

**TOWNSHIP OF MILLBURN  
ORDINANCE NO. 2525-19  
ORDINANCE TO AMEND AND SUPPLEMENT ARTICLE 6 OF THE DEVELOPMENT REGULATIONS  
AND ZONING ORDINANCE OF THE TOWNSHIP OF MILLBURN TO PROHIBIT SHORT TERM  
RENTALS**

**Statement of Purpose:** *The purpose of this Ordinance is to make Short Term Rentals a prohibited use under the Zoning Ordinance of the Township.*

**WHEREAS**, the number of short term rentals (generally defined as stays of 30 days or less) 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 has determined that it is in the public interest to explicitly prohibit short term rentals; and

**WHEREAS**, the presence of short term rentals in zoning districts where residential uses are permitted can create adverse impacts on residential quality of life, such as additional traffic, trash, parking demand and noise; and

**WHEREAS**, short term rentals are inconsistent with the goals of the objectives of the Township's Master Plan, specifically to protect the character of established neighborhoods.

**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.** Article 3 of the Township of Millburn Development Regulations and Zoning Ordinance is hereby amended, supplemented and revised by the addition of a new definition in Section 301 entitled "Words and Phrases Defined" as follows:

**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, 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.

**Section 2.** Article 6 of the Township of Millburn Development Regulations and Zoning Ordinance entitled "Zoning Provisions" is hereby amended, supplemented and revised by the amendment in its entirety of Section 604 entitled "Prohibited Uses" as follows:

**604 PROHIBITED USES**

604.1 All uses not expressly permitted in this Ordinance are prohibited.

604.2 Short Term Rentals are expressly prohibited in all zoning districts.

**Section 3.** All other provisions of the Township of Millburn Development Regulations and Zoning Ordinance shall be unaffected and are hereby continued.

**Section 4.** 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 5.** This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal laws. Notwithstanding that any provision of this Ordinance is, for any reason, held to be invalid or unconstitutional by a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance, which shall continue to be of full force and effect. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

**Section 6.** The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled to notice pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Essex County Planning Board as required by N.J.S.A. 40:55D-16.

**Section 7.** This Ordinance shall take effect sixty (60) days following its adoption.

Introduced: 2/19/2019