

**ORDINANCE NO. 2024-11**

**ORDINANCE OF THE BOROUGH OF MOUNT EPHRAIM, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AMENDING, SUPPLEMENTING, AND REVISING CHAPTER 319 OF THE CODE OF THE BOROUGH OF MOUNT EPHRAIM ENTITLED, "RENTAL PROPERTY REGISTRATION"**

**WHEREAS** the Borough of Mount Ephraim (the "Borough") is a municipal corporation organized and operating under the laws of the State of New Jersey; and

**WHEREAS** the New Jersey Legislature has, pursuant to N.J.S.A 40:52-1(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 175 consecutive days for residential purposes by a person having a permanent place of residence elsewhere"; and

**WHEREAS** in recent years, there has arisen an increase in short-term rentals of ninety (90) or less days, often through the use of internet and media booking agencies ("Short-Term Rental"); and

**WHEREAS** the Mayor and Borough Commissioners recognize that unregulated Short-Term Rentals can create disproportionate impacts related to their size, excessive occupancy, and lack of proper facilities; and

**WHEREAS** the Borough's experience dictates the conclusion that Short-Term Rentals frequently result in public nuisance, noise complaints, sanitation issues, overcrowding, poor maintenance of the property and grounds, and illegal parking within the residential neighborhoods of the Borough, and effectively converts residential dwelling units into illegal de-facto hotels, motels, boarding houses and other commercial enterprises, in potential violation of the Borough's Zoning and other Codes as well as state statutes; and

**WHEREAS** the Borough wishes to address the foregoing issues that result due to Short-Term Rentals within the Borough; and

**WHEREAS** it is in the public interest that Short-Term Rental uses be regulated in order to preserve housing for long-term tenants and to minimize any deleterious effects of Short-Term Rental properties on other properties in the surrounding neighborhoods in which they are located; and

**WHEREAS** the Mayor and Borough Commissioners finds that there is a substantial interest in furthering the public health, safety and welfare by controlling density, by protecting the residential character of areas designed for residential use, by establishing and enforcing minimum life safety standards, and by preserving the long-term rental housing market located within the Borough; and

**WHEREAS** pursuant to N.J.S.A. 40:48-2, the Mayor and Borough Commissioners of the Borough are authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Borough by law.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Mount

Ephraim that the Code of the Borough of Mount Ephraim is hereby amended, revised and/or supplemented as follows:

**SECTION 1.** The Code of the Borough of Mount Ephraim is hereby amended, revised, and supplemented by establishing Chapter 319, Article II, entitled “Short Term Rentals” as follows:

## **ARTICLE II – Short Term Rentals**

### **§ 319-19 Authority**

In accordance with New Jersey law, a municipality may make and enforce within its limits all ordinances and regulations not in conflict with general laws, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants. The Borough of Mount Ephraim hereby adopts the within chapter in accordance with said authority.

### **§ 319-20 Definitions**

#### **ADVERTISE or ADVERTISING**

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 article, 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 article.

#### **CONSIDERATION**

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**

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, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, co-operative, 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, for a period of 90 days or less.

#### **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 reported and unreported decisions of the New Jersey Superior Court.

## **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 possessory right(s) within a dwelling unit.

## **OWNER**

Any person(s) or entity(ies), association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sublease or license (including an operator, principal, shareholder, director, agent or employee, individually 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**

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**

The use of a dwelling unit by an occupant(s).

### **§ 319-21 Short-term rental property prohibited uses**

- A. No residential properties including dwelling houses, apartments, rooming houses, or boarding houses, facilities located on the property, or any parts thereof or rooms therein, except duly licensed hotels and motels, shall be rented or let for occupancy by any person or persons for a period or term of less than ninety (90) days.
- B. Notwithstanding anything to the contrary contained in the Borough 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 90 days or less.
- C. Nothing in this Article will prevent formation of an otherwise lawful occupancy of a dwelling unit for a rental period of more than 90 days.

### **§ 319-22 Permitted uses.**

The residential occupancy of an otherwise lawful and lawfully occupied dwelling unit for a period of 90 days or less by any person who is a member of the housekeeping unit of the owner, without consideration, such as house guests, is permitted.

### **§ 319-23 Advertising prohibited.**

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

**§ 319-24 Enforcement.**

The provisions of this article shall be enforced by the Zoning Official, Building Code Official, Fire Official, other subcode or code official, as their jurisdiction may arise, including legal counsel for the Borough or other persons designated by the Borough Council, to issue municipal civil infractions directing alleged violators of this article and/or to appear in court or file civil complaints.

**§ 319-25 Violations and penalties.**

- A. A violation of this Article is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.
- B. Any person found to have violated any provision of this article, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$2,000. Each day of such violation shall be a new and separate violation of this article.
- C. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/or injunction, reasonable attorney's fees or other fees and costs, in the Borough's Municipal Court or the Superior Court of New Jersey in the vicinage of Camden County, or in such other court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

**SECTION 2:** Except as set forth in Section 1, the balance of the Code of the Borough of Mount Ephraim shall not be affected by this Ordinance.

**SECTION 3:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4:** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**SECTION 5:** This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

**BOROUGH OF MOUNT EPHRAIM**

**Date of Introduction: September 4, 2024**

**Date of Adoption:**

**Approved:** \_\_\_\_\_  
**Mayor Susan M. Carney**

**Attest:** \_\_\_\_\_  
**Terry Shannon, Borough Clerk**