

**TITLE 7 – BUSINESS AND COMMERCIAL CODE
CHAPTER 7 – PASCUA YAQUI TRIBE INNKEEPERS ORDINANCE**

TABLE OF CONTENTS

SUBCHAPTER A		GENERAL PROVISIONS	
Section 10	Purpose		1
Section 20	Title		1
Section 30	Definitions.....		1
SUBCHAPTER B		INNKEEPERS ORDINANCE	
Section 40	Maintenance of Fire Proof Safe; Limitations on Liability		1
Section 50	Lien on Baggage and Property of Guests.....		2
Section 60	Sale of Property; Notice		2
SUBCHAPTER C		FINANCIAL DUTIES AND RESPONSIBILITIES	
Section 70	Drawing Check or Draft on No Account or Insufficient Account with Intent to Defraud		2
Section 80	Room Tax.....		2

TITLE 7 – BUSINESS AND COMMERCIAL CODE
CHAPTER 7 – PASCUA YAQUI TRIBE INNKEEPERS ORDINANCE

*Legislative History: Enacted on June 22, 2011 by Resolution No. C06-126-11 and Ordinance No.11-11.
Amended on April 19, 2017 by Resolution No. C04-74-17 and Ordinance No. 08-17*

SUBCHAPTER A GENERAL PROVISIONS

Section 10 Purpose (7 PYTC § 7-10)

The purpose of this Ordinance is to enact an Innkeepers Ordinance which sets forth the laws applicable to a hotel or inn operated on the Pascua Yaqui Tribe’s reservation.

Section 20 Title (7 PYTC § 7-20)

- (A) This ordinance shall be known as the “Pascua Yaqui Tribe Innkeepers Ordinance.”
- (B) This ordinance shall be codified at Title 7, Chapter 7, Sections 10 through 80.

Section 30 Definitions (7 PYTC § 7-30)

- (A) “Tribe” means the Pascua Yaqui Tribe or a division of the Pascua Yaqui Tribe operating a hotel or inn on the Tribe’s reservation.
- (B) “Safe” means an in room safe.

SUBCHAPTER B INNKEEPERS ORDINANCE

Section 40 Maintenance of Fire Proof Safe; Limitations on Liability (7 PYTC § 7-40)

- (A) The Tribe, so long as it makes available a fireproof safe and gives notice by posting in a conspicuous place in the front office or in the room of each guest that money, jewelry, documents and other articles of small size and unusual value may be deposited in the Safe, is not liable for loss of or injury to any such article not deposited in the Safe, which is not the result of its own act or the act of its agents.
- (B) The Tribe may refuse to receive for deposit from a guest articles exceeding a total value of five hundred dollars, and unless otherwise agreed to in writing shall not be liable in an amount in excess of five hundred dollars for loss or damage to property deposited by a guest in such Safe unless the loss or damage is the result of the fault or negligence of the Tribe.
- (C) The Tribe shall not be liable for loss or damage to merchandise samples or merchandise for sale displayed by a guest unless the guest gives prior written notice to the Tribe of having and displaying the merchandise or merchandise samples, and the Tribe agrees in writing to be held liable for such loss or damage.
- (D) The liability of the Tribe to a guest shall be limited to one hundred dollars for property delivered to the Tribe to be kept in a storeroom or baggage room and to seventy-five dollars for property deposited in a parcel or checkroom.

Section 50 Lien on Baggage and Property of Guests (7 PYTC § 7-50)

The Tribe shall have a lien upon the baggage and other property of its guests, boarders, or lodgers, brought therein by their guests, boarders, or lodgers, for charges due for accommodation, board, lodging or room rent and things furnished at the request of such guests, boarders, or lodgers, with the right to possession of the baggage or other property until the charges are paid.

Section 60 Sale of Property; Notice (7 PYTC § 7-60)

- (A) When baggage or other property comes into the possession of a person entitled to a lien as provided by 7 PYTC § 7-70 and remains unclaimed, or the charges remain unpaid for a period of three months, the person may proceed to sell the baggage or property, and from the proceeds retain the charges, storage, and any expenses incurred in connection with the sale.
- (B) The Tribe shall provide at least two weeks' advance notice to the owner of the property of the sale and will provide such notice by sending written notification to the owner at the address provided by the owner to the Tribe upon making the reservation.
- (C) Any balance from the sale not claimed by the owner within one month from the day of the sale shall be paid into an account identified by the Tribe for such purposes.

Section 70 Drawing Check or Draft on No Account or Insufficient Account with Intent to Defraud (7 PYTC § 7-70)

- (A) A person who, for himself or for another, with intent to defraud, makes, draws, or utters or delivers to another person or persons a check or draft on a bank or depository for payment of money, knowing at the time of such making, drawing, uttering or delivery, that he or his principal does not have an account or does not have sufficient funds in, or credit with, such bank or depository to meet the check or draft in full upon presentation, shall be liable to the holder of such check or draft for twice the amount of such check or draft or fifty dollars, whichever is greater, together with costs and reasonable attorneys' fees as allowed by the court on the basis of time and effort expended by such attorney on behalf of plaintiff.
- (B) The word "credit" as used in this section shall be construed to be an express agreement with the bank or depository for payment of the check or draft.
- (C) Proof that, at the time of presentment, the maker, issuer or drawer did not have sufficient funds with the bank or depository, and that he failed within twelve days after receiving notice of nonpayment or dishonor to pay the check or draft is prima facie evidence of intent to defraud.
- (D) Where a check, draft or order is protested, on the ground of insufficiency of funds or credit, the notice of formal protest thereof shall be admissible as proof of presentation, nonpayment and protest and shall be prima facie evidence of the insufficiency of the funds or credit with the bank or depository, or person, or firm or corporation.
- (E) "Notice," as used in this section, means notice given to the person entitled thereto, either in person, or in writing. Such notice in writing shall be given by certified mail, return receipt requested, to the person at his address as it appears on such check or draft.
- (F) Nothing in this section shall be applicable to any criminal offense or affect eligibility or terms of probation.

Section 80 Room Tax (7 PYTC § 7-80)

The Tribe may assess a tax of no more than fifteen percent (15%) on the room rate paid by hotel or inn guests, which tax shall be collected by the Tribal division which operates and manages the hotel or inn, and shall be distributed to the Pascua Yaqui Tribe Finance Department monthly.