

## CHAPTER 36—S. F. No. 146.

*An act to amend Mason's Minnesota Statutes of 1927, Section 5903 as amended by Laws 1935, Chapters 77 and 274, and Section 5905, as amended by Laws 1935, Chapter 274, relating to the equipment and regulation of hotels, restaurants, lodging houses, boarding houses, and places of refreshment, defining the same and providing for the licensing thereof.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Hotel defined.**—Mason's Minnesota Statutes of 1927, Section 5903, as amended by Laws 1935, Chapters 77 and 274 is hereby amended so as to read as follows:

"5903. 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."*

Mason's Minnesota Statutes of 1927, Section 5905 as amended by Laws of 1935, Chapter 274 is hereby amended so as to read as follows:

"5905. 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 enclosure, 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."

Approved January 18, 1936.

---

#### CHAPTER 37—S. F. No. 157.

*An act amending Laws 1919, Chapter 293 entitled "An Act Fixing the Salary of Judges of the Probate Court in Certain Counties", and ratifying and approving certain acts of the county board in fixing salaries thereunder.*

Be it enacted by the Legislature of the State of Minnesota :

**Section 1. Salary of Judge of Probate in certain counties.—**The county board shall at its first January meeting in each year, fix the salary of the judges of probate court in each and every county in which there are not less than 48 townships, which has an area of not less than 1,000,000 or more than 1,500,000 acres, and whose population according to the census last taken was not less than 15,000 or more than 30,000 and whose assessed valuation is not less than \$5,000,000 nor more than \$25,000,000 and said salary not to be less than \$2000.00 and not to exceed \$2500.00 a year payable in 12 equal monthly