

ORDINANCE NO. 2021-1

AN ORDINANCE OF COLTS NECK TOWNSHIP CREATING NEW CHAPTER 138, ENTITLED, "RESIDENTIAL RENTAL PROPERTY REGULATIONS" AND AMENDING EXISTING CHAPTER 93, CERTIFICATES OF CONTINUED OCCUPANCY, OF THE CODE OF COLTS NECK TOWNSHIP

WHEREAS, in recent years, there has arisen a proliferation of internet and other media advertising often on websites dedicated to the rental of Dwelling Units for short terms and for a period of less than thirty (30) consecutive days ("Short Term Rental"); and

WHEREAS, the experience of Colts Neck Township ("Township"), as well as common experiences, dictates the conclusion that Short Term Rentals frequently result in public nuisance, noise complaints, sanitation issues, overcrowding and illegal parking within the residential neighborhoods of the Township, and essentially convert residential dwelling units into illegal de-facto hotels, motels, boarding houses and other commercial enterprises, in violation of the Township's Development Regulations and other Codes as well as state statutes; and

WHEREAS, the Township additionally wishes to prevent overcrowding, which results in an effort to reduce the per-occupant cost of the Short Term Rental(s), and unlawfully permit the Township's occupancy limits to be exceeded;

WHEREAS, some property owners and/or their agents permit commercial boarding-house type Short Term Rental(s) and overcrowded conditions and other public nuisances, in order to unlawfully create a commercial enterprise and income, in violation of the Township Development Regulations and to maximize their profit(s); and

WHEREAS, problems also frequently associated with such Short Term Rental(s) include overcrowding, excessive noise, unruly behavior, obscene language, fighting, littering, parking of vehicles on lawns, public urination, sanitation issues, poor maintenance of the property and grounds, and violation of trash collection ordinances;

WHEREAS, the Township wishes to deter the cyber-social phenomenon of any Owner renting his/her residential Dwelling Unit(s) on various websites, as well as the listing of Short Terms Rental(s) by website businesses, of any Dwelling Unit(s), that constitute an illegal business operating in violation of the Township's Development Regulations and other public nuisance ordinances; and

WHEREAS, the Township Committee further finds and declares that the rental of limited residential dwelling units within the Township, under the procedures and regulations established by this Section, may benefit the local community by affording owners of such units the ability to garner additional income from their real property (also referenced as "property") in order to diminish the financial burden of carrying costs and maintenance expenses related to the property, as well as providing travelers with an alternative option for accommodations in the Township, thereby promoting the local travel and tourism industry, and contributing to the economic vitality of the Township; and

WHEREAS, notwithstanding those benefits, the Township Committee also finds and declares that certain transitory uses of residential property tend to affect the residential character of the community and, if unregulated, can be injurious to the health, safety and welfare of the community; and

WHEREAS, the New Jersey Legislature has, pursuant to N.J.S.A. 40:52-1(d) and (n), has specifically authorized municipal corporations, including the Township to regulate "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 one hundred seventy-five (175) consecutive days for residential purposes by a person having a permanent place of residence elsewhere"; and

WHEREAS, N.J.S.A. 40:48-2.12a further authorizes the governing body of a municipality to make, amend, repeal and enforce ordinances to regulate buildings and structures and their use and occupation to prevent and abate conditions therein harmful to the health and safety of the occupants of said buildings and structures and the general public in the municipality; and

WHEREAS, the intended purposes of this Section are to: a) balance the rights of the owners of residential dwelling units proposed for rental use and the Township's business community affected by the allowance and existence of rentals for consecutive periods of not less than thirty (30) days; b) protect the public health, safety and general welfare of individuals and the community at large; c) provide for an organized and reasonable process for the rental of certain defined classifications of residential dwelling units in the Township; d) monitor and provide a reasonable means for the mitigation of impacts created by such transitory uses of residential properties within Colts Neck Township; e) preserve and protect the long-term housing market stock in the Township; f) implement rationally based and reasonably tailored regulations to protect the integrity of the Township's residential neighborhoods, and g) ensure that the residential rental property inventory in the Township satisfies basic property maintenance standards, in order to protect the safety of occupants and the citizens of the Township.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Township Committee of Colts Neck Township, County of Monmouth and State of New Jersey that Ordinance No. 2021-____, entitled "Residential Rental Property Regulations," of the Code of Colts Neck Township, is hereby established and adopted as follows:

SECTION I: New Chapter 138, titled "Rental Property Regulations" be added as follows:

§ 138-1 Findings.

The Mayor and Township Committee hereby find and adopt, as if set forth more fully herein, the fact assertions of the "Whereas" clauses of this Ordinance, as their findings of fact.

§ 138-2 Residential Rental Property Permitted Uses and Prohibitions. It shall be unlawful for any owner of any property within the geographic bounds of Colts Neck Township, New Jersey, to rent or operate a residential rental property contrary to the procedures and regulations established in this Section or applicable State statute.

- A. Short Term Rentals, defined as having a duration of less than thirty (30) consecutive days, shall be prohibited as provided by Section 138-4 of this Ordinance.
- B. Medium Term Rentals, defined as having a duration between thirty (30) days and one hundred seventy-four (174) consecutive days, shall be permitted to be conducted pursuant to the requirements of Section 138-5 of this Ordinance.
- C. Long Term Rentals, defined as having a duration of one hundred seventy-five (175) or greater consecutive days shall be exempt from all requirements of Chapter 138 of the Ordinance, but shall remain subject to the certificate of continued occupancy requirements of Chapter 93.

§ 138-3 Definitions.

As used in this Section, the following terms shall have the meanings indicated below:

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 Ordinance, 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.

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.

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.

MEDIUM TERM RENTAL (also referenced as "MTR") — shall mean the accessory use of a dwelling unit for occupancy by someone other than the unit's owner or permanent resident for a period between thirty (30) days and one hundred seventy-four (174) consecutive days, which dwelling unit is regularly used and kept open as such for the lodging of guests, and which is advertised or held out to the public as a place regularly rented to transient occupants, as that term is defined in this Section.

MEDIUM TERM RENTAL PROPERTY (also referenced as "MTRP") — shall mean a dwelling unit, as hereinabove defined, that is used and/or advertised for rent as an MTR by transient occupants as guests, as those terms are defined in this Section. Dwelling units rented to the same occupant for at least one hundred seventy-five (175) consecutive days (as confirmed by the existence of a written lease or rental agreement), licensed rooming or boarding houses, hotels, and motels shall not be considered a MTRP.

OWNER

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, 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.

OWNER-OCCUPIED — shall mean the owner of the property resides in the MTRP, or in the principal residential unit with which the MTRP is associated on the same lot, and identifies same as his or her principal residence as that term is defined in this Section. For purposes of this Section, if the owner of the property is an entity other than an individual or individuals, then at least one principal or member of the owner entity must reside in the MTRP, or in the principal residential unit with which the MTRP is associated on the same lot, and identify same as his or her principal residence as that term is defined in this Section.

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.

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.

PRINCIPAL RESIDENCE — shall mean the address: (1) where at least one of the property owners spends the majority of his or her non-working time, and (2) which is most clearly the center of his or her domestic life, and (3) which is identified on his or her driver's license, voter registration or state identification card as being his or her legal address. All

the above requirements must be met in order for an address to constitute being a principal residence for purposes of this Section.

PROPERTY — shall mean a parcel of real property located within the boundaries of Colts Neck Township, Monmouth County, New Jersey.

RENTAL AGENT — shall mean any New Jersey licensed real estate agent or other person designated and charged by the owner of a MTRP, with the responsibility for making the MTRP application to the Township on behalf of the owner, and fulfilling all of the obligations in connection with completion of the MTRP permit application process on behalf of the owner. Such person shall be available for, and responsive to contact on behalf of, the owner, at all times.

RESIDENTIAL OCCUPANCY

The use of a Dwelling Unit by an Occupant(s).

RESPONSIBLE PARTY — shall mean both the MTRP owner and a person (property manager) designated by the owner to be called upon and be responsible at all times during the period of a MTR and to answer for the maintenance of the property, or the conduct and acts of occupants of the MTRP, and, in the case of the property manager, to accept service of legal process on behalf of the owner of the MTRP.

SHORT TERM RENTAL — shall mean the accessory use of a dwelling unit for occupancy by someone other than the unit's owner or permanent resident for a period less than thirty (30) consecutive days.

TRANSIENT OCCUPANT — shall mean any person or a guest or invitee of such person, who, in exchange for compensation, occupies or is in actual or apparent control or possession of residential property, which is either: (1) registered as a MTRP, or (2) satisfies the definition of a MTRP, as such term is defined in this Section. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the MTR is a transient occupant.

§ 138-4 Short Term Rentals Prohibited.

- A. Notwithstanding anything to the contrary contained in the Township Code, it shall be unlawful for an Owner, lessor, sub-lessor, 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 persons(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 thirty (30) consecutive days.
- B. The lease or rental, for any purpose, of any amenity, feature, accessory, or appurtenance to or associated with a Dwelling Unit is prohibited.
- C. The residential occupancy of an otherwise lawful and lawfully occupied Dwelling Unit for a period of thirty (30) 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.

§ 138-5. Medium Term Rental Regulations.

- A. Subject to the provisions of this Section, Medium Term Rentals ("MTR") shall be permitted to be conducted in the following classifications of property in Colts Neck Township:
 1. Condominium units, where the Condominium Association By- Laws or Master Deed permit an MTR, and where the owner of the unit legally identifies the address as his or her principal residence;

2. Individually or collectively owned single-family residences, which one of the owners legally identifies as the address of his or her principal residence, as that term is defined herein;
 3. Up to two separate units within a two-family residential dwelling, where one of the two units is occupied by the owner and identified by the owner as his or her principal residence, as that term is defined herein;
 4. Not more than two separate units in any multifamily residential dwelling, where one other unit in the same dwelling is occupied by the owner and identified by the owner as his or her principal residence, as that term is defined herein; and
 5. Not more than two bedrooms within a single-family residential dwelling unit, where the bedrooms share common kitchen and bathroom facilities with the occupant of the dwelling unit, and the remainder of the single-family dwelling unit is occupied by the owner and identified by the owner as his or her principal residence, as that term is defined herein.
- B. Notwithstanding the provisions of Subsection A. above, MTRs shall not be permitted in boarding or rooming houses, dormitories, foster homes, adult family care homes, assisted living facilities, community residences for developmentally disabled persons, community shelters for victims of domestic violence, or nursing homes. Further, MTR of the following properties is prohibited:
1. Condominiums or townhomes, where the Condominium Association By-Laws or Master Deed, or Condominium Rules and Regulations, do not permit such MTR of condominium units in the development;
 2. An individually or collectively owned single-family residential dwelling unit, which address none of the owners legally identifies as his or her principal residence;
 3. A unit in a two-family residential dwelling, where the other unit is not occupied by the owner nor legally identified by the owner as his or her principal residence;
 4. Two or more units in a multi-family residential dwelling, and where one of the other units is not occupied by the owner nor legally identified by the owner as his or her principal residence;
 5. A room within a single-family, two-family or multi-family residential dwelling unit, where the room shares common kitchen and bathroom facilities with the occupant(s) of the dwelling unit in which it is located, which occupant(s) is neither the owner of the dwelling unit nor identifies the remainder of the dwelling unit in the single-family, two-family or multi-family residence as his or her principal residence; and
 6. Two or more individual rooms within a single-family, two-family or multi-family residential dwelling unit, where the rooms share common kitchen and bathroom facilities with the occupant(s) of the dwelling unit(s) in which they are located, which occupant(s) is neither the owner of the dwelling unit nor identifies the remainder of the dwelling unit in the single-family, two-family or multi-family residence as his or her principal residence.
- C. Medium Term Rental Permit, Permit Registration Fee/Application, and Residential Rental Certificate of Occupancy.
1. In addition to any land use requirement(s) set forth by Colts Neck Township Land Use Regulations, the owner/operator of a Medium-Term Rental Property

("MTRP") shall obtain an MTR permit from Colts Neck Township before renting or advertising for rent any MTR.

2. No person or entity shall operate a MTRP, or advertise a residential property for use as a MTRP, without the owner/ operator of the property first having obtained a MTRP permit issued by Colts Neck Township. The failure to obtain a valid MTRP permit prior to advertising the MTRP in any print, digital, or internet advertisement or web-based platform, and/or in the MLS or any realtor's property listing shall be a violation of this Section. No MTRP permit issued under this Section may be transferred or assigned or used by any person or entity, other than the owner to whom it is issued, or at any property location or dwelling unit other than the property for which it is issued.
3. An owner of property intended to serve as a MTRP, as defined herein, or any agent acting on behalf of the owner, shall submit to the Colts Neck Township Zoning Officer, an MTR permit application provided by the Township, along with an application/registration fee of \$500. Said fee shall be non- refundable, including in the event that the application is denied. The fee shall also constitute the required fee for the Residential Rental Certificate of Occupancy application, referenced below.
4. The MTR permit, if granted, shall be valid for a period of one year from the date of issuance.
5. The owner of a MTRP, as defined herein, or any agent acting on behalf of the owner, who intends to rent all of the property, or any permitted part thereof as a MTR, shall also make application to the Colts Neck Township Zoning Officer, in conjunction with the MTR permit application, for the issuance of a Residential Rental Certificate of Occupancy for the MTR Property, on such forms as required by the Zoning Officer.
6. An MTR permit and Residential Rental Certificate of Occupancy shall be renewed on an annual basis, based upon the anniversary of the original permit issuance, by submitting to the Colts Neck Township Zoning Officer, an MTR permit application and Residential Rental Certificate of Occupancy application and a renewal registration fee of \$100. A reinspection fee of \$85 shall apply for each failed reinspection.
7. The MTR permit shall expire automatically when the MTRP changes ownership, and a new initial application and first-time registration fee will be required in the event that the new owner intends to use the property as a MTRP. A new application and first-time registration fee shall also be required for any MTR that had its MTR permit revoked or suspended.

D. Application Process for Medium Term Rental Permit and Inspections.

1. Applicants for an MTR permit shall submit, on an annual basis, an application for an MTR permit to the Colts Neck Township Zoning Officer. The application shall be furnished, under oath, on a form specified by the Zoning Officer, accompanied by the non-refundable application fee as set forth in § 138.5C above. Such application shall include:
 - (a) The name, address, telephone number and email address of the owner(s) of record of the dwelling unit for which a permit is sought. If such owner is not a natural person, the application must include and identify the names of all partners, officers and/or directors of any such entity, and the personal contact information, including address and telephone numbers for each of them;
 - (b) The address of the unit to be used as an MTR;

- (c) A copy of the driver's license, voter registration or state identification card of the owner of the MTRP, confirming, as set forth in this section, that the property is the principal residence, as that term is defined herein, of the owner making application for the MTRP permit;
 - (d) The owner's sworn acknowledgement that they comply with the requirement that the MTRP constitutes the owner's principal residence;
 - (e) The name, address, telephone number and email address of the rental agent, which shall constitute his or her 7 day a week, 24-hour a day contact information;
 - (f) The name, address, telephone number and email address of the MTRP responsible party, which shall constitute his or her 7 day a week, 24-hour a day contact information;
 - (g) The owner's sworn acknowledgement that he or she has received a copy of this Section, has reviewed it, understands its requirements and certifies, under oath, as to the accuracy of all information provided in the permit application;
 - (h) The number and location of all parking spaces available to the premises, which shall include the number of legal off-street parking spaces on the property;
 - (i) The owner's agreement that all renters of the MTRP shall be limited to one (1) vehicle per two occupants in the MTRP;
 - (j) The owner's agreement to use his or her best efforts to assure that use of the premises by all transient occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and
 - (k) Any other information that this Section requires a property owner to provide to the Township in connection with an application for a Residential Rental Certificate of Occupancy. The Colts Neck Township Zoning Officer or its designee shall have the authority to obtain additional information from the MTRP owner/applicant or amend the permit application to require additional information, as necessary, to achieve the objectives of this Section.
2. Every application for an MTR permit shall require annual inspections for the MTRP's compliance with the Township's fire safety regulations and Property Maintenance Code. In addition, each application is subject to review to verify the MTRP's eligibility for use as an MTR and compliance with the regulations in this section. Failure to abate any outstanding violations prior to occupancy can result in a summons.
 3. For a condominium MTR permit application, a letter of approval by the condominium association must be submitted with the application.
 4. A zoning permit, which states that the premises are not being occupied or used in violation of the Township's Development Regulations, shall be required.
 5. A sworn statement shall be required that there have been no prior revocations or suspensions of this or a similar license, in which event a license shall not be issued, which denial may be appealed as provided hereinafter.
 6. Attached to and concurrent with submission of the permit application described in this Section, the owner shall provide:

- (a) Proof of the owner's current ownership of the MTR unit;
 - (b) Proof of general liability insurance in a minimum amount of \$500,000; and
 - (c) Written certifications from the rental agent and responsible party that they agree to perform all of the respective duties specified in this Section.
7. The MTRP owner/permit holder shall publish the MTR permit number issued by the Township in every print, digital, or internet advertisement, and/or in the Multiple Listing Service (hereinafter "MLS") or other real estate listing of a real estate agent licensed by the NJ State Real Estate Commission, in which the MTRP is advertised for rent.
 8. Each and every time there is a change of occupancy by transient occupants during the year when the permit is active, the MTRP owner, or rental agent must provide the Township with information as to the identity of all transient occupants who will be occupying the MTRP, on a form to be made available by the Colts Neck Township Zoning Officer or in electronic format on the Township website. The intent is that the Township shall have basic identifying information of all occupants of the MTRP at all times, just as required by the Township in conjunction with any standard Residential Rental Certificate of Occupancy application, which information shall include the occupant's or occupants' names and ages, and the dates of the commencement and expiration of the term of each MTR period of the respective occupant(s).
 9. In no event shall a MTRP be rented to anyone younger than twenty-one (21) years of age. The primary occupant of all MTRs executing the agreement between the owner and the occupant must be over the age of twenty-one (21), and must be the party who will actually occupy the property during the term of the MTR. The primary occupant may have guests under the age of twenty-one (21) who will share and occupy the property with them. Both the primary occupant executing the MTR agreement and the MTRP owner shall be responsible for compliance with this provision, and shall both be liable for a violation, where the property is not occupied by at least one adult over the age of twenty-one, during the term of the MTR.
 10. The Township Administrator or their designee may waive irregularities within this Section upon its implementation.

E. Issuance of Permit and Appeal Procedure.

1. Once an application is submitted, complete with all required information and documentation and fees, the Zoning Officer, following any necessary investigation for compliance with this Section, shall either issue the MTR permit and Certificate of Occupancy, or issue a written denial of the permit application (with the reasons for such denial being stated therein), within ten (10) business days.
2. If denied, the applicant shall have ten (10) business days to appeal in writing to the Township Administrator, by filing the appeal with the Township Administrator's Office.
3. Within thirty (30) days thereafter, the Township Administrator or their designee shall hear and decide the appeal.
4. A permit shall only be issued after all outstanding violations have been abated.

F. Medium Term Rental Operational Requirements.

1. All MTRs must comply with all applicable rules, regulations and ordinances of Colts Neck Township and all applicable rules, regulations and statutes of the State of New Jersey, including regulations governing such lodging uses, as applicable. The MTRP owner shall ensure that the MTR is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of an MTR.
2. A dwelling unit shall be limited to a single MTR contract at a time.
3. The owner of a MTRP shall not install any advertising or identifying mechanisms, such as signage, including lawn signage, identifying the property for rent as a MTRP.
4. Transient occupants of the MTRP shall comply with all ordinances of Colts Neck Township including, but not limited to those ordinances regulating noise and nuisance conduct. Failure of transient occupants to comply shall subject the transient occupants, the owner of the MTRP, the Responsible Party and the Rental Agent listed in the MTR permit application, to the issuance of fines and/or penalties, and the possibility of the revocation or suspension of the MTRP permit.
5. The owner of a MTRP shall post the following information in a prominent location within the MTR:
 - (a) Owner name; if owner is an entity, the name of a principal in the entity, and phone number for the owner (individual);
 - (b) The names and phone numbers for the Responsible Party and the Rental Agent (as those terms are defined in this Section);
 - (c) The phone numbers for the Colts Neck Township Police Department, the Colts Neck Township Fire Department, the Colts Neck Township Code Enforcement Department and the Colts Neck Township Zoning Officer;
 - (d) The maximum number of parking spaces available on site;
 - (e) Trash and recycling pick-up day, and all applicable rules and regulations regarding trash disposal and recycling;
 - (f) A copy of Colts Neck Township Code Chapter 79, Animals; and
 - (g) Notification that a guest, Transient Occupant, the Rental Agent, the Responsible Party or MTRP owner may be cited or fined by the Colts Neck Township Police Department or the Colts Neck Township Zoning Officer, for violations of, and in accordance with any applicable Ordinance(s) of Colts Neck Township;
6. In the event any complaints are received by the Colts Neck Police Department or the Zoning Officer regarding the MTR and/or the Transient Occupants in the MTRP, and the owner of the MTRP is unreachable or unresponsive, both the Responsible Party and the Rental Agent listed in the MTR permit application shall have the responsibility to take any action required to properly resolve such complaints, and shall be authorized by the MTRP owner to do so.
7. While a MTRP is rented, the owner, the Rental Agent, or the Responsible Party shall be available twenty-four hours per day, seven days per week for the purpose of responding within two (2) hours to complaints regarding the condition of the MTRP premises, maintenance of the MTRP premises,

operation of the MTRP, or conduct of the guests at the MTRP, or nuisance complaints from the Colts Neck Police Department or neighbors, arising by virtue of the MTR of the property.

8. If the MTRP is the subject of two (2) or more substantiated civil and/or criminal complaints, the Township Administrator or their designee may revoke the MTR permit issued for the property, in which case, the MTRP may not be the subject of a new MTRP permit application for one (1) year following the date of revocation of the permit.
9. Failure to make application for, and to obtain the issuance of, a MTR permit prior to advertising the MTRP in print publications or newspapers, on any internet-based booking platforms, or online, and/or in the MLS or other real estate listing of a real estate agent licensed by the NJ State Real Estate Commission, shall be equivalent to operation of the MTRP without a permit, and shall constitute a violation of this Code, and will result in enforcement action and the issuance of a Summons, and shall subject the MTRP owner, the Rental Agent, and the Responsible Party to issuance of fines and/or penalties.
10. The person offering a dwelling unit for MTR use must be the owner of the dwelling unit. A tenant of a property may not apply for an MTR permit, nor shall the property or any portion thereof be sub-leased by the tenant on a medium-term basis or operated as a MTRP by the tenant. This MTRP regulation shall supersede any conflicting provision in a private lease agreement permitting sub-leasing of the property, or any portion of the property. Violation of this Section will result in enforcement action against the tenant, the MTRP owner, the Rental Agent, and the Responsible Party, and will subject all such parties to the issuance of a Summons and levying of fines and/or penalties.
11. In the event that the Township receives three (3) substantiated complaints concerning excessive vehicles belonging to the transient occupants of a MTRP, the MTR permit for the property is subject to revocation by the Township Administrator or his designee.
12. The MTRP owner must be current with all tax and sewer charges assessed to the property prior to the issuance of an MTR permit. In the event that any code violations have been issued by the Township relating to the MTRP, an MTR permit shall not be issued until such time as such violations have been properly abated. The MTRP owner must also close any open construction permits for the property prior to the issuance of an MTR permit.
13. All fines or penalties issued by the Municipal Court for Colts Neck Township for any past code violations relating to the MTRP, including penalties for failure to appear in Court, must be satisfied in full prior to the issuance of an MTR permit.

§ 138-6. Advertising Prohibited.

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

§ 138-7. Violations and Penalties.

- A. The provisions of this Ordinance shall be enforced by the Zoning Officer for the Township or other persons designated by the Township Committee, to issue municipal civil infractions directing alleged violators of this Ordinance and/or to appear in court or file civil complaints.
- B. A violation of this Ordinance 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.

- C. Any person found to have violated any provision of this Ordinance, without regard to intent or knowledge, including the property owner, transient occupant(s) and/or the rental agent, 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 Ordinance.
- D. 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 Township's Municipal Court or the Superior Court of New Jersey in the vicinage of Monmouth County, or in such other Court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

SECTION II: Chapter 93, Certificates of Continued Occupancy, shall be amended as follows:

§ 93-4, Issuance of certificates of continued occupancy, shall be amended as follows:

From and after the effective date of this chapter, no person, firm, corporation or other entity shall occupy or reoccupy any commercial property after the sale, rental or the transfer of such property, and no person, firm, corporation or other entity shall rent a residential dwelling unit unless a certificate of continued occupancy shall have been issued by the Constructional Official certifying that such property is in compliance with all of the standards of this chapter. For purposes of this chapter, a "commercial property" shall be any structure or portion thereof, occupied or intended for occupancy for any retail, office, personal service, industrial use or property accessory thereto or any use other than a residential or agricultural use. **Subject to the permitting requirements and limitations provided by Chapter 138, Residential Rental Property Regulations**, A a rental residential dwelling unit shall be a building or portion thereof occupied or intended to be occupied for residential purposes by one family that is not owner occupied. **Certificates of continued occupancy shall be required for any Long Term Rental as that term is defined within § 138-2, Residential Rental Property Permitted Uses and Prohibitions.**

Amend § 93-5 Application; fees, shall be amended to add new Subsection C as follows:

"C. The application fee and procedures pertaining to Residential Rental Certificates of Occupancy shall be as provided by § 138-5, Medium Term Rental Regulations."

SECTION III. Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION IV. Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION V. Inconsistent Ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION VI. This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 13th day of January 2021. A public hearing will be held on February 10, 2021, 7:30 p.m. Town Hall, 124 Cedar Drive.



Michael Viola, Mayor



Trina Lindsey, Township Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 13, 2021					February 10, 2021				
	M S	Yes	No	NV	Ab	M S	Yes	No	NV	Ab
Mayor Viola		X					X			
Deputy Mayor Bartolomeo	S	X				M	X			
Fitzpatrick		X				S	X			
Torchia Buss		X					X			
Rizzuto	M	X					X			
M - Moved	S - Seconded	X - indicates vote			NV - Not Voting			Ab - Absent		