

**TOWNSHIP OF MILLBURN
ORDINANCE NO. 2524-19
ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER III OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF MILLBURN TO PROHIBIT SHORT TERM RENTALS**

***Statement of Purpose:** The purpose of this Ordinance is to prohibit the advertisement by various means, concerning the availability of a property for a Short Term Rental, a use prohibited pursuant to the Zoning Ordinance of the Township and by this Ordinance.*

WHEREAS, the number of short term rentals (generally defined as stays of less than 30 days) of dwelling units; individual rooms within dwelling units; and building, structures and uses accessory to dwelling units, has grown rapidly in recent years, aided in large part by the creation of Internet-based home-sharing hosting platforms which can create an easy connection between property owners and individuals looking for short term rental housing; and

WHEREAS, the Township Committee finds that the use of residential premises within the Township for short term rentals would create adverse impacts on the residential quality of life; and

WHEREAS, the Township Committee finds that it is in the public interest to prohibit activities which foster the use of properties within the Township for a use prohibited by the Development Regulations and Zoning Ordinance of the Township of Millburn and otherwise prohibited by the Revised General Ordinances of the Township of Millburn;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN IN THE COUNTY OF ESSEX, AND STATE OF NEW JERSEY, as follows:

Section 1. Chapter III of the Revised General Ordinances of the Township of Millburn entitled “Police Regulations” is hereby amended, supplemented, and revised by the addition of a new Section 3-20 entitled “Short Term Rentals Prohibited” to read as follows:

Section 3-20 Short Term Rentals Prohibited

3-20-1 Short Term Rental Definition

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, a vehicle parked on the property, for 30 consecutive days or less excluding community residences, shelters, adult family care homes, a residence temporarily occupied by the owner of another residential property within the Township then undergoing construction activity, or the extension, on a month-to-month basis, of an existing lease with a term of at least six months duration, by the existing tenant.

3-20.2 Short Term Rental Prohibited

It shall be unlawful for any person, including, but not limited to, an owner, lessor, or sublessor with any possessory interest in any dwelling, to rent or otherwise receive compensation of any kind for the use, occupancy, or rental of any such dwelling, accessory structure, or part thereof for a period of 30 consecutive days or less.

3-20.3 Prohibition of Solicitation for Unlawful Use

It shall be unlawful for any person to undertake, maintain, authorize, aid, facilitate, solicit and/or advertise any rental activity that violates any part or provisions of this Section and/or which constitutes a prohibited use pursuant to the Land Development and Zoning Ordinance of the Township. "Advertise" or "advertisement" shall include: announcements made on internet-based booking platforms, any telephonic solicitation, writing, printing, picture, painting, display, emblem, drawing, sign or similar device which is posted or displayed anywhere on the internet, outdoors, or on real property.

3-20.4 Enforcement

The provisions of this article shall be enforced by the Township Zoning Officer, Code Enforcement Officer, Fire Department, Police Department and any other Township official or employee so designated by the Township Business Administrator, who all shall be authorized to issue summons or other appropriate civil violations or complaints for any violations of the terms and provisions of this Section.

Section 3-20.5 Fines; Violations and Penalties

Any person who is found or adjudicated to have violated any provisions of this article shall be liable for a fine not exceeding two thousand dollars (\$2,000.00). Each day of any such violation after receiving written notice of same shall be a new and separate violation.

Section 2. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 3. All other Ordinances, parts of Ordinances or other local requirements that are inconsistent or in conflict with this Ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Ordinance shall apply.

Section 4. This Ordinance shall take effect sixty (60) days following its adoption.

Introduced: 2/19/2019