

CHAPTER 157

HOTELS, RESORTS, RESTAURANTS; REGULATION,
PROTECTION

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157.01 DEFINITIONS.

Subdivision 1. Types of establishments. 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 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 the restaurant, and whenever the word "restaurant" occurs in this chapter, it shall be construed to mean a 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, lodging, 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.

Subd. 2. Levels of risk. (a) "High-risk establishment" means any lodging house, hotel, motel, restaurant, boarding house, place of refreshment, or resort that:

(1) serves potentially hazardous foods that require extensive processing on the premises, including manual handling, cooling, reheating, or holding for service;

- (2) prepares foods several hours or days before service;
- (3) serves menu items that epidemiologic experience has demonstrated to be common vehicles of food-borne illness;
- (4) has a public swimming pool;
- (5) draws its drinking water from a surface water supply; or
- (6) has an on-site sewage disposal system and is located in an area where conditions are less favorable for the successful operation of such a system.

(b) "Medium-risk establishment" means a hotel, motel, restaurant, lodging house, boarding house, place of refreshment, or resort that:

- (1) serves potentially hazardous foods but with minimal holding between preparation and service;
- (2) serves low-risk foods that may or may not be potentially hazardous but require extensive handling, such as baked goods and pizzas;
- (3) serves large volumes of food even though the food-borne illness risk is low; or
- (4) is a lodging establishment with 25 or more units.

(c) "Low-risk establishment" means a hotel, motel, restaurant, lodging house, boarding house, place of refreshment, or resort that is not a high-risk or medium-risk establishment.

History: (5903) 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; 1975 c 310 s 19; 1987 c 209 s 34

157.02 HOTEL INSPECTION RECORDS.

The commissioner of health shall keep a set of books for public use and inspection showing the condition of all hotels, motels, restaurants, lodging houses, boarding houses, resorts, and places of refreshment, together with the name of the owner, proprietor, or manager thereof, showing their sanitary condition, and any other information that may be for the betterment of the public service, and issue orders for correction of violations relating to hotels, motels, restaurants, lodging houses, boarding houses, resorts, and places of refreshment.

History: (53-34, 5904) 1919 c 499 s 2; 1925 c 426 art 9 s 2; 1961 c 113 s 1; 1975 c 310 s 20; 1977 c 305 s 45; 1987 c 209 s 35

157.03 LICENSES REQUIRED; FEES.

Each year every person, firm, or corporation engaged in the business of conducting an hotel, motel, 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, motel, restaurant, lodging house, boarding house, or resort, or place of refreshment so conducted. For any hotel, motel, resort, campground, or manufactured home park as defined in section 327.15, in which food, fountain, or bar service is furnished, one license, in addition to the hotel, resort, manufactured home park, or campground license, shall be sufficient for all restaurants and places of refreshment conducted on the same premises and under the same management with the hotel, motel, resort, manufactured home park, or campground. Each license shall expire and be renewed as prescribed by the commissioner pursuant to section 144.122. Any proprietor who operates a place of business after the expiration date 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. In addition thereto, a penalty in an amount prescribed by the commissioner pursuant to section 144.122 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 commissioner of health within 30 days following the expiration of license; or, in the case of a new business, 30 days after the opening date of the business. The state commissioner of health shall furnish to any per-

son, firm, or corporation desiring to conduct an hotel, motel, restaurant, lodging house, boarding house, or resort, or place of refreshment an application blank to be filled out by the 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 the hotel, motel, 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 any other information as may be required therein by the state commissioner of health to complete the application for license. The application shall be accompanied by a license fee as hereinafter provided.

For hotels, motels, lodging houses, and resorts, the license fee may be graduated according to the number of sleeping rooms and the amount of the fees shall be prescribed by the state commissioner of health pursuant to section 144.122.

For restaurants, places of refreshment, and boarding houses, the license fee may be based on the average number of employees. If the license fee is so computed, the commissioner shall consider each full-time employee as one employee and each part-time employee as that fraction of one employee as the number of months the employee 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.

If the license fee is based upon the average number of employees, every licensee shall, at the time of application, certify as to the number of employees on forms provided by the state commissioner of health and the state commissioner 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 in an amount prescribed by the state commissioner of health pursuant to section 144.122.

No school, as defined in sections 120.05 and 120.101, may be required to pay a license fee.

History: (5905) 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; 1974 c 471 s 14; 1975 c 310 s 21; 1977 c 305 s 45; 1984 c 632 s 1; 1986 c 311 s 1; 1986 c 444; 1989 c 209 art 2 s 20

157.031 ADDITIONAL LICENSE REQUIRED FOR BOARD AND LODGING ESTABLISHMENTS; SPECIAL SERVICES.

Subdivision 1. **Definitions.** (a) "Supportive services" means the provision of supervision and minimal assistance with independent living skills such as social and recreational opportunities, assistance with transportation, arranging for meetings and appointments, arranging for medical and social services, and dressing, grooming, or bathing. Supportive services also include providing reminders to residents to take medications that are self-administered or providing storage for medications if requested.

(b) "Health supervision services" means the provision of assistance in the preparation and administration of medications other than injectables, the provision of therapeutic diets, taking vital signs, or providing assistance in bathing or with walking devices.

Subd. 2. **Registration.** A board and lodging establishment that provides supportive services or health supervision services must register with the commissioner by September 1, 1989. The registration must include the name, address, and telephone number of the establishment, the types of services that are being provided, a description of the residents being served, the type and qualifications of staff in the facility, and other information that is necessary to identify the needs of the residents and the types of services that are being provided. The commissioner shall develop and furnish to the board and lodging establishment the necessary form for submitting the registration. The requirement for registration is effective until the special license rules required by subdivision 5 are effective.

Subd. 3. Restriction on the provision of services. Effective September 1, 1989, and until the rules required under subdivision 5 are adopted, a board and lodging establishment may provide health supervision services only if a licensed nurse is on site in the facility for at least four hours a week to provide supervision and health monitoring of the residents. A board and lodging facility that admits or retains residents using wheelchairs or walkers must have the necessary clearances from the office of the state fire marshal.

Subd. 4. Special license required. Upon adoption of the rules required by subdivision 5, a board and lodging establishment that provides either supportive care or health supervision services must obtain a special license from the commissioner. The special license is required until rules resulting from the recommendations made in accordance with Laws 1989, chapter 282, article 2, section 213, are implemented.

Subd. 5. Rules. By July 1, 1990, the commissioner of health shall adopt rules necessary to implement the special license provisions. The rules may address the type of services that can be provided, staffing requirements, and the training and qualifications of staff. The rules must set a fee for the issuance of the special service license. The special license fee is in addition to the license fee prescribed in section 157.03. Nothing in section 157.031 and Laws 1989, chapter 282, article 2, sections 213 and 214, is intended to prevent the promulgation of rules by the commissioner of human services governing the licensure or delivery of services to persons with mental illness or the requirement to comply with those rules.

Subd. 6. Services that may not be provided in a board and lodging establishment. A board and lodging establishment may not admit or retain individuals who:

(1) would require assistance from facility staff because of the following needs: incontinence, catheter care, use of injectable or parenteral medications, wound care, or dressing changes or irrigations of any kind; or

(2) require a level of care and supervision beyond supportive services or health supervision services.

Subd. 7. Certain individuals may provide services. This section does not prohibit the provision of health care services to residents of a board and lodging establishment by family members of the resident or by a registered or licensed home care agency employed by the resident.

Subd. 8. Exemption for establishments with a human services license. This section does not apply to a board and lodging establishment that is licensed by the commissioner of human services under chapter 245A.

Subd. 9. Violations. The commissioner may revoke both the special service license, when issued, and the establishment license, if the establishment is found to be in violation of this section. Violation of this section is a gross misdemeanor.

History: 1989 c 282 art 2 s 49

157.04 ANNUAL INSPECTION.

It shall be the duty of the commissioner of health to inspect, or cause to be inspected, every hotel, motel, restaurant, lodging house, boarding house, or resort, or place of refreshment in this state. The frequency of inspections must be based on the degree of hazard to the public. High-risk establishments must be inspected at least once a year. Medium-risk establishments must be inspected at least once every 18 months. Low-risk establishments must be inspected at least once every two years. For the purpose of conducting inspections, the commissioner shall have the right to enter and have access thereto at any time during the conduct of business and when, upon inspection, it shall be found that the business and property so inspected is not being conducted, or is not equipped, in the manner required by the provisions of this chapter or the rules of the state commissioner of health, or is being conducted in violation of any of the laws of this state pertaining to the business, it shall thereupon be the duty of the commissioner to notify the owner, proprietor, or agent in charge of the business, or the owner or agent of the buildings so occupied, of the condition so found. Each owner, propri-

etor, or agent shall forthwith comply with the provisions of this chapter or the rules of the commissioner, unless otherwise herein provided. A reasonable time may be granted by the commissioner for compliance with the provisions of this chapter.

History: (5906) 1919 c 499 s 4; 1945 c 537 s 3; 1975 c 310 s 22; 1977 c 305 s 45; 1985 c 248 s 70; 1986 c 444; 1987 c 209 s 36

157.045 INCREASE IN FEES.

For licenses issued for 1989 and succeeding years, the commissioner of health shall increase license fees for facilities licensed under this chapter and chapter 327 to a level sufficient to recover all expenses related to the licensing, inspection, and enforcement activities prescribed in those chapters. In calculating the fee increase, the commissioner shall include the salaries and expenses of 5.5 new positions required to meet the inspection frequency prescribed in section 157.04. Fees collected must be deposited in the special revenue account.

History: 1988 c 689 art 2 s 247

157.05 PLUMBING, LIGHTING, VENTILATION.

Subdivision 1. **Approved methods.** Every hotel, motel, restaurant, lodging house, boarding house, resort, 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.

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 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 the doors open shall run through to an outside wall and there be provided with proper, safe, and unobstructed egress from the building. Storm windows provided for 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, motels, restaurants, lodging houses, boarding houses, resorts, or places of refreshment shall be properly screened or otherwise protected against the entrance of flies and other insects.

Subd. 4. [Repealed, 1975 c 310 s 38]

Subd. 5. [Repealed, 1975 c 310 s 38]

Subd. 6. [Repealed, 1975 c 310 s 38]

Subd. 7. [Repealed, 1975 c 310 s 38]

History: (5907) 1919 c 499 s 5; 1973 c 123 art 5 s 7; 1975 c 310 s 23-25

157.06 [Repealed, 1975 c 310 s 38]

157.07 [Repealed, 1975 c 310 s 38]

157.08 LINENS, OTHER FURNISHINGS; PENALTY.

All hotels and motels 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. Individual towels shall not be less than nine inches wide and 13 inches long after being washed. This shall not prohibit the use of other acceptable hand drying devices.

All hotels, motels, lodging houses and resorts where linen is provided, hereafter shall provide each bed, bunk, cot, or sleeping place for the use of guests with pillowslips and under and top sheets; each sheet shall be not less than 99 inches long nor less than 24 inches wider than the mattress. A sheet shall not be used which measures less than 90 inches in length after being laundered; these sheets and pillowslips to be made of materials acceptable to the state commissioner of health, and all sheets and pillowslips,

after being used by one guest, must be laundered in a manner acceptable to the commissioner 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, motel, resort, or lodging house in this state must be kept clean. No bedding, including mattresses, quilts, blankets, pillows, sheets, or comforts, shall be used which are worn out or unfit for further use.

Effective measures shall be taken to eliminate any vermin infestation in any establishment licensed under this chapter. All rugs and carpets in all sleeping rooms shall be kept in good repair and maintained in a clean condition.

All tables, table linens, chairs, and other furniture, all hangings, draperies, curtains, carpets, and floors in all lodging houses, resorts, hotels, restaurants, boarding houses, or places of refreshment, shall be kept in good repair and in a clean and sanitary condition.

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 the hotel, motel, resort, restaurant, lodging house, boarding house, or place of refreshment.

Any person, firm, or corporation who shall operate an hotel, motel, resort, 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 and rules of the state commissioner of health, shall be guilty of a misdemeanor.

The county attorney of each county in this state shall, upon complaint on oath of the hotel inspector, or a duly authorized deputy, 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 or rules of the state commissioner of health.

History: (5910) 1919 c 499 s 8; 1975 c 310 s 26; 1977 c 305 s 45; 1985 c 248 s 70; 1986 c 444

157.081 FINES.

Subdivision 1. Fines for violations; limits. The commissioner shall impose a civil fine for repeated or egregious violation of rules relating to facilities licensed under this chapter or chapter 327. The fine shall be assessed for each day the licensed facility fails to comply with the rules. A fine for a specific violation shall not exceed \$50 per day.

Subd. 2. Schedule of fines; rules. The commissioner shall establish a schedule of fines by adopting rules.

Subd. 3. Notice of fine; appeal. A licensed facility that is fined under subdivision 1 shall be notified of the fine by certified mail. The notice must be mailed to the address shown on the application for the license or the last known address of the licensed facility. The notice must state the reasons for the fine and must inform the licensed facility of the right to a contested case hearing under chapter 14.

History: 1988 c 689 art 2 s 61

157.09 REVOCATION OF LICENSE.

It shall be the duty of the commissioner of health to revoke a license, on the commissioner's finding that a place of business is being operated in violation of the provisions of this chapter or rules of the state commissioner of health, 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 or rules of the commissioner. Upon revocation of a 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.

History: (5911) 1919 c 499 s 9; 1935 c 274; 1975 c 310 s 27; 1977 c 305 s 45; 1985 c 248 s 70; 1986 c 444; 1987 c 209 s 37

157.10 [Repealed, 1965 c 45 s 73]

157.11 [Repealed, 1975 c 310 s 38]

157.12 LICENSE POSTED IN OFFICE.

Every hotel, motel, resort, 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, motel, resort, 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.

History: (5914) 1919 c 499 s 12; 1975 c 310 s 28

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 building ordered by the hotel inspector to meet the requirements of this chapter or applicable rules of the state commissioner of health shall be ordered installed and paid for by the owner of the building in question and not by the lessee.

History: (5915) 1919 c 499 s 13; 1975 c 310 s 29; 1977 c 305 s 45; 1985 c 248 s 70

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 owned, operated and used by a college or university in accordance with regulations promulgated by the college or university. Any person, firm or corporation whose principal mode of business is licensed under sections 28A.04 and 28A.05 is exempt at that premises from licensure as a place of refreshment or restaurant; provided, that the holding of any license pursuant to sections 28A.04 and 28A.05 shall not exempt any person, firm, or corporation from the applicable provisions of the chapter or the rules of the state commissioner of health relating to food and beverage service establishments. This chapter does not apply to family day care homes or group family day care homes governed by sections 245A.01 to 245A.16 and does not apply to nonprofit senior citizen centers for the sale of home-baked goods.

History: (5903) 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 587 s 1; 1963 c 154 s 3; 1975 c 310 s 30; 1977 c 305 s 45; 1985 c 248 s 70; 1987 c 209 s 38; 1989 c 209 art 2 s 1; 1989 c 282 art 2 s 50

157.15 [Repealed, 1959 c 592 s 29]