

## CHAPTER 157

## HEALTH REGULATIONS RELATING TO HOTELS, RESTAURANTS, LODGING AND BOARDING HOUSES

NOTE: Laws relating to building and fire protection are found in Chapter 74 and relating to the contracts, operation and civil rights of hotels and public resorts in Chapter 327.

**157.01 DEFINITIONS.**

As to loss of property by guest, see provisions of Chapter 327, and see *Asseltyne v Fay Hotel*, 222 M 91, 23 NW(2d) 358; *Erickson v Synykin*, 223 M 232, 26 NW(2d) 172.

There is nothing inconsistent or unusual in a house of public entertainment having a double character, that is, being simultaneously a boardinghouse or rooming house and an inn or hotel. In the instant case, the plaintiff was a lodger or roomer and not a transient guest. *Asseltyne v Fay Hotel*, 222 M 91, 23 NW(2d) 359.

Distinction between guests, lodgers, and tenants. 22 MLR 1055.

**157.02 HOTEL INSPECTOR.**

The salary of a hotel inspector is governed by biennial appropriation bills. OAG July 6, 1945 (980-A-14).

**157.03 LICENSES REQUIRED.**

A gasoline filling station selling more than 40 different articles for automobile and home use comes within the statute exempting "general merchandise stores" from the requirement of obtaining a license to sell soft drinks. *State v Comer*, 207 M 93, 290 NW 434.

Where druggist sells milk only as it is used as an ingredient of mixed drinks covered by his state and village soft drink license, a special milk license under section 32.23 is not required. OAG May 8, 1946 (292-c).

A vending machine merchandising wrapped packages or bottled goods does not require a license under this section. OAG May 6, 1943 (125-A-20).

**157.04 ANNUAL INSPECTION.**

Liability of restaurateur for defective food. 20 MLR 527.

**157.05 PLUMBING, LIGHTING, HEATING, VENTILATION.**

The trap door through which plaintiff fell was not so faulty in design or construction that defendant can be held responsible for the creation of an unreasonable risk to the patrons of the lessee. There were no violations shown of the provisions of sections 157.01 to 157.13. *Lyman v Hermann*, 203 M 225, 280 NW 862.

The maintenance of existing buildings in "condition and occupancy" as they were at the date of the adoption of the code is permitted except where a change becomes necessary for safety and is ordered by the inspector of buildings. *Pangolas v Colvet*, 210 M 249, 297 NW 741.

Under provision of Minneapolis building code sections 111 and 604.1 including contractual obligations assumed by owner and lessee and, in the instant case, both are "owners" of the leased property and their duties as applicable to plaintiff in this case cannot be shifted to a sublessee. *Judd v Landis*, 211 M 466, 1 NW(2d) 861.

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## 157.07 HOTELS, RESTAURANTS, LODGING HOUSES, ETC.

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### 157.07 ADDITIONAL FIRE PROTECTION IN LARGER HOTELS.

Defendant was properly convicted for failure to provide, in the hotel of a certain size operated by him, a standpipe of a certain size. A criminal complaint need not negative an exception not descriptive of the offense and not found in the enacting clause. *State v Minor*, 137 M 254, 163 NW 514.

### 157.08 IRON STAIRWAYS FOR EXIT, AND OTHER PROVISIONS.

Restaurant, conducted on the third floor of a four-story building where there are no sleeping rooms, does not come within operation of provisions of section 157.08 relating to facilities to escape fires. *Arcade v Hawley*, 139 M 27, 165 NW 477.

In an action to recover rent on the Willard Hotel in St. Paul, the lease in effect required defendants to construct inside standpipes, and outside stairways as imposed by a subsequent statute. These were valid provisions and a directed verdict for defendants, by the trial court, was error. *Garland v Samson*, 237 F. 31.