

CHAPTER 160.

HOTELS AND RESTAURANTS.

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|--------|-------------------------------------|--------|-------------------------------------|
| 160.01 | Definitions. | 160.15 | Tourist rooming houses. |
| 160.02 | Permit. | 160.16 | Permit. |
| 160.03 | Fees. | 160.17 | Fee. |
| 160.04 | Application. | 160.18 | Application. |
| 160.05 | Rule of health and safety. | 160.19 | Rule of public health and safety. |
| 160.06 | Power of board. | 160.20 | Enforcement by board of health. |
| 160.07 | Appeal. | 160.21 | Suspension or revocation of permit. |
| 160.08 | Penalty. | 160.22 | Appeal. |
| 160.09 | Authority of industrial commission. | 160.23 | Penalty. |
| 160.10 | Joint employment. | | |

160.01 Definitions. As used in this chapter:

(1) "Hotel" means all places wherein sleeping accommodations are offered for pay to transients, in five or more rooms, and all places used in connection.

(2) "Restaurant" means and includes any building, room or place wherein meals or lunches are prepared or served or sold to transients or the general public, and all places used in connection therewith. The term "meals or lunches" as used herein shall not include soft drinks, ice cream, milk, milk drinks, ices and confections. The serving in taverns of free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter shall not constitute such taverns to be restaurants.

(3) "Public health and safety" means the highest degree of protection against infection, contagion and disease that a hotel or restaurant will reasonably permit. [1935 c. 14, 454; 1937 c. 321; 1939 c. 112]

Note: "Restaurant" means place where meals are sold for more than three days in succession. 24 Atty. Gen. 692.

160.02 Permit. (1) Everyone conducting a hotel or restaurant shall procure an annual permit from the state board of health for each place, except that one permit shall be sufficient for a combined hotel and restaurant where both are conducted in the same building and under the same management. The permit shall expire on December thirty-first, and shall not be transferable. No hotel or restaurant shall be conducted, advertised or held out to the public as such without permit. [1935 c. 440]

(2) [Omitted because held void in State ex rel F. W. Woolworth Co. v. State Board of Health, 273 W 638, 298 NW 183. See note to sec. 1, art. I, Wis. Const.]

160.03 Fee. The annual fee for permits shall be three dollars, and for a hotel containing more than thirty sleeping rooms used for transients five dollars. The fee shall accompany the application.

160.04 Application. The board shall upon request furnish application blank which the applicant shall file, giving the full name and address of the owner and lessee of the building, the lessee and manager of the hotel or restaurant, the location and a full description of the building and property, and such other information as the board requires.

160.05 Rule of health and safety. Everyone, owning, managing, controlling or maintaining any hotel or restaurant shall conduct and maintain the same with a strict regard to the public health and safety and in conformity with this chapter and the rules, regulations and orders of the state board of health.

Note: By 160.05 the inferentially declared purpose of chapter 160, including the licensing provisions contained in 160.02, is protection of the public health and safety. State ex rel. F. W. Woolworth Co. v. State Board of Health, 237 W 638, 298 NW 183.

160.06 Power of board. The state board of health shall appoint assistants with such qualifications as the board deems necessary and fix their compensation, administer and enforce the laws relating to the public health and safety in hotels and restaurants, ascertain and prescribe what alterations, improvements or other means or methods are necessary to protect the public health and safety in hotels and restaurants, ascertain and fix standards, and enforce orders for the adoption of such improvements and other means or methods to be as nearly uniform as practicable.

160.065 [Expired March 1, 1937]

160.07 Appeal. Anyone in interest being dissatisfied with an order of the board, may commence an action in the circuit court for Dane county against the board as defendant to vacate or modify the order on the ground that it is unlawful or unreasonable. Sections 101.26 and 101.27 shall govern so far as applicable.

160.08 Penalty. Anyone violating this chapter or rule or regulation of the state board of health hereunder shall be fined not less than twenty-five nor more than two hundred dollars; and anyone failing to comply with an order of the state board of health hereunder shall forfeit five dollars for each day of noncompliance after the order is served upon or directed to him, and in case of action under section 160.07, after lapse of a reasonable time after final determination.

160.09 Authority of industrial commission. Nothing in this chapter shall affect the authority of the industrial commission relative to places of employment, elevators, boilers, fire escapes, fire protection, or the construction of public buildings.

160.10 Joint employment. The state board of health and the industrial commission may employ experts, inspectors or other assistants jointly.

160.15 Tourist rooming houses. As used in sections 160.15 to 160.23:

(1) "Tourist rooming house" means and includes all lodging places and tourist cabins, other than hotels, wherein sleeping accommodations are offered for pay, with or without meals, to tourists or transients. It does not include private boarding or rooming houses, ordinarily conducted as such, not accommodating tourists or transients.

(2) "Public health and safety" means the highest degree of protection against infection, contagion and disease that a tourist rooming house will reasonably permit.

(3) "Board" means the state board of health. [1937 c. 112; 1939 c. 111]

160.16 Permit. No person shall conduct, maintain or manage a tourist rooming house unless he holds a permit for each place from the state board of health. Each permit shall expire on December thirty-first in the year in which issued and shall not be transferable. No tourist rooming house shall be advertised or held out to the public as such without such permit. [1937 c. 112]

160.17 Fee. The annual fee for each permit shall be three dollars for a tourist rooming house containing up to thirty rooms and five dollars for thirty or more rooms. Such fee shall accompany the application. [1937 c. 112]

160.18 Application. The board shall upon request furnish an application blank which the applicant shall file with the board, giving the full name and address of the owner and lessee of the building, the manager or operator of the tourist rooming house, the location and a full description of the building and property and such other information as the board may require. [1937 c. 112]

160.19 Rule of public health and safety. Every tourist rooming house shall be conducted and maintained with a strict regard to the public health and safety and in conformity with sections 160.15 to 160.23 and the rules, regulations and orders of the state board of health. [1937 c. 112]

160.20 Enforcement by board of health. The board shall administer and enforce the laws relating to the public health and safety in tourist rooming houses, ascertain and prescribe what improvements or other means or methods are necessary to protect the public health and safety therein, ascertain and fix standards, and enforce orders for the adoption of such improvements and other means or methods to be as nearly uniform as practicable. [1937 c. 112]

160.21 Suspension or revocation of permit. The board may refuse or withhold issuance of a permit or may suspend or revoke a permit for violation of any provision of sections 160.15 to 160.23 or any rule, regulation or order of the board. [1937 c. 112]

160.22 Appeal. Any person in interest being aggrieved by any order of the board may commence an action in the circuit court against the board or defendant to vacate or modify the order on the ground that it is unlawful or unreasonable. Sections 101.26 and 101.27 shall govern so far as applicable. [1937 c. 112]

160.23 Penalty. Any person violating any provision of sections 160.15 to 160.23 or any rule, regulation or order of the board issued under said sections, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars. [1937 c. 112]