

FIRST READING: April 21, 2026

ORD. NO. 70-29

2ND & FINAL READING: June 16, 2026

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XXXI, ZONING, OF AN ORDINANCE ENTITLED, "AN ORDINANCE ADOPTING AND ENACTING THE REVISED GENERAL ORDINANCES OF THE CITY OF LINDEN, 1999," PASSES NOVEMBER 23, 1999 AND APPROVED NOVEMBER 24, 1999, AND AS AMENDED AND SUPPLEMENTED.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LINDEN:

Section 1. That Chapter XXXI, Zoning, shall be and the same is hereby amended as follows:
Chapter XXXI, Zoning

DELETE 31-49 "Short Term Rentals" in its entirety

Add New Section 31-49 regulating the short-term rental or letting of any residential premises or parts thereof except certain licensed hotels or motels as follows:

§ 31-49 SHORT TERM RENTAL PROPERTY PROHIBITION

§ 31-49.1 Findings.

The Mayor and Council hereby find and adopt, as if set forth more fully herein, the fact assertions of the "Whereas" clauses of this Ordinance, as their findings of fact.

§ 31-49.2 Short-Term Rental Property Prohibited Uses.

- a. No residential premises including dwelling houses, apartments, rooming houses or boarding houses or any parts thereof or rooms therein, except duly licensed hotels and motels, shall be rented or let for occupancy by any person(s) having a permanent place of residence elsewhere for a period or term of less than fourteen (14) days.
- b. Notwithstanding anything to the contrary contained in the City Ordinance, it shall be unlawful for an Owner, lessor, sub-lessor, any other person(s) or entity(ies) with possessory or use right(s) in a Dwelling Unit, other principals, partner or shareholders, or their agents, employees representatives and other persons(s) or entity(ies), acting in concert or a combination thereof, to receive or obtain actual or anticipated Consideration for soliciting, advertising, offering, and/or permitting, allowing, or failing to discontinue the use or occupancy of any Dwelling Unit, as defined herein, for a period of less than fourteen (14) days to any person(s) having a permanent place of residence elsewhere.
- c. Nothing in this Ordinance will prevent formation of an otherwise lawful occupancy of a Dwelling Unit for a rental period of more than fourteen (14) days.
- d. Nothing in this Ordinance will prevent formation of an otherwise lawful occupancy of a Dwelling Unit that has previously been engaged in a lawful lease and continues to be rented on a month-to-month basis.

§ 31-49.3 Definitions

ADVERTISE or ADVERTISING

Any form of solicitation, promotion, and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this Ordinance, as same may be viewed through various media including but not limited to, newspapers, magazines, flyers, handbills, pamphlets commercials, radio, direct mail, internet websites, text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for Consideration, which may be prohibited by this Ordinance.

CONSIDERATION

Soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration including, but not limited to, a promise or benefit, a quid-pro-quo, rent, fees, other form of payment, or thing of value.

DWELLING UNIT

Any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged or designed to be occupied, for sleeping, dwelling, cooling, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building,

co-operative, converted space, or portions thereof, that is offered to use, made available for use, or is used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining or Occupants and/or guests.

HOUSEKEEPING UNIT

Constitutes a family-type situation, involving one or more persons, living together that exhibit the kind of stability, permanency and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court.

OCCUPANT

Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a Dwelling Unit, or portion thereof, or having other permission or possessory right(s) within a Dwelling Unit.

OWNER

Any person (s) or entity(ies), association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own lease, sub-lease or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) that has charge, care control, or participates in the expenses and/or profit of a Dwelling Unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON

An individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination therewith.

SHORT TERM RENTAL

Rental of a dwelling unit, or any part of a dwelling unit, including any accessory building, structure or use to the dwelling unit including but not limited to, a vehicle parked on the property, for fourteen (14) consecutive days or less excluding community residences, shelters, adult family care homes, a residence temporarily occupied by the owner of another residential property with the City then undergoing construction activity, or the extension of a month-to-month basis, of an existing lease with a term of at least six months duration, by the existing tenant.

RESIDENTIAL OCCUPANCY

The use of a Dwelling Unit by an Occupant(s).

§ 31-49.4 Permitted Uses.

The residential occupancy of an otherwise lawful and lawfully occupied Dwelling Unit for a period of fourteen (14) days or less by any person who is a member of the Housekeeping Unit of the Owner, or without Consideration, such as house guests, is permitted

§ 31-49.5 Advertising Prohibited.

It shall be unlawful to advertise, solicit or promote by any means actions in violation of this Ordinance.

§ 31-49.6 Enforcement; Violations and Penalties.

- a. The provisions of this Ordinance shall be enforced by the Zoning Officer or other Persons designated by the City, to issue municipal civil infractions directing alleged violators of this Ordinance and/or to appear in court or file civil complaints.
- b. A violation of this Ordinance is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found a declared to be offensive to the public health, safety and welfare.
- c. Any person found to have violated any provision of this Ordinance without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, or a fine in accordance with Chapter 31-40.1, Penalties for Violations. Each day of such violation shall be a new and separate violation of this Ordinance.
- d. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including but not limited to, eviction proceeding and/or injunction, reasonable attorney's fees or other fees and costs, in the City's Municipal Court or the Superior Court of New Jersey, Union County Vicinage, or in such other court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

§ 31-49.7 Effect of this Ordinance on other laws.

This Ordinance shall supersede and replace any other provisions of the Ordinance of the City of Linden, now or later enacted, which have or may be construed to have differing or contrary terms or conditions relating to the subject of this Ordinance. This Ordinance is not intended to alter the current or later enacted amendments to the City's Zoning Ordinance.

§ 31-49.8 Effective Date.

1. REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

2. SEVERABILITY

The provisions of this Ordinance be declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of the Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

3. EFFECTIVE DATE

This Ordinance shall take effective immediately upon passage and publication as provided by law.

4. CODIFICATION

This ordinance shall be part of the ordinance of the City of Linden as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Ordinance.

The City Clerk and the City Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Ordinance of the City of Linden in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Ordinance, and in order to avoid confusion and possible accidental repeal or existing provisions not intended to repeal.

Section 2. The remaining provisions of the Chapter hereby amended and supplemented shall continue in full force and effect to the same extent as if herein fully repeated.

Section 3. If any section, subsection, provision, clause, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall not affect the remaining sections, subsections, provisions, clauses, or portions, which shall be deemed severable therefrom.

Section 4. All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 5. This Ordinance shall take effect in the manner provided by law.

PASSED: June 16, 2026

APPROVED: June 17, 2026

ATTEST:

President of Council

Mayor

City Clerk