

No. 170, A.]

[Published June 21, 1907

CHAPTER 268.

AN ACT to create section 776m, statutes of 1898, relating to water and light commissions in towns.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is added a new section to the statutes of 1898, to be known as section 776m, to read:

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SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1907.

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No. 95, A.]

[Published June 21, 1907.

CHAPTER 269.

AN ACT to create sections 1636—150 to 1636—176 inclusive, statutes of 1898, relating to tenement, lodging and boarding houses in cities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There are added to the statutes of 1898 twenty-seven new sections to read:

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Approved June 19, 1907.

(In effect July 1, 1907.)

Tenement, Lodging and Boarding House Act. SECTION 1636—150. This act shall be called the Tenement, Lodging and Boarding House Act.

Tenement—description. 1. A tenement house is any house or building or portion thereof which is rented, leased, let or hired out to be occupied, or is occupied as a home or residence of two or more families living independently and doing their cooking or having facilities for doing their cooking upon the premises, and having a common right in the halls, stairways, yards and water-closets or some of them.

Lodging or boarding. 2. A lodging or boarding house is any house or building or portion thereof in which persons are harbored, received or lodged for hire; or any building or part thereof which is used for persons not members of the same family to sleep in or occupy as a lodging.

Apartment. 3. An apartment is a room or suite of rooms occupied or designed to be occupied as a family domicile.

Yard. 4. A yard is an open, unoccupied space on the same lot with a tenement, lodging or boarding house between the rear line of the house and the rear line of the lot.

Courts. 5. A court is an open unoccupied space other than a yard on the same lot with a tenement, lodging or boarding house; a court entirely surrounded by a house or building is an "inner court;" a court bounded on one side and both ends by a house or building and on the remaining side by a lot line is a "lot line court," a court extending to a street, alley or yard is an "outer court."

Shafts. 6. A shaft includes exterior and interior shafts whether for air, light, elevator, dumbwaiter or any other purpose. A vent shaft is one used solely to ventilate or light a water-closet compartment or bath-room.

Public hall. 7. A public hall is a hall, corridor or passageway not within an apartment.

Stair-hall. 8. A stair-hall includes the stairs, stair-landings and those portions of the public halls through which it is necessary to pass in going from the entrance floor to the roof.

Basement. 9. A basement is a story partly but not more than one-half its height below the level of the curb.

Cellar. 10. A cellar is a story more than one-half its height below the level of the curb.

“Fireproof;” exemption of floors and rails. 11. The expressions “fire-proof” and “fire-proof construction,” wherever herein used mean a construction of walls, piers, partitions, floors, roof and stairs in which no wood or other inflammable material is used, in which the several parts are made of hard, incombustible, fire-resisting materials and in which all structural parts of steel or iron are thoroughly protected from fire by an ample covering of such fire resisting material. A fire-proof tenement, lodging or boarding house is one of fire-proof construction. But this definition shall not be construed as prohibiting, elsewhere than in stair halls or entrance halls, the use of wooden flooring on top of the fire-proof floors or the use of hardwood hand rails to stairs.

Street grade. 12. Where a grade in the street adjacent to a tenement, lodging or boarding house varies, the mean or average grade of such street shall be considered the grade of such street.

“Shall.” 13. The word “shall” is always mandatory and not directory and denotes that the building must be maintained according to the mandate as long as it continues in use as a tenement, lodging or boarding house.

(Ch. 269, 1907.)

Five-story; fireproof mandatory. SECTION 1636—151. Every tenement, lodging or boarding house hereafter erected exceeding five stories or parts of stories in height above the curb level shall be of fire-proof construction nor shall any such building be altered to exceed such height without being made a fire-proof building.

(Ch. 269, 1907.)

Stair-halls: fireproof, when; woodwork, when, what and how; quality of glass. SECTION 1636—152. The stair-halls in all non-fire-proof as well as fire-proof tenement, lodging or boarding houses hereafter erected shall be constructed as

in this section specified: Every tenement house hereafter erected which shall exceed four stories and cellar in height or which exceeds three stories and cellar in height and is occupied or arranged to be occupied by more than two families on any floor, and every lodging or boarding house which exceeds four stories and cellar in height or which exceeds three stories and cellar in height and is occupied or arranged to be occupied by more than twenty-four persons on any one floor shall have walls, floors and ceilings of fire-proof construction throughout. The risers, treads, stringers and balusters of stairs shall be of metal, stone or other non-combustible material. Hand-rails of hardwood will be permitted. In all such buildings, if non-fire-proof, the doors opening from such stair halls shall be fire-proof and self-closing, and if provided with glass, it shall be of good quality wire-glass. There shall be no transom or movable sash opening from such stair halls to any other part of the house, and any and all fixed sash opening on such halls must be of metal filled with wire-glass. In tenement houses hereafter erected four stories and cellar in height and which are not occupied or arranged to be occupied by more than two families on any floor, and in lodging or boarding houses hereafter erected which are four stories and cellar in height and are not occupied or arranged to be occupied by more than twenty-four persons on any floor the floor and walls of stair halls shall be of fire-proof construction and the stairs of such building shall be of iron, stone or other incombustible material, or may be of wood provided they be mill construction. Stairs of mill construction shall have all stringers, carriages, risers and treads of wood not less than one and three-fourths inches thick, planed on all surfaces. The treads and risers shall be housed into stringers, the riser grooved into the tread above riser. The treads shall have rounded edges at front and back, with angle moldings at intersection of treads and risers. The under side of stairs shall not be enclosed with any material forming an air space between such enclosing and the under side of stairs. In such buildings hereafter erected which do not exceed three stories and cellar in height the stair halls may be enclosed with wooden stud partitions, provided such partitions are covered on both sides with metal lath or with good quality plaster boards not less than one-half inch in thickness, made of plaster and strong fibre, and all joints made true and well pointed, and provided that the space between the studs is filled in at each floor with brick the full height of the floor

beams; and the stairs in such buildings shall be fire-proof, or of mill construction, if of wood.

(Ch. 269, 1907.)

Stairs: width, risers, treads, strength; winding forbidden. SECTION 1636—153. Every tenement, lodging or boarding house hereafter constructed shall have at least one flight of stairs extending from the entrance floor to the roof, and the stairs and public halls therein shall be at least three feet six inches wide in the clear. All stairs shall be constructed with a rise of not more than seven and one-half inches and with treads not less than nine and one-half inches wide. Winding stairs shall not be permitted in any tenement, lodging or boarding house. The framework, landings and platforms of all stairs must have sufficient strength to carry a safe live load, with a factor of safety of four, of seventy-five pounds per square foot when stairs are loaded over entire area.

(Ch. 269, 1907.)

Fourth story standards; second lowest floor and lowest ceiling, when fireproof. SECTION 1636—154. In every non-fire-proof as well as fire-proof tenement, lodging or boarding house hereafter erected four stories or more in height exclusive of cellar, the floor of the first story above the cellar, or, if there be no cellar, the floor above the lowest story, shall be of fire-proof construction. In every non-fire-proof tenement, lodging or boarding house hereafter erected less than four stories in height, where the first floor above the lowest cellar, or, if there be no cellar, above the lowest story is not of fire-proof construction, the cellar ceiling of such building shall be lathed with metal lath and plastered thereon with two coats of brown mortar of good material, or shall be covered with plaster boards not less than one-half inch in thickness, made of plaster and strong fibre and all joints made true and well pointed.

(Ch. 269, 1907.)

Floor and partition: meeting line, incombustible fillings along. SECTION 1636—155. In all non-fire-proof tenement, lodging or boarding houses hereafter erected, fore and aft stud partitions which rest directly over each other shall run through the wooden floor beams and rest upon the plate of the partition below, and shall have the studding filled in solid

between the uprights the full depth of the floor beams with suitable incombustible materials. In all fire-proof tenement, lodging or boarding houses hereafter erected all partitions shall rest directly upon the fire-proof floor construction and extend to the fire-proof beam filling above.

(Ch. 269, 1907.)

Scuttle to roof: material, access, fastening. SECTION 1636—156. Every tenement, lodging or boarding house shall have in the roof a bulkhead or scuttle. No scuttle or bulkhead shall be less in size than two feet by three feet and all scuttles shall be covered on the outside with metal and shall be provided with stairs or stationary ladders leading thereto and easily accessible to all tenants of the building and kept free from encumbrance and ready for use at all times. Access through the scuttle or bulkhead to the roof must be direct and uninterrupted, and no scuttle or bulkhead door shall at any time be locked with a key but either may be fastened on the inside by movable bolts or hooks.

(Ch. 269, 1907.)

Shafts and their openings to be fireproof. SECTION 1636—157. All shafts hereafter constructed in tenement, lodging or boarding houses shall be constructed fire-proof throughout with fire-proof self closing doors, or fire resisting glass set in metal frames at all openings. But nothing in this section contained shall be so construed as to require such enclosures about elevators or dumbwaiters built in the well-hole of stairs where the stairs themselves are inclosed in brick or stone walls and are entirely constructed of fire-proof material.

(Ch. 269, 1907.)

Fire-escapes: access, strength, insertions, balconies, railings, ladders standpipes painting. SECTION 1636—158. Every tenement, lodging or boarding house hereafter erected exceeding two stories in height, and every such building heretofore erected which, at the time of the passage and publication of this act is not provided with sufficient iron fire escapes, shall have on the outside thereof one or more open iron fire escapes consisting of stairways and balconies in such number and location and of such form as shall be directed by the departments charged with the enforcement of this act. Such fire escape in tenement houses shall open directly from at least one

room other than a bath-room or water-closet compartment in each apartment at each story above the ground floor and shall not include the window of a stair hall. In all lodging and boarding houses with separate rooms for occupants, such fire escapes must be directly accessible from all the public halls, in each story, communicating with the several sleeping rooms. All fire escape stairways shall be placed at an angle not steeper than forty-five degrees and shall be constructed with steps not less than six inches in width nor less than twenty-two inches in length and with a rise of not more than eight inches, and shall sustain in all their parts a safe load with a factor of safety of four, of not less than one hundred pounds per step, with the exception of the treads each of which must safely sustain with the same factor of safety a center load of two hundred pounds. Such stairs shall rest upon and be bolted to brackets the upper arm of which shall go through the wall and be properly secured by nuts and four inch square washers at least three-eighths of an inch thick, and the lower end of which shall be let into the wall and be securely fastened in place. The stringers of the stairs shall be securely bolted to similar brackets at the top. The stairs shall have hand rails of wrought iron well braced. Such fire escape shall be connected with the building at each story above the first by a wrought iron balcony not less than three feet four inches wide which shall be surrounded by a wrought iron railing not less than two feet nine inches high. The stairway opening in each platform or balcony shall be not less than twenty-one inches wide and sixty-six inches long and shall have no cover of any kind but shall be provided with a railing. There shall be a landing at the head and foot of each flight not less than twenty-four inches long, measured in the direction of the stairway. In every case there shall be a passageway between the stringers of the stairway and the wall of the building or the outer rail of the balcony as the case may be, each passageway to be not less than eighteen inches wide in every part. The balconies shall be constructed to sustain in all their parts a safe load with a factor of safety of four, of not less than eighty pounds per square foot of surface. The outside top and bottom railings shall extend around the entire balcony and in all cases shall go through the wall at each end and be properly secured by nuts and four-inch square washers at least three-eighths of an inch thick. No balcony railing shall be connected at angles by cast iron. The balcony on the top floor shall be provided with a goose-neck ladder leading to and above the roof. The lowest balcony shall be

provided with a drop ladder reaching to the ground. There shall be attached to such fire escape a three inch wrought iron standpipe extending from a point within five feet of the ground to a point three feet above the roof or cornice, and at each story above the first and on the roof there shall be attached a two and one-half inch angle hose valve with male hose connection, and a double or Siamese "Y" female hose connection at the base of the pipe, with threads to conform to the size and pattern used by the fire department where the building is located. All parts of the fire escape shall receive two coats of paint, one in the shop and one after erection.

(Ch. 269, 1907.)

Yard: required dimension percentages. SECTION 1636—159. No tenement, lodging or boarding house shall hereafter be erected or enlarged nor shall any building or buildings be built upon or moved onto a lot occupied by dwellings so as to occupy more than eighty per cent. of a corner lot nor more than sixty-five per cent. of any other lot; provided that the space occupied by fire escapes shall not be deemed a part of the lot occupied.

(Ch. 269, 1907.)

Building heights relative to street widths. SECTION 1636—160. The height of no tenement, lodging or boarding house hereafter erected or enlarged shall exceed one and one-half times the width of the widest street upon which it is located. Such heights shall be the perpendicular distance measured in a straight line from the curb level to the highest point of the roof beams, provided that where there are bulkheads exceeding ten feet in height or exceeding in area ten per centum of the area of the roof the measurement shall be taken to the top of the bulkhead.

(Ch. 269, 1907.)

Yard: minimum depths; fourth story standards. SECTION 1636—161. (1) Behind every tenement, lodging or boarding house hereafter erected or enlarged upon any lot which does not extend from the street to an alley there shall be a yard extending across the entire width of the lot, at every point open from the ground to the sky unobstructed, except that fire escapes or unenclosed outside stairs may project not over four feet from the rear line of the house, and the depth of said yard

measured from the extreme rear wall of the house to the rear line of the lot shall be as follows: The depth of the yard behind such house hereafter erected upon a corner lot shall not be less than ten feet in every part, provided that where such lot is less than one hundred feet in depth, the depth of the yard shall be not less than ten per centum of the depth of such lot, but shall never be less than five feet in every part, nor less than the minimum width of a lot line court hereinafter prescribed; the depth of the yard behind tenement, lodging or boarding houses built on other than corner lots shall never be less than ten feet in every part, and for such buildings four stories high the depth shall be twelve feet and shall increase in depth one foot for every additional ten feet or fraction thereof in the height of the building. Where such lot extends from the street to an alley at least ten feet in width there shall be a yard extending across the entire width of the lot; where such building or buildings are less than four stories in height, such yard to be not less than five feet in depth in every part, and to increase in depth one foot for every additional ten feet or fraction thereof in the height of the building. Where the alley is less than ten feet wide, the depth of the yard shall be increased proportionately.

Front and rear tenements; spaces between. (2) No tenement, lodging or boarding house or building used as a habitation shall be erected upon or moved onto the front of any lot where there is another building upon the rear of the same lot or upon the rear of any lot where there is another building upon the front of the same lot unless there be between them a clear, unobstructed space at least ten feet in width if such buildings are not more than one story high above the level of the ground; if either of such buildings be two stories high the distance shall not be less than fifteen feet; if either be three stories high the distance shall be twenty feet; and if over three stories high the distance shall be twenty-five feet.

(Ch. 269, 1907.)

Courts: purposes and dimensions. SECTION 1636—162. (1) No tenement or lodging house hereafter constructed shall have inner courts or lot line courts, except for the purpose of lighting or ventilating water-closet or bath-room compartments.

Lot-line. (2) Where one side of a court is situated on the lot line the width of such court measured from the lot line

to the wall of the building shall be not less than four feet, where the court extends from the street to the yard; but where the court is open either to the street or yard alone, the least width of such court shall be six feet for buildings four stories or less in height; for buildings over four stories, the width of such court shall increase one foot for each additional story.

Outer. (3) Where an outer court is situated between wings or parts of the same building or between different buildings on the same lot the width of said court measured from wall to wall shall be not less than eight feet in any part, provided the court does not exceed thirty-six feet in length, in all buildings four stories or less in height; for each additional story in height such court shall increase one foot in width; and for each additional ten feet of increase or fraction thereof in the length of such court, the entire width shall be increased one foot, and the increases in width shall be cumulative.

Inner. (4) Any interior court, lot line or vent shaft used or intended to be used as the means of ventilating or lighting a bath-room or water-closet compartment shall have an area of not less than twenty-two and one-half square feet and a least width of three feet for every building not more than two stories high, and for all buildings more than two stories high an area of twenty-five square feet, and a least width of three feet and four inches.

No roof. (5) No court or vent shaft shall be covered by a roof or sky light but shall be open and unobstructed from the bottom of such shaft to the sky.

(Ch. 269, 1907.)

Windows: number, situation, area, height, opening.
SECTION 1636—163. (1) In every tenement, lodging or boarding house hereafter erected every room except water-closet compartment and bath-room shall have at least one window opening directly upon the street or upon a yard or court of the dimensions specified in section 1636—161, (1) and (2) and section 1636—162, (2) and (3), and the total window area in every such room shall be at least one-tenth of the superficial area of the room, and the top of at least one such window shall be not less than seven feet six inches above the floor and the upper half of it shall be made so as to open the full width.

Buildings hitherto erected: light and air. (2) No building heretofore erected shall be converted into, used or leased for a tenement, lodging or boarding house unless every habitable room shall have a window opening to the outside air as hereinafter specified for buildings hereafter erected; provided that every habitable room of a less area than one hundred square feet, if it does not communicate directly with the external air and is without an open fire place, shall be provided with special means of ventilation by a separate air-shaft extending to the roof of the building with a sectional area of at least one square inch for every ten cubic feet of space contained in such room, and shall be lighted by a sash window, containing not less than fifteen square feet of glazed surface, opening into an adjoining room in the same apartment which latter room opens directly onto a street, yard or alley, and has a window or windows the glazed surface of which equals one-twelfth of the floor area of the room.

(Ch. 269, 1907.)

Public hall: windows and skylight. SECTION 1636—164. (1) In every tenement, lodging or boarding house hereafter erected one at least of the windows provided to light each public hall or part thereof shall contain not less than ten square feet of glass area. In every such house there shall be in the roof directly over each stair-well a ventilating skylight provided with ridge or gable ventilators having a minimum opening of forty square inches, or such skylight shall be provided with fixed or movable louvres; the glazed roof of such skylight shall be not less than twenty square feet in area. In tenement, lodging or boarding houses hereafter erected where the stairs or public halls are not provided with windows on each floor opening directly to the outer air, the skylight shall be provided with such ridge or gable ventilators and also with fixed or movable louvres or movable sashes.

Buildings hitherto erected: windows. (2) In every tenement, lodging or boarding house heretofore erected which has not in the roof directly over the stair-well a ventilating skylight as in this section provided for such buildings hereafter erected, every public hall shall have at least one window on each floor opening to the street or a yard or court and such windows shall have not less than six square feet of glazed surface and the upper half shall be made to open readily; but this pro-

vision shall not apply to the entrance hall, provided that the entrance door contains not less than five square feet of glazed surface.

Public hall: night lighting. (3) In every tenement, lodging or boarding house a proper light shall be kept burning by the owner in the public hall ways near the stairs, upon the entrance floor and upon the second floor of said house from sunset to sunrise every night throughout the year, and upon all other floors of said house until ten o'clock in the evening unless otherwise directed by the departments charged with the enforcement of this act.

(Ch. 269, 1907.)

Heating and cooking. SECTION 1636—165. In every tenement house there shall be adequate chimneys running through every floor with an open fire place or grate or place for a stove properly connected with one of said chimneys for every apartment, unless the apartment is heated by a furnace, hot water or steam, and provision is made for cooking by gas or electricity.

(Ch. 269, 1907.)

Rooms: area and height minimums. SECTION 1636—166. In every tenement, lodging or boarding house hereafter erected all rooms except water-closet compartments and bath-rooms shall be of the following minimum sizes: In each apartment there shall be at least one room containing not less than one hundred and twenty square feet of floor area, and each other room shall contain at least seventy-five square feet area. Each room shall be in every part not less than nine feet high from the finished floor to the finished ceiling, provided that attic rooms shall be nine feet high in at least one-half of the area of each. No building heretofore erected shall be converted into, used or leased for a tenement, lodging or boarding house unless every habitable room shall be not less than eight feet high from the floor to the ceiling, provided that attic rooms in such buildings shall be eight feet high in at least one-half of the area of each.

(Ch. 269, 1907.)

Rooms in cellar or basement for living purposes. SECTION 1636—167. (1) In every tenement, lodging or boarding house hereafter erected no room in the cellar or basement shall be constructed, altered or occupied for living purposes unless

all of the following conditions are complied with: Such rooms shall be at least nine feet high in every part from the floor to the ceiling; the ceiling of such room shall be at least four feet six inches above the level of the curb; such room shall have a window or windows opening upon the street, yard or outer court and the total window area shall be one-tenth the superficial area of the room; one-half of sash of such window shall be made to open the full width and the top of each window shall be within six inches of the ceiling; the walls and floor of such room shall be damp-proof and water-proof, and fit for human habitation as determined by the departments charged with the enforcement of this act.

Rooms heretofore constructed, cellar or basement. (2)

In every tenement, lodging or boarding house heretofore erected no room in the cellar or basement shall be occupied for living purposes unless it comply with the following requirements: Such rooms shall be at least eight feet high in every part from the floor to the ceiling, and the ceiling of such room shall be at least four feet above the level of the curb or the ground on three adjoining sides; such room shall have a window or windows opening to the outer air of at least nine square feet in size clear of the sash frame, and which shall readily open for the purpose of ventilation. Such room shall have sufficient light, shall be well drained and dry and shall be fit for human habitation, as determined by the departments charged with the enforcement of this act.

(Ch. 269, 1907.)

Shafts and courts: access at bottom. SECTION 1636—168.

At the bottom of every shaft or court of a tenement, lodging or boarding house there shall be a doorway giving sufficient access to such shaft or court as to enable it to be properly cleaned out.

(Ch. 269, 1907.)

Water-closets in tenements. SECTION 1636—169. 1. In every tenement house hereafter erected there shall be a separate water-closet in a separate compartment within each apartment, provided that where there are apartments consisting of but one or two rooms there shall be at least one water-closet for every two apartments.

Tenements heretofore constructed: water-closets. 2. For every tenement house heretofore erected there shall be provided at least one water-closet for every two apartments, provided that the total number of persons in such two apartments, does not exceed eight; where the total number of persons exceeds eight there shall be a separate water-closet for each apartment.

A closet to eight persons. 3. In every lodging or boarding house there shall be provided at least one water-closet for every eight persons, and for each additional eight persons or fraction thereof there shall be at least one additional water-closet.

Closets and bath-rooms: air and light; drip trays forbidden. 4. Every water-closet and bath-room compartment in every tenement, lodging or boarding house hereafter constructed shall have a window at least three square feet in area opening upon a street, alley, yard, court, or upon a vent shaft not less than nine square feet in area; and every water-closet and bath-room compartment in every tenement, lodging or boarding house heretofore erected shall receive compartment ventilation by such a window or by a proper metal or masonry ventilating pipe running up to and above the roof, with a sectional area of at least one square inch for every six cubic feet of space contained in such compartment. Every water-closet compartment in every tenement, lodging or boarding house shall be provided with proper means of lighting the same. If fixtures for gas or electricity are not provided in any such compartment, then the door thereof shall have ground glass or wire glass panels or transoms. All water-closets shall be kept in repair, and drip trays shall not be permitted.

(Ch. 269, 1907.)

Water supply. SECTION 1636—170. Every tenement, lodging or boarding house shall have water furnished in sufficient quantity at one or more places on each floor occupied by one or more families or by five or more lodgers.

(Ch. 269, 1907.)

Cleansing; whitewashing; papering; rubbish receptacles. SECTION 1636—171. Every tenement, lodging or boarding house and every part thereof shall be kept clean and

free from any accumulation of dirt, filth, garbage or other matter in or on the same, or in the yards, courts, passages, area, or alley connected with or belonging to the same. The owner, manager or agent of any tenement, lodging or boarding house or any part thereof shall thoroughly cleanse and repair all the rooms, halls, stairs, floors, windows, doors, walls, ceilings, closets, cess-pools and drains thereof, of said building or part thereof, of which he is owner, agent or lessee, to the satisfaction of the departments charged with the enforcement of this act, and shall well and sufficiently whitewash all walls and ceiling in said buildings twice at least in every year in the months of April and October, unless the department charged with the enforcement of this act shall otherwise direct. No wall paper or metal sheeting shall be placed upon a wall or ceiling in any tenement, lodging or boarding house unless all old wall paper shall be first removed therefrom and the walls or ceiling thoroughly cleaned. The owner of every tenement, lodging or boarding house shall furnish suitable covered receptacles for garbage, ashes and rubbish.

(Ch. 269, 1907.)

Live stock, rags and combustibles excluded. SECTION 1636—172. No horse, cow, calf, swine, poultry, sheep or goat shall be kept in a tenement or lodging house, nor on the lot or premises thereof unless stabled at least twenty feet distant from any building used for living purposes, and only when such stabling is not detrimental to health in the opinion of any of the departments charged with the enforcement of this act. No tenement, lodging or boarding house or any part thereof shall be used for the handling, keeping or storage of combustible articles or of rags or any other articles dangerous or detrimental to health.

(Ch. 269, 1907.)

Sleeping spaces and beds. SECTION 1636—173. No room used as a sleeping room in any tenement, lodging or boarding house shall be so overcrowded that there shall be afforded less than four hundred cubic feet of air space to each person over twelve years of age, and two hundred cubic feet of air space to each child under twelve years of age occupying such room; and where such room contains more than one bed the beds shall be so arranged as to leave a passageway not less than two feet wide on two sides of each bed, and all beds shall be so

arranged that under each of them the air shall circulate freely, and direct light from windows shall reach each bed unobstructed.

(Ch. 269, 1907.)

Conflicting laws repealed; construction of this act. SECTION 1636—174. All statutes of the state and ordinances of cities so far as inconsistent with the provisions of this act are hereby repealed, provided that nothing in this act contained shall be construed as repealing or abrogating any present law or ordinance in any city further restricting or prohibiting the use or occupation of cellars or basements, or increasing the amount of light or the amount of air space to each individual occupying a room, or as prohibiting any future ordinance in respect to such further restriction or requirement.

(Ch. 269, 1907.)

Factory inspectors and health boards to enforce. SECTION 1636—175. In addition to the officers now charged by law with the enforcement of the statutes it shall be the duty of the state factory inspector or any assistant factory inspector and the department of health and the department of building inspection in cities to enforce the provisions of this act and such officers are hereby clothed with full power and authority for such purpose.

(Ch. 269, 1907.)

Penalties. SECTION 1636—176. Every person who shall violate or assist in violating or who shall fail to comply with any of the provisions of this act or who shall resist the enforcement of any provision of this act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00) or by imprisonment in the county jail not less than fifteen (15) days nor more than sixty (60) days or by both such fine and imprisonment in the discretion of the court, and for each and every day after the first that such violation shall continue such person shall be subject to a fine of ten dollars (\$10.00) in the discretion of the court in addition to that hereinbefore provided.

(Ch. 269, 1907.)

Sleeping cars: upper berth, passenger's control over; penalty. SECTION 1636p. 1. Whenever a person pays for the