

**TOWNSHIP OF WEYMOUTH
ATLANTIC COUNTY
NEW JERSEY**

ORDINANCE NO. 611-2024

**AN ORDINANCE AMENDING CHAPTER 196 (RENTAL PROPERTY) OF THE CODE
OF THE TOWNSHIP OF WEYMOUTH**

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal and enforce ordinances to manage, regulate and control the finances and property, real and personal, of the municipality; and

WHEREAS, pursuant to N.J.S.A. 40:52-1(d) and (n), the governing body may make, amend, repeal and enforce ordinances to license and 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 less than 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 businesses and advertisement dedicated to the rental of dwelling units for short term periods of less than thirty (30) consecutive days (“Short Term Rentals”); and

WHEREAS, the Township Committee of the Township of Weymouth (“Township Committee”) desires to increase the availability and affordability of Long-Term Rentals and is of the opinion that increasing the availability of short-term rentals raises rental prices overall and diminishes the availability of long-term rentals; and

WHEREAS, the Township Committee is of the opinion that Short-Term Rentals can result in public nuisance, noise complaints, sanitation issues, overcrowding, illegal parking, and essentially convert residential dwelling units into de-facto hotels, motels, boarding houses and other commercial enterprises, in violation of the Township’s Ordinances as well as State statutes; and

WHEREAS, the Township Committee has determined that, in order to maintain the peace and ensure residents’ quiet enjoyment of residential properties in the Township, it is necessary and appropriate to regulate short-term rentals of residential properties; and

WHEREAS, the Township Committee of the Township of Weymouth, Atlantic County, has determined that the public interest will best be served by adopting an amendment to §196 of the Code of the Township of Weymouth;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Weymouth in the County of Atlantic , State of New Jersey as follows:

SECTION 1: Chapter 196 of the Code of the Township of Weymouth (Rental Property) is hereby amended as follows (deleted language is ~~stricken~~; additional language is underlined; all other sections will remain unchanged):

§ 196-1. Definitions.

The following words or phrases, when used in this article, shall have the following meanings:

Agent or Manager

An individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this article, including a licensed real estate broker or salesman of the State of New Jersey if such a person designated by the owner as his agent is so licensed.

Advertise or Advertising

Any form of solicitation, promotion, marketing and/or communication 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, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, or consideration, which are prohibited by this Ordinance.

Building

Any building or structure or part thereof used for human habitation, use or occupancy, and including any accessory buildings and appurtenances belonging thereto or usually enjoyed therewith.

Consideration

The receipt or acceptance of any legally recognized form of consideration including a promise or benefit, a quid-pro-quo, rent, fees, money, other forms of payment and/or things of value.

Dwelling

Any apartment, cottage, bungalow or other dwelling unit consisting of one or more rooms for dwelling purposes which occupy all or part of a floor or floors in a building, whether designed with or without housekeeping facilities, and notwithstanding whether the apartment is designed for residential use or the operation of any industry or business or any other type of independent use.

Dwelling Unit

Any room or rooms, suite or a part thereof, whether furnished or unfurnished, which is occupied or intended, arranged or designed to be occupied for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof or any other servants, agents or employees. ~~This definition applies only to those dwelling units, including single family residences, which are available for lease or rental purposes.~~

Habitable Room

A room or enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage space.

Lodging Unit

A room or group of rooms containing no cooking facilities, used for living purposes by a separate family or group of persons living together or by a person living alone within a building.

Manager

See “Agent.”

Occupant

Any person, entity, association, limited liability company, corporation or partnership, who, alone, jointly or severally with others, has actual possession of or possessory rights to, a dwelling unit or any portion thereof, for a period of thirty (30) consecutive days or more.

Owner

The person who owns, purports to own, or exercises control over any building.

Person

An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof, and/or an individual or entity acting on their behalf or in concert therewith.

Rental Unit

Includes the terms “dwelling,” “building,” “dwelling unit,” “habitable room” or “lodging unit” as defined by this chapter, provided that same are rented or leased for a period of 31 days or more during any calendar year. This definition shall not apply to any single-family home which is not available for rental purposes under the terms of this Chapter, or which is actually inhabited by the owner of record as his or her primary residence.

Sleeping Accommodations

The number of individuals who may be properly accommodated in the beds and other sleeping facilities located within a rental unit. A standard single bed shall count as a proper accommodation for one individual and a standard double bed as a proper accommodation for two individuals.

Tenant

The person or persons to whom a rental unit is leased or rented by the owner.

Trash Receptacles

A metallic dumpster designed for the storage of garbage or trash outdoors, that is leakproof and has a close-fitting cover that closes tightly, consisting of 0.3 cubic yards for each residential unit that the trash receptacle is dedicated to for use.

§ 196-18. Short Term Rentals Prohibited.

- A.** It shall be unlawful for an agent, owner, occupant, manager, or tenant of a residential dwelling, single- or multi-family home, apartment, condominium, building, townhome, and the like or any portion thereof, whether furnished or unfurnished, to receive or obtain consideration for the rental of a residential dwelling, single- or multi-family home, apartment, condominium, building, townhome, and the like or any portion thereof for a period of less than thirty (30) consecutive days.
- B.** This Article does not apply to lawfully established and operating hotels, motels, rooming houses, boarding houses, inns, and bed and breakfast establishments. This Article does not apply to any use of single-family dwellings protected by New Jersey statutes including, but not limited to, community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, and children in group homes.
- C.** Nothing contained in this Article is intended to prohibit
- (1) The receipt of consideration for the lawful rental of a dwelling unit for a period of thirty (30) consecutive days or more.
 - (2) The occupancy of a dwelling unit for a period of thirty consecutive (30) days or less by a guest(s) of an agent, owner, occupant, manager, or tenant where no consideration, as the term is defined in this Chapter, is exchanged.
- D.** The print, electronic, or internet advertisement of any rental that is prohibited by or fails to comply with the provisions of this Article or any other applicable provisions of the Township Code is prohibited.
- E.** Any violation of this prohibition against short-term rentals shall be subject to punishment in accordance with the terms of § 196-16.

SECTION 2: The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3: All Ordinances of the Township of Weymouth which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION 4: If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such holding shall not affect the remaining portions of this Ordinance.

SECTION 5: This Ordinance shall take effect immediately upon its advertisement, public hearing, adoption upon first and second reading, and publication according to law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEYMOUTH, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, HELD ON SEPTEMBER 4, 2024 AND WAS FURTHER CONSIDERED FOR FINAL PASSAGE AT A PUBLIC HEARING DURING A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE HELD OCTOBER 2, 2024 AT WHICH TIME IT WAS DULY ADOPTED.

Attest: _____
Teresa A. Seelman, Deputy Township Clerk

DATED: OCTOBER 2, 2024