

CHAPTER 160.

HOTELS AND RESTAURANTS.

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160.01 Definitions. As used in this chapter:

(1) "Hotel" means all places wherein sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all places used in connection therewith. "Hotelkeeper" and "innkeeper" are synonymous and "inn" and "hotel" are synonymous.

(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. "Meals or lunches" 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 or tourist rooming house will reasonably permit.

(4) "Tourist rooming house" means and includes all lodging places and tourist cabins and cottages, other than hotels, wherein sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses, ordinarily conducted as such, not accommodating tourists or transients.

(5) "Board" means the state board of health. [1935 c. 14, 454; 1937 c. 321; 1939 c. 112; 1945 c. 35]

Revisor's Note, 1945: (4) is from 160.15 (1) and (5) is from 160.15 (3). 160.15 is repealed. To avoid any misunderstanding and hair-splitting distinctions, the word "cottages" is used as well as "cabins." (Bill No. 70 S, s. 1)

Note: Tourist cabins and cottages where-in sleeping accommodations are offered for pay to tourists or transients are tourist rooming houses within (4) regardless of whether such cabins are rented by the day, week, month or season. 34 Atty. Gen. 240.

A tavern in which sandwiches are served to patrons by delivering such sandwiches from a sandwich shop requires a permit under the provisions of ch. 160. A permit is

also required in the event the proprietor of the tavern purchases the sandwiches in wrapped form and resells them. 34 Atty. Gen. 355.

Summer camp operated by club, church or other organization for educational and recreational purposes and which limits attendance to members, or private camp for same purpose which limits attendance to persons selectively chosen in advance are not "tourist rooming houses" within the meaning of this section. However, such camps are subject to the statute where sleeping accommodations are furnished for tourists or transients. 35 Atty. Gen. 449.

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.

(2) 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. [1935 c. 440; 1937 c. 112; 1943 c. 275 s. 45; 1945 c. 35]

160.03 Fee. The annual fee for permits shall be \$3, and for a hotel or tourist rooming house containing more than 30 sleeping rooms used for transients \$5. The fee shall accompany the application. [1945 c. 35]

Revisor's Note, 1945: The amendment is from 160.17. (Bill No. 70 S, s. 1)

160.04 Application. The board shall upon request furnish an 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 or tourist rooming house,

the location and a full description of the building and property, and such other information as the board requires. [1945 c. 35]

Revisor's Note, 1945: The amendment is from 160.18. (Bill No. 70 S, s. 4)

160.05 Rules of health and safety. Every hotel and restaurant and tourist rooming house shall be conducted and maintained with a strict regard to the public health and safety and in conformity with this chapter and the rules, regulations and orders of the board. [1945 c. 35]

Revisor's Note, 1945: The amendment is the licensing provisions contained in 160.02, from 160.19. (Bill No. 70 S, s. 5)

Note: By 160.05 the inferentially declared is protection of the public health and safety. State ex rel. F. W. Woolworth Co. v. State purpose of chapter 160, Stats. 1939, including Board of Health, 237 W 638, 298 NW 183.

160.06 Powers of board. The board shall appoint assistants with such qualifications as it deems necessary and fix their compensation, administer and enforce the laws relating to the public health and safety in hotels and restaurants and tourist rooming houses, ascertain and prescribe what alterations, 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. [1945 c. 35]

Revisor's Note, 1945: The amendment is from 160.20. (Bill No. 70 S, s. 6)

160.065 [Repealed by 1943 c. 179]

160.07 [Repealed by 1945 c. 35]

160.08 Penalty. Excepting section 160.36, anyone violating this chapter or any rule or regulation of the board hereunder shall be fined not less than \$25 nor more than \$200; and anyone failing to comply with an order of the board hereunder shall forfeit \$5 for each day of noncompliance after the order is served upon or directed to him, and in case of action under section 160.22, after lapse of a reasonable time after final determination. [1945 c. 35]

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. [1945 c. 35]

160.10 Joint employment. The state board of health and the industrial commission may employ experts, inspectors or other assistants jointly. [1945 c. 35]

160.15 [Repealed by 1945 c. 35]

160.16 [Renumbered 160.02 (2) by 1945 c. 35]

160.17 to 160.20 [Repealed by 1945 c. 35]

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 this chapter or any rule, regulation or order of the board. [1937 c. 112; 1945 c. 35]

Revisor's Note, 1945: 160.21 is made general. Doubtless the board could always revoke hotel permits for cause. (Bill No. 70 S, s. 17)

160.22 Court review. Orders of the board shall be subject to review in the manner provided in chapter 227. [1937 c. 112; 1943 c. 375 s. 62; 1945 c. 35]

Note: 160.22, Stats. 1941, authorizing any unlawful or unreasonable, does not apply to person aggrieved by an order of the board orders of the board made under ch. 159. to commence an action in the circuit court Toebe Academy of Beauty Culture v. Kelly, to vacate the order on the ground that it is 239 W 103, 300 NW 476.

160.23 [Repealed by 1945 c. 35]

160.31 Hotelkeeper's liability. A hotelkeeper who has a hotel safe or vault suitable for the safekeeping of money, jewelry, precious metals or stones, personal ornaments and valuable papers and whose sleeping rooms have locks or bolts and who keeps conspicuously posted in each sleeping room a notice printed in large, plain English type that the hotel is not liable for loss of any such article by a guest unless he offered it to the hotelkeeper for deposit in his safe or vault; but a hotelkeeper is not obliged to receive from any guest for such deposit property exceeding \$300 in value; and shall not be liable for any greater sum. A hotelkeeper may, by written agreement with a guest, receive any property for such deposit. A hotelkeeper is liable for loss of articles so accepted for deposit. [1945 c. 35]

Revisor's Note, 1945: At the suggestion lance "hotelkeeper" has supplanted "inn- of the board the law is changed as to the keeper". See 160.01. (Bill No. 70 S, s. 21) number of notices required. In modern par-

160.32 Hotelkeeper's liability for baggage; limitation. Every guest and intended guest of any hotel upon delivering to the hotelkeeper or to his servants any baggage or other property for safekeeping (elsewhere than in the room assigned to the guest) shall demand and the hotelkeeper shall give a check or receipt, to evidence the delivery. No hotelkeeper shall be liable for the loss of or injury to the baggage or other property of his guest, unless it was delivered to the hotelkeeper or his servants for safekeeping or unless

the loss or injury occurred through the negligence of the hotelkeeper or his servants.
[1945 c. 35]

160.33 Liability of hotelkeeper for loss of property by fire or theft; owner's risk.

A hotelkeeper is not liable for the loss of baggage or other property of his guest by fire (not intentional) produced by the hotelkeeper or his servants. Every hotelkeeper is liable for loss of baggage or other property of his guest caused by theft or gross negligence of the hotelkeeper or his servants. Such liability shall not exceed \$200 for each trunk and its contents, \$75 for each valise and its contents and \$10 for each box, bundle or package and contents, so placed under his care; and \$50 for all other effects including wearing apparel and personal belongings, unless he has agreed in writing with the guest to assume a greater liability. When any person suffers his baggage or property to remain in any hotel, after his status as a guest has ceased, or forwards the same to a hotel before becoming a guest and the same is received into the hotel, the hotelkeeper holds such baggage or property at the risk of the owner. [1945 c. 35]

160.34 Persons with contagious disease not to be guest; penalty. No person is entitled to entertainment at a hotel who has a contagious disease (as enumerated in section 143.02). No person who has had any such disease shall be entitled to such entertainment until all danger of spreading contagion therefrom is past. This section does not authorize compulsory removal of or refusal of shelter to any such person who is receiving entertainment at any hotel, if removal would specially endanger his life or health. Any person who knowingly and wilfully solicits or receives entertainment in violation of this section shall be punished by a fine not exceeding \$100 or by imprisonment not exceeding 6 months. [1945 c. 35]

160.36 Hotel rates posted; rate charges; special rates. Every hotelkeeper shall keep posted in a conspicuous place in each sleeping room in his hotel, in type not smaller than 12 point, the rates per day for each occupant. Such rates shall not be changed until notice to that effect has been posted, in a similar manner, for 10 days previous to each change. Any hotelkeeper who fails to have the rates so posted or who charges, collects or receives for the use of any room a sum different from the authorized charge shall be punished by a fine of not less than \$50 nor more than \$100. A hotelkeeper may permit a room to be occupied at the rate of a lower priced room when all of the lower priced rooms are taken and until one of them becomes unoccupied. Special rates may be made for the use of sleeping rooms, either by the week, month or for longer periods or for use by families or other collective groups. The state board of health or its representatives may enforce the posting of rates as provided in this section. [1945 c. 35]

Revisor's Note, 1945: The law is not changed except by eliminating the requirement in old 131.06 (1) that a schedule of rates of all rooms, with the number of each room and the price charged for each, must be displayed in the hotel lobby. This requirement is impractical, is not complied with in practice, and its repeal is suggested by the supervisor of the hotel and restaurant division of the state board of health. (Bill No. 70 S, s. 26)