

ORDINANCE NO. 2026-1550

**BOROUGH OF TINTON FALLS
COUNTY OF MONMOUTH, NEW JERSEY**

AN ORDINANCE AMENDING CHAPTER 4 OF THE BOROUGH CODE, ENTITLED “GENERAL LICENSING,” BY AMENDING § 4-20, “MOTEL/HOTEL GUEST REGISTRATION,” TO ESTABLISH LIMITATIONS ON THE DURATION OF HOTEL AND MOTEL OCCUPANCY AND TO PRESERVE THE TRANSIENT NATURE OF HOTEL AND MOTEL USES

WHEREAS, the Borough Council finds that hotels and motels are intended to provide temporary lodging for transient guests rather than permanent residential occupancy; and

WHEREAS, the Borough has a substantial governmental interest in preserving the transient character of hotel and motel uses, promoting public safety, protecting neighboring residential communities, and ensuring compliance with applicable zoning, housing, health and fire regulations; and

WHEREAS, extended hotel or motel occupancy may result in de facto residential use of facilities that were not designed, approved or regulated for permanent habitation, thereby creating adverse impacts upon municipal services, public safety, code enforcement and neighborhood quality of life; and

WHEREAS, the Borough Council further finds that periodic re-registration of guests and reasonable limitations on the duration of occupancy assist law enforcement, emergency responders and Borough officials in maintaining accurate guest records and ensuring compliance with applicable laws; and

WHEREAS, the Borough Council recognizes that limited exceptions may be appropriate where extended occupancy remains temporary in nature and is necessitated by circumstances such as temporary employment, repairs to a primary residence, casualty loss, medical treatment, domestic violence or other comparable temporary hardship; and

WHEREAS, the Borough Council has reviewed similar ordinances adopted by other New Jersey municipalities and finds that reasonable occupancy limitations further the legitimate governmental interests of protecting the public health, safety and welfare while preserving the intended use of hotels and motels as transient lodging establishments;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls as follows:

SECTION 1.

Section 4-20 of the Borough Code, entitled “Motel/Hotel Guest Registration,” is hereby amended as follows (underlined sections to be added, ~~striketroughs~~ to be deleted):

§ 4-20. MOTEL/HOTEL GUEST REGISTRATION.

- a. Irrespective of payment method, each operator of a motel/hotel in the Borough of Tinton Falls shall obtain and maintain any and all registrations of guests as required by the laws of the State of New Jersey pursuant to N.J.S.A. 29:4-1 et seq., and shall permit inspection of said register by a police officer with the filing of an appropriate report with the Chief of Police within 48 hours thereafter. The register for each guest registrant and guest of each rooming unit shall be maintained from the time the guest registrant initially registers for the room through and including the 60th day after the date the guest terminates his/her stay at the motel/hotel. The operator shall advise the guest registrant that no room shall be rented unless the registration is completed pursuant to this section. The operator of each motel/hotel shall post, in close proximity to the registration desk, a notice advising the guest registrant and guests of the

requirements pursuant to this section.

- b. In addition to any other information required by law to be kept in said register, the operator shall provide that the register shall show the date of arrival, the room assigned and the make and license number of any motor vehicle brought to the motel/hotel by the guest registrant.
- c. Irrespective of payment method, the register shall also show the following information:
 - 1. The name of each guest of each rooming unit;
 - 2. The principal address of each such guest;
 - 3. The date upon which the occupancy by the registered guest of such unit commenced;
 - 4. The identification number from a legal form of identification, such as a valid driver's license, a Federal or State government or a military identification card, a passport or any other form of valid governmental identification containing the photograph of the one presenting the identification for the guest registrant; should the guest registrant be unable to produce photograph identification from a valid governmental identification, the guest registrant shall produce a valid governmental identification without a photograph along with another form of valid identification, with or without a photograph, such as another governmental identification, major credit card, employee identification card, student identification card, or automobile registration card;
 - 5. The age of each guest; and
 - 6. The make, model and license number of any motor vehicle brought to the motel/hotel by the guests of each unit.
- d. No person under the age of 18 shall be permitted to rent a unit without having permission from a parent or legal guardian at the time the room is rented. At the time of registration, the minor shall present proof of parental consent. The parental consent, if written, must include the parent's name and telephone number. The registration information for a guest under the age of 18 shall contain the identification number from a legal form of identification as set forth in paragraph c above of the parent authorizing the registration.
- e.
 - 1. It is unlawful for the operation of a motel/hotel to fail to require identification of the guest registrant or guest(s) as per above; to fail to retain the information as required above; or to refuse to provide such information to a police officer; provided, however, that any duty required under this section terminates on or after the 60th day of following the date the guest registrant vacates the motel/hotel.
 - 2. It shall be an affirmative defense to an alleged violation of this section for an operator of a motel/hotel to show, by a preponderance of the evidence, that the operator has established a protocol or procedure utilized to obtain the information required of by this section, and has implemented that protocol or procedure.
- f. The operator shall not rent any room for more than 14 consecutive days to the same guest registrant. Upon the expiration of that fourteen-day period, in order for the guest registrant to extend his/her stay, the operator will be required to complete a new registration by obtaining the required information directly from the guest registrant.
- ~~g. Any person, firm or corporation violating the terms of this section shall be subject to the following penalties:~~

- ~~1. Any person, firm or corporation who shall be found guilty of violating any provision of this section shall, for each offense, be fined a sum of not more than \$300, or be imprisoned for a period not exceeding 60 days, or both.~~
- ~~2. Any person, firm or corporation who shall be found guilty of violating any provision of this section for a second time within a six month period following conviction for a violation of this section, shall, for each offense, be fined a sum of not less than \$500, or be imprisoned for a period not exceeding 90 days, or both.~~
- ~~h. If any of the provisions of this section or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not effect the other provisions or applications of this section which can be given effect, and to this end, the provisions of this section are declared to be severable.~~
- ~~i. This section shall take effect upon adoption in accordance with the law.~~

g. Maximum Occupancy.

1. Hotels and motels within the Borough are intended solely for transient occupancy.
2. No guest shall occupy any hotel or motel, whether in the same room or in different rooms within the same establishment, for more than ninety (90) consecutive days, except as authorized pursuant to subsection h. below.
3. Occupancy of any portion of a calendar day shall constitute one full day of occupancy.
4. An operator shall not circumvent the limitation established by this subsection by assigning a guest to another room within the same hotel or motel, by issuing a new registration, or by allowing a break in occupancy of fewer than seven (7) consecutive days.

h. Requests for Extended Occupancy.

The Borough Administrator may authorize occupancy beyond ninety (90) consecutive days upon a written application submitted by the operator at least seven (7) days before expiration of the 90-day period. The application shall demonstrate that the requested extension is temporary and shall include reasonable supporting documentation establishing one or more of the following:

1. Temporary employment or a temporary work assignment within the region;
2. Temporary displacement from the guest's principal residence due to fire, flood, natural disaster, substantial construction, repairs, remediation or other conditions rendering the residence temporarily uninhabitable;
3. Medical treatment, recovery or caregiving responsibilities requiring temporary local lodging;
4. Domestic violence, dating violence, sexual assault, stalking or similar emergency circumstances requiring temporary lodging for safety, protection or relocation; or
5. Other extraordinary and temporary circumstances determined by the Borough Administrator to be consistent with the purposes of this section.

Any extension granted pursuant to this subsection shall be in writing, shall specify a definite expiration date, shall not exceed ninety (90) additional days unless renewed upon a new application, and may be conditioned upon continued compliance with this section and all other applicable laws and ordinances. Any documentation relating to domestic violence, dating violence, sexual assault or stalking shall be maintained confidentially to the extent permitted by law and shall be used solely for administration and enforcement of this section.

i. Grounds for Denial or Revocation of Extension.

The Borough Administrator may deny or revoke an extension where:

1. The application does not establish a temporary need for extended occupancy;
2. The applicant or guest has made a material misrepresentation in connection with the application;
3. The occupancy has resulted in documented health, fire, zoning, property-maintenance, public-safety or quality-of-life concerns;
4. The guest has repeatedly violated Borough ordinances or reasonable rules of the establishment; or
5. The extension would result in the use of the hotel or motel as permanent residential housing rather than transient lodging.

j. Appeal.

Any person aggrieved by a denial or revocation issued pursuant to subsection h. or i. may file a written appeal with the Borough Clerk within ten (10) business days after receipt of the decision. The Borough Council, or a hearing officer designated by the Borough Council, shall provide the appellant with an opportunity to be heard and shall issue a written decision affirming, reversing or modifying the determination. The filing of an appeal shall not authorize occupancy beyond the period otherwise permitted unless a temporary stay is granted in writing by the Borough Administrator.

k. Enforcement and Penalties.

1. It shall be unlawful for any operator to permit a guest to remain in occupancy in violation of this section or to fail to maintain records sufficient to determine the guest's cumulative period of occupancy.
2. Any person, firm or corporation violating this section shall, upon conviction, be subject to the penalties set forth in Chapter 1, § 1-5 of the Borough Code.
3. Each day that a violation continues shall constitute a separate offense.

SECTION 2. Repealer.

All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3. Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION 4. Effective Date.

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