

## CHAPTER 157

### HOTELS, RESORTS, RESTAURANTS; REGULATION, PROTECTION

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**157.01 DEFINITIONS.** 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 and furnishing accommodations for periods of less than one week shall for the purpose of this chapter 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 or prepared for service elsewhere without sleeping accommodations, and furnishing accommodations for periods of less than one week, shall for the purpose of this chapter be deemed to be a restaurant, and the person in charge thereof, whether as owner, lessee, manager or agent, for the purpose of this chapter shall be deemed the proprietor of such restaurant, and whenever the word "restaurant" occurs in this chapter, 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 chapter, 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, whether with or without sleeping accommodations, for periods of one week or more, shall, for the purpose of this chapter, 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, or drinks of various kinds are made, sold or served at retail, shall, for the purpose of this chapter, be deemed to be a place of refreshment. This chapter shall not be applicable in any manner to a general merchandise store, grocery store, oil station, cigar stand, confectionery store, or drug store not providing meals, lunches, or fountain, bar, booth, or table service.

For the purpose of this chapter, a resort means any building, structure, or enclosure, or any part thereof, located on, or on property neighboring, any lake, stream, or skiing or hunting area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public, and primarily to those seeking recreation, for periods of one day, one week, or longer, and having for rent five or more cottages, rooms, or enclosures.

[1919 c 499 s 1; 1935 c 77; 1935 c 274 s 1; Ex1936 c 36 s 1; 1943 c 104 s 1; 1945 c 537 s 1; 1945 c 587 s 1; 1963 c 154 s 1] (5903)

**157.02 HOTEL INSPECTOR.** The hotel inspector 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 the name of the owner, proprietor, or manager thereof, 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 assist in the enforcement of any orders promulgated by the state board of health and the department of agriculture re-

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lating to hotels, restaurants, lodging houses, boarding houses, and places of refreshment.

[1919 c 499 s 2; 1925 c 426 art 9 s 2; 1961 c 113 s 1] (53-34, 5904)

**157.03 LICENSES REQUIRED; FEES.** Each year every person, firm, or corporation engaged in the business of conducting an hotel, restaurant, lodging house, boarding house, or resort, or place of refreshment, or who shall hereafter engage in conducting any such business, except vending machine operators licensed under the license provisions of sections 28A.01 to 28A.16, must procure a license for each hotel, restaurant, lodging house, boarding house, or resort, or place of refreshment so conducted; provided, that for any hotel or resort in which food, fountain, or bar service is furnished, one license, in addition to the hotel or resort license, shall be sufficient for all restaurants and places of refreshment conducted on the same premises and under the same management with such hotel or resort. Each license shall expire on the thirty-first day of December next following its issuance and any proprietor who operates a place of business after January first following, without first having made application for a license and without having made payment of the fee thereof shall be deemed to have violated the provisions of this chapter and be subject to prosecution, as provided in this chapter; and, in addition thereto, a penalty of \$1.50 shall be added to the amount of the license fee and paid by the proprietor, as provided herein, if the application has not reached the office of the state board of health on or before January thirty-first following the expiration of license; or, in the case of a new business, 30 days after the opening date of such business. The state board of health shall furnish to any person, firm or corporation desiring to conduct an hotel, restaurant, lodging house, boarding house, or resort, or place of refreshment an application blank to be filled out by such person, firm, or corporation, for a license therefor, which shall require the 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 resort, or place of refreshment, the location of the same, the name under which the business is to be conducted, and such information as may be required therein by the state board of health to complete the application for license, and the application shall be accompanied by a license fee as hereinafter provided.

For hotels, lodging houses, and resorts the license fee shall be based on the number of sleeping rooms in accordance with the following schedule:

## Fee Schedule

Number of sleeping rooms	Fee
1-18	\$ 7.50
19-35	\$15
36-100	\$20
101 and over	\$25

For restaurants, places of refreshment, and boarding houses the license fee shall be based on the average number of employees which shall be computed by considering each full time employee as one employee and each part time employee as that fraction of one employee as the number of months in which he is employed is to the 12 months of the year. Employees shall include all persons, except children of the licensee under the age of 18, at work in any capacity, either voluntary or paid, and whether or not reported under the labor laws of this state.

Every licensee shall, at the time of application, certify as to the number of his employees on forms provided by the state board of health and the state board of health shall have access, on demand, to any and all employment records for purposes of substantiating or correcting numbers of declared employees.

License fees for restaurants, places of refreshment, and boarding houses shall be paid in accordance with the following schedule:

## Fee Schedule

Number of employees	Fee
1-4	\$ 7
5-18	\$12
19-28	\$18
29-35	\$25
36 and over	\$30

From and after October first of each year the license fee for new establishments or new operators shall be one half the annual license fee plus any penalty which may be required.

All such fees shall be turned in to the state treasury as provided by law.

[1919 c 499 s 3; 1935 c 274 s 1; Ex1936 c 36 s 1; 1945 c 537 s 2; 1963 c 154 s 2; 1967 c 476 s 3; 1971 c 339 s 26] (5905)

NOTE: Laws 1971, Chapter 339, Section 28, reads in part as follows: "... provided, that all licenses for food processors or manufacturers shall be renewable on January 1, 1972, and annually thereafter, and all licenses for retail and wholesale food handlers shall be renewable on July 1, 1972, and annually thereafter."

**157.04 ANNUAL INSPECTION.** It shall be the duty of the hotel inspector to inspect, or cause to be inspected, at least once annually, every hotel, restaurant, lodging house, boarding house, or resort, 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 a. m. and six p. m.; and when, 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 chapter, or is being conducted in such manner as to violate any of the laws of this state pertaining to the 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 chapter, unless otherwise herein provided. A reasonable time may be granted by the hotel inspector for compliance with the provisions of this chapter.

[1919 c. 499 s. 4; 1945 c. 537 s. 3] (5906)

**157.05 PLUMBING, LIGHTING, HEATING, VENTILATION.** Subdivision 1. **Approved methods.** 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 the health, comfort, and safety of the guest; provided, that such proper lighting shall be construed to apply to both daylight and illumination, 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.

Subd. 2. **Sleeping rooms.** No room 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 one door opening on a hallway and, unless adequate provision is made for unobstructed egress to the outside of building at the bottom of the aforesaid light wells, air shafts, or courts, the hallway upon which such 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.

Subd. 3. **Screens.** Outside windows 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.

Subd. 4. **Application.** The provisions of subdivisions 1 and 2 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.

Subd. 5. **Water-closets.** 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 be equipped with suitable water-closets for the accommodation of its guests, which water-closets shall be connected by proper plumbing with such sewerage system and the means of flushing such water-closets with the water of the 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.

**Subd. 6. Privies or overvaults.** 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 six a. m. and ten 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.

**Subd. 7. Washroom.** 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.

[1919 c. 499 s. 5] (5907)

**157.06 FIRE PROTECTION.** In all hotels and lodging houses two stories high where sleeping accommodations are furnished to the public there shall be provided for each 2,500 feet of 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.

[1919 c. 499 s. 6] (5908)

**157.07 ADDITIONAL FIRE PROTECTION IN LARGER HOTELS.** In all hotels and lodging houses more than two stories high where sleeping accommodations are furnished to the public each 6,000 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 8,500 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 2,500 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 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')." "

[1919 c. 499 s. 7] (5909)

**157.08 IRON STAIRWAYS FOR EXIT, AND OTHER PROVISIONS.** 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 the building to within 12 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 30 inches in height and safely fastened and secured. The stairway shall not be less than two feet wide with steps not less than six inches tread and placed at an angle of not more than 45 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. If there are more than 15 sleeping rooms on any floor above the third floor there shall be provided one such additional fire-escape for each 15 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 keep a five-eighths-inch manilla rope of sufficient length to reach the ground in lieu of the described iron stairway fire-escape or properly constructed fire-escape

stairway inside the building, having knots at least every 15 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 500 pounds weight; provided, that nothing in this section shall be construed to prevent the use of any recognized automatic fire-escape in lieu of knotted rope.

When 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 the building and every building converted into an hotel or lodging house after the passage of this chapter must comply with the provisions thereof.

The provisions of this chapter 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 provide the main public washroom 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 six thirty a. m. and nine a. m., eleven thirty a. m. and two p. m., and six p. m. and eight 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 13 inches long after being washed; provided, that this shall not prohibit the use of individual paper towels or mechanically operated driers in such washrooms.

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 be not 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; these 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 hotel or lodging house until the vermin or bedbugs are exterminated and the 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 employees 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 employee 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 chapter 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 chapter, shall be guilty of a misdemeanor; and, upon conviction thereof, punished by a fine of not less than \$25, nor more than \$100, or by imprisonment in the county jail for not more than 90 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, a proper action or proceeding against any person or persons violating the provisions of this chapter.

[1919 c. 499 s. 8] (5910)

**157.09 REVOCATION OF LICENSE.** It shall be the duty of the state hotel inspector to revoke a license, if and when it be found by him that a place of business is being operated in violation of the provisions of this chapter, so as to constitute a filthy, unclean, and insanitary condition and dangerous to public health; or, if the owner or proprietor persistently refuses or fails to comply with the provisions of this chapter. Upon such revocation of license, the place of business shall be immediately closed to public patronage until such time as the owner or proprietor shall have complied with the provisions of this chapter, as certified to by the issuance of a new license.

The third 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.

[1919 c. 499 s. 9; 1935 c. 274] (5911)

**157.10** [Repealed, 1965 c 45 s 73]

**157.11 PAYMENT OF COMPENSATION.** On or before the fifteenth 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, 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 the amount due the stenographers as compensation for the preceding month, and such salaries, mileage, and expenses being audited, shall be paid by the state.

[1919 c. 499 s. 11] (5913)

**157.12 LICENSE POSTED IN OFFICE.** Every hotel, restaurant, lodging house, boarding house, or place of refreshment securing a license or license fee receipt under the provisions of this chapter 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 chapter shall be conducted by the county attorney of the county in which the offense was committed.

[1919 c. 499 s. 12] (5914)

**157.13 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 any such building ordered by the hotel inspector to meet the requirements of this chapter shall be ordered installed and paid for by the owner of the building in question and not by the lessee.

[1919 c. 499 s. 13] (5915)

**157.14 EXEMPTIONS.** This chapter shall not be construed to apply to interstate carriers under the supervision of the United States Department of Health, Education and Welfare or to any building constructed and primarily used for religious worship, nor to any building used by a college or university in accordance with regulations promulgated by such college or university.

[1919 c 499 s 1; 1935 c 77; 1935 c 274 s 1; ~~Ex~~1936 c 36 s 1; 1943 c 104 s 1; 1945 c 587 s 1; 1963 c 154 s 3] (5903)

**157.15** [Repealed, 1959 c 592 s 29]