

**TOWN OF NEW PALTZ
LOCAL LAW E OF THE YEAR 2020**

**A LOCAL LAW TO ADD A NEW CHAPTER 92
TO THE TOWN OF NEW PALTZ CODE ENTITLED
“HOTELS AND MOTELS”**

Be it enacted as follows:

Section 1.

The Code of the Town of New Paltz is hereby amended to add a new Chapter 92 as follow:

“HOTELS AND MOTELS

§ 92-1 Purpose and intent.

It is the purpose and intent of this article to promote the public health, safety and general welfare of the guests of hotels and motels located within the town and that of the general citizenry of the town.

§ 92-2 Definitions.

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

HIGH MANAGERIAL AGENT

The same meaning as set forth in § 20.20 of the Penal Law of the State of New York and, in addition, means a member of a limited-liability company or any other agent in a position of comparable authority with respect to the formulation of corporate policy or the supervision in a managerial capacity of subordinate employees.

HOTEL OR MOTEL

Any hotel or motel as defined in the Town of New Paltz Code Chapter 140 “Zoning” and, in addition, any other inn, tourist home, trailer park, trailer camp, boardinghouse, rooming house, halfway house, rehabilitation facility, prison transitional facility, or any other structure, building or part of a building used in the business of renting rooms, individual or several, or a similar establishment where sleeping accommodations are furnished for pay to guests, lodgers, tourists, transients or travelers, whether meals are served therein, or not, to such guests, lodgers, tourists, transients or travelers.

LICENSE

A registered sex offender occupancy license issued under this article.

LICENSED PREMISES

Includes the hotel or motel as defined above, together with all other real property and improvements appurtenant thereto owned or leased by the licensee or one or more of its officers, directors, shareholders, partners or other principals.

LICENSEE

The holder of the license to conduct such hotel or motel business.

PERSON

Includes an individual, or any firm, partnership, corporation, limited-liability company or association of persons or entity of any kind.

REGISTER

The register required to be maintained under § 92-11 of this article and § 204 of the New York General Business Law.

REGISTERED SEX OFFENDER

A person who has been convicted of a violation of a sexual offense, as defined by the New York State Penal Law or federal law, and who has received a Level One, Two or Three designation as described in Article 6-C of the New York State Correction Law, or under any other state or federal law which would require that individual to register as a sex offender under such respective state or federal law.

- B. Unless specifically defined above, all terms used in this article shall be interpreted to give them the meanings they have in common usage and to give this article its most reasonable application.

§ 92-3 License required to house registered sex offenders.

No person shall engage in the business of owning or operating a hotel or motel as defined herein that accepts placements, referrals or payment by or on behalf of any federal, state or local government or any subdivision thereof, or from any not-for-profit group, association or entity of any type or nature, on account of providing accommodations to one or more registered sex offenders without first obtaining a license therefor for each hotel or motel owned or operated by the said person from the Town Clerk of the Town of New Paltz as hereinafter provided.

§ 92-4 Application for license.

- A. Each applicant for a license under this chapter shall make a written application on a form supplied by the Town Clerk setting forth:
- (1) The name, residence and postal address of the applicant and the name under which the applicant intends to do business, if different.
 - (2) The exact location of the proposed licensed premises.
 - (3) A description of the buildings, structures and accommodations that comprise the licensed premises.
 - (4) A statement of the number of lawful housing or lodging units at said hotel or motel and the maximum number of persons that can lawfully be accommodated in the licensed premises and each individual unit thereof at any given time.
 - (5) The number and location of the automobile parking spaces and parking facilities at the licensed premises.
 - (6) The name and address of the owner of the licensed premises.
 - (7) The name or names of the person or persons on the licensed premises upon whom process may be served.
 - (8) A detailed description of the register or system used for the registration of persons to whom accommodations are extended as required by the General Business Law of the State of New York.
 - (9) Whether the applicant, or any partner of a partnership applicant, or any officer, director, high managerial agent or stockholder of a corporate applicant holding 5% or more of the stock thereof, or any member of a limited-liability company, or any principal of any other applicant that is not a natural person, has ever been convicted of any crime listed in § 92-5 of this article 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.

- (10) If applicable pursuant to § 92-5 of this article, a certified copy of a certificate of relief from disabilities or certificate of good conduct granted to the applicant pursuant to Article 23-A of the New York Correction Law.
- (11) In the case of any applicant that is a corporation, limited-liability company, partnership or other entity:
 - (a) The place of incorporation or establishment of the applicant.
 - (b) A copy of the applicant's certificate of incorporation, limited liability organizational instruments, partnership agreement or other organizational documentation.
 - (c) Any fictitious or assumed name under which the applicant does business.
 - (d) The names and residences of all stockholders, partners, members or other principals holding 5% or more of any stock or other interest of the applicant.
 - (e) The names and residences of all officers, directors and high managerial agents of the corporation and the office held by each.
- B. Any hotel or motel required to be licensed pursuant to this article in operation on the effective date of this article shall apply for a license hereunder within 30 days of such effective date. Such application shall include all information set forth in Subsection A above.
- C. The licensee shall notify the Town Clerk, in writing, of any change in information provided by the licensee in the license application during the term of the license within 10 business days of such change.

§ 92-5 Criminal convictions barring issuance of license.

No such license shall be issued to any person who has been convicted of any crime defined as a felony or a Class A misdemeanor under Articles 120, 125, 130, 135, 140 or 160 of the New York Penal Law, subject in each case to the rehabilitation procedures under Article 23-A of the New York Correction Law, nor shall any such license be issued to any partnership in which any general partner shall have been convicted or to any corporation or limited-liability company in which any stockholder holding 5% or more of any of the stock thereof or any director, officer or high managerial agent thereof, or any other applicant other than a natural person, any owner or other principal of which shall have been convicted of any crime defined as a felony or a Class A misdemeanor under Articles 120, 125, 130, 135, 140 or 160 of the New York Penal Law, subject in each case to the rehabilitation procedures under Article 23-A of the New York Correction Law.

§ 92-6 Inspection for securing license; denial for noncompliance.

The Code Enforcement Officer or designee and the Police Department of the Town of New Paltz shall inspect the premises within 30 days of application to determine whether or not the licensed premises and operation thereof comply with all applicable health, fire, safety, construction and zoning ordinances, laws, regulations and statutes. If the licensed premises does not comply with such regulations, the Code Enforcement Officer or designee shall so notify the Town Clerk within 10 days of such inspection, who shall notify the applicant that the application is denied, setting forth the reasons for the denial. The applicant shall have 30 days to correct any deficient condition and request a reinspection for the purpose of securing a license.

§ 92-7 License fee.

The annual fee per year for said license for licensed premises with 50 or fewer units and for licensed premises with 51 or more units shall be as set by resolution of the Town Board and shall be on file in the Clerk's office. The fee is due upon application and is nonrefundable.

§ 92-8 Term of license; display required.

- A. All licenses issued under the provisions of this article shall be for a term of one year commencing on the date of their issuance, unless sooner revoked pursuant to this article.
- B. All licenses shall be prominently displayed in a conspicuous place in the lobby or registration area of the licensed premises. The license shall be denominated as the "registered sex offender occupancy license."

§ 92-9 Transfer of license prohibited.

A license shall be valid only to the applicant to whom it is issued and for the licensed premises stated on the license. No transfer of any license issued hereunder shall be permitted. Any sale of all or substantially all of the licensed premises or the assets of or merger or other consolidation of or any transfer of more than 50% in ownership or voting interest in any licensee that is a corporation, partnership or other entity shall be deemed a transfer for purposes of this article.

§ 92-10 Inspections of licensed premises without notice.

The Code Enforcement Officer or designee and the Police Department of the Town of New Paltz shall have the authority to inspect the public areas of the licensed premises from time to time, at any hour of the day or night without prior notice, to determine that the provisions of this article are followed.

§ 92-11 Keeping and inspection of register.

Any licensed premises as defined herein shall keep for a period of three years a register which shall show the name, residence, date of arrival and departure of all persons provided with sleeping accommodations at the licensed premises. The said register must be available for inspection by the Code Enforcement Officer or designee and the Police Department of the Town of New Paltz, who shall have the authority to inspect the register from time to time, at any hour of the day or night without prior notice, to determine that the provisions of this article are followed.

§ 92-12 Occupancy points.

- A. There is hereby established in the Town of New Paltz an occupancy point system applicable to licensed premises based upon and equal to the risk level designation assigned to a sex offender by the sentencing court pursuant to Correction Law § 168-n. For the purposes of this article, a Level One sex offender is hereby assigned one occupancy point; a Level Two sex offender is hereby assigned two occupancy points; and a Level Three sex offender is hereby assigned three occupancy points.
- B. Hotels, motels and other licensed premises as defined in this article with 50 or fewer units are granted a total of six occupancy points. Hotels, motels and other licensed premises as defined in this article with 51 or more units are granted a total of nine occupancy points.
- C. Hotels, motels or other licensed premises as defined in this article may provide accommodations to registered sex offenders up to the maximum allowable occupancy points per day. For the purpose of example only, a licensed premises with 50 or fewer units may only provide accommodations to no more than two Level Three registered sex offenders at any one time or no more than three Level Two registered sex offenders at any one time.

§ 92-13 Exceeding occupancy points prohibited.

It shall be a violation of this article to knowingly provide accommodations to persons who are registered sex offenders in any hotel or motel or other licensed premises in the Town of New Paltz if the occupancy by such registered sex offender results in the hotel, motel or other licensed premises exceeding the maximum number of assigned occupancy points at any one time on any given day.

§ 92-14 Suspension or revocation of license; hearing.

- A. Any license issued under this article shall be revoked by the Town Clerk for any of the following causes, provided that said licensee shall be afforded a hearing before the Town Board or its designee and notice of such hearing prior to such a revocation:

- (1) The violation by the licensee, or any officer, director, member, partner, five-percent-or-greater shareholder, high managerial agent or other principal of the licensee, of any provision of this article or § 204 of the General Business Law of the State of New York.
 - (2) Upon the recommendation of the Code Enforcement Officer or designee, for the failure to cure any violation of any applicable health, fire, safety, construction or zoning ordinance, law, regulation or statute within the time provided in the applicable provisions of the Code of the Town of New Paltz or other applicable code after notification to the licensee of such violation by the Code Enforcement Officer or designee.
 - (3) Upon the recommendation of the Chief of Police, for knowingly permitting the licensed premises to be used, alone or in association with others, for acts constituting violation of Articles 220, 225 or 230 of the Penal Law of the State of New York or failure to make reasonable effort to abate such use by ejecting such occupants or other persons on or about the licensed premises, notifying law enforcement authorities or other legal means.
 - (4) False statements made in an application for a license.
- B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be given personally or mailed by first-class mail, postage prepaid, to the licensee at his or her last known address at least five days prior to the date set for such hearing.
- C. Such license may, pending revocation proceedings, be suspended by the Town Clerk if, in the opinion of the Code Enforcement Officer or designee, or Chief of Police, the nature of the violation of this article by the licensee is such that operation of the hotel or motel may be detrimental to the health, safety and welfare of guests of said hotel or motel or the inhabitants of the town. In the event of any such suspension, the licensee shall be entitled to a hearing before the Town Board within 20 days after the suspension.

§ 92-15 Posting of provisions.

Every licensee shall post in a public and conspicuous place and manner in the registration office or lobby of the licensed premises a notice that a printed copy of this article is available for inspection by the public in such registration office.

§ 92-16 Penalties for offenses.

A. Specific penalties.

- (1) Any licensee or person acting on behalf of a licensee who violates any provision of this article shall, upon conviction thereof, be punished as follows:
 - (a) Upon a first conviction: by a fine not less than \$50 and not more than \$250 or by imprisonment for a period not to exceed seven days, or by both such fine and imprisonment.
 - (b) Upon a second conviction: by a fine not less than \$100 and not more than \$250 or by imprisonment for a period not to exceed 10 days, or by both such fine and imprisonment.
 - (c) Upon a third or subsequent conviction: by a fine not less than \$250 or by imprisonment for a period not to exceed 15 days, or by both such fine and imprisonment.
 - (d) Notwithstanding a conviction for an offense against any provisions or sections hereof, a person, association or corporation convicted shall be subject to revocation of any license herein granted without reimbursement of fees paid therefor.
 - (e) Any penalties provided for in Town Law § 135.

- (2) The continuation of a violation on each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violations may be punished as provided for above for each separate offense.
- B. An action or proceeding in the name of the Town of New Paltz may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the provisions of this article.

§ 92-17 Grandfather provision.

Any hotel or motel or other premises required to be licensed pursuant to this article in operation on the effective date of this article shall have 30 days after the issuance of a license hereunder to comply with the terms of this article.

§ 92-18 Interpretation.

This article shall be liberally construed so as to effectuate the purposes described in this article. Nothing herein shall abridge the powers and responsibilities of any police department or law enforcement agency to enforce the provisions of this article. Nothing herein shall be construed to abridge the emergency powers of any health department or the right of such department to engage in any necessary or proper activities.

§ 92-19 Conflicts.

If this article conflicts with any federal, state or local legislation, then, in that instance, the more stringent law shall apply. A law shall be determined to be more stringent if it limits the allowable number of registered sex offenders that may reside at a hotel, motel or other licensed premises at any one time to a lesser number of registered sex offenders than allowed by this article.

§ 92-20 Records.

The Town Clerk shall keep a record of all applications, the determinations thereon and all licenses issued and their date of termination and/or revocation and shall maintain a record for each license issued of the reports of violation relative thereto.

§ 92-21 Severability.

If any clause, sentence, paragraph, section, article or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.”

Section 2.

This local law shall take effect when filed with the Secretary of State pursuant to the Municipal Home Rule Law.