55, of the Revised Statutes as to certain tenement houses located in cities having more than 400,000 inhabitants."

I hereby advise you that the amendments to sections 55:5-2 and 55:10-4 of the Revised Statutes govern tenement houses throughout the State. Section 1 of Chapter 23 of the Laws of 1958 is limited in its applicability both by its own specific provisions and by the title of the act to cities having a population in excess of 400,000.

You ask further whether the Board of Tenement House Supervision has authority to be guided by the Standard Building Code of New Jersey or by the standards of nationally accepted codes under the amendment to R.S. 55:10-4. My conclusion is that the Board must rely upon the Standard Building Code of New Jersey or upon some nationally accepted code in approving plans and specifications in instances where the Tenement House Act does not set out standards. The Standard Building Code or the nationally accepted codes are not to be followed if there is a conflict between such code and the Tenement House Act. The additional provisions of R.S. 55:10-4, as added to the law by Chapter 23 of the Laws of 1958, is intended to cover details of construction methods, materials or designs which are not prescribed in mandatory terms in the Tenement House Act.

Yours very truly,

DAVID D. FURMAN
Attorney General

AUGUST 3, 1959

COLONEL JOSEPH D. RUTTER
Superintendent
New Jersey State Police
Trenton, New Jersey

MEMORANDUM OPINION 1959—P-16

DEAR COLONEL RUTTER:

We have been asked whether establishments which are commonly known as motels are subject to the provisions of the Hotel Fire Safety Law, R.S. 29:1-8 to 46. R.S. 1:1-1 provides that in the construction of laws of this State words shall be given their generally accepted meaning according to the approved usage of the language unless a different meaning is expressly indicated. R.S. 29:1-11 defines "hotel" as:

> "* * * every building kept, used, maintained, advertised as or held out to be a place where sleeping accommodations are supplied for pay to transient or permanent guests, in which fifteen or more rooms are rented furnished or unfurnished, including any room found to be arranged for or used for sleeping purposes, with or without meals, for the accommodation of such guests, or every building, or part thereof, which is rented for hire to thirty or more persons for sleeping accommodations.
>
> "This definition shall not be construed to include any building defined as a tenement house in Title 55, subtitle one, chapters one to thirteen of the

> Revised Statutes, recorded as a tenement house under the jurisdiction of the Bureau of Tenement House Supervision, and occupied exclusively as such."

To make abundantly clear that this definition, rather than the ordinary usage of the language, controls, R.S. 29:1-10 provides as follows:

> "For the purpose of this act certain words and phrases are defined, and certain definitions shall be construed as provided in this act."

Applying this definition, every individual building which would be embraced within the ordinary meaning of the term "motel" would be subject to the Hotel Fire Safety Law if it has 15 or more rooms for sleeping purposes or has sleeping accommodations for 30 or more guests.

The primary purpose of the law in question is protection against fire. Perhaps it would seem that there is less danger from fire in motels because they are usually of fewer stories and with more exits readily accessible to sleeping quarters than is true in the case of conventional hotels. But the Legislature was undoubtedly aware of this when in 1948 it enacted section 37 of chapter 340 repealing R.S. 29:1-1, which would seem to have excluded what are generally known as motels because of the requirement there in that to be subject to the law buildings must be at least of 3 stories in height. At the same time, the exclusion of fireproof hotel buildings from the law's coverage, formerly provided by R.S. 29:1-2, was also repealed. It would seem a reasonable judgment by the Legislature that conventional motels present their own peculiar fire hazards despite their frequent masonry construction because they are frequently located far from the location of fire-fighting apparatus in urban centers, and because they probably have a smaller ratio of service personnel to guests than do conventional hotels.

The definition in R.S. 29:1-11 expressly provides that it is immaterial in determining the coverage of the present law whether or not meals are served, whether or not the guests are transient, and whether or not the rooms are furnished.

Frequently, where a statute does not expressly define the words "hotel" or "motel," it has become necessary for the court to construe their ordinary meaning in the light of a particular problem. For example, in *Schermer* v. *Fremar*, 36 N.J. Super. 46 (Ch. 1955), the question was raised whether a motel was within the enumeration of permitted uses in a zoning ordinance, including "hotels." In *Pierro* v. *Baxendale,* 20 N.J. 17 (1955), it was necessary to determine whether a distinction between "rooming houses" and "motels" in the legislation itself could be made consistent with the constitutional requirements of equal protection of the laws. In neither of these cases was there any special legislative definition of the terms. The principles of R.S. 1:1-1, *supra,* would be applicable there, but not here. This distinguishes these cases (and many others from other jurisdictions which could be collected) from the question presented by this opinion.

As stated above, individual buildings commonly known as motels are subject to the Hotel Fire Safety Law if they have either 15 rooms for sleeping or sleeping accommodations for 30 or more guests, as provided by R.S. 29:1-11.

Very truly yours,

DAVID D. FURMAN
Attorney General