

**BOROUGH OF WRIGHTSTOWN
COUNTY OF BURLINGTON**

ORDINANCE 2015 -08

**AN ORDINANCE OF THE BOROUGH OF WRIGHTSTOWN IN THE
COUNTY OF BURLINGTON, STATE OF NEW JERSEY
AMENDING THE BOROUGH CODE TO ADD CHAPTER 195 ENTITLED
TEMPORARY HOUSING LICENSING AND REGISTRATION.**

BE IT ORDAINED AND ENACTED, by the Borough Code of the Borough of Wrightstown, County of Burlington and State New Jersey as follows:

Section 1. This Ordinance adds §195, Licensing and Regulation of Hotels, Motels and Temporary Housing Accommodations in the Borough of Wrightstown, to Chapter 195, entitled “Temporary Housing Licenses” as follows:

Chapter 195

TEMPORARY HOUSING LICENSING AND REGISTRATION

**ARTICLE 1: LICENSING AND REGULATION OF HOTELS, MOTELS AND
TEMPORARY HOUSING ACCOMMODATIONS IN THE BOROUGH OF
WRIGHTSTOWN**

§ 195-1 Purpose.

The Wrightstown Borough 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 Borough requires certain security measures at hotels and motels and temporary housing accommodations, including requiring the licensing of hotels and motels and mandating additional requirements necessary to ensure safety based in part on minimum standards required for a hotel or motel to receive or renew an operation license and requiring additional registration requirements and limiting the length of stay of guests.

§195-2 Definitions.

For the purpose of this chapter, the following words will have the following meanings:

CONTRACT GUEST — Any person who exercises occupancy or is entitled to occupancy by reason of a contract or voucher or by other payment method from a state, county or local agency or not-for-profit corporation engaged in providing housing accommodations for the right to occupy the premises for a period of one calendar month or less. Any such person so occupying space in a motel shall be deemed a “transient” up to and including the last day of a calendar month. In determining whether a person is a “transient,” uninterrupted periods of time extending both prior or subsequent to the effective date of this chapter may be considered.

MOTEL — Any structure or any portion of any structure which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes. For purposes of this chapter, 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.

NON-CONTRACT GUEST — Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right to access, license or by other payment of any money for the right to occupy the premises for a period of up to 31 calendar days or less, counting portions of the calendar days as full days. Any such person so occupying space in a motel shall be deemed a “transient” up to and including the 31st day of occupancy. In determining whether a person is a “transient,” uninterrupted periods of time extending both prior or subsequent to the effective date of this chapter may be considered. “Non-contract guest” shall not include the owner and his immediate family or one specifically identified employee and his family occupying a living unit on-site equipped with a full kitchen and separate living and sleeping quarters, where these are available. Existing motel rooms shall not, however, be converted to create such living space.

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 — One whose presence in Borough of Wrightstown is temporary or fleeting.

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

§195-3 License required; transferability; transfer fee.

- A. It shall be unlawful for any person, partnership, firm, corporation or entity to establish, operate, maintain, occupy or offer for occupancy any property owned, controlled or leased by him as a motel as defined herein, without first having secured a license from the Borough of Wrightstown. This license shall be for a period of no more than one year commencing January 1 and terminating

December 31 of each calendar year and shall be renewable for additional periods of one year.

- B. Licenses shall not be transferable from one person, firm, partnership, corporation or entity to another person, partnership, corporation or entity without application to the Borough as defined in §195-5 and the payment of a transfer fee of \$100.00.
- C. 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 the operation of a motel, and a license shall be required for the ownership and/or operation of a motel.

§195-4 Application for license.

- A. Applications for a Borough of Wrightstown motel operation license shall be made on or before November 1 of each year on a form approved by the Borough 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 Borough of Wrightstown regulated by this chapter.
- B. Each applicant for such license shall make written application on forms supplied by the Borough 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 designated on the Tax Map of the Borough of Wrightstown.
 - (3) A description of the business, structure and accommodations upon the 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 the lands and buildings and the name and address of the individual, corporation, partnership or other entity renting these buildings 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 any such 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 the conviction occurred for 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 Borough of Wrightstown 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 Borough ordinances applicable to the business.
- 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, the fee shall be returned to the applicant less 10% thereof to cover investigation costs relative to the application plus the cost of notice required under §195-5G.
- 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. Owner/Operator's signature on the application for an issuance of a license hereunder shall constitute the consent of the applicant to a monthly inspection of the licensed premises by the Police Department, using the standard established at §195-5B, 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 inspections with an appropriate administrative warrant/court order as part of ongoing investigations to prevent or discover criminal activity. The owner/operator's consent shall be required on the original licensee application and any renewal thereof.

- G. Unless the motel license is currently under a suspended or revoked status, the motel will be permitted to operate while the Borough considers a pending original or renewal application.

§195-5 Licensing procedures.

- A. This section shall apply to any individual, firm, partnership, corporation or entity who is now or in the future conducting any activity within the Borough limits regulated by this chapter.
- B. Upon application for a license, the Borough Clerk shall send a copy of the application to the Police Department, Borough Zoning Officer, Fire Inspector, and Construction Code Official. 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, including but not limited to the Borough Zoning Ordinances, Construction Code, and the Fire Code. The Borough shall coordinate the date and time of its inspection and provide twenty-four-hour notice to the motel owner. If the premises comply, the Police Department and other authorized agencies shall provide the Borough 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 Borough Clerk shall issue a license in accordance with the terms and conditions of this chapter.
- C. The Borough of Wrightstown shall issue a motel operation license only when the motel is in compliance with the registration standards established in this chapter, including evidence of maintenance of the occupancy requirements of §195-8.
- D. If, upon inspection, the premises do not comply with the registration requirements set forth in this chapter, the Police Department and other authorized agencies shall provide the Borough Clerk with a written report setting forth the specific violations. The Borough Clerk shall thereupon transmit a copy of such reports citing violations to the applicant, together with written notice that a license for the premises will not be considered and the operator shall have 30 days to cure deficiencies prior to re-inspection. If the inspection revealed deficiencies based on fire, zoning or construction defects, the applicant shall make the necessary application to the appropriate agency to cure the deficiency within 14 days of notice and cure the deficiency within 60 days of such notice. The Borough reserves the right to take immediate action outside the scope of this licensing ordinance to abate an issue which, in the Borough's sole discretion, is a life-safety issue. The applicant shall have the right to request a hearing before the Borough Council to reconsider the inspection report. Any request for a hearing must be in writing and received within five business days from receipt of notice sent by the Borough Clerk.
- E. The Borough Council shall set a date for a hearing to be held on the appeal of the denial of the 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 Borough Council on a particular license.
- G. The Borough Clerk shall make notice, not less than seven days prior to the hearing, in the official newspaper of the Borough 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 appeal of 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 Borough 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 Borough 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 Borough Council may hold an additional hearing on a date set upon 10 days' notice to the proposed licensee for the renewal or issuance of a license(s).
- I. Nothing contained herein shall prevent the Borough of Wrightstown or the officers of the Borough 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.

§195-6 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 or building codes in existence at the time of the issuance of the certificate of occupancy, the Land Use Development Ordinances, the Uniform Fire Safety Code, health ordinances and other applicable ordinances of the Borough of Wrightstown and with the rules, regulations and laws of the State of New Jersey. Any area of renovation shall be done at the uniform construction standards existing at the time of renovation and with proper permits issued by the Borough of Wrightstown when necessary.

- B. All fire escapes shall comply with the rules, regulations and ordinances of the Borough of Wrightstown and the State of New Jersey. An exit light shall be installed in the passageway or doorway leading to any such fire escapes. Doors leading to fire escapes shall be unlocked from the inside at all times and shall open outward.
- C. Each motel shall be equipped with sufficient hand fire extinguishers, as determined by the Fire Marshal, whose discretion shall be informed and guided by the New Jersey Uniform Fire Safety Code, which shall be at all times in working order and readily accessible to the occupants.
- D. All such licensed accommodations shall be provided with an adequate supply of potable drinking water, together with toilets and lavatory facilities for guests, and shall contain not less than one separate toilet for each five guests. The toilet and lavatory facilities shall be maintained in a clean and sanitary manner and disinfected daily.
- E. All trash or other waste matter shall be kept in closed containers, and provisions shall be made for removal of all trash, waste matter or garbage from the licensed premises.
- F. All entrances to motels shall be adequately lighted after dark, and all ground areas about motels shall be adequately illuminated.

§195-7 Fees.

- A. The annual fee for each license hereunder shall be the sum of \$75 plus \$25 per each unit containing sleeping quarters for units one through 10; \$15 for units 11 through 20; \$10 per unit thereafter.
- B. The annual fee for each license issued hereunder shall be prorated where the license shall not have been issued on January 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 the annual 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 Borough's treasury.
- E. Where the licensee is engaged in more than one activity as enumerated in this chapter, at the same location, which may be subject to more than one fee, the licensee shall be required to pay that fee which would be charged for the activity assessed the highest fee.

§195-8 Security requirements.

All motels are required to meet the following minimum security requirements:

- A. Guest registration regulations.
- (1) 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.
 - (2) 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. This age requirement is designed to deter security issues associated with underage drinking.
 - (3) 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; 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, INS alien registration card, or INS border crossing card.
 - (4) 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 (e.g. motor vehicle license number) 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.
 - (5) 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.
 - (6) The record log shall be made immediately available for monthly inspections by the Chief of Police, or his designee, who shall be a uniformed police officer, and immediately available to any member of the Wrightstown Police Department or other law enforcement agency, in the event of a police service incident at the motel. The log shall be kept by the motel owner for a period of no less than three years.
 - (7) 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).

B. Parking requirement regulations.

- (1) 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.
- (2) The operator shall inform the guest that failure to abide by this request may result in Police Department action.

C. 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.

D. Occupancy.

The sleeping accommodations of a motel shall be rented only for the use of contract and non-contract 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 licensed premises shall maintain at all times a complete register of all rentals therein and the true identification and correct dates of occupancy of each person using any room on the licensed premises.

(1) Contract guests.

No contract guest shall use or occupy any room or a portion of any room in any motel for more than one calendar month or more than one month during any three calendar months.

(2) Non-contract guests.

(a) No non-contract 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.

(b) A minimum of seven days prior to the expiration of the thirty-one-day limit, it shall be an affirmative duty of the operator to petition the Chief of Police in writing to permit a non-contract guest to avail himself of the use of the motel for a period longer than 31 days when such non-contract guest provides (i) proof of current, valid residency more than 30 miles from Borough of Wrightstown and is utilizing the motel while performing a temporary function or service in Borough of Wrightstown such as employment on a construction project or (ii) where the non-contract guest is in need of temporary quarters while improvements are being performed on the non-contract 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 residents becomes habitable. The decision to permit any stay longer than 31 days remains at the sole discretion

of the Chief of Police and may be appealed to the Borough Council in the same manner as provided for denial of license as provided in § 195-5 of this chapter.

E. 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.

F. Restriction on ownership and management.

The operation, conduct, and management of a motel shall not be under the management, 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.

G. Maintenance and enforcement of no rent/no trespass list.

- (1) The Borough shall maintain and provide a no rent/no trespass list of persons convicted of any crime while on a Wrightstown motel property or while registered as a guest at a motel in the Borough.
- (2) The operator shall refuse to further rent any room on the premises to any guest on the list or allow the individuals on the list to remain on the property. At no time shall the operator allow the person on the list or members of the person's party to visit other properly registered guests or visitors.
- (3) Names shall remain on the no rent/no trespass list for the remainder of the current calendar year and the next immediate calendar year (i.e., up to one year and 364 days).

H. Notification to police of suspicious guests.

The motel operator shall make reasonable effort to notify the Borough of Wrightstown Police Department of the names and permanent addresses of guests that behave suspiciously after check-in. Suspicious activity shall be based upon probable cause to include an act or event which causes an ordinarily prudent person to believe that unlawful behavior is in process or imminent.

I. 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. The manager(s) will have supervisory responsibilities over all other employees on site and shall serve as the first point of contact for the Police Department.

§195-9 Administrative suspension and revocation of license.

A. In the event that the Borough Council finds upon a written complaint filed that there is such a serious infraction of the rules, regulations, and ordinances of the Borough of Wrightstown 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 Borough or the occupants of such licensed premises, the Borough Council shall have the right to hold a hearing where the operator and complainant will be given the right to provide testimony and be subject to cross-examination regarding the complaint. Upon the Committee's finding of good cause, it may immediately suspend the license of such person, firm, partnership, corporation, or entity licensed under this chapter. In the event that a license is suspended as set forth herein, the operator must correct such issues and be re-inspected before the Borough Council will hold another hearing to reconsider the license. The hearing to continue the suspension or revocation of the license or take such other action as the Borough 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 Borough of Wrightstown or the officers of the Borough from proceeding against the applicant in a court of competent jurisdiction. The Borough reserves the right to notify all financial interest(s) of the motel of denial, suspension, or revocation of a license.

B. In the event the license is suspended or revoked, the motel operator shall cause the contract guests and non-contract guests to be removed from the motel within 48 hours from the decision of the Borough Council. The motel operator shall be responsible for any and all costs associated with the relocation of contract and non-contract guests. In the event the motel operator fails to meet this responsibility and the Borough is required to arrange and provide for the relocation of guests, all costs and expenses incurred by the Borough in the course of action associated with the relocation shall become a lien against the property.

Section 2. Severability.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

Section 3. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 4. Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Regular Meeting of the Borough Council of the Borough of Wrightstown in the County of Burlington, State of New Jersey held in the Borough Hall on October 28, 2015 and the same came up for final passage at the Regular Meeting of the Borough Council held on November 24, 2015, at which time, after persons interested were given an opportunity to be heard concerning said Ordinance, the same was passed and will be in full force in the Borough according to law.

FREDA H. GORMAN, RMC
Municipal Clerk

Introduction/First Reading October 28, 2015

Motion: Mr. Bird
Second: Mr. Timberman
Roll Call Vote:
Ayes: Mr. Bird, Mr. Lownds, Mrs. Knapp, Mr. Timberman
Nays: Mr. Grove
Absent: None
Abstain: None

Second Reading/Public Hearing November 24, 2015

Motion: Mr. Bird
Second: Mrs. Knapp
Roll Call Vote:
Ayes: Mr. Bird, Mrs. Knapp, Mr. Timberman
Nays: None
Absent: Mr. Grove
Abstain: Mr. Lownds

THOMAS E. HARPER, MAYOR

Dated: November 24, 2015

CERTIFICATION

The aforementioned Ordinance Number 2015-09 was finally adopted by the Borough Council of the Borough of Wrightstown, County of Burlington, State of New Jersey, after Second Reading and Public Hearing at their Regular Meeting held on November 24, 2015.

Dated: November 24, 2015

FREDA H. GORMAN, RMC
Municipal Clerk