

**ORDINANCE NO. 9-2021**

**AN ORDINANCE BY THE TOWNSHIP OF EAST HANOVER IN THE COUNTY OF MORRIS, NEW JERSEY CREATING PART II, CHAPTER 93, SECTIONS 1 THROUGH 13 OF THE EAST HANOVER MUNICIPAL CODE REQUIRING CERTAIN SECURITY MEASURES AT HOTELS 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**

**WHEREAS**, 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.

**WHEREAS**, to meet these goals, the Township requires certain security measures at hotels and temporary housing accommodations, including requiring the licensing of hotels and mandating additional requirements necessary to ensure safety based in part on minimum standards required for a hotel to receive or renew a hotel operation license and requiring additional registration requirements and limiting the length of stay of guests.

**WHEREAS**, the Township desires to amend the Township Code to include regulations addressing said security measures by including Part II, Chapter 93 “Hotels and Temporary Housing Accommodations.”

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Township Council that:

**SECTION 1.** The Township Code shall be amended to include Part II, Chapter 93, Sections 1 through 13, “Hotels and Temporary Housing Accommodations” as follows:

§ 93-1. Incorporation of recitals.

The recitals set forth above are incorporated herein by reference as if set forth at length.

§ 93-2. Purpose.

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 hotels and temporary housing accommodations, including requiring the licensing of hotels and mandating additional requirements necessary to ensure safety based in part on minimum standards required for a hotel to receive or renew a hotel operation license and requiring additional registration requirements and limiting the length of stay of guests.

§ 93-3. 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.

**HOTEL**

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 "hotel" shall include any hotel, motel, 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 Hotel 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 same is available. Existing Hotel 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 Hotel 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 Hotel 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 Hotel 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 East Hanover Township is temporary or fleeting.

## **VISITOR**

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

### § 93-4. 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 Hotel as defined herein, without first having secured a license from the Township of East Hanover. Said 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 Township as defined in §93-6 and the payment of a transfer fee of \$100.

### § 93-5. 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 the operation of a Hotel, and a license shall be required for the ownership and/or operation of a Hotel.

### §93-6. Application for license.

A. Applications for a East Hanover Township Hotel operation license shall be made on or before November 1 of each year on a form approved by the Township Council and shall be signed and sworn to by the person, firm, partnership, corporation or entity actually engaged in such business

and actually the true owners thereof. This section shall apply to any individual, firm, partnership, corporation or entity who is now or in the future conducting any activity within the Township of East Hanover 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 East Hanover.

(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 Hotel or hotel license and whether said license(s) has ever been denied or revoked and setting forth details of same.

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

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

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

C. The application must contain a certification that the statements made by the applicant in connection with the application and covering the information requested in Subsections A and B are true and that the applicant makes such statements to induce the Township of East Hanover to issue

a license to operate a Hotel 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 § 93-7G.

E. If the applicant is not the owner of the site where the business is to be conducted, the owner's written consent to the conduct of the business described in the application shall be annexed to the application.

F. The application for an issuance of a 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 §93-7B, 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 Hotel license is currently under a suspended or revoked status, the Hotel will be permitted to operate while the Township considers a pending original or renewal application.

§ 93-7. Licensing procedures.

A. Each applicant shall make an application upon forms issued by the Township Clerk. This section shall apply to any individual, firm, partnership, corporation or entity who is now or in the future conducting any activity within the Township limits regulated by this chapter.

B. Upon application for a license, the Township Clerk shall send a copy of same to the Police Department, the Township Administrator, Township 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. The Township shall coordinate the date and time of its inspection and provide twenty-four-hour notice to the Hotel owner. 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. The Township of East Hanover shall issue a Hotel operation license only when said Hotel is in compliance with the registration standards established in this chapter, including evidence of maintenance of the occupancy requirements of § 93-10.

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 Township Clerk with a written report setting forth the specific violations. The Township 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 reinspection. 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 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. The applicant shall have the right to request a hearing before the Township Council to reconsider the inspection report. Said request for hearing must be in writing and received within five business days from receipt of notice sent by the Township Clerk.

E. The Township Council shall set a date for a hearing to be held on the denial of said application at a reasonable time thereafter or, in the case of a new license, not later than 30 days from the date of a written request for a hearing unless the applicant requests or consents to a postponement.

F. A copy of all reports and investigations shall be made available to the applicant, upon request, at least seven days prior to any hearing date set by the Township Council on a particular license.

G. The Township Clerk shall make notice, not less than seven days prior to the hearing, in the official newspaper of the Township and by certified mail, return receipt requested, to all property owners with 200 feet of the applicant's property line, using a straight line from the property line, of the time, place and location of the hearing concerning the denial of license application and the manner in which interested parties may make proper objection either in writing or through oral testimony. Such objection must be based upon an alleged violation of laws promulgated or enacted by the federal, state, county or local government. The applicant has the right to contest any objection presented.

H. In the event that objections in writing are filed with the Township Clerk as to the issuance or renewal of a particular license or objections are made orally on the night set for issuance or renewal of a license or the date of the hearing described in Subsection F above, the Township Council shall then proceed to hear the objections and all evidence for and against the issuance of such license and within 10 days determine whether to issue or renew a license or deny same if the evidence presented indicates good cause for the denial of a license. A refusal to issue a license shall be in writing, and the reasons for a denial shall be stated. If the circumstances warrant, the Township Council may hold an additional hearing on a date set by the Township Council meeting for the renewal or issuance of a license(s).

I. Nothing contained herein shall prevent the Township of East Hanover or the officers of the Township from proceeding against an applicant who is in violation of any of the provisions of this chapter by filing a complaint in a court of competent jurisdiction.

J. Any license issued hereunder shall terminate at any time after its issuance in the event that the use of the building or part thereof for Hotel purposes shall cease.

§ 93-8. 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 Township of East Hanover 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 Township of East Hanover when necessary.

B. All fire escapes shall comply with the rules, regulations and ordinances of the Township of East Hanover 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 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. 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 premises.

F. All entrances to Hotels shall be adequately lighted after dark, and all ground areas about Hotels shall be adequately illuminated.

§ 93-9. 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 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 chapter, 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.

§ 93-10. Security requirements.

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

A. Guest registration regulations.

(1) Every registering guest shall furnish to an operator of a Hotel satisfactory identification as part of the registration process for the hire of lodgings at that Hotel 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. Said age is set 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; 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, INS alien registration card or INS border crossing card.

(4) The operator of the Hotel shall maintain a record log and photocopy of the identification produced by the guest(s). The record log shall include the name of the transient, current address, ID number (i.e., motor vehicle license number) 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 Hotel 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 inspection by the Chief of Police, or his designee, who shall be a uniformed police officer, and shall also be immediately available to any member of the East Hanover Police Department or other law enforcement agency, in the event of a police service incident at the Hotel. Said log shall be kept by the Hotel owner for a period of no less than three years.

(a) 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.

(b) Whenever possible, the inspection shall be conducted at a time and in a manner that minimizes any interference with the operation of the business.

(c) 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.

(d) 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.

(e) Administrative subpoena/administrative search warrant.

(i) 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.

(ii) 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 Council under the New Jersey Municipal Investigations Act, N.J.S.A. 40:48-25 et seq. Should the governing body form such an Investigative Council, 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.

(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. 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."

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

(3) All persons utilizing parking spaces on a Hotel property shall park their vehicles nose into the parking space. For security reasons, back-in parking will not be permitted.

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 Hotel 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 Hotel for more than a 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 Hotel 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 Hotel for a period longer than 31 days when such non-contract guest provides (i) proof of current, valid residency more than 30 miles from East Hanover Township and is utilizing the Hotel while performing a temporary function or service in East Hanover Township 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 Hotel 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 Township Council in the same manner as provided for denial of license as provided in § 93-7 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 Hotel 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.

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

(1) The Township shall maintain and provide a no rent/no trespass list of persons convicted of any crime while on a East Hanover Hotel property or while registered as a guest at a Hotel in the Township.

(2) The operator shall refuse to further rent any room on the premises to said guest on the list or allow the individuals on said 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 Hotel operator shall make reasonable effort to notify the East Hanover 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.

I. Requirement of on-site manager 24 hours a day. The operator shall cause the Hotel 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 East Hanover Police Department.

§ 93-11. Administrative suspension and revocation of license.

A. In the event that the Township Council finds upon a written complaint filed that there is such a serious infraction of the rules, regulations and ordinances of the Township of East Hanover 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 to hold a hearing where said operator and complainant will be given the right to provide testimony and be subject to cross-examination regarding said complaint. Upon the Council'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 reinspected before the Township 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 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 East Hanover or the officers of the Township from proceeding against the applicant in a court of competent jurisdiction. The Township reserves the right to notify all financial interest(s) of said Hotel of denial, suspension or revocation of a license.

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

#### § 93-12. Enforcement.

The proper enforcement of the provisions of this chapter dealing with licenses shall be within the jurisdiction of the Township of East Hanover Police Department and within the jurisdiction of those officers at the state, county and local levels of government charged with providing the necessary inspections, regulations and enforcement of the law.

#### § 93-13. Violations and penalties.

- A. Noncompliance with the terms and conditions of this chapter shall constitute a violation.
- B. Each and every day any violation of this chapter exists or continues to exist shall be determined as a violation or offense under this chapter.
- C. Any person, firm, partnership, corporation or entity violating any provision of this chapter by the performance of a prohibited act or by failing, neglecting or refusing to do any act or anything required by this chapter shall, upon a trial and conviction by a court of competent jurisdiction, forfeit or pay such fines not in excess of the sum of \$2,000 for each offense, or be sentenced to a jail term not exceeding 90 days (if the convicted is a natural person) and/or a period of community service not exceeding 90 days.
- D. Any owner or operator of a motor vehicle who shall park or allow his vehicle to be parked in violation of § 93-10B(3), upon a trial and conviction by a court of competent jurisdiction, shall pay a fine of \$100.

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

**SECTION 4.** If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

**SECTION 5.** This Ordinance shall take effect upon final publication as provided by law.

Attest:

TOWNSHIP OF EAST HANOVER

\_\_\_\_\_  
Paula A. Massaro, Township Clerk

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Joseph Pannullo, Mayor

Introduced: September 7, 2021

Adopted: October 4, 2021

I, Paula A. Massaro, Township Clerk of the Township of East Hanover, County of Morris, hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Council at a duly convened meeting held on October 4, 2021.

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Paula A. Massaro, RMC, Township Clerk

