

TOWNSHIP OF MANALAPAN

ORDINANCE NO. 2018 - 10

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANALAPAN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING THE CODE OF THE TOWNSHIP OF MANALAPAN TO PROHIBIT THE SHORT TERM RENTAL OF RESIDENTIAL PROPERTY

WHEREAS, the New Jersey Legislature has, pursuant to N.J.S.A. 40:52-19(d) and (n), specifically authorized municipalities to regulate any “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 dedicated to the rental of dwelling units for short terms and for a period of less than one hundred seventy-five (175) consecutive days (“Short Term Rental”); and

WHEREAS, Short Term Rentals frequently result in public nuisance, noise complaints, sanitation issues, overcrowding and illegal parking within residential neighborhoods, and essentially convert residential dwelling units into illegal de-facto hotels, motels, boarding houses and other commercial enterprises, in violation of the Township’s zoning and other codes as well as state statutes; and

WHEREAS, the Township Committee finds that the Short Term Rental of

residential dwelling units and residential property should be prohibited in order to prevent the aforesaid conditions;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Manalapan, County of Monmouth and State of New Jersey, as follows:

SECTION ONE. The Code of the Township Manalapan, Part II, General Legislation, be and the same is hereby amended and supplemented to add thereto a new chapter, as follows:

“Chapter 181

Residential Property, Short Term Rental.

181-1. Short Term Rental of Dwelling Units and Residential Property Prohibited.

A. Notwithstanding anything to the contrary contained in the Township Code, it shall be unlawful for an Owner, lessor, sub-lessor, any other person or entity with possessory right in a Dwelling Unit, their principals, partners or shareholders, or their agents, employees, or representatives to receive or obtain actual or anticipated consideration for advertising, offering, and/or permitting, allowing, or suffering the use or occupancy of any Dwelling Unit or of any Residential Property, as defined herein, for a period of less than one hundred seventy-five (175) consecutive days.

B. Nothing in this Ordinance shall be deemed to prevent the otherwise lawful occupancy of a Dwelling Unit or a Residential Property for a rental period of more than one hundred seventy-five (175) days.

181-2. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ADVERTISE OR ADVERTISING - Any form of solicitation, promotion or communication for marketing, used to induce, directly or indirectly, any person into contracting for services for the purpose of establishing occupancies or uses of residential property which are prohibited by this Ordinance.

CONSIDERATION - Any legally recognized form of consideration including a promise or benefit, a quid pro quo, rent, fees, other form of payment, or any other thing of value.

DWELLING UNIT - Any room or group of rooms, whether furnished or unfurnished, intended, arranged or designed to be occupied, for living, sleeping, cooking, gathering and/or entertaining by one or more persons.

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 decisions of the New Jersey courts.

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 possessor right(s) within a Dwelling Unit.

OWNER - Any person or entity, who or which alone or jointly with others has legal or equitable title to premises, with or without accompanying actual possession, including an executor, administrator, trustee or guardian of an estate, mortgagee in possession, or a person under contract.

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

RESIDENTIAL PROPERTY - All or any portion of any lot, tract or parcel of land on which is located one or more Dwelling Units or which is zoned for residential uses.

181-3. Permitted Uses.

The residential occupancy of an otherwise lawful and lawfully occupied Dwelling Unit for a period of one hundred seventy-five (175) days or less by any occupant who is a member of the Housekeeping Unit of the Owner, without consideration, is not prohibited by this Chapter.

181-4. Advertising Prohibited.

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

181-5. Enforcement, Violations and Penalties.

- A. The provisions of this Ordinance may be enforced by the Construction Code Official, Fire Official, Health Department, or Code Enforcement Officer.
- B. Any person, firm or corporation found guilty in the Municipal Court for violation of the terms of this chapter shall be subject to the penalties set forth in Chapter 1, General Provisions of this Code.”

SECTION TWO. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

SECTION THREE. Should any section, paragraph, clause of any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder of this Ordinance.

SECTION FOUR. This Ordinance shall take effect upon its passage and publication according to law.

NOTICE OF PUBLIC HEARING

The Ordinance published herewith was Introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on [August 22, 2018](#) and will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on [September 12, 2018](#) at the Municipal Complex, 120 Route 522 and Taylors Mills Road, Manalapan, New Jersey at 8:00 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site www.mtnj.org by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of [September 12, 2018](#).

REGINA PRETEROTI, RMC
Municipal Clerk