

ORDINANCE O:24-2022

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE
TO AMEND CHAPTER 162 OF THE CODE OF THE TOWNSHIP OF MONROE,
ENTITLED "HOUSING STANDARDS"

WHEREAS, the Township Council of the Township of Monroe has recommended a certain amendment to Chapter 162 of the Code of the Township of Monroe and has determined that it is in the best interest of the Township to amend this specific section.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Monroe that the Code of the Township of Monroe is hereby amended to include the amendment herein.

SECTION I. This section, which is a part of Chapter 162, is hereby amended as follows:

§ 162-27 Short Term Rentals

A. Definitions.

Unless otherwise specified herein, the following definitions shall be used for terms within this section:

ADVERTISE OR ADVERTISING

Shall mean 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 in violation of this section, 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 section.

CONSIDERATION

Shall mean 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.

DWELLING UNIT

Shall mean 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, specifically excluding any hotels or motels, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, cooperative, 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.

HOUSEKEEPING UNIT

Shall mean and 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.

ORDINANCE O:24-2022

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE
TO AMEND CHAPTER 162 OF THE CODE OF THE TOWNSHIP OF MONROE,
ENTITLED "HOUSING STANDARDS"

OCCUPANT

Shall mean 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

Shall mean 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, individual 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.

PERSON

Shall mean 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.

RESIDENTIAL OCCUPANCY

Shall mean the use of a Dwelling Unit by an Occupant(s).

RESIDENTIAL SWIMMING POOL

Shall mean the use of any artificial structure, basin, chamber, or tank containing a body of water for the primary purpose of swimming, diving, recreational, or therapeutic bathing.

B. Minimum Term.

Notwithstanding anything to the contrary in the Township Code, it shall be unlawful for an owner, lessor, sublessor, 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 person(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, as defined herein, for a period of less than 28 days.

Nothing in this section will prevent formation of an otherwise lawful occupancy of a Dwelling Unit for a rental period of 28 days or more.

Nothing in this section will prevent formation of an otherwise lawful occupancy of a Dwelling Unit for a rental period of less than 28 days to an active duty member of the United States military.

Nothing in this section will prevent formation of an otherwise lawful occupancy of a Dwelling Unit for a rental period for less than 28 days, provided that the owner of the

ORDINANCE O:24-2022

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE
TO AMEND CHAPTER 162 OF THE CODE OF THE TOWNSHIP OF MONROE,
ENTITLED "HOUSING STANDARDS"

premises physically resides on the premises for the entire rental period, and has received approval from the Township Planning and Zoning Board to operate as a bed and breakfast.

The residential occupancy of an otherwise lawful and lawfully occupied Dwelling Unit for a period of less than 28 days by any person who is a member of the Housekeeping Unit of the Owner, with or without consideration, such as house guests, is permitted.

C. Residential Swimming Pools.

Notwithstanding anything to the contrary in the Township Code, residential swimming pool rentals are not permitted. It shall be unlawful for an owner, lessor, sublessor, any other person(s) or entity(ies) with possessory or use right(s) in a residential swimming pool their principals, partner or shareholders, or their agents, employees, representatives and other person(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 of any residential swimming pool, as defined herein, for any duration of time.

SECTION II. All prior Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION III. If any word, phrase, clause, section or provision in this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION IV. This Ordinance shall take effect twenty (20) days after final passage and publication as required by law.

TOWNSHIP OF MONROE

CNCL. PRES., GREGORY A. WOLFE

ATTEST:

Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC

ORDINANCE O:24-2022

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE
TO AMEND CHAPTER 162 OF THE CODE OF THE TOWNSHIP OF MONROE,
ENTITLED “HOUSING STANDARDS”**

CERTIFICATION OF CLERK

The foregoing Ordinance was introduced at a meeting of the Township Council of the Township of Monroe held on the 28th day of November, 2022, and will be considered for final passage and adoption at a meeting of the Township Council of the Township of Monroe to be held on the 12th day of December, 2022 at the Municipal Building, 125 Virginia Avenue, Williamstown, New Jersey 08094, at which time any person interested therein will be given an opportunity to be heard.

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

ROLL CALL VOTE

1st Reading

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Falcone				
Cncl. Fox				
Cncl. Garbowski				
Cncl. McKinney				
Cncl. O'Reilly				
Cncl. Valcourt				
Cncl. Pres. Wolfe				
Tally:				

2nd Reading

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Falcone				
Cncl. Fox				
Cncl. Garbowski				
Cncl. McKinney				
Cncl. O'Reilly				
Cncl. Valcourt				
Cncl. Pres. Wolfe				
Tally:				

The foregoing ordinance was hereby approved by the Mayor of the Township of Monroe on this ____ day of _____, 2022.

MAYOR RICHARD DiLUCIA