

HOTELS

CHAPTER 135.

[S. B. No. 16—Taylor]

INSPECTION AND CONDUCT OF HOTELS.

AN ACT Providing for the Erection of Fire Escapes in Hotels, Inns and Public Lodging Houses, and Regulating the Conduct of Such Hotels, Inns and Public Lodging Houses, and Providing for the Appointment of an Inspector of Hotels, and His Compensation Therefor.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. HOTEL DEFINED.] Every building or structure kept, used or maintained as, or advertised as, or held out to the public to be an inn, hotel, or public lodging house or place where sleeping accommodations are furnished for hire to transient guests whether with or without meals, in which ten or more sleeping rooms are used for the accommodation of such guests, shall for the purpose of this act be defined to be a hotel, and wherever the word hotel shall occur in this act it shall be construed to mean every such structure as is described in this section.

§ 2. FIRE ESCAPES, HOW CONSTRUCTED.] Every hotel that is more than two stories high shall be provided with a hall on each floor extending from one outside wall to the other and at each end of such hall shall be equipped with an iron fire escape on the outside of the building, connecting on each floor above the first, with at least two openings, which shall be well fastened and secured, with landings not less than six feet in length and three in width, guarded by an iron railing not less than three feet in height. Such landings shall be connected by iron stairs not less than two feet wide and with steps of not less than six inches tread, and protected by a well secured hand rail on both sides and reaching to within ten feet of the ground, with a drop ladder twelve inches wide reaching from the lower platform to the ground. Such fire escapes shall be sufficient if a perpendicular iron ladder shall be used instead of the stairs, provided such iron ladder is placed at the extreme outside of the platforms and at least two feet away from the wall of the building and provided said ladder is equipped with round iron rounds not more than fifteen inches apart. The way of egress to such fire escape shall at all times be kept free and clear of all obstruction of any and every nature. There shall be posted and maintained in a conspicuous place in each hall and

in each guest's room except the halls and rooms on the ground floor of such hotel, a printed notice in characters not less than two inches high, calling attention to and directing the way to such fire escape.

§ 3. FIRE EXTINGUISHERS AND STANDPIPES.] Each and every hotel shall be provided with at least one efficient chemical fire extinguisher for every twenty-five hundred square feet or less of floor area, which such extinguisher or extinguishers shall be placed in a convenient location in a public hallway outside of the sleeping rooms and shall always be in condition for use; or in lieu thereof, such hotel shall be equipped with not less than one and one-fourth inch standpipe with hose connection and hose of sufficient length always attached in such hallway, which standpipe shall be supplied with a sufficient pressure of water.

§ 4. PROVISIONS FOR BUILDINGS NOT OVER TWO STORIES HIGH.] Every hotel which is not over two stories in height and which is not provided with such fire escape as is described in section two hereof shall provide in every bedroom or sleeping apartment on the second and third floors a manila rope at least five-eighths of an inch in diameter and of sufficient length to reach the ground, with knots or loops not more than fifteen inches apart, and of sufficient strength to sustain a weight and strain of at least five hundred pounds. Such rope shall be securely fastened to the joists or studding of the building as near the window as practicable and shall be kept coiled in plain sight at all times, nor shall such rope be covered by curtains or other obstructions. Every such hotel shall provide and maintain in a conspicuous place in every bedroom or sleeping apartment above the ground floor a printed notice calling attention to such rope and giving directions for its use.

§ 5. ELEVATOR SHAFTS TO BE PROTECTED.] Every hotel which is equipped with a passenger or freight elevator shall cause the shaftway of such elevator or elevators to be inclosed with an iron sheathing as nearly airtight as is practicable and shall provide tight doors to such shaftway, or in lieu of such sheathing shall provide automatic floor traps at each floor in such shaft; either of which appliances to be built in the most approved manner for the prevention of spread of fire by means of said shaft.

§ 6. SANITARY PROVISIONS.] Every hotel shall be well drained, constructed and plumbed according to established sanitary principles; shall be kept clean and in a sanitary condition and free from effluvia arising from any sewer, drain, privy, or other source within control of the owner, manager, agent or other person in charge; shall be provided with waterclosets or privies properly screened for the separate use of males and females, which waterclosets or privies shall be disinfected as often as may be necessary to keep them at all times in a sanitary condition

§ 7. PENALTY FOR FAILURE TO COMPLY WITH ACT.] Every owner, manager, agent or person in charge of a hotel who, after

thirty days' notice by the inspector hereinafter provided for in this act, shall fail to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be fined not less than ten dollars nor more than fifty dollars, or shall be imprisoned in the county jail for not less than ten days nor more than thirty days, or both, and every day that such hotel is carried on in violation of this act shall constitute a separate offense.

§ 8. INSPECTOR OF HOTELS. APPOINTMENT. BOND.] For the purpose of carrying into effect the provisions of this act the governor, by and with the advice and consent of the senate, shall appoint an inspector of hotels who shall hold office until the first Monday in January of the odd-numbered year next after his appointment, and until his successor qualifies, and who shall be prohibited from soliciting or selling goods or merchandise for any person, firm or corporation; but the governor may remove such inspector and appoint another in his place whenever he shall deem it necessary for the public good. Said inspector shall receive an annual salary of eighteen hundred dollars, payable monthly. He shall give bond to the state in the penal sum of five thousand dollars conditioned for the faithful performance of his official duties, to be approved by the secretary of state.

§ 9. POWERS AND DUTIES OF INSPECTOR.] It shall be the duty of the inspector to see that all of the provisions of this act are complied with, and said inspector shall personally inspect once in each year every hotel as defined by this act. Said inspector is hereby granted police power to enter any hotel at reasonable hours to determine whether the provisions of this act are being complied with. The inspector shall keep a complete set of books for public use and inspection showing the conditions of each hotel so inspected, together with the name or names of the owners, proprietors and managers thereof, and showing its sanitary condition, the number and condition of its fire escapes and any other information for the betterment of the public service.

§ 10. CERTIFICATE OF INSPECTOR TO BE POSTED.] If the inspector shall find after examination of any hotel that this law has been fully complied with, and the inspection fee has been paid to the inspector, he shall issue a certificate to that effect to the person operating the same, and said certificate shall be kept posted up in a conspicuous place in said inspected building.

§ 11. PENALTY FOR CERTIFYING FALSELY.] Any inspector who shall willfully certify falsely regarding any building inspected by him, and who shall issue a certificate to any person operating any hotel when such person has not complied with the provisions of this act, shall, on conviction thereof, be fined not less than fifty dollars nor to exceed five hundred dollars, and may be imprisoned not to exceed one year in the state prison, or both at the discretion of the court, and upon conviction shall be forever disqualified to hold said office.

§ 12. PENALTY FOR INTERFERING WITH INSPECTOR OR FAILURE TO PAY FEE.] Any owner, manager, agent or person in charge of a hotel who shall obstruct or hinder an inspector in the proper discharge of his duties under this act, or who shall refuse or neglect to pay the fee for inspection prescribed herein, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars, or shall be imprisoned in the county jail for not less than ten days nor more than thirty days, or both.

§ 13. INSPECTOR AUTHORIZED TO MAKE ARRESTS.] It shall be the duty of the inspector, upon ascertaining by inspection or otherwise that any hotel is being carried on contrary to the provisions of this act, to make complaint and cause the arrest of the person so violating same, and it shall be the duty of the state's attorney in such case to prepare all necessary papers and conduct such prosecutions.

§ 14. INSPECTION FEE.] Every hotel containing twenty sleeping rooms or less for the accommodation of the public shall pay an inspection fee of five dollars when inspected under the provisions of this act, and every hotel containing more than twenty sleeping rooms and less than fifty sleeping rooms for the accommodation of the public shall pay an inspection fee of ten dollars, and every hotel containing fifty or more sleeping rooms shall pay an inspection fee of twenty dollars, when inspected under the terms of this act. Such fees shall be collected by the inspector at the time of inspection and if not paid on demand the inspector may sue therefor in his own name for the use of the state, and in such case the court shall allow and enter as a part of the judgment against the defendant all the costs of such action, including a fee not exceeding twenty-five dollars for any attorney necessarily employed in such action by the inspector.

§ 15. FEES, LESS EXPENSES, TURNED OVER TO THE STATE.] At the end of each month the inspector shall pay into the state treasury all moneys received by him as such, and file with the state auditor a verified statement of the amount and the sources thereof. Such moneys shall be credited to the "hotel inspection fund." On or before the tenth day of each month the inspector shall certify to the state auditor the amount due him as compensation and necessary traveling expenses for the preceding month, also items and amounts of all expenses necessarily incurred by him, including the cost of blanks, stationery, postage and travel, and such salaries and expenses being duly audited shall be paid by the state treasurer out of such hotel inspection fund and the state shall not be held responsible in any manner for any deficiency that may exist.

§ 16. PURE WATER FOR GUESTS.] It shall be the duty of every person conducting or operating a hotel, public inn, or lodging house, to see that the drinking water supplied by said hotel, public inn, or lodging house, is pure and free from disease germ. The source

of supply must be far enough removed from privy vaults or other means of contamination to prevent drainage from said vaults to the wells or other source of supply, and the water supply shall be subject to examination by the inspector, and when found unfit for drinking purposes its use must be discontinued forthwith.

§ 17. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 15, 1907.

HUSBAND AND WIFE

CHAPTER 136.

[S. B. No. 76—Kraabel]

RIGHTS OF HUSBAND AND WIFE.

AN ACT to Amend Section 4082 of the Revised Codes of 1905, Relating to Separate and Mutual Rights and Liabilities of Husband and Wife.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 4082 of the revised codes of 1905 is hereby amended to read as follows:

§ 4082. SEPARATE AND MUTUAL RIGHTS AND LIABILITIES.] Neither the husband nor the wife, as such, is answerable for the acts of the other.

2. The earnings of the wife are not liable for the debts of the husband, and the earnings and accumulations of the wife and of her minor children living with her, or in her custody, while she is living separate from her husband, are the separate property of the wife; provided, however, that husband and wife shall be jointly and severally liable for any debts contracted by either while living together, for necessary household supplies, of food, clothing and fuel for themselves and family, and for the education of their minor children.

3. The separate property of the husband is not liable for the debts of the wife contracted before the marriage.

4. The separate property of the wife is not liable for the debts of her husband, but is liable for her own debts contracted before or after marriage.

5. No estate is allowed the husband as tenant by courtesy upon the death of his wife, nor is any estate in dower allotted to the wife upon the death of her husband.

Approved March 19, 1907.