

TOWNSHIP OF MAPLEWOOD



ORDINANCE

#2358 -06

AN ORDINANCE TO LICENSE BED & BREAKFAST ESTABLISHMENTS WITHIN THE TOWNSHIP OF MAPLEWOOD

"Interpretive Statement"

This ordinance establishes licensing requirements for the operation of Bed and Breakfast establishments within the Township of Maplewood.

WHEREAS, it would be beneficial for residents of the Township of Maplewood ("Township") to have an establishment within the Township where guests can stay; and

WHEREAS, it is imperative that any such establishment maintain the integrity of the neighborhood in which it is located and operate without disturbing the adjoining property owners and the neighborhood.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey, as follows:

FIRST: DEFINITION

Bed and Breakfast

A Bed and Breakfast establishment ("Bed and Breakfast(s)") is a detached single-family residence ("residence") with no more than four (4) rooms available to guests for lodging. The Residence shall be owner occupied and managed. The maximum number of guests staying at the Bed and Breakfast at any one time shall be no more than eight (8) individuals, including children over the age of six (6). A breakfast shall be the only food service available for guests. Food and lodging are to be included in one stated price.

Guests

Persons who use the facilities of a Bed and Breakfast and provide consideration to the owner of the Bed and Breakfast in return for same.

SECOND: LICENSING

No person shall operate a Bed and Breakfast unless the Owner holds a valid license issued by the Township of Maplewood pursuant to this Ordinance.

THIRD: REGULATIONS

- (a) No more than four (4) licenses for Bed and Breakfast shall be outstanding at any one time.
- (b) No person shall operate a Bed and Breakfast with more guest rooms than is authorized.
- (c) Each property owner desiring to secure a license to operate a Bed and Breakfast within the Township shall apply to the Township Clerk, on a form to be provided by the Township. All licenses for one year or part thereof shall expire on February 28th of each year.
- (d) Each Owner of a Bed and Breakfast shall apply to renew their license to the Township, on a form to be provided by the Township on or before December 31st of each year for an annual license which shall be effective from March 1st to February 28th. The renewal application shall be filed with the Township Clerk.
- (e) An applicant for a Bed and Breakfast license or license renewal shall submit an application which shall include:
 - (1) The name, address and telephone number of the applicant and each resident of the Residence to be licensed.
 - (2) An annual licensing fee in the amount of \$100.00.
 - (3) A full floor plan of the building to show all spaces and to identify their respective uses.
 - (4) A floor plan to identify the rooms, which are to be licensed, by name, number or physical description and location, and to identify the bedrooms for the exclusive use of the Owners and other permanent residents.
 - (5) Proof of liability insurance for the Bed and Breakfast with a minimum of two million (\$2,000,000.00) dollars liability coverage for the period covered by the license.
 - (6) A list of motor vehicles that are used by the permanent residents of the licensed premises, along with the license plate numbers for each vehicle.
 - (7) A diagram of the parking spaces available and dedicated for the guests of the Bed and Breakfast.
 - (8) Proof that the Bed and Breakfast Operator has registered with the State of New Jersey to collect a Hotel Tax.

FOURTH: REQUIREMENTS FOR BED AND BREAKFAST OPERATION

- (a) Each Bed and Breakfast Operator must keep a daily guest register which includes the guest name, address, phone number, date and duration of stay, number of guest vehicles. The guest register must be available for inspection by

Township officials between the hours of 8:00 a.m. and 8:00 p.m.

- (b) A copy of the Bed and Breakfast license must be posted by the Owner in a prominent and visible place in the residence at all times and in each licensed room.
- (c) No cooking facilities, including but not limited to stoves, microwaves, ovens, toaster ovens, hotplates and the like shall be allowed in any guest room.
- (d) No alcoholic beverages shall be provided to the guests.
- (e) The residence and grounds for the Bed and Breakfast shall be for the exclusive use of the residents and overnight guests of the Bed and Breakfast and not for the general public, as would be associated with a public restaurant, catering business or similar establishment.
- (f) In the event that there is a swimming pool on the premises, guests shall not have use of the swimming pool.
- (g) There shall be no more than one (1) person employed by the Bed and Breakfast who is not a resident. In the event that there is an employee who is not a resident, a dedicated additional parking space must be provided for said employee.
- (h) Each guest shall be limited to staying not more than seven (7) days within any thirty (30) day period.
- (i) The Bed and Breakfast operation shall not become a nuisance to adjoining residents by reason of noise, smoke, odor, lighting, unreasonable traffic congestion, or when same interferes with safety and rights of others. The impact of a Bed and Breakfast shall be no greater than that of a private home with guests.
- (j) Outdoor social activities such as receptions, weddings, private parties, retreats or other similar events where more than twenty (20) persons will be in attendance, shall not be held at a Bed and Breakfast establishment unless the owner submits an Event Application which is approved by the Township and has provided notice to all adjacent property owners. No amplification of sound will be permitted.

FIFTH: PRIOR APPROVALS

No license shall be issued by the Township to an Applicant for a Bed and Breakfast license until a site plan has been approved by the Township of Maplewood Planning Board and the residence has been inspected and approved by the Township Building Department, the Township Health Department and the Township Fire Department.

SIXTH: LICENSE REQUEST

In the event that there are applications for more than four (4) Bed and Breakfast licenses within any licensed year, priority shall be given to any existing licensee in good standing and then licenses shall be awarded on a first come first serve basis.

SEVENTH: VIOLATIONS

Any holder of a license for a Bed and Breakfast who violates any provision of this Ordinance or Ordinance #2357-06 may be subject to forfeiture of license by the Maplewood Township Committee.

Additionally, any property owner who operates a Bed and Breakfast without a license, shall be subject to a fine of not more than one thousand two hundred fifty (\$1,250.00) dollars. Each day of illegal operation shall be considered a separate violation of this Ordinance.

EIGHTH: SEVERABILITY

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

NINTH: REPEAL OF PRIOR ORDINANCES

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

TENTH: EFFECTIVE DATE

This Ordinance shall take effect after final passage and publication according to law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a meeting of the Township Committee of the Township of Maplewood, held on May 16, 2006, reintroduced as amended on June 7, 2006 and June 20, 2006, and that the Committee met again on July 5, 2006, at 7:30 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Committee proceeded to consider the said Ordinance on second reading and final passage.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk