

## CHAPTER 157

REGULATION AND PROTECTION OF HOTELS, RESTAURANTS, LODGING  
AND BOARDING HOUSES**157.01 DEFINITIONS.**

**HISTORY.** 1903 c. 301 ss. 1, 3; 1905 c. 343 s. 1; R.L. 1905 s. 2373; 1911 c. 206 s. 1; 1913 c. 569 s. 1; G.S. 1913 s. 5113; 1919 c. 499 s. 1; G.S. 1923 s. 5903; M.S. 1927 s. 5903; 1935 c. 77; 1935 c. 274 s. 1; Ex. 1936 c. 36 s. 1; M. Supp. s. 5903; 1943 c. 104 s. 1; 1945 c. 537 s. 1; 1945 c. 587 s. 1.

A trap door affording access from the lavatory to the furnace was not so negligently constructed as to make the landlord liable. *Lyman v Hermann*, 203 M 225, 280 NW 862.

A gasoline filling station selling more than 40 different articles for automobile and home use comes within the provision of 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.

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

Whether a residence advertised to be used as a rooming house is a hotel, is a question of fact. OAG Aug. 14, 1933.

Buildings used for housing college or university students, are exempt. OAG March 6, 1936.

Lunch rooms for employees and their guests must have a restaurant license. OAG Jan. 5, 1937.

Whether a concession stand in a public park is a restaurant which may sell malt liquor is a question of fact for determination by the city council. OAG March 16, 1938.

Gasoline filling stations selling soft drinks must have a license. OAG Jan. 20, 1939 (238g).

County fair associations must have a refreshment license if it sell soft drinks. OAG Aug. 23, 1938 (634b).

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

**157.02 HOTEL INSPECTOR.**

**HISTORY.** 1905 c. 343 s. 1 1911 c. 206 s. 1; 1913 c. 569 s. 2; G.S. 1913 s. 5114; 1919 c. 499 s. 2; G.S. 1923 s. 5904; M.S. 1927 s. 5904.

**157.03 LICENSES REQUIRED.**

**HISTORY.** 1903 c. 301 ss. 3, 5; 1905 c. 343 s. 1; 1911 c. 206 s. 1; 1913 c. 569 s. 3; G.S. 1913 s. 5115; 1919 c. 499 s. 3; G.S. 1923 s. 5905; M.S. 1927 s. 5905; 1935 c. 274 s. 1; Ex. 1936 c. 36 s. 1; M. Supp s. 5905; 1945 c. 537 s. 2.

Indians who are wards of the national government and traders doing business with them, cannot be regulated or required to have a license of the state government. But operators of hotels and places of refreshment within the Red Lake Indian Reservation who are not Indian wards and who do not confine their trade to Indian wards, but hold their place of business open to the general public, must have a license as specified under this section. 1934 OAG 520, May 19, 1933 (238f).

An "on sale" municipal liquor store is a "place of refreshment" and a municipality conducting such a store must secure a refreshment license. 1934 OAG 561, May 21, 1934 (238g).

# MINNESOTA STATUTES 1945 ANNOTATIONS

889

## HOTELS, RESTAURANTS, LODGING HOUSES, ETC. 157.08

The director of the division of hotel inspection has a right to issue an order that all persons handling and catering to the public in a bakery and cafe keep his or her person clean and sanitary. OAG July 10, 1936 (238j).

Practice as to refundment of license fees: (1) before they have been deposited with state treasurer; (2) after being deposited. OAG Jan. 15, 1944 (454e).

### 157.04 ANNUAL INSPECTION.

HISTORY. 1911 c. 206 s. 1; 1913 c. 569 s. 4; G.S. 1913 s. 5116; 1919 c. 499 s. 4; G.S. 1923 s. 5906; M.S. 1927 s. 5906; 1945 c. 537 s. 3.

### 157.05 PLUMBING, LIGHTING, HEATING, VENTILATION.

HISTORY. 1913 c. 569 s. 5; G.S. 1913 s. 5117; 1919 c. 499 s. 5; G.S. 1923 s. 5907; M.S. 1927 s. 5907.

A guest in a hotel, injured by stumbling down a short unlighted stairway in the hallway, just outside the door of his room, is entitled to recover as for negligence. *Gustafson v Roberts Hotel*, 194 M 575, 261 NW 447.

Plaintiff was injured when she fell upon the steps of defendant's hotel. At the close of the plaintiff's case, the trial court directed a verdict for the defendant on the authority of *Johnston v Touranjeau*, 193 M 635, 235 NW 185. The appellate court held that the cases were not similar, and reversed the opinion of the lower court. *Jewell v Blanchette*, 199 M 267, 271 NW 461.

Evidence that hotelkeeper permitted the presence of ice on foot mat in lobby entrance in hotel on which plaintiff guest slipped and was injured, was sufficient to show evidence and give verdict to the plaintiff against the hotel operator, but not against the owner of the property. *Greene v Elgin Hotel*, 209 M 178, 295 NW 905.

Plaintiff, to reach a water meter, entered a dark basement which he could have lighted, but did not. He moved in search of the water meter, using a flashlight to illumine the walls but not the floor, as he proceeded, in the course of which he fell into a furnace pit. He was guilty of contributory negligence. *Huynk v Hart Publications*, 212 M 87, 2 NW (2d) 552.

Complaint in a negligence action which alleged the plaintiff, while seeking a toilet in defendant's building, entered a dark, unfamiliar passageway and from it stepped into an open, dark basement doorway, thinking it to be the toilet entrance, and was injured, showed affirmatively that plaintiff was guilty of contributory negligence. *Sartori v Capitol City Lodge*, 212 M 538, 4 NW(2d) 339.

### 157.06 TO PROVIDE FIRE PROTECTION.

HISTORY. 1913 c. 569 s. 6; G.S. 1913 s. 5118; 1919 c. 499 s. 6; G.S. 1923 s. 5908; M.S. 1927 s. 5908.

Section 157.06 applies to hotels two stories in height while section 157.07 applies to larger hotels. 1934 OAG 500, Jan. 2, 1934 (238d).

### 157.07 ADDITIONAL FIRE PROTECTION IN LARGER HOTELS.

HISTORY. 1913 c. 569 s. 7; G.S. 1913 s. 5119; 1919 c. 499 s. 7; G.S. 1923 s. 5909; M.S. 1927 s. 5909.

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

HISTORY. 1903 c. 301 ss. 2, 4; 1905 c. 343 s. 1; R.L. 1905 s. 2374; 1911 c. 206 s. 1; 1913 c. 569 s. 8; G.S. 1913 s. 5120; 1919 c. 499 s. 8; G.S. 1923 s. 5910; M.S. 1927 s. 5910.

A fire-escape which has as its only exit a room containing a door which may be locked, does not comply with the statute. OAG May 8, 1933.

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

# MINNESOTA STATUTES 1945 ANNOTATIONS

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

890

### 157.09 REVOCATION OF LICENSE.

HISTORY. 1911 c. 206 s. 1; 1913 s. 569 s. 9; G.S. 1913 s. 5121; 1919 c. 499 s. 9; G.S. 1923 s. 5911; M.S. 1927 s. 5911; 1935 c. 274; M. Supp. s. 5911.

Licensee should be served with a written notice specifying charges and setting a date for hearing. OAG May 29, 1935 (238f).

### 157.10 COMPENSATION OF INSPECTORS.

HISTORY. 1913 c. 569 s. 10; G.S. 1913 s. 5122; 1919 c. 499 s. 10; G.S. 1923 s. 5912; M.S. 1927 s. 5912.

### 157.11 PAYMENT OF COMPENSATION.

HISTORY. 1913 c. 569 s. 11; G.S. 1913 s. 5123; 1919 c. 499 s. 11; G.S. 1923 s. 5913; M.S. 1927 s. 5913.

### 157.12 LICENSE POSTED IN OFFICE.

HISTORY. 1913 c. 569 s. 12; G.S. 1913 s. 5124; 1919 c. 499 s. 12; G.S. 1923 s. 5914; M.S. 1927 s. 5914.

### 157.13 PAYMENT OF ALTERATIONS.

HISTORY. 1919 c. 499 s. 13; G.S. 1923 s. 5915; M.S. 1927 s. 5915.

"Changes" referred to in this section are such as may be ordered by the state hotel inspector. Lyman v Hermann, 203 M 225, 280 NW 862.

### 157.14 EXEMPTIONS FROM APPLICATION.

HISTORY. 1903 c. 301 s. 1; 1905 c. 343 s. 1; R.L. 1905 s. 2373; 1911 c. 206 s. 1; 1913 c. 569 s. 1; G.S. 1913 s. 5113; G.S. 1923 s. 5903; M.S. 1927 s. 5903; 1935 c. 274 s. 1; Ex. 1936 c. 36 s. 1; M. Supp. s. 5915; 1943 c. 104 s. 1; 1945 c. 587 s. 1.

### 157.15 SAFETY OF BOATS USED FOR HIRE.

HISTORY. 1945 c. 306.