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ORDINANCE NO. 821

AN ORDINANCE OF THE CITY OF MAIZE, KANSAS, CREATING SECTIONS 11-401, 11-402, 11-403, 11-404, 11-405, 11-406, 11-407, 11-408, 11-409, 11-410, 11-411 AND 11-412 OF THE CODE OF THE CITY OF MAIZE, KANSAS, PERTAINING TO REGULATION OF HOTELS AND ROOMING HOUSES.

BE IT ORDAINED by the Governing Body of the City of Maize, Kansas:

SECTION 1. Sections 11-401, 11-402, 11-403, 11-404, 11-405, 11-406, 11-407, 11-408, 11-409, 11-410, 11-411 AND 11-412 of the Code of the City of Maize, Kansas, are hereby created and shall read as follows:

11-401. **DEFINITIONS.** For purposes of this section, the following terms shall have the following meanings:

(1) "Sleeping Accommodations" means a private room or suite of rooms furnished for sleep, occupancy of which is provided to a transient or residential guest in exchange for valuable consideration.

(2) "Transient Guest" means any person who occupies a Sleeping Accommodation for a period of less than one week.

(3) "Residential Guest" means any person who occupies a Sleeping Accommodation for a period lasting one week or longer.

(4) "Lodging" means any building, other structure, or group of structures in which four or more rooms are kept used, maintained, advertised, or held out to the public as having Sleeping Accommodations. Such facilities may be commonly called a hotel, motel, inn, rooming house, boarding house, camp, etc., but such description is neither definitive nor necessary.

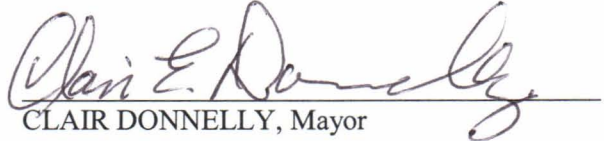
11-402. **REGISTER OF TRANSIENT GUESTS TO BE KEPT; INFORMATION TO BE SHOWN.** Every proprietor or manager of a hotel, rooming house, apartment house or any other place within the corporate limits of the City which caters to and permits Transient Guests for a consideration to occupy a room under his supervision shall maintain a register and require each Transient Guest to sign his name on the register, together with his home address. In the case of an organized group, for which all members' charges will be paid by the group's leader or organizer, the proprietor or manager may accept a list of the group members' names and home addresses in lieu of a separate registration for each guest. Any such list shall be considered a part of the register subject to inspection under Section 11-407. The proprietor or manager shall at the time of registering assign the guest to a room and enter the number of the room to which the guest is assigned on the register opposite the guest's name, together with the date of registration. When registration by group list is permitted, the assigned room number will be noted next to each party's name. The group leader shall confirm the room assignments on the day of registration by subscribing his or her signature, date and time of completion. When the guest shall check out that fact shall be noted on the register by the proprietor or the manager, together with the date of leaving.

- 11-403. **REGISTRATION OF PERMANENT GUESTS.** Where a register is maintained for Transient Guests under the provisions of Section 11-402, and the place also caters to permanent guests, the permanent guests shall be required to register in the same manner as the Transient Guests.
- 11-404. **REGISTRATION OF EMPLOYEES RESIDING ON PREMISES.** Any employee of a hotel, rooming house, apartment house, or any other place within the corporate limits of the City which caters to and permits Transient Guests to occupy a room, who resides or lives upon the premises shall be required to register with the proprietor or manager of said hotel, rooming house, or apartment house, and a suitable register will be maintained by said proprietor or manager and shall at all times be kept open to the inspection of any member of the Police Department of the City of Maize, Kansas upon request.
- 11-405. **FRAUD AND CHEATING IN OBTAINING ACCOMMODATIONS.** Any person who shall obtain food, lodging, or other accommodations with a value of One Thousand Dollars (\$1,000.00) or less, at any inn, restaurant, hotel, boarding house, apartment house, dwelling unit or rooming house by means of any trick, deception or false representation, statement or pretense, with intent to defraud the owner or keeper thereof, and shall fail or refuse to pay therefor, shall be deemed guilty of a misdemeanor.
- 11-406. **PRIMA FACIE EVIDENCE OF INTENT TO DEFRAUD AN OWNER OR INNKEEPER.** The following shall be *prima facie* evidence of the intent to defraud an owner or an innkeeper as provided in Section 11-405:
- (a) Obtaining lodging, food or other accommodations by false pretense or by false or fictitious show or pretense of any baggage or other property;
 - (b) Paying for such food, lodging or other accommodation by a check or other negotiable paper on which payment was/had been refused;
 - (c) Leaving the inn, restaurant, hotel, boarding house, apartment house, dwelling unit or rooming house without paying or offering to pay for such food, lodging or other accommodation;
 - (d) Surreptitiously removing or attempting to remove baggage or other property;
- or
- (e) Registering under a fictitious name.
- 11-407. **REGISTER OPEN TO INSPECTION BY POLICE.** The register required to be kept by Section 11-402 and all other registers maintained at any hotel, rooming house or apartment house shall at all times be kept open to the inspection of any member of the police department.
- 11-408. **SMOKING ON BEDS.** It shall be unlawful for any person while in or on a bed in any hotel or public rooming house in the City to smoke a lighted cigarette, cigar or pipe.
- 11-409. **BURNING OF FURNISHINGS WITH LIGHTED CIGARETTES, ETC.** It shall be unlawful for any person while in a hotel room or in a room of a public rooming house in the City to set fire to, burn, or cause to be burned, any bedding, furniture, curtains, draperies or household furnishings by means of any lighted cigarette, cigar or pipe, or by matches or other combustible material in lighting or attempting to light any cigarette, cigar or pipe.

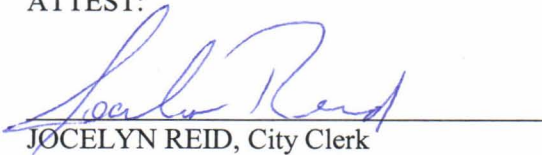
- 11-410. POSTING NOTICE OF SECTIONS 11-408, 11-409, 11-410 AND 11-412. It shall be the duty of the owner, manager or person in charge of any hotel or public rooming house to post a notice of Sections 11-408, 11-409, 11-410 and 11-412, which shall set forth in substance the terms and penalty contained in such sections, in each room of the hotel or public rooming house which is rented to the public.
- 11-411. VIOLATION; PENALTY. Any person who violates any provision of this Article 4 is guilty of a misdemeanor which shall constitute a Class C violation under Section 11-223 herein, provided however, a violation of Section 11-405 shall constitute a Class A violation under Section 11-405 herein.
- 11-412. SEVERABILITY. Should any court declare any section, clause or provision of this Section 4 to be unconstitutional, such decision shall affect only such section, clause or provision so declared unconstitutional and shall not affect any other remaining section, clause or provision of this Section 4.

SECTION 2. Effective Date. This ordinance shall take effect and be in full force and effect after its publication in the official City newspaper.

PASSED by the City Council and APPROVED by the Mayor on this 20th day of December 2010.


CLAIR DONNELLY, Mayor

ATTEST:


JOCELYN REID, City Clerk

APPROVED AS TO LEGAL FORM:

Tom POWELL, City Attorney

