

TOWNSHIP OF MAPLE SHADE

Ordinance 2020-09

AN ORDINANCE AMENDING PART II: GENERAL LEGISLATION; ARTICLE III: LICENSES & PERMITS; ARTICLE III: MOTELS

WHEREAS, transient housing within the Township has, in recent years, been placing a significant and increasing burden on police and first responder resources; and

WHEREAS, the Township Master plan Reexamination report and Master Plan Amendment of April 27, 2016, within its policies, goals and objectives, encourages modernization of the Route 38 and 73 commercial corridors including upgrading safety, function and appearance.

WHEREAS, the Covid-19 pandemic has highlighted the need to protect the safety and health of visitors to the community as well as Township first responders and residents.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Maple Shade the Township Code is hereby amended as follows: (*Revisions are indicated as underlined and deletions by strike-through.*)

Section 1. Article III is amended as follows.

Article III Motels and Temporary Housing Accommodations

Section 2. Article III subsection 114 is amended by adding a Purpose statement and amending and adding definitions as follows.

§ 114-12. Purpose and Definitions.

The Township Council finds and determines that it is important for the safety of visitors to our community to control vice, disturbances and narcotics offenses; and to protect the general public and for peace and good order. To meet these goals, the Township requires certain security measures at motels and temporary housing accommodations, including requiring the licensing of motels and mandating additional requirements necessary to ensure safety based in part on minimum standards required for a motel to receive or renew a motel operation license and requiring additional registration requirements and limiting the length of stay of guests.

The following terms shall, for the purpose of this article, have the meaning indicated in this section.

INVESTIGATIVE COMMITTEE – a committee formed by the governing body under the New Jersey Municipal Investigations Act, N.J.S.A. 40:48-25 et seq.

OPERATOR — Any person, as defined herein, and including agents, employees, and independent contractors thereof, responsible for the day-today management and performance of motel activities.

TRANSIENT —In determining whether a person is a “transient”, uninterrupted periods of time extending both prior or subsequent to the effective date of this article may be considered.

VISITOR — Any person, not employed by or a registered guest of a motel, not including minors and dependents of registered guests.

Section 3. Article III subsection 114-15 and 114-16 are deleted in there entirety and replaced as follows.

114-15 Application for License

- A. Applications for a Maple Shade Township motel operation license shall be made on or before November 1 of each year on a form approved by the Township Council and shall be signed and sworn to by the person, firm, partnership, corporation or entity actually engaged in such business and actually the true owners thereof. This section shall apply to any individual, firm, partnership, corporation or entity who is now or in the future conducting any activity within the Township of Maple Shade regulated by this chapter.
- B. Each applicant for such license shall make written application on forms supplied by the Township Clerk setting forth:
 - (1) The full name, phone number, address and post office address, if applicable, of the applicant (if a corporation, provide the names and addresses of the president and secretary and registered agent, if applicable; if a partnership, provide the names and addresses of all partners).
 - (2) The exact location of the proposed licensed premises, including the street address, and block and lot number as described on the Tax Map of the Township of Maple Shade.
 - (3) A description of the business, structure and accommodations upon said land, including a statement of the number of sleeping units and the maximum number of persons who can be accommodated at any given time.
 - (4) The name, address and owner of said lands and buildings and the name and address of

the individual, corporation, partnership or other entity renting said building if different than Subsection B(1) above. In the event that the entity which owns or leases the licensed premises is a corporation, the name and address of the officers of the corporation and the particular position they hold, the name and address of any stockholder holding 10% or more of stock, or indirectly, or in any way beneficially of the corporation which is seeking a license and the name, address and phone number of the registered agent, if applicable.

(5) The name(s) of the person or persons on the licensed premises upon whom process may be served.

(6) A statement acknowledging whether the applicant has ever held a motel or hotel license and whether said license(s) has ever been denied or revoked and setting forth details of same.

(7) Details of any arrests and/or convictions for crimes or disorderly conduct, including the nature of the offense for which arrested and/ or convicted, the date of conviction and the court in which said conviction occurred of each and every person identified in Subsection B(1) and B(4) above.

(8) The name and address of the applicant's attorney, if applicable.

(9) The telephone number(s) where the owner(s) and/or his or her agent may be reached in the event of an emergency.

- C. The application must contain a certification that the statements made by the applicant in connection with the application and covering the information requested in Subsections A and B are true and that the applicant makes such statements to induce the Township of Maple Shade to issue a license to operate a motel covering the applicant's business and that the applicant agrees to comply with all rules, regulations and laws of the State of New Jersey and Township ordinances applicable to same.
- D. The application shall be accompanied by a payment in the amount of the license fee for the period involved. In the event that the license applied for shall be denied, said fee shall be returned to the applicant less 10% thereof to cover investigation costs relative to said application plus the cost of notice required under §114-16.G.
- E. If the applicant is not the owner of the site where the business is to be conducted, the owner's written consent to the conduct of the business described in the application shall be annexed to the application.
- F. The application for an issuance of a new or renewed license hereunder shall constitute the consent of the applicant to an inspection of the licensed premises by the Police Department, using the standard established at §114-16.B, for the purpose of determining whether there exists on the premises sought to be licensed compliance with the appropriate guest registration requirements as defined herein. The applicant shall be given twenty-four-hour

notice of this inspection to ensure the owner's/operator's presence during such inspection. This requirement in no way limits the Police Department's or other law enforcement agency's ability to perform unannounced inspections as part of ongoing investigations to prevent or discover criminal activity.

- G. Unless the motel license is currently under a suspended or revoked status, the motel will be permitted to operate while the Township considers a pending original or renewal application.
- H. Restriction on ownership and management. The operation, conduct and management of a motel shall not be under the management of, control or supervision of any person convicted of a felony or any conviction involving the sale of drugs and/or narcotics, prostitution or underage drinking. No person shall own, directly or indirectly, more than 10% of stock or be an officer or director of any corporation or participate in any way in the management of any licensed premises if he or she has been convicted of a crime as described in this subsection.

114-16 Licensing Procedures

- A. Each applicant for a new or renewal license shall make an application upon forms issued by the Township Clerk. This section shall apply to any individual, firm, partnership, corporation or entity who is now or in the future conducting any activity within the Township limits regulated by this chapter.
- B. Upon application for a new or renewed license, the Township Clerk shall send a copy of same to the Township Manager, Township Zoning Officer, Fire Inspector, Construction Code Official and Police Department. Each of the foregoing departments or agencies shall have 14 days from the date of the application to inspect the premises and issue a written report determining whether or not the premises comply with this chapter and the rules and regulations and laws of the State of New Jersey. The Township shall coordinate the date and time of its inspection and provide twenty-four-hour notice to the motel owner. If the premises comply, the authorized agencies shall provide the Township Clerk with a written notice of such approval. Thereupon, if the applicant has complied with the other licensing provisions set forth in this chapter, the Township Clerk shall issue a license in accordance with the terms and conditions of this chapter.
- C. If the inspection revealed deficiencies based on fire, zoning or construction defects, the appropriate agency or official shall provide written notice to the applicant with a copy to the Township Clerk. The applicant shall make any required application to the appropriate agency to cure the deficiency within 14 days of notice and cure said deficiency within 60 days of such notice. The Township reserves the right to take immediate action outside the scope of this licensing ordinance to abate an issue which, in the Township's sole discretion, is a life-safety issue.
- D. If, upon inspection, the premises do not comply with the Security Requirements set forth in this chapter, the Police Department and other authorized agencies shall provide the Township Clerk with documentation setting forth the specific violations. The Township

Clerk shall thereupon transmit a copy of such documentation citing violations to the applicant, together with written notice that the application for the license is denied for failure to comply with the Security Requirements set forth in this chapter. The operator shall have 30 days to cure deficiencies prior to reinspection and reconsideration of the license application. The applicant shall have the right to request a hearing before the Township Council to reconsider the denial of the license based on the Security Requirements. Said request for hearing must be in writing and received within five business days from receipt of notice sent by the Township Clerk.

- E. The Township Council shall set a date for a hearing to be held on the denial of said application at a reasonable time thereafter or, in the case of a new license, not later than 30 days from the date of a written request for a hearing unless the applicant requests or consents to a postponement.
- F. A copy of all reports and investigations shall be made available to the applicant, upon request, at least seven days prior to any hearing date set by the Township Council on a particular license.
- G. The Township Clerk shall make notice, not less than seven days prior to the hearing, in the official newspaper of the Township and by certified mail, return receipt requested, to all property owners with 200 feet of the applicant's property line, using a straight line from the property line, of the time, place and location of the hearing concerning the denial of license application and the manner in which interested parties may make proper objection either in writing or through oral testimony. Such objection must be based upon an alleged violation of laws promulgated or enacted by the federal, state, county or local government. The applicant has the right to contest any objection presented.
- H. In the event that objections in writing are filed with the Township Clerk as to the issuance or renewal of a particular license or objections are made orally on the night set for issuance or renewal of a license or the date of the hearing described in Subsection F above, the Township Council shall then proceed to hear the objections and all evidence for and against the issuance of such license and within 10 days determine whether to issue or renew a license or deny same if the evidence presented indicates good cause for the denial of a license. A refusal to issue a license shall be in writing, and the reasons for a denial shall be stated. If the circumstances warrant, the Township Council may hold an additional hearing on a date set by the Township Council meeting for the renewal or issuance of a license(s).
- I. Nothing contained herein shall prevent the Township of Maple Shade or the officers of the Township from proceeding against an applicant who is in violation of any of the provisions of this chapter by filing a complaint in a court of competent jurisdiction.
- J. Any license issued hereunder shall terminate at any time after its issuance in the event that the use of the building or part thereof for motel purposes shall cease.

Section 4. Article III subsection 114-17 is amended as follows.

§ 114-17. Security Requirements.

A. Security Requirements: All motels are required to meet the following minimum-security requirements:

1. Guest registration regulations.

- a. Every registering guest shall furnish to an operator of a motel satisfactory identification as part of the registration process for the hire of lodgings at that motel by the transient.
- b. No room shall be rented to any person who shall be under 21 years of age at the time of the rental when not accompanied by a parent or legal guardian or providing proof of emancipation. Said age is set to deter security issues associated with underage drinking.
- c. Satisfactory identification for legal residents of the United States shall consist of one of the following: valid driver's license issued in the transient's state; a federal, state or county government photograph identification card; military identification card; a passport; or any other form of valid government identification on which the guest's photograph appears. For persons legally residing outside the United States, valid government identification shall include an official passport, U.S. visa, USCIS (United States Citizenship and Immigration Services) alien registration card (Green Card) or USCIS border crossing card.
- d. The operator of the motel shall maintain a record log and photocopy of the identification produced by the guest(s). The record log shall include the name of the transient, current address, ID number (i.e., motor vehicle license number), number of guests in room, and state or country of issuance of identification, date of birth, date and time of check in and check out, method of payment and make, model and license plate number of guest vehicle, if guest intends to park vehicle at establishment. Irrespective of method of payment, the motel operator shall comply with Subsection A(1) of this section.
- e. An operator shall notify any guest who fails or refuses to provide proper identification or refuses to identify occupants to any operator that a room will not be rented.
- f. The record log shall be made immediately available for inspection by the Chief of Police, or his designee, or other law enforcement agency, in the event of a police service incident at the motel. Said log shall be kept by the motel owner for a period of no less than three years.
 - i. The officer shall request to inspect the record log by asking the operator, or the operator's designee who is "on duty" and/or working at the time, to inspect the record. If inspection is refused, the operator or the operator's employee/designee must secure the record in the presence of the officer or

an authorized representative of the Police Department or other law enforcement agency, in a manner directed by the officer or authorized representative, to ensure that no one can tamper with the record and so that the record can be maintained securely in the presence of the officer or authorized representative until such time as an administrative subpoena, an administrative search warrant, or other court order has been issued or denied. If the operator or the operator's designee cannot be located, or if inspection is refused, the police officer or an authorized representative may seek entry by serving the issuance of the administrative subpoena, an administrative search warrant, or other court order authorizing the inspection of the record log.

- ii. Whenever possible, the inspection shall be conducted at a time and in a manner that minimizes any interference with the operation of the business.
- iii. No person shall alter, deface or erase the record so as to make the information recorded in it illegible or unintelligible or hinder, obstruct, or interfere with any inspection of the record under this section.
- iv. If, upon refusal to allow the officer to inspect the record, and the officer requires the record to be secured, the officer or authorized representative must apply for the administrative subpoena, administrative search warrant, or such other court order in an expeditious fashion, but within no less than 48 hours following said refusal.
- v. Administrative subpoena/administrative search warrant.

[1] In the event that the law enforcement officer or authorized representative seeks an administrative search warrant, same shall be sought and processed and the conduct of same shall be in accordance with applicable New Jersey Court Rules and/or other statutes.

[2] In the event that the law enforcement officer or authorized representative seeks an administrative subpoena, then same may only be sought if the Township's governing body has established an Investigative Committee under the New Jersey Municipal Investigations Act, N.J.S.A. 40:48-25 et seq. Should the governing body form such an Investigative Committee, it shall be entitled to exercise all powers delegated to it under said statutory provisions, including the authority to issue subpoenas such as those contemplated herein.

- g. The duties imposed on an operator by this chapter shall not be interpreted or applied so as to violate or cause the violation of the Americans with Disabilities Act of 1990 (P.L. 101-336).

2. Parking requirement regulations.

- a. The operator shall inform each guest that vehicles must be parked nose in to the parking space. For security reasons, back-in parking will not be permitted. In addition to informing the guest at check in that nose-in parking is required, the operator shall conspicuously post the property with permanent signs no less than 10 inches in height by eight inches in length which state "Nose-in Parking Required - Minimum \$100.00 fine."
 - b. The operator shall inform the guest that failure to abide by this request may result in Police Department action.
 - c. All persons utilizing parking spaces on a motel property shall park their vehicles nose in to the parking space. For security reasons, back-in parking will not be permitted.
 - d. Any owner or operator of a motor vehicle who shall park or allow their vehicle to be parked in violation of this chapter, upon a trial and conviction by a court of competent jurisdiction, shall pay a fine of \$100.00 for a first offense; \$200.00 for each subsequent offence.
- 3. Frequency of rental.** The operator shall not rent any room more than two times during any twenty-four-hour period, beginning at 12:00 noon and ending at 12:00 noon the following day.
- 4. Occupancy.** The sleeping accommodations of a motel shall be rented only for the use of guests as transient occupants and shall not be used or occupied on any permanent basis, and no such occupant shall be deemed to be a resident therein. Every motel shall maintain at all times a complete register of all rentals there and the true identification and correct dates of occupancy of each person using any room on the premises.
- A. No guest shall use or occupy any room or a portion of any room in any motel for a period of more than 14 consecutive days or more than 14 days during any ninety-day period. A portion of a calendar day shall constitute a full day. The period of occupancy continues even if the occupant moves to another room in the same motel or to another motel within the Township.
 - B. A minimum of seven days prior to the expiration of the fourteen day limit, it shall be an affirmative duty of the operator to petition the Chief of Police or his designee in writing to permit a guest to avail himself of the use of the motel for a period longer than 14 days when such guest provides i) proof of current, valid residency more than 30 miles from Maple Shade Township and is utilizing the motel while performing a temporary function or service in Maple Shade Township, such as employment on a construction project, or ii) where the guest is in need of temporary quarters while improvements are being performed on the guest's primary residence, making it temporarily uninhabitable, where such time

frame remains limited to a definite timeline and where vacancy of the motel premises will occur at the conclusion of the construction project or the primary residence becomes habitable. The decision to permit any stay longer than 14 days remains at the sole discretion of the Chief of Police or his designee and may be appealed to the Township Council in writing and filed with the Township Clerk.

(1) In the event that objections in writing are filed with the Township Clerk as to the denial of permission to stay longer than 14 days, the Township Council shall set a date for a hearing to be held on the denial of permission at a reasonable time thereafter. The Township Council shall then proceed to hear the objections and all evidence and within 10 days determine whether the appeal shall be granted or denied. A denial of an appeal shall be in writing, and the reasons for a denial shall be stated. If the circumstances warrant, the Township Council may hold an additional hearing on a date set by the Township Council.

5. **Identification of renters;** renting for improper purposes prohibited. In addition to the other rules and regulations proposed hereunder, no licensee shall knowingly rent, allow or permit any room on the licensed premises to be used for any illegal or immoral purpose. The licensee's failure to set forth the true identity and correct hours shall serve as prima facie evidence of violation of this provision.
6. **Notification to police of suspicious guests.** The motel operator shall make reasonable effort to notify the Township Police Department of the names and permanent addresses of guests that behave suspiciously after check-in. Suspicious activity shall include an act or event which causes an ordinarily prudent person to believe that unlawful behavior is in process or imminent.
7. **Requirement of on-site manager 24 hours a day.** The operator shall cause the motel to maintain twenty-four-hour supervision by an on-site manager. Said manager(s) will have supervisory responsibilities over all other employees on site and shall serve as the first point of contact for the Township Police Department.

Section 5. Article III subsection 114-18 is amended as follows.

§ 114-18. **Reserved**

Section 6. Article III subsection 114-19.B is deleted.

Section 7. Article III subsection 114-21 is amended as follows.

§ 114-21. **Reserved**

Section 8. Article III subsection 114-29 is amended as follows.

§ 114-29. Violations and penalties.

A. Noncompliance with the terms and conditions of this chapter shall constitute a violation.

B. Each and every day any violation of this chapter exists or continues to exist shall be determined as a violation or offense under this chapter.

C. Any person, firm, partnership, corporation or entity violating any provision of this chapter by the performance of a prohibited act or by failing, neglecting or refusing to do any act or anything required by this chapter shall, upon a trial and conviction by a court of competent jurisdiction, forfeit or pay such fines not in excess of the sum of \$2,000 for each offense, or be sentenced to a jail term not exceeding 90 days (if the convicted is a natural person) and/or a period of community service not exceeding 90 days.

D. Any guest violating any provision in violation of this section, upon a trial and conviction by a court of competent jurisdiction, shall pay a fine of \$500.

Section 9. Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

Section 10. Severability. In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudicated by a court of competent jurisdiction to be involved or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 11. This ordinance shall take effect immediately upon adoption and publication according to law.

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Maple Shade Township Council at a meeting held on August 27, 2020.

Andrea T. McVeigh, Township Clerk

INTRODUCTION

DATE: July 23, 2020

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Kauffman			x			
Manchello			x			
Nunes		x	x			
Wiest			x			
Volpe	x		x			

ADOPT

DATE: August 27, 2020

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Kauffman		x	x			
Manchello			x			
Nunes	x		x			
Wiest			x			
Volpe						x