

TOWNSHIP OF WASHINGTON TOWNSHIP

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY AMENDING CHAPTER 145, ENTITLED BUILDING AND HOUSING, OF THE CODE OF THE TOWNSHIP OF WASHINGTON TO ADDRESS SHORT TERM RENTALS WITHIN THE TOWNSHIP

WHEREAS, the New Jersey Legislature has, pursuant to N.J.S.A. 40:52 1(d) and (n), specifically authorized municipal corporations, including the Township of Washington (“Township”) to regulate "furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof and the “rental of real property for a term of less than one hundred seventy-five (175) consecutive days for residential purposes by a person having a permanent place of residence elsewhere”; and

WHEREAS, in recent years, there has arisen a proliferation of internet and other media advertising often on websites dedicated to the rental of Dwelling Units for short terms and for a period of less than thirty (30) days ("Short Term Rental"); and

WHEREAS, the Township's experience, as well as common experiences, dictates the conclusion that Short Term Rental(s) frequently result in public nuisance, noise complaints, sanitation issues, overcrowding and illegal parking within the residential neighborhoods of the Township, and essentially convert residential dwelling units into uses equating to or similar to illegal de-facto hotels, motels, boarding houses and other commercial enterprises, in violation of the Township's Zoning and other Codes and Ordinances as well as state statutes; and

WHEREAS, the Township wishes to deter the cyber-social phenomenon of any Owner renting his/her residential Dwelling Unit(s) on various websites, as well as the listing of Short Terms Rental(s) by website businesses, of any Dwelling Unit(s), that constitute an Illegal business operating in violation of the Township 's Zoning Ordinance and resulting in public nuisances; and

WHEREAS, the Township additionally wishes to prevent potential overcrowding which results when Person(s), in an effort to reduce the per-occupant cost of the Short-Term Rental(s), unlawfully permit the Township's occupancy limits to be exceeded;

WHEREAS, some property owners and/or their agents permit commercial boarding house type Short term Rental(s) and overcrowded conditions and other public nuisances, in order to unlawfully create a commercial enterprise and income, in violation of the Township Zoning Ordinance and to maximize their profit(s); and

WHEREAS, problems also frequently associated with such Short-Term Rental(s) include overcrowding, excessive noise, unruly behavior, obscene language, littering, parking of

vehicles on lawns, public urination, sanitation issues, poor maintenance of the property and grounds, and violation of trash collection ordinances;

NOW THEREFORE, BE IT ORDAINED, by the Committee of the Township of Washington, County of Burlington and State of New Jersey, as follows:

SECTION 1. Chapter 145 of the Township Code is hereby amended to add Article IV entitled "Short-Term Rentals" as follows:

Chapter 145, Article IV. Short-Term Rentals

§145-24 SHORT-TERM RENTALS PROHIBITED USES.

- A. Notwithstanding anything to the contrary contained in the Township Ordinances, it shall be unlawful for an Owner, landlord, managing agent, lessor, sub-lessor, any other person(s) or entity(ies) with possessory or use right(s) in a Dwelling Unit, their 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, or portion thereof, as defined herein, for a period of thirty (30) days or less.
- B. Nothing in this Article will prevent formation of an otherwise lawful occupancy of a Dwelling Unit for a rental period of more than thirty (30) days.

§145-25 DEFINITIONS.

- A. **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 violation of this Article, as same may be viewed through various media including but not limited to, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for Consideration, which are prohibited by this Article.
- B. **CONSIDERATION** - Soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration including a promise or benefit, a *quid-pro-quo*, rent, fees, other form of payment, or thing of value.
- C. **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, cooking, 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 of Occupants and/or guest(s), for consideration, for a period of thirty (30)

days or less.

- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. RESIDENTIAL OCCUPANCY - The use of a Dwelling Unit by an Occupant(s).

§145-26 PERMITTED USES.

- A. The residential occupancy of an otherwise lawful and lawfully occupied Dwelling Unit for a period of thirty (30) days or less by any person who is a member of the Housekeeping Unit of the Owner, without Consideration, such as houseguests, is permitted.

§145-27 ADVERTISING PROHIBITED.

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

§145-28 ENFORCEMENT; VIOLATIONS AND PENALTIES.

- A. The provisions of this Article shall be enforced by the Zoning Officer, Building Department, Building Code Official, Fire Official, Fire Marshall, Health Department, other Sub-Code or Code Official, as their jurisdiction may arise, or other persons designated by the Township Committee, to issue municipal civil infractions directing alleged violators of this Article and/or to appear in court or file civil complaints.
- B. A violation of this Article is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.

- C. Any person found to have violated any provision of this Article, without regard to intent or knowledge, shall be liable for a penalty, upon adjudicated violation or admission, of a fine not exceeding \$1,250.00 as determined by the Municipal Court. Each day of such violation shall be a new and separate violation of this Article.
- 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 proceedings and/or injunction, reasonable attorney's fees or other fees and costs, in the Township's Municipal Court or the Superior Court of New Jersey in the Vicinage of Burlington County, or in such other Court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

SECTION 2. If any section, paragraph, subsection, clause, or provision of this Amendment shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 3. If any ordinances or parts thereof are in conflict with the provisions of this Ordinance those provisions shall be repealed to the extent of such conflict.

SECTION 4. This Ordinance shall take effect upon passage and publication in accordance within applicable law.

MOTION:
SECOND:

Roll Call Vote

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

NOTICE

The above entitled ordinance was passed on first reading at a meeting of the Township Committee of the Township of Washington on March 5, 2024. It will be further considered for final passage after a public hearing at the regularly scheduled meeting to be held on ~~June 11~~, 2024 at the Municipal Building, 2436 Route 563, Egg Harbor, New Jersey at 7:00 PM, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be heard. Copies of this ordinance will be made available at the Municipal Clerk's office to members of the general public who shall request them.



Lisa H. Hand, RMC, Municipal Clerk