

ORDINANCE NO. 20-19

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE DEFINITIONS SECTION OF CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION AND ESTABLISHING A NEW CHAPTER 219 TO BE ENTITLED PROHIBITION OF SHORT-TERM RENTALS BY SETTING FORTH RESTRICTIONS ON THE RENTAL OF RESIDENTIAL DWELLING UNITS FOR CERTAIN PERIODS OF TIME

WHEREAS, the Township Committee finds and determines that it is in the best interest of the health, safety and welfare of the Township to establish regulations prohibiting the short-term rental of residential dwelling units.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, as follows:

Section 1. Subsection A. in Section 166-4. entitled “Definitions and Word Usage”, in Article II, under Chapter 166 of the Code of the Township entitled Land Use and Development Legislation is hereby amended and supplemented by revising the definitions of “dwelling unit” and “family” to read as follows:

DWELLING UNIT - Living accommodations designed and used for occupancy by one family only.

FAMILY - Any number of individuals living privately together as a single housekeeping unit and using certain rooms and cooking facilities in common. Nothing herein contained shall be construed to prevent the placement of foster children by the New Jersey State Board of Child Welfare or a duly incorporated child welfare agency with families living in a one-family zone district.

Section 2. Part II: General Legislation of the Code of the Township of Hanover is hereby amended and supplemented by adding a new Chapter 219, entitled Prohibition of Short Term Rentals, to read as follows:

Chapter 219

Short-Term Rentals of Residential Property Prohibited

§ 219-1. Definitions and word usage.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

ADVERTISE or ADVERTISING - Any form of solicitation, promotion, and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners to purchase, agree to purchase or otherwise obtain goods and/or services, 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 Chapter.

DWELLING - Any building or portion thereof which is occupied or is intended to be occupied as a residence or sleeping place of one or more individuals, families or households. This shall not be construed to include hotels, motels and other transient lodging accommodation which are licensed and legally operating within the definition of "dwelling."

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 decisions of the New Jersey Appellate Court and Supreme Court.

OCCUPANCY - The inhabitation, use, living, gathering, entertaining, being entertained as a guest, or sleeping in a dwelling or a portion thereof, or having other permission or possessory rights or interest in the dwelling.

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.

§ 219-2. Short-Term Rental of Dwelling Units Prohibited.

- A. It shall be unlawful for any person, including but not limited to an owner, lessor, or sub-lessor with any possessory interest in any dwelling, to receive compensation of any kind for the use, occupancy, or rental of any dwelling or portion thereof for a period of 30 days or less, unless specifically permitted otherwise by applicable law.
- B. The residential occupancy of an otherwise lawful and lawfully occupied dwelling for a period of 30 days or less by a person who is a member of the housekeeping unit of the owner, without compensation or other consideration, such as house guests, is permitted.
- C. No person shall undertake, maintain, authorize, aid, facilitate, solicit and/or advertise any rental activity that violates any part or provisions of this Chapter.

I hereby certify the foregoing to be a true copy of a Resolution/Ordinance adopted by the Township Committee of the Township of Hanover at a Regular/Special Meeting held on the 13th day of June 2019.

Joseph A. Giorgio
Joseph A. Giorgio, Township Clerk, R.M.C.

D. Any person occupying a rental dwelling unit shall be responsible in complying with all ordinances and regulations of the Township of Hanover as set forth in the Code of the Township. Any violations of law may subject persons to the issuance of notices of violation, summonses and fines as prescribed in the Code.

§ 219-3. Enforcement.

The provisions of this Article shall be enforced by the Township's Construction Official/Zoning Officer, the Property Maintenance Officer and/or the Police Department, who shall be authorized to issue summons or other appropriate civil violations or complaints for any violations of the terms and provisions of this Chapter.

§ 219-4. Fines; Violations and Penalties.

Any person who is found or adjudicated to have violated any provisions of this Chapter may be liable for a fine up to the maximum fine permitted by law pursuant to N.J.S.A. 40:49-5 etal. Each day of any such violation after receiving written notice of same shall be a new and separate violation.

Section 4. This Ordinance may be renumbered for codification purposes.

Section 5. All ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 6. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

Section 7. This Ordinance shall take effect in accordance with the law.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

Joseph A. Giorgio
Joseph A. Giorgio, Township Clerk

Ronald F. Francioli
Ronald F. Francioli, Mayor

DATE OF INTRODUCTION: May 9, 2019
DATE OF ADOPTION: June 13, 2019