

as hereinbefore provided, shall upon conviction thereof be punished by a fine of not less than ten dollars (\$10.00), and not more than fifty dollars (\$50.00), or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment.

Approved March 11, 1929.

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CHAPTER 143

(H. B. No. 149—Swendseid.)

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REPEAL BOUNTY FOR WATERING PLACES ON HIGHWAYS

An Act to repeal Section 2038, 2039 and 2040 of the Compiled Laws of 1913, relating to a bounty for maintaining watering places on highways.

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

§ 1. LAW REPEALED.] That Sections 2038, 2039 and 2040 of the Compiled Laws of 1913, be and the same are hereby repealed.

Approved March 8, 1929.

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HOTELS

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CHAPTER 144

(H. B. No. 193—Bell.)

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HOTEL INSPECTION

An Act providing for the inspection of hotels, lodging houses, boarding houses, and restaurants; prescribing sanitary requirements therefor; providing for licensing, payment and disposition of license fees; providing for the revocation of licenses; defining the duties of the state food commissioner and chemist with regard to the act; providing for penalties for violation thereof and repealing existing laws relating thereto.

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

§ 1. DEFINING HOTELS, RESTAURANTS, LODGING HOUSES AND BOARDING HOUSES.] Every building or structure, or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished

to the public whether with or without meals, and furnishing accommodations for periods of less than one week, shall for the purpose of this act be deemed an hotel.

Every building or other structure, or any part thereof and all buildings in connection, kept, used as or maintained as, or advertised as, or held out to the public to be a place where meals or lunches are served without sleeping accommodations, shall for the purpose of this act be deemed to be a restaurant, and the person or persons in charge thereof, whether as owner, lessee, manager or agent, for the purpose of this act shall be deemed the proprietor of such restaurant, and whenever the word "restaurant" shall occur in this act, 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, or held out to be a place where sleeping accommodations are furnished to regular roomers for one week or more, and having accommodations for ten or more persons, shall for the purpose of this act, be deemed a lodging house.

Every building, structure, or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public to be a place where food is furnished to regular boarders for periods of one week or more, and having accommodations for ten or more boarders, shall for the purpose of this act, be deemed a boarding house.

§ 2. FIRE ESCAPES.] 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 feet 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 escape 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 platform and at least two feet from the wall of the building, and provided such iron ladder is equipped with round iron rounds not more than fifteen inches apart. Provided, however, that the provisions of this act relating to outside fire escapes and ropes or automatic appliances shall not apply to hotels or lodging

houses having or making provisions for interior fireproof stairways approved as such by the hotel inspector. The way of egress to such fire escape shall be at all times kept free and clear of all obstructions of any and every nature. There shall be posted and maintained in a conspicuous place in each hall and 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. A green light shall be maintained in buildings over two stories high on each floor at the end of the hall directly in front of the fire escape.

§ 3. CHEMICAL FIRE EXTINGUISHERS.] Each hotel and lodging house shall be provided with at least one chemical fire extinguisher, approved by the National Board of Underwriters, for every twenty-five hundred feet or less of floor area, which 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, each such lodging house or hotel shall be equipped with not less than one and one-fourth inch stand pipe with hose connections and hose of sufficient length to reach both ends of hall where stand pipe is located, always attached in such hallway, which stand pipe shall be supplied with a sufficient pressure of water.

§ 4. ROPE FIRE ESCAPES.] Every hotel which is not of over two stories in height and which is not provided with such fire escape as is described in Section 2 hereof, shall provide in every bedroom or sleeping apartment on the second floor 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 withstand a weight and strain of at least five hundred pounds. Such rope shall be securely fastened to the joint 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 printed notices calling attention to such rope and giving directions for its use.

§ 5. Every hotel which is equipped with a passenger or freight elevator shall cause the shaftway of such elevator or elevators to be enclosed with an iron sheeting as nearly airtight as is practicable and shall provide automatic floor traps at each door in the shaft; either of which appliances to be built in the most approved manner for the prevention or spread of fire by means of such shaft.

§ 6. SANITATION, TOILETS, VERMIN, SHEETS, MATTRESSES, VENTILATION.] Every hotel, lodging house, boarding house and restaurant shall be operated with strict regard for the health, safety and comfort of its patrons. It shall be well constructed, drained and plumbed according to established sanitary principles and shall be kept free from effluvia arising from any sewerage, drain, privy or other source within the control of the owner, manager, agent or other person in charge. In all cities, towns and villages where a system of public water supply and sewerage is maintained, every hotel, lodging house and restaurant therein operated shall be equipped with suitable water closets for the accommodation of its guests and such water closets shall be ventilated and connected by proper means of flushing with the water of said system. All lavatories, bath tubs, sinks, drains, and closets shall be connected with such sewerage system. When no such sewerage systems are available, open toilets must be located not less than forty feet from all kitchens, dining rooms and pantry openings and must be properly cleaned, screened and disinfected as often as may be necessary to keep them in a sanitary condition. Separate water closets shall be furnished for the sexes, each being properly designated. All garbage and kitchen refuse must be kept in watertight containers with tight fitting covers to prevent decomposition. No dish-water or other substance which is or may become foul or offensive shall be thrown upon the ground near any hotel or restaurant building.

All bedrooms shall be kept free from vermin and the bedding in use shall be clean and sufficient in quantity and quality; all sheets shall be at least eight feet in length; each guest shall be furnished with two towels; in case bedrooms are carpeted, the carpet or carpets thereon shall be taken up and thoroughly cleaned at least once each year; no rusted tin or iron vessel or utensil shall be used in cooking food, and all foodstuffs shall be kept in a clean and suitable place, free from dampness and contact with dirty water; the floors, closets, cupboards and walls of all kitchens shall at all times be kept free from dirt and no dust or grease shall be allowed to collect thereon; a metal container shall be provided to hold ashes where such ashes are stored in or around the hotel building. In all cases where a patient having an infectious or contagious disease has been confined in a hotel room, such room shall upon the removal of such patient be closed and fumigated, and upon the completion of such fumigation the certificate of a reputable physician to that fact shall be forwarded to the hotel inspector. In all hotels or lodging houses where fifty cents or more per night is charged for lodging the sheets and pillow cases shall be changed after the departure of each guest and it shall be unlawful to have upon a bed of any such hotel or lodging house any mattress of a lower grade than that commonly known to the trade as cotton felt

combination; each mattress shall weigh at least thirty-five pounds unless it be a hair mattress; in which case it shall weigh thirty pounds or more. Each hotel or restaurant shall keep in its main public washroom individual towels or paper towels in full view and reach of all guests at all hours. Each room shall be properly ventilated by at least one window, and by a doorway leading into the hall. Every hotel and lodging house where rooms are rented to lodgers by the day, by the week or by the month, shall during the winter months be equipped with storm windows on hinges in such a way that the storm windows may be opened and closed at will; in lieu of such hinged storm windows the said places may be equipped with windows having slides therein that open and close over an opening of not less than ten by ten inches. During the summer months all such hotels, restaurants, lodging houses and boarding houses shall equip their windows with screens adequate to keep out flies and mosquitoes.

(Common Drinking Cup.) In order to prevent the spread of communicable diseases the use of the common drinking cup in hotel lobbies, dining rooms or restaurants is hereby prohibited. Water supplies for common drinking use shall at all times be kept covered or protected to avoid contamination from dust, dirt and flies.

No dishes that are badly cracked or chipped on the top or side or chipped glasses shall be used.

No hotel, restaurant, dining room or kitchen shall be used as a sleeping or dressing room by any employee or other person.

§ 7. INSPECTORS OF HOTELS, APPOINTMENT, DUTIES AND BOND.] For the purpose of carrying into effect the provisions of this act, it shall be the duty of the state food commissioner and chemist at Bismarck and his duly appointed inspectors to perform all the duties of the "Inspector of Hotels" and to enforce the Hotel and Restaurant Inspection Act. Whenever in this article, the term "inspector" is employed, the duties shall be performed by the food commissioner or his inspectors as hereinbefore provided, the field inspectors of hotels shall be appointed from the food inspection staff by the food commissioner with the approval of the state board of administration and shall receive such salary as the board of administration recommends.

§ 8. INSPECTORS' DUTIES.] It shall be the duty of the inspector to see that all the provisions of this act are complied with, and said inspector shall personally inspect once in each year every hotel, restaurant, lodging house or boarding house 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 com-

plete set of books for public use and inspection showing the condition of each hotel inspected, together with the name or names of the owners, proprietors, or managers thereof, and showing its sanitary condition, the number and condition of its fire escapes and other information for the betterment of the public service.

§ 9. CERTIFICATES, WHEN ISSUED, POSTING.] If the inspector shall find after examination of any hotel or lodging house that this law has been fully complied with, 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; and provided, that no certificate shall be issued in any case until the inspection fee shall have been paid.

§ 10. INSPECTORS LIABLE.] Any inspector who shall wilfully 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.

§ 11. OBSTRUCTING INSPECTORS.] Any owner, manager, agent or person in charge of an hotel or lodging house 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 license fee 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.

§ 12. LICENSE FEES.] Every hotel containing less than ten sleeping rooms for the accommodation of the public and every lodging house shall pay an annual license fee of two dollars and fifty cents when inspected under the provisions of this act, and every hotel containing more than ten sleeping rooms and less than twenty-one sleeping rooms for the accommodation of the public shall pay an annual license fee of five dollars when inspected under the provisions of this act, and every hotel containing twenty or more sleeping rooms and less than fifty-one sleeping rooms for the accommodation of the public shall pay an annual license fee of ten dollars when inspected under the provisions of this act, and every hotel containing fifty-one or more rooms shall pay an annual license fee of twenty dollars when inspected under the provisions of this act. Every restaurant or boarding house as described in Section 1 of this act, conducted without sleeping accommodation shall be required

to pay an annual license fee of two dollars and fifty cents to the inspector of hotels. Such fees shall be collected by the inspector annually at the time of the inspection.

§ 13. DISPOSITION OF FEES, EXPENSES.] All funds collected in the enforcement of this act shall be deposited in the state regulatory fund. All salaries and items of expense of whatever nature incurred by the state food commissioner and chemist in carrying out and enforcing the provisions of this act shall be paid out of the state regulatory fund, in manner as by law now provided.

§ 14. DRINKING WATER.] It shall be the duty of every person conducting or operating an hotel, restaurant or lodging house, to see that the drinking water supplied by said hotel, restaurant or lodging house is pure and free from disease germs. The source of supply must be far enough removed from privy vaults, barns, hog-pens, chicken yards, manure piles or other means of contamination to prevent drainage from said privy vaults, barns, hog-pens, chicken yards, manure piles or other sources of contamination to the wells or other sources of supply, and the water supply shall not contain bacteriological, chemical, or physical impurities which shall affect or tend to affect public health. It shall satisfy the bacteriological standards of the United States Public Health Service for waters used upon public or interstate common carriers, and the water supply shall be subject to examination by the inspector, and when found unfit for drinking under these requirements shall either be improved to fulfill the standards or discontinued forthwith.

§ 15. VIOLATION, NOTICES.] All notices to be served by the state hotel inspector provided for in this act must be in writing and shall be either delivered personally by the hotel inspector or his agent, or by registered letter, to the agent, owner, lessee, or manager of such hotel, restaurant, lodging house or boarding house.

Any person, firm or corporation, who shall operate an hotel, restaurant, lodging house or boarding-house in this state, or shall let a building used for such business, without having first complied with the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars or by imprisonment in the county jail for not more than ninety days.

The state's 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 of North Dakota, a proper action or proceeding against any person or persons violating the provisions of this act.

§ 16. Whenever the owner, manager or person in charge of any hotel, restaurant, lodging house or boarding house shall have been convicted as provided in the preceding section and shall for a period of ten days after such conviction fail to comply with any provisions of this act, the license granted to such person to conduct such business may be cancelled by the Hotel Inspector.

§ 17. All act or parts of act in conflict herewith are hereby repealed.

Approved March 8, 1929.

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## INSURANCE

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### CHAPTER 145

(H. B. No. 96—Turner.)

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#### CAPITAL STOCK, DOMESTIC INSURANCE COMPANIES

An Act to Amend and re-enact Section 4863 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota.

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

§ 1. That Section 4863, of the 1925 Supplement to the 1913 Compiled Laws of North Dakota be amended and re-enacted to read as follows:

§ 4863. CAPITAL STOCK REQUIRED.] No stock company shall be incorporated under this chapter unless it has a capital stock of at least \$250,000.00, twenty-five per cent of which must be paid in previous to the issuance of any policy and the residue within twelve months from the time of filing the articles of incorporation; provided, that the commissioner of insurance may for good cause shown extend the time of payment of such residue for the further period of not to exceed one year; provided, however, that a domestic stock fire insurance company may be organized under the laws of this state with a capital stock of not less than \$100,000.00 for the purpose of purchasing, acquiring and taking over the business, property and assets of another domestic stock fire insurance company organized under the laws of this state prior to the enactment of Chapter 163 Laws of 1919 with a capital of \$100,000.00 and still doing business in this state, and upon the completion of such purchase and taking over thereof the charter of the selling corporation shall become forfeited and null and void. No fire, cyclone, tornado,