

ORDINANCE

AN ORDINANCE AMENDING SECTION 5.04.030 AND SECTION 5.04.100 OF THE GENERAL LICENSING CODE OF THE CITY OF MANITOU SPRINGS

WHEREAS, the City of Manitou Springs has adopted Title 5 of the Manitou Springs Municipal Code ("General Licensing Code") for the licensure of businesses operating within the City; and

WHEREAS, the City Council desires to amend certain provisions of the General Licensing Code to provide for the requirement that lodging establishments keep and maintain a register of guests.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: Section 5.04.030 of the Manitou Springs Municipal Code is hereby amended by the addition of a new definition to read as follows:

5.04.030 – Definitions.

The following terms as used in this title shall have the meanings hereinafter designated, unless the context specifically indicates otherwise or unless such meaning is excluded by express provision.

...

“Lodging” includes rooms or accommodations for overnight use furnished by any person to any person who pays to use, possess or occupy, or has the right to use, possess or occupy, any such room or accommodation in a lodging facility under any concession, permit, lease, contract, license to use or other similar arrangement.

“Lodging facility” includes any hotel, bed and breakfast, apartment hotel, lodging house, motel, motor hotel, guest house, guest ranch, resort, mobile home park, auto court, inn, trailer court, trailer park, campground or hostel where two (2) or more rooms or accommodations are used for lodging.

...

Section 2: Section 5.04.100 of the Manitou Springs Municipal Code is hereby amended by the addition of a new Subsection E to read as follows:

5.04.100 – Issuance and conditions of licenses.

...

E. Guest register required. The following shall apply to those licensees operating any lodging facility.

1. Any person operating a lodging facility shall, at all times, keep and maintain a register of guests. The register shall contain the name and address of each guest, the proprietor or person in charge of the lodging facility, the room number assigned to each guest and the time for which the room was rented. No guest shall privately occupy a room until all information has been entered in the register.

2. When the occupant of a room ends his or her stay, the proprietor or person in charge of the lodging facility shall enter the time of departure in the register opposite the name of the occupant.

3. The register shall be maintained for a period of three (3) years subsequent to the date of a guest's departure.

Section 3: If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4: The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 5: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 6: This ordinance shall take effect five (5) days after final approval on second reading and publication.