnation and direct the state fire marshal to proceed with the destruction of the building or structure; but if objections are filed and a copy of such objections have been duly served upon the state fire marshal within twenty days of the service of the copy of the temporary order and copy of the petition hereinbefore referred to, the court, upon application by the state fire marshal, shall make its order fixing the time and place for hearing of the matter, which place may be at any convenient point, at any general or special term, or out of the term, or in chambers within the judicial district where such lands are situated, and which time shall be within ten days from the date of the filing of the objections, or as soon thereafter as may be. If upon such hearing the petition shall be sustained the court shall issue an order of condemnation and fix the time within which the building or structure shall be destroyed, repaired or altered in compliance with such order, and that upon failure of the proper person or persons to comply with the said order the state fire marshal shall proceed with the destruction thereof. If upon the hearing the petition of the state fire marshal is not sustained the court shall deny the petition.

In all cases where the order of the court has not been complied with and the state fire marshal is authorized to proceed with the demolition of any building or structure, the state fire marshal shall sell and dispose of the salvage materials therefrom at public auction upon three days' posted notice, and all expenses incurred by the state fire marshal shall be paid out of the moneys received from such auction of salvage material and any deficit remaining unpaid thereafter may be paid out of the funds created by and

provided for in Section 5973 of Mason's Minnesota Statutes of 1927. Should any surplus remain of the amount received for salvage material after deducting the expenses incurred by the State Fire Marshal such surplus shall be paid to the county treasurer of the county where the property was situated to be distributed by him as provided by law. (Act Apr. 12, 1939, c. 200.)

**5966. Time and place of hearing.**

Section is constitutional. *State Fire Marshal v. S.*, 201M594, 277NW249. See Dun. Dig. 1639. Provision as to prima facie effect of state fire marshal merely creates a rule of evidence, and merely means that burden of going forward with evidence shifts. *State Fire Marshal v. S.*, 201M594, 277NW249. See Dun. Dig. 3763c.

**5973. Fire insurance companies to pay cost of maintenance.**—For the purpose of maintaining the department of state fire marshal and paying all the expenses incident thereto, every fire insurance company doing business in the State of Minnesota, excepting town insurance companies, farmers' mutual fire insurance companies and township mutual fire insurance companies, shall hereafter pay to the State Treasurer on or before March 1, 1914, and annually thereafter, a tax upon its fire premiums or assessments or both, as follows:

A sum equal to one-half of one per cent of the gross premiums and assessments, less return premiums, on all direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, including premiums on policies covering fire risks only on automobiles, whether written under floater form or otherwise; provided, however, that this act shall in no way affect the tax due March 1, 1913, and the payment thereof. In the case of a mutual company, the dividends paid or credited to members in this state shall be construed to be return premiums. The money so received into the state treasury shall be set aside as a special fund and is hereby appropriated for the maintenance of such office of state fire marshal and the expenses incident thereto. The state shall not be liable in any manner for the salary of said fire marshal, his chief assistant, deputies, clerks and other employes or for the maintenance of the office of fire marshal or any expenses incident thereto, and the same shall be payable only from the special fund provided for in this section. (As Am. Mar. 19, 1937, c. 77, §1.)

Township mutual insurance company is not liable for fire marshal tax. *Op. Atty. Gen.* (249b-13), Mar. 10, 1937.

**5976. Records to be public, except in certain cases.**

Unsworn statement drawn up by deputy fire marshal and signed by one not under subpoena was not privileged. *State v. Poelaert*, 273NW641. See Dun. Dig. 10333.

**DRY CLEANING AND DRY DYEING BUILDINGS AND ESTABLISHMENTS**

**5984. Dry cleaning and dyeing establishments license.**—For the purpose of this act a dry cleaning or dry dyeing business is defined to be the business of cleaning, or dyeing cloth, clothing, feathers, or any sort of fabrics or textiles or cleaning or dyeing by processes known as dry cleaning and dry dyeing.

No person, firm or corporation shall advertise as conducting a dry cleaning or dry dyeing business or either until such person, firm or corporation shall have made application to the state fire marshal for permission to engage in such business and paid the fee as hereinafter provided.

The term "flammable liquid" as used in this act is defined as any liquid which, under operating conditions, gives off vapor which, when mixed with air is combustible and explosive, or any liquid with a flash point 187 degrees Fahrenheit (86 degrees Centigrade) closed cup tester. The flash point shall be determined with the Elliott, Abel, Abel Pensky, or the Tag closed cup testers, but the Tag closed cup tester

(standardized by the United States Bureau of Standards) shall be authoritative in case of dispute. All tests shall be made in accordance with the methods adopted by the American Society for Testing Materials. (As Am. Apr. 14, 1937, c. 225, §1.)

Use of liquid for cleaning hats and limited quantities of wearing apparel requires no license unless it is one of the liquids referred to in this section, such being question of fact. *Op. Atty. Gen.*, May 24, 1933.

One may be conducting a dry cleaning or dry dyeing business although not advertised as conducting such a business. *Op. Atty. Gen.* (197b), Feb. 28, 1935.

**5991. Buildings to be fire proof.**—All buildings or establishments used or to be used for the purpose of the business of dry cleaning or dry dyeing as above defined shall be of fire-resisting design and construction and not to exceed three stories in height and shall be without basement, cellar or open space below the ground floor, the workroom where all dry cleaning is done to be located on the ground floor. Such building must also comply in all other respects with the provisions of this act. Fire-resisting construction is defined to consist of the use of fire-resisting material as follows: Brick, hollow tile, steel and concrete or reinforced concrete. Any building in which gasoline, naphtha, benzol, carbon bisulphide or light petroleum or coal tar products are used in connection with a dry cleaning or dry dyeing business must be at least fifteen (15) feet from any other building or lot, except the building used for operating a dry cleaning or dry dyeing business, unless separated therefrom by an unpierced fire wall. In no event shall more than two sides of such building have walls without openings. The roof of such buildings shall be of fire-resistive construction. (As Am. Apr. 14, 1937, c. 225, §2.)

**5992. Construction.**—All walls of such dry cleaning and dry dyeing buildings or establishments shall be of brick laid in cement mortar, or of reinforced concrete not less than twelve inches in thickness, or of stone, laid in cement mortar not less than sixteen inches in thickness, or of other noncombustible and fire-resisting material constructed of a thickness of not less than twelve inches. The roof of such building shall be of fire-resistive construction. Provided, however, that the construction specified in this section shall not apply to any building or establishment in which no flammable liquid, product or substance shall be present, handled or used. (As Am. Apr. 14, 1937, c. 225, §3.)

**5994. Same.**—Ventilating apertures of size not less than sixty square inches in area shall be placed in the walls of such dry cleaning and dry dyeing buildings at or near the level of the floor, and spaced not over six feet apart from center to center; such openings shall be covered with 2x2 wire mesh, number sixteen galvanized wire web or its equal, and shall be kept clear of all obstructions and such ventilating apertures shall be so arranged as to completely change the air volume every three minutes while the plant is in operation. Other ventilating systems may be substituted for the above, which will completely change the air every three minutes, while the plant is in operation provided same are approved before constructed by the state fire marshal. (As Am. Apr. 14, 1937, c. 225, §4.)

**5996. Same.**—As a means of fire extinguishment in any such buildings, the same shall be equipped with a high pressure boiler of sufficient size and horse power, such boiler to be located in a fire-proof building at least ten (10) feet from any building used for the purpose of dry cleaning or dry dyeing, such boiler to be connected with a two-inch steam supply pipe in the dry cleaning or dry dyeing room so installed as to give as nearly as possible an equal distribution of steam, and to be so placed that the steam when turned in will immediately fill the entire room; such steam pipes shall be provided with perforations or jets of one-quarter of one inch in diameter, equally spaced, so that there is one opening to each twenty-five square

feet of floor space; a standard globe valve shall be placed in the steam service line or lines connected to this perforated steam pipe outside of the building, and to be accessible for operation in case of fire. The steam supply for such pipes shall be continually available for service while the plant is in operation, and shall be sufficient to completely fill the room space in less than one minute, and continue the flow of steam sufficient to keep the room space filled with steam for a period of at least thirty minutes.

This section shall not apply to any business or establishment where the dry cleaning or dry dyeing is accomplished by a non-flammable liquid, or liquids having a flash point exceeding 187 degrees Fahrenheit or 86 degrees Centigrade, product or substance. (As Am. Apr. 14, 1937, c. 225, §5.)

**6001. Use of gasoline engines forbidden in certain cases.**—No gas or gasoline engine, steam generator or heating device nor any electrical dynamo or motor except such motors as have been approved as explosion-proof by the State Fire Marshal shall be located, maintained or used inside of, nor within a distance of ten feet of any building used for the business of dry cleaning and dry dyeing as above defined except that an electrical motor may be placed within such ten feet, but without a solid fireproof wall.

Any dry cleaning or dry dyeing business located in any village or city of the fourth class may install and maintain two 2½-gallon fire extinguishers of anti-freezing liquid, to be approved by and installed as directed by the state fire marshal, in lieu of compliance with the provisions of Section 13 of this chapter providing for the extinguishment of fire in such business or establishment. ('21, c. 459, §18; Laws 1927, c. 402; Apr. 20, 1931, c. 268.)

**6001-1. Must have fire extinguishers.**—Any dry cleaning or dry dyeing business located in any village or city of the fourth class may install and maintain two 2½ gallon fire extinguishers of anti-freezing liquid to be approved by and installed as directed by the State Fire Marshal, in lieu of compliance with the provisions of this chapter providing for the prevention of fire in such business or establishment. (Act Apr. 26, 1929, c. 402, §2.)

**6012. Separate buildings for gas, etc.**—No carbon bi-sulphide, gasoline, naphtha, benzol or light petroleum or coal tar product used in the dry cleaning and dry dyeing business shall be distilled or redistilled in connection with the said dry cleaning or dry dyeing business except in a building of fire-proof construction, which building must be located more than fifteen (15) feet from any other building or lot, except the buildings used in said dry cleaning and dry dyeing business, unless separated therefrom by an unpierced fire wall. But in no event shall more than two sides of such building have walls without open-

ings. The roof of such building shall be of fire-resistant construction. (As Am. Apr. 14, 1937, c. 225, §6.)

**6014. Abandoned buildings.**—Should any building, business or establishment of dry cleaning or dry dyeing as herein defined, be discontinued or not carried on in any building which does not conform to the provisions herein set forth, for a period of ninety (90) days, such business shall be considered as having been abandoned, and before the same can again be carried on in such building, the said building must be so constructed, repaired or rebuilt as to conform to the provisions of this act.

The period of ninety (90) days herein stated is not to be construed as such period when the plant is under construction or repair or operated in its regular capacity as a going business. Operation of the plant for short periods of time within the said period of ninety (90) days with the intent to evade the provisions of this section shall be considered as an attempt to interfere with the operation of this act. (As Am. Apr. 14, 1937, c. 225, §7.)

**6017. Fire marshal to enforce act.**—It shall be the duty of the state fire marshal, his deputies and assistants, to enforce the provisions of this act, and he shall have the same power and authority in the enforcement of the provisions hereof as are given to the state fire marshal under the provisions of the state fire marshal law, namely, sections 5129-5166 of the General Statutes of Minnesota, 1913.

They shall administer and enforce the laws relating to the construction, regulation, safety, and operation of dry cleaning and dry dyeing establishments; investigate, ascertain, declare and prescribe what reasonable standards for the adoption of improvements or other means or methods including the prescribing, modifying and enforcement of reasonable orders pertaining thereto, necessary to prevent fires and explosions and for the protection and safety of employees and the public in dry cleaning and dry dyeing establishments, not inconsistent with this act, and in particular, provisions of Mason's Minnesota Statutes for 1927, Section 6013, but such requirements and regulations shall also be required of alterations and changes undertaken by existing dry cleaning and dry dyeing establishments. (As Am. Apr. 14, 1937, c. 225, §8.)

**6018. Disposition of fines.**—All fees, penalties or forfeitures collected by the state fire marshal, his deputies or assistants under the provisions of this act, shall be paid into the state treasury and be credited to the State Fire Marshal Fund, and shall be disbursed in the same manner as other moneys in said fund are disbursed. (As Am. Apr. 14, 1937, c. 225, §9.)

Fees for licenses issued previous to passage of Laws 1937, c. 225, should be certified to general revenue fund. Op. Atty. Gen. (290e), July 22, 1937.

## CHAPTERS 37-38

### Agriculture and Rural Credits

#### DEPARTMENT OF AGRICULTURE

##### 6023. Creation.

Seed loans for 1937 crop. '37, c. 65.  
Cook v. T., 274NW165; note under §6025.

##### 6024. Powers and duties.

(b)  
Town assessor is entitled to \$4.00 for each day's services including time spent in taking farm census. Op. Atty. Gen., July 5, 1933.

Assessor is entitled to compensation for extra time spent in taking farm census, but such services must be performed during the months of May and June. Op. Atty. Gen. (12c-1), July 10, 1934.

##### 6025. Commissioner of Agriculture to enforce acts.

Commissioner of Agriculture, Dairy and Food in discharging the duties incumbent upon him under §10390

may exercise the powers conferred by this section. Op. Atty. Gen., Oct. 15, 1931.

Duty imposed on commissioner of agriculture, generally to enforce law against wholesale dealers in produce, as in case of one unlawfully doing business without a license, involves exercise of judgment and discretion and so is not in class of ministerial official duties, nonperformance of which may result in liability to one proximately damaged by nonfeasance. Cook v. T., 274NW165. See Dun. Dig. 8001.

##### 6026. Attorney general to advise Commissioner.

Op. Atty. Gen., Oct. 15, 1931; note under §6025.

##### 6027. Commissioner to publish information.

Op. Atty. Gen., Oct. 15, 1931; note under §6025.  
Department may not charge for pamphlets issued. Op. Atty. Gen. (322), Sept. 15, 1938.