

BOROUGH OF AVALON
CAPE MAY COUNTY
NEW JERSEY

ORDINANCE NO. 663-2012

AN ORDINANCE AMENDING CHAPTER 27 (ZONING) OF THE CODE OF REVISED GENERAL ORDINANCES, 2000 REGARDING RENTAL LICENSE TERM TO CHANGE THE DEFINITION OF "HOTEL OR MOTEL" TO CONFORM TO THE DEFINITION OF "HOTEL" IN N.J.S.A. 55:13A-3(j)

WHEREAS, Chapter 27, Section 27-3, entitled "Language Interpretations and Definitions" of the Code of Revised General Ordinances of the Borough of Avalon includes subsection (C), entitled "Definitions" which sets forth the meanings or certain words and phrases as they are used in Chapter 27; and

WHEREAS, Borough Council desires to amend the definition of "*Hotel or Motel*" contained in Chapter 27, Section 27-3 (C) to conform to the definition of Hotel set forth in N.J.S.A. 55:13A-3(j).

BE IT ORDAINED by the Borough Council, in the Borough of Avalon, County of Cape May and State of New Jersey, as follows:

SECTION 1: The definition of "Hotel and Motel" Chapter 27, Section 27-3(C), is amended to provide as follows:

Hotel or Motel. Any building, including but not limited to any related structure, accessory building, and land appurtenant thereto, and any part thereof, which contains 10 or more units of dwelling space or has sleeping facilities for 25 or more persons and is kept, used, maintained, advertised as, or held out to be, a place where sleeping or dwelling accommodations are available to transient or permanent guests.

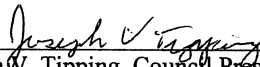
This definition shall also mean and include any hotel, motor hotel, motel, or established guesthouse, which is commonly regarded as a hotel, motor hotel, motel, or established guesthouse, as the case may be, in the community in which it is located; provided, that this definition shall not be construed to include any building or structure defined as a multiple dwelling in this act, registered as a multiple dwelling with the Commissioner of Community Affairs as hereinafter provided, and occupied or intended to be occupied as such nor shall this definition be construed to include a rooming house or a boarding house as defined in the "Rooming and Boarding House Act of 1979," P.L. 1979, c. 496 (C. 55:13B-1 et al.) or, except as otherwise set forth in P.L. 1987, c. 270 (C. 55:13A-7.5, 55:13A-7.6, 55:13A-12.1, 55:13A-13.2), any retreat lodging facility, as defined in this section.

SECTION 2: REPEALER: All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only. All other definitions set forth in Ordinance 27-3(C) shall remain unchanged by this Amendment.

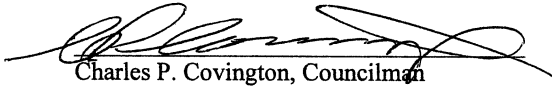
SECTION 3: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 4: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication and in the manner prescribed by law.

Motion: Councilwoman Hudanich

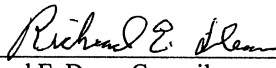

Joseph W. Tipping, Council President

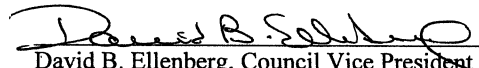
Seconded: Council President
Tipping

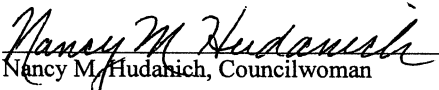

Charles P. Covington, Councilman

Dated: November 7, 2012


Amy W. Kleuskens
Borough Clerk


Richard E. Dean, Councilman


David B. Ellenberg, Council Vice President


Nancy M. Hudanich, Councilwoman

ROLL CALL VOTE:

AYES----- Covington,Dean,Ellenberg,Hudanich,Tipping
NAYES----- None
ABSTAINING----- None
ABSENT----- None

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed on first reading of the Municipal Council of the Borough of Avalon on October 10, 2012, 2012. It will be further considered for second reading, public hearing and final adoption at a meeting of said Council to be held on the 7th day of November, 2012 in the Meeting Room of the Municipal Building, Avalon, New Jersey at 4:15 p.m. and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

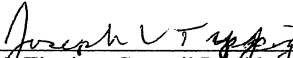
AMY W. KLEUSKENS
Borough Clerk

BOROUGH OF AVALON
CAPE MAY COUNTY
NEW JERSEY

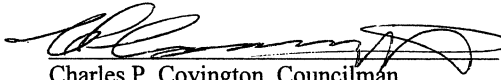
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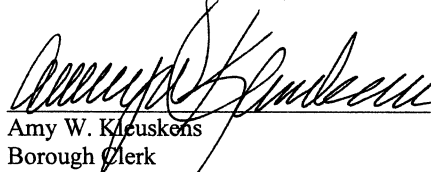
Motion: Councilwoman Hudanich


Joseph V. Tipping, Council President

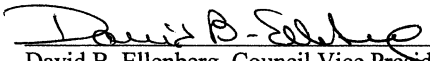
Seconded: Council President
Tipping



Charles P. Covington, Councilman

Dated: November 7, 2012


Amy W. Kleuskens
Borough Clerk


Richard E. Dean, Councilman


David B. Ellenberg, Council Vice President


Nancy M. Hudanich, Councilwoman

ROLL CALL VOTE:

AYES----- Covington, Dean, Ellenberg, Hudanich, Tipping
NAYES----- None
ABSTAINING----- None
ABSENT----- None

NOTICE OF ADOPTION

The aforementioned ordinance was duly passed by the Borough Council of the Borough of Avalon, Avalon, New Jersey, on first reading at a meeting of said Council held on the 10th of October, 2012 and was taken up for second reading, final passage and was adopted at a meeting of said Council held on the 7th day of November, 2012 in the Meeting Room of the Municipal Building, Avalon, New Jersey at 4:15 p.m. Said ordinance was approved by the Mayor on November 7, 2012.

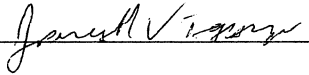
AMY W. KLEUSKENS
Borough Clerk

ORDINANCE NO. 663-2012

Passed by Council of the Borough of Avalon, New Jersey

November 7, 2012

Attest:  Borough Clerk

Attest:  President of Council

Presented by me to the Mayor of the Borough of Avalon,

New Jersey November 7, 2012

 Borough Clerk

Approved and signed by me November 7, 2012

 Mayor
