

TOWNSHIP OF MAPLE SHADE

Ordinance 2022-04

AN ORDINANCE AMENDING CHAPTER 114, ARTICLE III OF THE TOWNSHIP CODE REGARDING LICENSING OF MOTEL AND TEMPORARY HOUSING ACCOMMODATIONS

BE IT ORDAINED, by the Township Council of the Township of Maple Shade, County of Burlington, as follows:

CHAPTER 114, ARTICLE III OF THE TOWNSHIP CODE REGARDING MOTEL AND TEMPORARY HOUSING ACCOMMODATIONS

- I. Chapter 114, Article III of the Township Code entitled “Motels and Housing Accommodations” is hereby amended as follows:

Article III Motels and Temporary Housing Accommodations

§ 114-12 Purpose and definitions.

- A. 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.
- B. 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.

MOTEL

Any structure or any portion of any structure which is occupied or intended or designed for temporary occupancy by transients for dwelling, lodging or sleeping purposes. For purposes of this article, the term "motel" shall include any hotel, inn, tourist home or residential rental housing having three or more rental units or apartments, or any other similar structure or portion thereof.

OCCUPANCY

The use or possession or the right to the use or possession of any room(s) or portion thereof in any motel for sleeping purposes.

OPERATOR

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

PERSON

Any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint-stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

RENT

The consideration charged, whether or not received, for the occupancy of space in the motel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and service of any kind or nature, without reduction therefrom whatsoever.

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.

§ 114-13 License required.

It shall be unlawful for any person, partnership, firm, corporation or entity to establish, operate, maintain, occupy or offer for occupation upon any property owned, controlled or leased by him a motel as defined herein without first having secured a license from the Township of Maple Shade. Said license shall be for a period of no more than one year commencing April 1 and terminating March 31 of the next calendar year and shall be renewable for additional periods of one year. Licenses shall not be transferable from one person, firm, partnership, corporation or entity to another person, partnership, corporation or entity except as provided in this article.

§ 114-14 Conditions requiring license.

When any person shall by the use of signs, circulars, business cards, newspapers, other publications, radio or television stations advertise or solicit patronage, actively or passively, it shall be considered prima facie evidence of liability, and a license shall be required for the ownership and/or operation of a motel.

§ 114-15 Application for license.

- A. Applications for a Maple Shade Township motel operation license shall be made on or before April 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 (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 § 114-16G.
- 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. Unless the applicant opts for third-party inspection, the application for the 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 § 114-16B, for the purpose of determining whether there exists on the premises sought to be licensed compliance with the appropriate 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. **Incomplete applications will not be processed.**
- B. **Upon receipt of a fully completed application** for a new or renewed license, the 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 30 days from the date of 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. **In lieu of inspection by the Police Department, an applicant may request that the Police Department's review be performed by a neutral third-party inspector, subject to the Township's approval of the proposed inspector and with the costs of the inspection to be paid for by the applicant. The third-party inspector shall coordinate with and provide its findings to the Township Police Department.** If the premises comply, the Police Department and other 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 deficiencies based on fire, zoning or construction defects are identified in the course of inspection, the appropriate inspecting agency or official shall provide written notice to the applicant of the specific violations 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 shall provide written notice to the applicant of the specific violations with a copy to the Township Clerk. The operator shall have 30 calendar days to cure deficiencies prior to reinspection and reconsideration of the license application unless the cure period is extended by the Township Manager due to exigent circumstances.
- E. If the operator does not cure the deficiencies noted in the inspections pursuant to section C or D above within the time provided or if the applicant fails to address any deficiencies in the application documentation as noticed by the Township Clerk, the Township Clerk shall provide written notice to the applicant that the license is denied. The applicant shall have the right to request a reconsider the denial of the license. Said request for hearing must be in writing and received within five business days from receipt of notice sent by the Township Clerk.
- F. 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.
- G. 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.
- H. 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 within 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.
- I. In the event that written objections 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 consider all evidence for and against the issuance of such license and within 10 days of the date of hearing, determine whether to issue or renew a license or deny same if the evidence presented indicates good cause for the denial of a license. Notice of denial of applicant's appeal and the reasons for denial shall be provided in writing to the applicant within 14 days of the hearing. 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.
- J. 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.
- K. 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.

§ 114-17 **Security requirements.**

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

1. Guest registration:

(a) Every registering guest, **irrespective of method of payment**, 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, Identification 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. A mirror hang-tag shall be required for any guest vehicle to be parked on the premises which tag shall be placed on the guest vehicle rearview mirror **and shall identify the guest's check-in and check-out dates and the vehicle license plate number.**

(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 or criminal investigation at the motel. Said log shall be kept by the motel owner and **readily accessible** 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.] 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.

[vi.] 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 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, shall pay a fine of \$100 for a first offense and \$200 for each subsequent

offense.

- (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 31 consecutive days or more than 31 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. Operator shall at all times conspicuously display a notice at the registration desk or entryway stating: "No guest shall use or occupy any room or a portion of any room in any motel for a period of more than 31 consecutive days or more than 31 days during any ninety-day period."
 - (b) A minimum of seven days prior to the expiration of the 31-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 31 days when such guest provides 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 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 31 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 in the same manner as provided for denial of license as provided in §114-16 of this chapter.
- (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

§ 114-18 **(Reserved)**

§ 114-19 **Compliance with all laws and regulations required.**

- A. All structures, buildings, dwellings, houses or parts thereof used for the purposes herein regulated shall comply with the Uniform Construction Code, the Land Use Development Ordinances, the Uniform Fire Safety Code, health ordinances and other applicable ordinances of the Township of Maple Shade and with the rules, regulations and laws of the State of New Jersey.

§ 114-20 **Report of communicable diseases.**

A licensee shall report to the proper authorities of the Township of Maple Shade all cases of persons or animals affected or suspected of being affected with any communicable disease in or about the licensed premises.

§ 114-21 **(Reserved)**

§ 114-22 **Payment of fees.**

- A. The annual fee for each license hereunder shall be as set forth in Chapter **88**, Fees.
- B. The annual fee for each license issued hereunder shall be prorated where the license shall not have been issued on April 1 of each year. Any period of a month over 15 days shall constitute a full month, and any period less than 15 days shall constitute a half month for the purposes of prorating the annual fee.
- C. Payment of said fee shall accompany the filing of the application for licenses and any intention to renew thereafter.
- D. Except as otherwise provided, all license fees shall become part of the Township's treasury.
- E. Where the licensee is engaged in more than one activity as enumerated in this article, at the same location, which may be subject to more than one fee, said licensee shall be required to pay that fee which would be charged for the activity assessed the highest fee.

§ 114-23 **Time for submission of applications; term of license.**

- A. Applications for such license shall be made on or before the April 1 of each year on a form as set forth in this article 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.
- B. All licenses issued hereunder shall be issued for a period of one year commencing on April 1 and expiring at 12:00 midnight on March 31 of the next calendar year. All renewals shall be applied for and issued in a similar manner as the original application.
- C. In the event of a termination or closing of a motel, or a moving of same to a location outside the Township of Maple Shade, the holder of the license shall notify the Township Clerk of such termination or relocation not less than 20 days prior to the effective date of the termination or change of location. The change of location as set forth in this section is to apply only to those changes of location whereby the motel operation is moving beyond the boundary lines of the Township of Maple Shade. Changes of location within the Township of Maple Shade are governed by § **114-25** of this article.

§ 114-24 **Renewal date.**

Sixty days prior to the expiration of the existing license, each applicant shall make an application upon the 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 of Maple Shade regulated by this article.

§ 114-25 **Changes in location of motel.**

The location of any motel or of any permitted use may be changed, provided that 10 days' notice thereof is given to the Township Clerk and approval is granted by the Township Council, and also provided that there is compliance with the requirements of this article.

§ 114-26 **Suspension and revocation of license.**

In the event that the Township Council finds upon a written report filed that there is such a serious infraction of the rules, regulations and ordinances of the Township of Maple Shade or the rules, regulations and laws of the State of New Jersey or that the operation of a premises licensed hereunder will constitute a serious menace to the health, safety, welfare and morals of the people of the Township or the occupants of such licensed premises, the Township Council shall have the right, upon the finding of good cause, to immediately suspend the license of such person, firm, partnership, corporation or entity licensed under this article. In the event that a license is suspended as set forth herein, the Township Council shall, within seven business days, hold a hearing, unless Council and the licensee mutually agree to hold same at a later date. A written report upon which the Township Council originally based its determination shall be given to the licensee at the time the Council suspends its license. The hearing to continue the suspension, revoke the license or take such other action as the Township Council deems necessary in its lawful discretion shall proceed where applicable in the same manner as if the proceeding were for the issuance of a new license. Nothing contained herein shall prevent the Township of Maple Shade or the officers of the Township from proceeding against the applicant in a court of competent jurisdiction.

§ 114-27 **License terminated upon cessation of operation.**

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 such purposes shall cease.

§ 114-28 **Enforcement.**

The proper enforcement of the provisions of this article dealing with motel licenses shall be within the jurisdiction of the Township of Maple Shade Police Department and, additionally, within the jurisdiction of those officers charged with providing the necessary inspections and regulations.

§ 114-29 **Violations and penalties.**

[Amended 4-16-2008 by Ord. No. 2008-07; 8-27-2020 by Ord. No. 2020-09]

- 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, other than the parking violation provided in Section 114-17 A (2) (d), upon conviction, shall be subject to a fine of not more than \$2,000 imprisonment for a term not exceeding 90, a period of community service not exceeding 90 days or any combination thereof in the discretion of the Municipal

Court Judge. Each day on which a violation exists shall be considered a separate and distinct violation and subject to the imposition of a separate penalty for each day of the violation, as the Municipal Court Judge may determine.

Introduction: March 24, 2022

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

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 April 14, 2022.

Andrea T. McVeigh, Township Clerk

Adopted: April 14, 2022

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