



## ORDINANCE 1796

### AN ORDINANCE ESTABLISHING CHAPTER 17.44 PROHIBITION OF SHORT-TERM RENTAL PROPERTY OF THE BOROUGH CODE

**BE IT ENACTED AND ORDAINED**, by the Mayor and the Borough Council of the Borough of Glen Ridge, in the County of Essex and the State of New Jersey, as follows:

#### **17.44.010 - Short-Term Rental Property Prohibited Uses.**

A. Notwithstanding anything to the contrary in the Borough Code, it shall be unlawful for an owner, lessor, sublessor, any other person(s) or entity(ies) with possessory or use right(s) in a dwelling unit, their principals, partners or shareholders, or their agents, employees, representatives and other person(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 30 days or less.

B. Nothing in this ordinance will prevent formation of an otherwise lawful occupancy of a dwelling unit for a rental period of more than 30 days.

#### **17.44.020 - DEFINITIONS.**

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

**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 for the purpose of establishing occupancies or uses of rental property, for Consideration, which are prohibited by this ordinance.

**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. This definition includes an apartment, condominium, building, cooperative, converted space, or portions thereof, that is offered to use, made available for use, or is used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s), for consideration, for a period of 30 days or less.

**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.

**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.

**Owner** - Any person(s) or entity(ies), association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sublease 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.

**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.

**Residential Occupancy** - The use of a dwelling unit by an occupant(s).

#### **17.44.030 - PERMITTED USES.**

The residential occupancy of an otherwise lawful and lawfully occupied dwelling for a period of 30 days or less by a person who is a member of the housekeeping unit of the owner, without consideration, such as house guests, is permitted.

#### **17.44.040 - ADVERTISING PROHIBITED.**

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

#### **17.44.050 – APPLICATION FOR RENTAL REQUIRED.**

The owner or owners of any dwelling unit, or any agent acting on behalf of any owner or owners as defined herein, who intends to rent or lease all or any part thereof as a residential rental, during all or any portion of the ensuing year, shall first make application to the Construction Official of the Borough for the issuance of a rental certificate of occupancy on each form or forms as may be required by the Construction Official.

#### **17.44.060 – CERTIFICATE OF OCCUPANCY REQUIRED.**

In accordance with Chapter 15.12.010, a certificate of occupancy must be obtained upon each change of occupancy, tenancy, ownership, or use of any building.

#### **17.44.070 – CONTENTS OF APPLICATION FOR RENTAL**

Every person required to procure a certificate of occupancy and a license under the provisions of this chapter shall submit an application for such to the Construction Department at the Municipal Building of the Borough of Glen Ridge, which application shall be accompanied by the full amount of the fees chargeable for the certificate and/or license sought. All applications for a certificate or license under the provisions of this chapter shall be by a written statement upon the forms provided by the Construction Department and shall contain the following:

- a. A statement that there have been no prior revocations or suspensions of license, and that there are no pending open complaints awaiting a hearing. In the event there has been a prior revocation, suspension or violation, or a pending complaint, the Construction Code Official shall not issue the license or certificate. An appeal from the Construction Code Official's decision not to issue the license may be taken as provided herein; and
- b. A statement that neither the property or the individual applicant, or any entity that the individual applicant has been a member of, or an owner of, has had any prior violations of any Borough ordinance within the last year, and that there are no pending complaints awaiting a hearing. In the event there has been a violation, or is a complaint, the Construction Code Official shall not issue a license or certificate. An appeal from the Construction Code Official's decision not to issue the license or certificate may be taken as provided herein; and
- c. A statement that the applicant is not violating the Zoning Ordinance of the Borough of Glen Ridge at the property in question; and
- d. A statement that the applicant will act in full compliance with Chapter 15.36; and

e. The name of the person to whom the license will be issued and his or her residence address; if the applicant is not an individual, then the names, positions, and the residence addresses of all officers and managers of the applicant.

**17.44.080 – FEES.**

The fee for the Application for Rental or renewal thereof shall be \$300 per unit, and the license shall be valid for the calendar year of its issue.

**17.44.090 - ENFORCEMENT; VIOLATIONS AND PENALTIES.**

A. The provisions of this ordinance shall be enforced by the Zoning Official, Fire Official and/or other Subcode or Code Official, as their jurisdiction may arise, including other persons designated by the Borough Council, to issue municipal civil infractions directing alleged violators of this ordinance to appear in court or to 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 owner found to have violated any provision of this ordinance, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$1,250. 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 Borough's Municipal Court or the Superior Court of New Jersey in the vicinage of Essex County, or in such other Court, or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

**17.44.100 – EXCEPTIONS.**

Exceptions to the period of days maybe be granted by the Mayor and Council by resolution for certain reasons, such as regional events, rehabilitating interior of home in Glen Ridge, in conjunction with a filming license, or others. If such an exception is desired, the following information must be provided:

- a. The reason for the exception request
- b. Length of time for the excepted period
- c. Contact information for excepted party (i.e. the occupant)

**17.44.110 SEVERABILITY.**

If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

**BE IT FURTHER ENACTED AND ORDAINED**, that this ordinance shall take effect immediately upon final passage and publication in accordance with the law.

Ordinance Introduction: Monday, September 11, 2023

Ordinance Adoption: Tuesday,

ATTEST:

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Stuart K. Patrick  
Mayor

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Tara Ventola  
Municipal Clerk