

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
RESOLUTION**

**RESOLUTION NO. 126-2020**

**PROHIBITING TRANSIENT, SEASONAL AND SHORT-TERM RENTALS  
AND ONLINE MARKETPLACES ARRANGING OR OFFERING  
LODGING IN UPPER TOWNSHIP, CAPE MAY COUNTY, NEW JERSEY**

---

**WHEREAS**, on March 9, 2020, Governor Philip Murphy issued Executive Order 103 (2020) which declared a Public Health Emergency and State of Emergency in New Jersey; and

**WHEREAS**, since the issuance of Executive Order 103 (2020) Governor Murphy has issued a series of Executive Orders, the purpose of which is to protect the health, safety and welfare of New Jersey residents through efforts to reduce the rate of community spread of COVID-19; and

**WHEREAS**, on March 21, 2020 Governor Murphy issued Executive Order 108 (2020) which, inter alia, recognized that certain municipalities may have legitimate concerns about an influx of new visitors and the resulting public health concerns as the entire state endeavors to comply with social distancing and provided municipalities with the ability to impose restrictions in response to COVID-19 with respect to online marketplaces for arranging or offering lodging; and

**WHEREAS**, Administrative Order 2020-8, issued by the State Director of Emergency Management on April 4, 2020, permits municipalities to impose restrictions in response to COVID-19 on the ability of hotels, motels, guest houses or private residences or part thereof to accept new tenant guests or seasonal tenants; and

**WHEREAS**, a temporary prohibition against online marketplaces for arranging or offering lodging and a prohibition against transient, seasonal, and/or short term rentals will help to reduce the risk of spreading the COVID-19 among the residents of Upper Township; and

**WHEREAS**, The Upper Township Emergency Management Coordinator has proclaimed a local disaster emergency within Upper Township and, pursuant to Executive Order 108 (2020), and Administrative Order 2020-8, ordered that:

- 1) All transient seasonal, and/or short-term rentals are prohibited; and
- 2) That online marketplaces are prohibited from arranging, offering or providing lodging in Upper Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. In accordance with the aforesaid Executive Order 108 (2020) and Administrative Order 2020-8 the Township Committee does hereby confirm and ratify the orders of the Upper Township Emergency Management Coordinator that effective immediately for the duration of the Governor's Orders:

- a) Online marketplaces are prohibited from arranging, offering, or providing lodging in Upper Township; and
- b) All transient, seasonal and/or short-term rentals are prohibited subject only to the exemptions set forth in Administrative Order 2020-8.

3. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.

  
 \_\_\_\_\_  
 RICHARD PALOMBO, Mayor

  
 \_\_\_\_\_  
 BARBARA L. YOUNG, Township Clerk

Resolution No. 126-2020

Offered by: Barr

Seconded by: Corson

Adopted: April 6, 2020

Roll Call Vote:

NAME	YES	NO	ABSTAIN	ABSENT
Barr	X			
Coggins	X			
Corson	X			
Young	X			
Palombo	X			

**TOWNSHIP OF UPPER  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

PROCLAMATION OF LOCAL DISASTER EMERGENCY

ORDER PROHIBITING ONLINE MARKETPLACES THAT  
ARRANGE OR OFFER LODGING

ORDER PROHIBITING TRANSIENT, SEASONAL AND/OR SHORT-TERM RENTALS

TO ALL CITIZENS AND PERSONS WITHIN THE MUNICIPALITY OF UPPER TOWNSHIP, NEW JERSEY, AND TO ALL DEPARTMENTS, DIVISIONS AND BUREAUS OF THE MUNICIPAL GOVERNMENT OF UPPER TOWNSHIP, NEW JERSEY:

WHEREAS, pursuant to the powers vested in me as Emergency Management Coordinator of Upper Township by N.J.S.A. App. A:9-30 et. seq., I proclaim a local disaster emergency exists within the Township of Upper with respect to the COVID-19 Pandemic; and

WHEREAS, N.J.S.A. App. A:9-40.5 authorizes the promulgation of such orders, rules and regulations, as are necessary to meet the various problems which have or may be presented by such a disaster emergency; and

WHEREAS, by reason of the conditions which presently exist in the Township of Upper which may affect the health, safety, and welfare of the people of the Township of Upper I find this Proclamation and these orders are necessary; and

WHEREAS, on March 21, 2020, Governor Philip D. Murphy issued Executor Order 108 which, inter alia, recognized that certain municipalities have legitimate concerns about an influx of new visitors and the resulting health concerns as the state attempts to comply with social distancing and provided municipalities with the ability to impose restrictions in response to COVID-19 with respect to online marketplaces that arrange or offer lodging; and

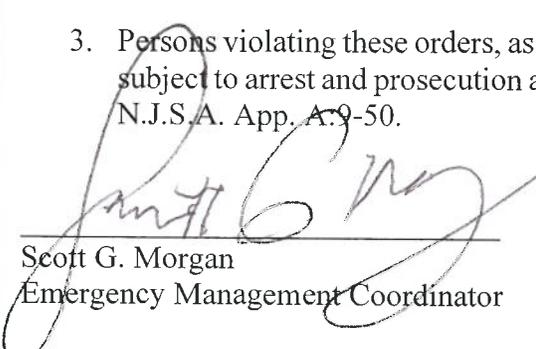
WHEREAS, it has been determined that a temporary prohibition against online marketplaces for arranging or offering lodging will help reduce the risk of spreading COVID-19 among the residents of Upper Township; and

WHEREAS, Administrative Order 2020-8 issued by the State Director of Emergency Management on April 4, 202, permits municipalities to impose restrictions in response to COVID-19 on the ability of hotels, motels, guest houses, or private residences or parts thereof to accept transient guests or seasonal tenants; and

WHEREAS, it has been determined that such transient , seasonal and/or short-term rentals poses a significant risk of spreading COVID-19 among the residents of Upper Township; and

NOW, THEREFORE, IN ACCORDANCE WITH the aforesaid law and Executive Order 108, I do hereby proclaim a state of local disaster emergency within the Township and order the following:

1. Effective immediately for the duration of the Governor's Executive Orders online marketplaces are prohibited from arranging, offering or providing lodging in Upper Township, New Jersey.
2. All transient, seasonal and/or short-term rentals in Upper Township, New Jersey, are prohibited effective immediately for the duration of the Governor's Executive Orders, subject only to the exemptions set forth in Administrative Order 2020-8.
3. Persons violating these orders, as well as those who aid or abet violations of these orders are subject to arrest and prosecution as disorderly persons pursuant to N.J.S.A. App. A:9-49 and N.J.S.A. App. A:9-50.

  
\_\_\_\_\_  
Scott G. Morgan  
Emergency Management Coordinator

4/6/2020  
Date