

BOROUGH OF RED BANK
COUNTY OF MONMOUTH

RESOLUTION NO. 23-73

RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY
OVERRIDING THE MAYOR’S VETO OF PORTIONS OF ORDINANCE NO. 2023-02 ORDINANCE
OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY CREATING A
NEW CHAPTER ENTITLED SHORT TERM RENTALS

WHEREAS, NJ.S.A. 40A:60-5(d) provides that every ordinance adopted by a municipal council shall, within five days after its passage, Sundays excepted, be presented to the mayor by the borough clerk, and the mayor shall, within ten days after receiving the ordinance, Sundays excepted, either approve the ordinance by affixing his signature thereto or return it to the municipal council by delivering the ordinance to the borough clerk together with a statement setting forth his objections thereto or any item or part thereof; and

WHEREAS, on February 13, 2023, the Clerk of the Borough (the “Clerk”) presented the Ordinance to the Mayor of the Borough (the “Mayor”); and

WHEREAS, on February 22, 2023, the Mayor delivered to the Clerk a statement, a copy of which is attached hereto as Exhibit A, setting forth his objections to the Ordinance since it fails to allow short term rentals in owner-occupied dwellings; and

WHEREAS, NJ.S.A. 40A:60-5(d) provides that the Borough Council may override the Mayor’s veto if, upon consideration of the ordinance following its return, the Borough Council resolves to override the veto, with no less than two-thirds of its membership concurring.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF RED BANK, IN THE COUNTY OF MONMOUTH, NEW JERSEY (NO LESS THAN TWO-THIRDS OF ITS MEMBERSHIP AFFIRMATIVELY CONCURRING) AS FOLLOWS:

- Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.
- Section 2. The Borough Council, in accordance with the statute, hereby overrides the Mayor’s veto of the Ordinance, and the Ordinance shall become effective in accordance with applicable law.
- Section 3. This resolution shall take effect immediately.

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Councilmember Jackson			x			
Councilmember Mirandi						x
Councilmember Sturdivant		x	x			
Councilmember Triggiano				x		
Councilmember Ballard	x		x			
Councilmember Zipprich			x			
Mayor Portman						
ON CONSENT AGENDA	Yes _		No x_			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, In the County of Monmouth at a Meeting held on March 3, 2023.

Laura Reinertsen

Laura Reinertsen, Borough Clerk

RED BANK MAYOR VETOES SHORT TERM RENTAL ORDINANCE

Press Release

Red Bank, NJ - On February 8, 2023, the majority on the Red Bank Borough Council passed an ordinance effectively banning short term rentals in Red Bank. In truth, an outright ban would be more equitable as the ordinance levies differential treatment across zones. However, the intent to prohibit homeowners broadly from offering short term rentals is unmistakable.

Slight variations of this ordinance were brought before the council several times in 2022. During the final council meeting of 2022, the ordinance was tabled, with a promise by Councilman Michael Ballard that there would be a meeting with the public in January to work out the contended details. This meeting never happened. Instead, Councilman Ballard came back with an even more restrictive ordinance that was introduced and passed this month by his council-majority bloc. During public comment, we heard from numerous residents, including residents who share their homes with travel nurses, with visiting artists performing at the Two River theatre, or with people in town visiting family. We heard from neighbors who had formed an informal supportive network of hosts, some of whom use the extra income in order to afford to stay in their homes. These ways of helping one another would no longer be allowed under Councilman Ballard's new ordinance effectively banning short term rentals.

In an effort to appease a few people in complete opposition to short term rentals, Councilmembers Ballard, Jackson, Sturdivant, Mirandi, and Zipprich ignored the simple and widely acceptable solution - to require that short term rentals are owner-occupied. This would eliminate the concerns raised about individual properties, while preserving the rights of Red Bank homeowners in all districts. I believe a governing body that does not listen to its residents and is not forthright about its aims is not an effective governing body. Having received voluminous e-mails and feedback from Red Bank residents in support of allowing at least owner-occupied short term rentals, I believe it is my obligation as mayor to veto this ordinance.

As always, I invite any resident that has any concerns about this issue to e-mail me at wportman@redbanknj.org, or you can visit me at my open public office hours every Monday from 4-6 PM.