

ORDINANCE O:38-2024

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; and

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 amendments herein.

SECTION I. Chapter 162, entitled "Housing Standards" is hereby amended as follows:

§ 162-4 Duties of owners and agents; conveyance of property; obstructions.

A. Duties of owner, operator and/or registered agent. The duties and responsibilities of an owner, operator and/or registered agent shall be as follows:

(1) Maintenance of exterior of premises free of hazards and unsanitary conditions. The exterior of the premises and all structures thereon shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrians, and other persons utilizing the premises, and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner, operator and/or registered agent. It shall be the absolute duty of the owner, operator and/or registered agent, individually or jointly, to keep the premises free of hazards, which include but are not limited to the following:

- (a) Refuse. Brush, weeds, broken glass, stumps, roots, obnoxious growth, filth, garbage, trash, refuse and debris.
- (b) Natural growth. Dead and dying trees, stumps and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons or property in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.
- (c) Overhanging objects. Loose and overhanging objects and accumulation of ice and snow which, by reason of location above ground level, constitutes a danger of falling on persons or property in the vicinity thereof.
- (d) Ground surface hazards or unsanitary conditions. Holes, excavations, breaks, projections, obstructions, icy conditions, uncleared snow and excretion of pets and other animals on paths, walks, sidewalks, curbs, driveways, parking lots and parking areas and other parts of the premises which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired.

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- (e) Brush and hedges near roadways. Any and all brush, hedges and similar plant life growing within 10 feet of any roadway and/or within 25 feet of the intersection of two roadways shall be cut to a height of not more than 2 1/2 feet.
 - (f) Waste and recycling materials. The occupant of any rental unit shall be responsible for compliance with all waste and recycling regulations of the Township of Monroe. The owner, operator or registered agent shall require by the lease terms that the tenant/occupant comply with such regulations. Failure to do so will be deemed a violation of this chapter by the owner, operator or registered agent. Evidence of written notice to the occupant of his/her obligation to recycle shall be an absolute defense to such violation.
- (2) Appearance of exterior of premises and residential structures. The exterior of the premises, the exterior of dwelling structures and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the residential standards of the neighborhood or such higher standards as may be adopted as part of a plan of urban renewal by the Township of Monroe and such that the appearance of the premises and the structures shall not constitute a negative impact for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values, including the following:
- (a) Storage of commercial and industrial material. There shall not be stored or utilized at a location visible from the sidewalk, street or other public areas equipment and materials relating to commercial or industrial uses unless permitted under Chapter 175, Land Management, for the premises.
 - (b) Storage of unregistered or nonoperable vehicle(s). There shall not be stored or utilized at a location any nonoperable vehicle(s). Any repair of motor vehicle that occurs on site may not exceed a period of 24 hours.
 - (c) Any rental location or property shall not be permitted to erect any accessory building that is not in conformance with the requirements of § 175-89. All existing structures at the time of the amendment to this Code are permitted; however, if they are in disrepair and deemed unsafe, they must be demolished, and any replacement structure shall adhere to this chapter and section.
 - (d) Landscaping. Premises shall be kept landscaped, and lawns, hedges and brushes shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view and where the same constitute a

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negative impact depreciating adjoining property and impairing the good residential character of the neighborhood. No automobiles shall be parked upon lawns or placed for sale on front lawns.

(e) Portable Restrooms. Portable restrooms shall not be placed in the front yard of any residential property. All portable restrooms must be placed behind the main structure of the home, out of view from the street. Placement of portable restrooms must comply with all applicable health and safety regulations.

- B. Conveyance of property. The owner, operator and/or registered agent of any property under order by the public officer to repair or demolish said property shall not convey such property to a new owner without first notifying the public officer. The new owner shall comply with the order of the public officer as served upon the seller of said property and shall not occupy said building or premises until the order of the public officer is obeyed and a certificate of occupancy is issued by the public officer.
- C. Obstructions. The front, side and backyards, the driveways, walks or other parts of the outside premises of any building or any lot on which no building is located shall not contain any boxes, barrels, sticks, stones, bricks, bottles, cans, metal drums, iron pipe, old sheet metal, old furniture, used or unused motor vehicles or boats, auto parts, old tires, unused bicycles or parts, filth, junk, rubbish, trash, debris, dead and dying trees, stumps, roots, obnoxious growths, old lumber or firewood, unless such lumber or firewood is neatly stacked and not more than five feet in height or piled on supports of least eight inches above the ground and stored not less than one foot from the property line; nor shall the grass or weeds on such premises be allowed to attain a growth of more than 10 inches. Shrubs and flowering woody plants shall be kept under control and shall not be allowed to grow beyond the boundaries of the premises on which a building is located. Various and sundry shacks and outhouses, including toolhouses, storage sheds and garages, shall be repaired or improved so that they shall be aesthetically and structurally acceptable or shall be demolished and removed. Every fence which wholly or partially encloses a premises on which a building is located must be maintained in a manner that is aesthetically and structurally acceptable and shall not have broken posts, broken supporting members nor holes or voids in such fence.

§ 162-27 Short Term Rentals.

A. Definitions.

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

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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.

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.

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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.

PORTABLE RESTROOM

Shall mean a temporary, movable restroom facility, commonly known as a "porta-potty," used for sanitation purposes.

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 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.

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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.

D. Portable Restrooms.

Portable restrooms shall not be placed in the front yard of any residential property or dwelling unit. All portable restrooms must be placed behind the main structure of the home, out of view from the street. Placement of portable restrooms must comply with all applicable health and safety regulations.

Violations of this section shall be subject to a fine of \$100 per offense, after the fifth offense, the fine shall increase by increments of \$50 per offense. Each day a violation continues shall constitute a separate offense. The Township's Code Enforcement Officer is authorized to enforce the provisions of this section.

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., CHELSEA VALCOURT

ATTEST:

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

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CERTIFICATION OF CLERK

The foregoing Ordinance was introduced at a meeting of the Township Council of the Township of Monroe held on the 24th day of July, 2024, 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 28th day of August, 2024 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. Adams				
Cncl. Fox				
Cncl. Garbowski				
Cncl. Heverly				
Cncl. McKinney				
Cncl. O'Reilly				
Cncl. Pres. Valcourt				
Tally:				

2nd Reading

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

The foregoing ordinance was hereby approved by the Mayor of the Township of Monroe on this _____ day of _____, 2024.

MAYOR GREGORY A. WOLFE