

**TOWNSHIP OF DOWNE
CUMBERLAND COUNTY, NEW JERSEY**

ORDINANCE NO. 2024-05

**AN ORDINANCE REGULATING THE SHORT-TERM RENTALS OF A
HOME OR RESIDENCE LOCATED WITHIN THE TOWNSHIP OF DOWNE,
COUNTY OF CUMBERLAND AND STATE OF NEW JERSEY**

WHEREAS, the Township committee of the Township of Downe believes that an ordinance concerning the short-term rental or leasing of a residence, home or a bedroom for periods of 30 days or less, needs to be governed by the Township for the best interest, health, safety, and welfare of all; and

WHEREAS, the increase of Short-term renters within the Township has increased the utilization of municipal services to accommodate visitors; and

WHEREAS, the Township of Downe need to assure continuity of services for residents of Downe Township, such as increased utilities, police, code enforcement, fire and EMS services,

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Downe that the Township of Downe be and is hereby amended as follows:

**CHAPTER ONE
SHORT TERM RENTALS**

ARTICLE I. DEFINITION.

A short-term rental shall be defined as a temporary lease or rental of a bedroom, residence or home to a person or persons for periods of less than 30 days as a place for vacation.

Short-term rentals are usually facilitated through the use of online companies such as Airbnb, HomeAway or VRBO (Vacation Rentals by Owner) or similar.

Rental or leases of periods of 31 days or greater will be considered a long-term rental/lease are subject to the ordinances already in place for the purpose of this ordinance.

ARTICLE II. DIFFERENCES BETWEEN SHORT-TERM AND LONG-TERM RENTALS:

Short-Term Rental (STR Permit)	Long-Term Rental (Certificate of occupancy)
Allows rentals of 30 days or less	Allows rentals of 31 days or more
A STR Permit allows for unlimited rentals during a 12-month period (up to a cumulative total of 180 days)	A certificate of Occupancy is required for every change in tenant.

Allows rentals for five (5) eligible classifications of properties	Allows rentals for any residential unit
Two inspections required over a 12-month period	An inspection is need for each new rental
One permit fee for all rentals in a 12-month period	A fee is required for each new rental

Which properties are permitted to rent on a short-term basis under the STR ordinance?

The STR Ordinance provides for five (5) classifications of properties permitted to be rented on a short-term basis; those classifications are as follows:

1. A condominium, (if one is created in the future in the Township of Downe) and its bylaws permit short-term rentals, and the unit is not the principal residence of the owner.
2. A single-family residence, where the property is not the principal residence of the owner.
3. One (1) unit in a two-family residence, where the other unit is the principal residence of the owner.
4. One (1) unit in a multiple-family residence, where one of the other units is the principal residence of the owner.
5. Not more than two (2) rooms (i.e. a bedroom) within a single-family residential dwelling unit, where the room shares a common kitchen and bathroom facilities with the occupant of the dwelling unit, and the remainder of the single-family dwelling is owner-occupied.

ARTICLE III. REGISTRATION REQUIRED.

1. The Township of Downe shall require an owner/operator to obtain a STR permit yearly, that shall require a yearly inspection fee (to be set). The inspection shall be the same inspection and fee as required by a long-term rental unit.
2. The STR Permit will require that the owner/operator submit the following information.
 - a. The name, address, email, and telephone number of the owner/operator.
 - b. The name, address, email and 24-hour phone number of a responder, if the owner/operator does not reside in the Township of Downe. (The responder must be a person that will have the ability to respond within one (1) hour of a complaint or issue at the STR.
3. The responder must be able to rectify any issues and/or have the ability to take remedial action to resolve complaints.

4. Such other information as the Township may deem reasonably necessary to administer this section.

ARTICLE IV. MAINTENANCE.

Owner/Operators of STR's shall maintain the outside of the residence in accordance with Downe Township property maintenance ordinances at all times. Owner/operators will also maintain trash removal at each STR that will be emptied weekly.

ARTICLE V. FEES.

A STR will require the same inspection yearly as an LTR (long-term rental) and subject to the same fee as required by the Township of Downe.

In addition to the yearly permit fee for a STR, the Township of Downe will impose a 3% tax upon any STR (short-term rental) of total rental fee, excluding any deposit or tax.

The short-term rental (STR) tax fee shall be subject to collection by the listing agent or online platform, if such property is listed in that manner, or by the individual owner/operator.

Owner/Operators are responsible to maintain contemporaneous records of shore term rental operations, receipts and bookings which shall be made available for review by the Township upon request and at the time of permitting.

Failure to comply with the terms and conditions of this Ordinance shall subject the owner and operator to fines to be established and amended by the Township. The initial fine for violation shall be a fine not less than \$75.00 and not more than \$200.00 for the first offense. Thereafter, subsequent offenses shall bear a fine from \$100.00 to \$350.00.

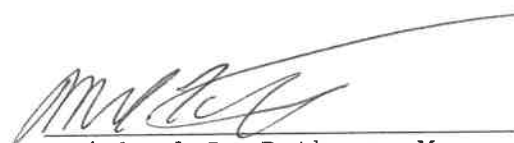
BE IT FURTHER ORDAINED that all former Ordinances of the Township Downe which are in conflict with the provisions contained in this ordinance are hereby repealed upon adoption of this Ordinance.

BE IT FURTHER ORDAINED if any part or parts of this Ordinance are held to be invalid for any reason such decision shall not affect the validity of the remaining portions of this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately after final adoption and publication as required by law.

ATTEST:


Nadine E. Lockley, Municipal Clerk


Michael L. Rothman, Mayor



**TOWNSHIP OF DOWNE
CUMBERLAND COUNTY, NEW JERSEY**

RECORD FOR ORDINANCE # 2024-05

Introduce Ordinance on First Reading

Motion: JORDAN

Second: BYRNE

Introduce Ordinance / First Reading Date: March 11, 2024

Ordinance Published: March 15, 2024

Ordinance Posted: March 11, 2024

Public Hearing / Second Reading Date: April 8, 2024

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Jordan, L.	X			
Byrne, S.	X			
Rothman, M.	X			
Bart, E.	X			
Campbell, R.	X			

Adoption of Ordinance

Motion: CAMPBELL

Second: BYRNE

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Jordan, L.	X			
Byrne, S.	X			
Rothman, M.	X			
Bart, E.	X			
Campbell, R.	X			

Final Adoption Date: APRIL 8, 2024

Notice of Final Passage Published: APRIL 16, 2024

Notice of Final Passage Posted: APRIL 8, 2024

April 8, 2024
Date

Nadine E. Lockley
Nadine E. Lockley, Municipal Clerk