

DRAFT
TOWNSHIP OF MEDFORD

ORDINANCE 2023-_____

**AN ORDINANCE OF THE TOWNSHIP OF MEDFORD, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY AMENDING CHAPTER 606 OF THE TOWNSHIP CODE
“PROHIBITED USES SPECIFIED” TO ADOPT SECTION 606 B.9 “SHORT-TERM
RENTALS”**

SECTION ONE. Purpose. The Medford Township Council makes the following findings of fact:

- (a) N.J.S.A. 40:52-1(n) permits a municipal governing body to “make, amend, repeal and enforce ordinances to license and regulate...(n) The rental of real property for a term less than 175 consecutive days for residential purposes by a person having a permanent place of residence elsewhere.”
- (b) The Medford Township Council finds that it is necessary to regulate and prohibit short term rentals, as defined herein, to protect property values, and to reduce the demands on the Township police and zoning officials in responding to noise and other nuisance complaints concerning short term rentals, while leaving property owners free to rent their properties for time periods longer than the short term rental period prohibited by this ordinance, provided that the owner is living elsewhere.
- (c) The Medford Township Council further finds that short term rentals, as defined herein, are inconsistent with the purpose of the Township’s residential zoning districts and the short term, commercial use of residential properties for rental income or other consideration, is detrimental to the Township’s residents and citizens peaceful use and enjoyment of their residential property.

SECTION TWO. Amendment. The Medford Township Code, Section 606 “Prohibited Uses Specified” is hereby amended to adopt a new §606.B.9 entitled “Short-Term Rentals” as follows:

§606 B.9 Short-Term Rentals

- (a) **Prohibition:** It shall be unlawful for any person to rent, lease, sublease, operate, or to advertise for rental, lease or sublease, or otherwise provide for a fee or in exchange for any other form of consideration to keep, use or maintain a short-term rental of a short-term rental property

in Medford Township. No more than one rental of any property in Medford Township shall be permitted in any thirty-one (31) day time period.

(b) **Definitions.** In this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless the context of their use herein clearly demonstrates a different meaning.

“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, or other form of payment or thing of value.

“DWELLING UNIT” shall mean a single-family house, a unit within a multiple-unit building, condominium, transient accommodation, apartment, cottage, bungalow, or other unit consisting of a room or a suite of rooms which is occupied, or intended, arranged, or designed to be occupied, for sleeping or dwelling purposes.

“GUEST LIVING SPACE” shall mean one or more rooms, whether same constitutes an independent housing unit or not, whether furnished or unfurnished, other than licensed hotels, motels, rooming or boarding houses, which space is kept, used, maintained, occupied, advertised or held out as, or is intended, arranged or designed to be, or actually is occupied for sleeping or living purposes by one or more persons for rental, lease or sublease.

“PERSON” shall mean any individual, corporation, company, partnership, firm, or association, specifically including the owner of any property in Medford Township.

“SHORT-TERM RENTAL” shall mean the use of a dwelling unit or guest living space for occupancy by someone other than the unit's owner, permanent resident, guest or immediate family for a period of thirty-one (31) or less consecutive days, for payment of rent or other consideration, and which is advertised or otherwise held out to the public as a place rented to temporary occupants.

“SHORT-TERM RENTAL PROPERTY” shall mean residential real property used and/or advertised for rent or other consideration as a short-term rental by a person other than the property owner, permanent resident, guest or immediate family for a period of thirty-one (31) or less consecutive days. Dwelling units rented to the same occupant for more than thirty-one (31) continuous days shall not be considered Short-Term Rental Property.

(c) **Exemptions:** The provisions of this ordinance shall not apply to any licensed or approved hotel, motel, dormitory, public or private club, bed and breakfast inn, convalescent home, rest home, group home (as defined and permitted pursuant to the New Jersey Land Use Law, N.J.S.A. 40:55D-1 *et seq.*) or any housing operated or used exclusively for religious, charitable or educational purposes. This ordinance shall not apply to any lease or occupancy which results from a tenant holding over at the expiration or early termination of a lease with an original term in excess of thirty-one (31) consecutive days, regardless of whether the holdover is month-to-month or for some other term of less than thirty-one (31) consecutive days.

SECTION THREE: Violations and Penalties: Any person who violates the provisions of this Ordinance shall be subject to the penalties as set forth in Chapter 1004 of the Township Code, which is expressly incorporated herein. As set forth in that Chapter, each day that a violation continues shall constitute a separate offense. In the event of any alleged violation of this Ordinance, the property owner shall be required to provide the Township with a copy of all leases or other rental authorizations on the property.

SECTION FOUR: *REPEALER, SEVERABILITY AND EFFECTIVE DATE*

- A. Any and all Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.
- B. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.
- C. This Ordinance shall take effect immediately upon final passage and publication according to law.