

**MANSFIELD TOWNSHIP
BURLINGTON COUNTY**

ORDINANCE 2020 -8

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MANSFIELD AT
CHAPTER 57, ENTITLED "TOURIST ACCOMMODATIONS"**

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AS FOLLOWS:

SECTION 1. Purpose and intent. The Township Committee of the Township of Mansfield has determined that it is important for the safety of visitors, and in the public interest, that regulations be imposed which aim to control vice, disturbances, and narcotic offenses within hotels, motels, and other temporary housing accommodations. In support of this determination, it has been found that hotels, motels, and other temporary housing accommodations within the Township of Mansfield have resulted in over two hundred (200) medical responses and over eight hundred (800) police reports in the past few years; straining municipal resources and causing concern for the Township of Mansfield's police department and medical professionals. Therefore, the amendments set forth herein shall serve the purpose of amending the Code of the Township of Mansfield so as to establish regulations which limit the length of stay of guests at and update registration and security requirements for hotels, motels, and other temporary housing accommodations, with the express intent being to enact regulations in a manner which ensures and protects the safety, health and welfare of residents of the Township and the public at large.

SECTION 2. Amendments. The Code of the Township of Mansfield at Chapter 57, entitled "Tourist Accommodations," shall hereinafter be entitled "Hotels" and is hereby amended to read as follows:

Chapter 57 **Hotels.**

Article I **Licenses and Regulations.**

- § 57-1 **Definitions.**
- § 57-2 **License required.**
- § 57-3 **Application for license; change in information.**
- § 57-4 **Investigation and approval of application.**
- § 57-5 **Criminal convictions barring issuance of license.**
- § 57-6 **License fee.**
- § 57-7 **Term and display of license.**
- § 57-8 **Transfer of license.**
- § 57-9 **Register required; registration of pertinent information.**
- § 57-10 **Prohibitions.**
- § 57-11 **Inspections by the Township.**
- § 57-12 **Employment of certain personnel prohibited.**
- § 57-13 **Suspension or revocation of license; hearing.**
- § 57-14 **Compliance with all laws and regulations required.**
- § 57-15 **Late Fees.**
- § 57-16 **Violations and penalties.**

Article II **Hotel Occupancy Tax.**

§ 57-17 **Imposition of occupancy tax.**

§ 57-18 **Payment of and responsibility for occupancy tax.**

§ 57-19 **Collection of tax.**

§ 57-20 **Payment of tax to State; distribution by State to Township.**

Article II **Licenses and Regulations.**

§ 57-1 **Definitions.**

As used in this article, the following terms shall have the meanings indicated:

EMPLOYEE

Any person who is employed either full- or part-time in any capacity at a hotel.

HOTEL

Any building, including but not limited to any related structure, accessory building and land appurtenant thereto, and any part thereof, which contains ten (10) or more dwelling units or has sleeping facilities for twenty-five (25) or more persons and is kept, used, maintained, advertised as, or held out to be, a place where sleeping or dwelling accommodations are made available. The term "hotel" also means any facility that is commonly regarded as a hotel, motor hotel, motel, tourist lodge, or established guesthouse in the community in which it is located. The term "hotel" does not include those facilities that are excluded by statute. (See N.J.S.A. 55:13A-3(j).)

OWNER

The person who owns, purports to own, or exercises control of any hotel.

PERSON

Any individual, group of individuals, corporation, association or other legal entity.

§ 57-2 **License required.**

No person shall engage in the business of conducting a hotel without first having applied for and obtained from the Township a license therefor as hereinafter provided.

§ 57-3 **Application for license; change in information.**

A. Each applicant seeking a license under this chapter shall make a written application on a form supplied by the Township Clerk, setting forth, but not limited to:

- (1) The full name, residence and post office address of the applicant;
- (2) The exact location of the proposed licensed property, including both the street address and the block and lot number as shown on the tax map of the Township;
- (3) A description of the buildings, structures and accommodations located on the property, including a statement of the number of housing or lodging units and

the maximum number of persons who can be accommodated at any given time;

- (4) A description of the character of all buildings, structures and accommodations as to size, type, and construction;
- (5) A description of vehicle parking spaces and facilities, including number of and size;
- (6) The name and address of the owner of the property, if different than the applicant;
- (7) The name or names of the person or persons on the licensed property upon whom process may be served;
- (8) A detailed description of the manual register or computer system used for the registration of persons to whom accommodations are extended;
- (9) Whether any person constituting the individual or partnership applicant, or whether the corporate applicant or any stockholder holding ten percent (10%) or more of the stock thereof, or any director or officer thereof, has ever been convicted of any crime, and if so, the details thereof, including, with respect to each conviction, the name of the person convicted, the date thereof, the nature of the crime, the court in which the conviction was entered and the punishment imposed; and
- (10) In the case of corporate applicants, the names and residences of all stockholders holding ten percent (10%) or more of any stock of the corporation, the names and addresses of all officers of the corporation and the office held by each.

- B. Any change in any of the information set forth in the application during the term of the license shall be communicated by the owner in writing to the Township Clerk within seven (7) days of the change.

§ 57-4 Investigation and approval of application.

The Township Clerk shall forward copies any application submitted in accordance with § 57-3 to the Township Police Department, Township Administrator, Township Zoning Officer, Township Fire Inspector, and Township Construction Code Official, who shall inspect the property to determine whether or not the property complies with all applicable health, fire code, and local regulations and statutes. If the property does not comply, said officials shall attach to the application a written list of violations and return the same to the Township Clerk, who shall in turn forward said findings to the applicant. If the property does comply, said officials shall issue their approval. Thereupon, if the applicant has complied with all other licensing provisions set forth in § 57-3, the Township Clerk shall issue a license in accordance with the terms and conditions of this chapter.

§ 57-5 Criminal convictions barring issuance of license.

No license shall be issued under this chapter to any person who has been convicted of a crime involving moral turpitude, nor shall any such license be issued to any corporation in which any stockholder holding ten percent (10%) percent or more of any of the stock thereof, or in which any director or officer thereof, shall have been convicted of a crime involving moral turpitude.

§ 57-6 **License fee.**

- A. The annual fee for a license under this chapter shall be the sum of five dollars and zero cents (\$5.00) per dwelling unit, up to and including thirty (30) units, plus one dollar and zero cents (\$1.00) for each additional dwelling unit.
- B. License fees shall not be prorated, regardless of the date on which such license may be issued.
- C. Any fees for investigation including fingerprinting are paid directly by the applicant to the fingerprint services provided chosen by Mansfield for each given year.

§ 57-7 **Term and display of license.**

- A. All licenses issued under the provisions of this chapter shall be for a term of one (1) year commencing on January 1 and expiring on December 31 of the year of their issuance.
- B. All licenses shall be displayed at a prominent place in public view on the licensed property.

§ 57-8 **Transfer of license.**

- A. Each license shall be valid only to the applicant to whom it is issued and to such applicant to whom the license may be transferred as hereinafter provided.
- B. An application for a transfer of a license shall set forth the same matters and things as are required by § 57-3 in connection with an original application for a license.
- C. An application for a transfer shall be accompanied by the consent of the owner and a transfer fee equal to twenty percent (20%) of the annual license fee of the license sought to be transferred. Said transfer fee shall be retained by the Township whether the transfer is granted or not.
- D. The Township Clerk, with the consent of the owner and upon payment of the transfer fee, may transfer to such applicant any license issued under the terms and provisions of this chapter.

§ 57-9 **Register required; registration of pertinent information.**

- A. Each owner shall at all times cause to be maintained on the licensed property a manual or computer register. Such register shall be preserved for three (3) years upon the licensed property.

- B. No person shall occupy and no owner shall permit any person to occupy any dwelling unit on the licensed property unless first:
- (1) The person who is to occupy such dwelling unit shall display to the owner, or to the employee of the owner in charge of the register, written evidence of his/her identity and permanent residence address.
 - (2) The owner, or the employee in charge of the register, shall enter into its registration system the full name and address of the person to occupy the dwelling unit, together with the state license or registration number of the motor vehicle owned and/or operated by said person, which motor vehicle is to be parked on the licensed property.
- C. In addition to the foregoing information, the owner or employee shall enter into the registration system the number or name of the dwelling unit assigned to each registrant, the date and hour of registration, a brief description or designation of the identification displayed to the owner or employee by the registrant pursuant to Subsection B(1) of this section, the signature (if applicable) of the owner or employee taking or accepting the registration, and the date when the person occupying the dwelling unit quits and surrenders the same.
- D. Said registration system shall be kept and preserved by the owner and may be made available on request at any hour of the day or night to the Township Chief of Police or their designee, who shall be a uniformed officer, or to any member of the Township Police Department or other law enforcement agency in the event of an incident at the licensee's property.
- (1) If inspection is refused, the owner or employee must secure the record in the presence of the requesting officer in a manner directed by the Municipality 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 until such time as an administrative subpoena, an administrative search warrant, or other court order has been issued or denied.
 - (2) Whenever possible, the inspection shall be conducted at a time and in a manner that minimizes any interference with the operation of the licensed property.
 - (3) 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.
 - (4) If, upon refusal to allow the requesting officer to inspect the record, and the officer requires the record to be secured, the officer or shall apply for the administrative subpoena, administrative search warrant, or such other court order in an expeditious fashion, but within no less than forty-eight (48) hours following said refusal.

§ 57-10 **Prohibitions.**

The following acts or activities are prohibited at a hotel.

- A. No owner or employee shall rent a dwelling unit in a hotel to any person, nor permit, suffer or allow the renting of any dwelling unit to any person for less than a period of twelve (12) hours.
- B. No owner or employee shall rent a dwelling unit in a hotel to any person, nor permit, suffer or allow the renting of any dwelling unit to any person for a period of time which exceeds thirty (30) days. Any person switching or changing units during the thirty (30) day period shall not extend the thirty (30) day period.

§ 57-11 Inspections by the Township.

The Township Police Department or any duly authorized representative of the Township may inspect the licensed property from time to time, at any hour of the day or night, to determine that the provisions of this chapter are being complied with.

§ 57-12 Employment of certain personnel prohibited.

No owner shall employ in, on or about the licensed property any person convicted of a crime involving moral turpitude within a period of five (5) years from the date of such conviction.

§ 57-13 Suspension, revocation or termination of license; hearing.

- A. Any license issued under this article may be suspended or revoked by the Township Committee for:
 - (1) Violation by the owner of any of the provisions of this chapter or other applicable ordinances of the Township, or any other federal, state, or local law or regulation;
 - (2) Any disorderly or immoral conduct knowingly permitted by the owner upon the licensed property;
 - (3) False statements made in an application for a license or a transfer thereof; or
 - (4) Conviction of a crime involving moral turpitude by:
 - (a) The owner, if an individual;
 - (b) Any stockholder holding ten percent (10%) or more of the stock of a corporate owner; or
 - (c) Any director or officer of a corporate owner.
- B. Prior to the suspension or revocation of a license under this section, the owner shall be served with a written complaint from the Township Clerk's office, along with a notice to appear before the Township Committee for a hearing. Such service shall be made by personal service or certified mail, return receipt requested, at least ten (10) days before the hearing date.

- C. Nothing contained herein shall prevent the Township or the officers of the Township from proceeding against an owner who is in violation of any of the provisions of this chapter by filing a complaint in a court of competent jurisdiction.
- D. Any license issued hereunder shall terminate at any time after its issuance in the event that the use of the licensed property as a hotel shall cease.

§ 57-14 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, without limitation, the Uniform Construction Code or building codes in existence at the time of the issuance of the certificate of occupancy, the Land Use Ordinances of the Township, the Municipal Land Use Law, the Uniform Fire Safety Code, health ordinances and other applicable ordinances of the Township, and with the rules, regulations and laws of the State of New Jersey.
- B. All fire escapes shall comply with the rules, regulations and ordinances of the Township 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 hotel shall be equipped with sufficient hand fire extinguishers, as determined by the Fire Marshal, whose discretion shall be informed and guided by the Uniform Fire Safety Code, which shall be at all times in working order and readily accessible to occupants.
- D. All licensed properties shall be provided with an adequate supply of potable drinking water, together with toilets and lavatory facilities for guests. Said 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 property.
- F. All entrances to hotels shall be adequately lighted after dark, and all ground areas of hotels shall be adequately illuminated.

§ 57-15 Late Fees.

All licenses issued under this chapter are subject to a twenty-five dollar and zero cents (\$25.00) late fee if the license is not renewed by the expiration date of the then current license.

§ 57-16 Violations and penalties.

- A. 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 two thousand dollars and zero cents (\$2,000.00) for each offense, or be sentenced to a jail term not exceeding ninety (90) days (if the convicted is a natural person) and/or a period of community service not exceeding ninety (90) days.

- B. Each and every day a violation of this chapter persists shall constitute a separate violation.
- C. To the extent the conduct prohibited under this chapter also violates other provisions of the Code of the Township, those violations constitute separate offenses subject to the additional fines and penalties as prescribed.

Article II Hotel Occupancy Tax.

§ 57-17 Imposition of occupancy tax.

It is hereby imposed within the Township a tax to be assessed in accordance with the provisions of N.J.S.A. 40:48F-1 et seq. on charges of rent for every occupancy within a hotel. The tax shall be at the rate of three percent (3%) on charges of rent for every occupancy. Said tax shall be in addition to any and all taxes or fees imposed under state statute or local ordinances upon the occupancy of a hotel. For the purpose of this article, the term “hotel” shall have the same meaning proscribed it in Article I of this chapter.

§ 57-18 Payment of and responsibility for occupancy tax.

- A. All taxes imposed by this section shall be paid by the occupant of the dwelling unit. For the purpose of this article, the term “occupant” shall be defined as a person who, for a consideration, uses, possesses or has the right to use or possess any dwelling unit in a hotel under any lease, concession, permit, right of access, license to use, or other agreement or otherwise.
- B. The owner of the hotel and/or the person or entity making the hotel dwelling unit available for occupancy shall not assume or absorb any of the tax imposed by this article.
- C. The owner of the hotel and/or the person making the dwelling unit available for occupancy shall not in any manner advertise or hold out any person or to the public in general, in any manner, directly or indirectly, that the tax will be assumed or absorbed by the owner, that the tax will not be separately charged and stated to the occupant, or that the tax will be refunded to the occupant.

§ 57-19 Collection of tax.

- A. The tax imposed by this section shall be collected on behalf of the Township by the person collecting the rent from the hotel occupant. That person shall either be the owner of the hotel or other representative of the owner who arranges with the occupant for the rental of the dwelling unit.
- B. Each person required to collect the tax imposed by this section shall be personally liable for the tax imposed, collected or required to be collected hereunder. Any such person shall have the same right in respect to collecting the tax from an occupant as if the tax were a part of the rent and payable at the same time.

§ 57-20 Payment of tax to State; distribution by State to Township.

- A. A person required to collect the tax imposed under this article as described above shall, on or before, the twenty-eighth (28th) day of each month, forward to the Director of the Division of Taxation in the Department of the Treasury, the tax collected in the preceding month and shall make and file a return for the preceding month with the Director on any form and containing any information as the Director shall prescribe as necessary to determine liability for the tax in the preceding month during which the person was required to collect the tax. Should the Director determine to require payments of tax liability at any intervals and based upon any collection classifications other than described in this section, the person required to collect the tax shall comply with any determinations made in that regard by the Director.
- B. The Director of the Division of Taxation shall collect and administer the tax imposed under this section and shall determine and certify to the State Treasurer, on a quarterly or more frequent basis, the amount of revenues collected in each municipality. The State Treasurer, upon certification to the Director and upon the warrant of the State Comptroller, shall pay and distribute on a quarterly or more frequent basis, as prescribed by the State Treasurer, the amount of revenues determined and certified as described above, to the Township.

SECTION 3. 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 4. Severability. In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid 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 5. Effective Date. This ordinance shall take effect upon final passage and publication as provided by law.

CERTIFICATION

I, **LINDA SEMUS, RMC, CMR**, Municipal Clerk of Mansfield, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the Ordinance which was introduced by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey on May 20, 2020 and will be considered for final adoption, after the public hearing, by the Township Committee, at their next meeting to be held on June 17, 2020 at the Mansfield Township Complex.

LINDA SEMUS, RMC, CMR, Municipal Clerk