

PUBLIC NOTICE

**BOROUGH OF ROCKLEIGH
ORDINANCE NO. 2022-2
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the following Ordinance was Introduced and passed on first reading at the Regular Meeting of the Mayor and Council of the Borough of Rockleigh, Bergen County, New Jersey on February 7, 2022 and that said Ordinance will be taken up for further consideration for final passage at the Regular Meeting of the Mayor and Council to be held in its meeting room in the Borough Hall, 26 Rockleigh Road, Rockleigh, New Jersey on the 7th day of March, 2022 at 7:00 PM or as soon thereafter as the matter can be reached at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same. A copy of this Ordinance is on file in the Office of the Borough Clerk and available for inspection during normal business hours.

Marcella Giampiccolo, RMC
Borough Clerk

**BOROUGH OF ROCKLEIGH
ORDINANCE 2022-2**

**AN ORDINANCE TO PROHIBIT SHORT TERM
RENTALS IN THE BOROUGH AND TO ESTABLISH
PENALTIES FOR THE VIOLATION THEREOF.**

WHEREAS, the New Jersey Legislature has, pursuant to *N.J.S.A. 40:52-1(d)* and *(n)*, authorized municipalities to regulate “furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof,” as well as the “rental of real property for a term of less than one hundred seventy-five (175) consecutive days for residential purposes by a person having a permanent place of residence elsewhere”; and

WHEREAS, in recent years, there has been a marked increase in the advertisement of short-term rental of dwelling units for periods from one (1) to one hundred seventy-five (175) days (“Short Term Rentals”) within the Borough and neighboring municipalities; and

WHEREAS, the Borough has determined that Short Term Rentals frequently result in a deterioration of the neighborhood character, public nuisance, noise complaints, overcrowding and illegal parking within the residential neighborhoods in the Borough, and the effective conversion of residential Dwelling Units into de-facto hotels, motels, or similar facilities, in violation of the Borough Code, Zoning Ordinances, and other State laws, rules and regulations; and

WHEREAS, the Borough therefore wishes to prohibit short-term rentals in order to: (1) ensure that traditional residential neighborhoods are not turned into tourist areas to the detriment of long-time residents; (2) eliminate property uses that may negatively affect property value; (3) minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals without creating additional work for the local police department; and (4) prohibit the unlawful creation of commercial enterprises in both single-family and multi-family Dwelling Units in violation of Borough Zoning Ordinances and public nuisance ordinances.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Rockleigh, in the County of Bergen, and State of New Jersey as follows:

Section 1. Findings and Purpose.

The Borough of Rockleigh does hereby find as follows:

A. The New Jersey Legislature has, pursuant to *N.J.S.A. 40:52-1(d)* and *(n)*, authorized municipalities to regulate “furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and

lodging purposes, and the occupancy thereof,' as well as the "rental of real property for a term of less than one hundred seventy-five (175) consecutive days for residential purposes by a person having a permanent place of residence elsewhere."

B. In recent years, there has been a marked increase in the advertisement of short-term rental of dwelling units for periods from one (1) to one hundred seventy-five (175) days ("Short Term Rentals") within the Borough and neighboring municipalities.

C. The Borough has determined that Short Term Rentals frequently result in a deterioration of the neighborhood character, public nuisance, noise complaints, overcrowding and illegal parking within the residential neighborhoods in the Borough, and the effective conversion of residential Dwelling Units into de-facto hotels, motels, or similar facilities, in violation of the Borough Code, Zoning Ordinances, and other State laws, rules and regulations.

D. The Borough therefore wishes to prohibit short-term rentals in order to: (1) ensure that traditional residential neighborhoods are not turned into tourist areas to the detriment of long-time residents; (2) eliminate property uses that may negatively affect property value; (3) minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals without creating additional work for the local police department; and (4) prohibit the unlawful creation of commercial enterprises in both single-family and multi-family Dwelling Units in violation of Borough Zoning Ordinances and public nuisance ordinances.

Section 2. Definitions.

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 chapter, as same may be viewed through various media including but not limited to, signs, 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 chapter.

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, single-family home, cooperative, converted space, or portions thereof, that is offered to be used, made available for use, or is actually used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s), for consideration.

HOSTING PLATFORM - A website or marketplace in whatever form, whether online or not, which facilitates Short-Term Rentals through advertising, searching, match-making or any other means, using any medium of facilitation and from which the operator of the Hosting Platform derives revenues, including but not limited to booking fees or advertising revenues, from providing or maintaining the website or marketplace.

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) who legally use, possess, own, lease, sub-lease or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) one or more Dwelling Units, or who have charge, care, control, or who 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).

SHORT-TERM RENTAL - A Residential Occupancy for a period of less than one hundred seventy-five (175) days.

Section 3. Short-Term Rentals Prohibited.

A. Notwithstanding anything to the contrary contained in the Borough Code, it shall be unlawful for a Person or Owner to receive or obtain actual or anticipated Consideration for using, authorizing, permitting, or failing to discontinue the use of any Dwelling Unit as a Short-Term Rental, as defined herein.

B. Nothing in this Chapter will prevent formation of an otherwise lawful Residential Occupancy of a Dwelling Unit for a rental period of one hundred seventy-five (175) days or more.

C. Nothing in this Chapter shall be deemed to prohibit the lawful operation of any hotel as that term is defined in the New Jersey Hotel and Multiple Dwelling Law, *N.J.S.A. 55:13-1, et seq.*

Section 4. Permitted Uses.

The Residential Occupancy of an otherwise lawful and lawfully-occupied Dwelling Unit for a period of one hundred seventy-five (175) days or more by any Person who is a member of the Housekeeping Unit of the Owner, without consideration, such as house guests, is permitted.

Section 5. Advertising Prohibited; Hosting Platform Prohibitions.

A. It shall be unlawful for any Person to Advertise by any means all actions, or failures to act, that would be in violation of the provisions of this Chapter.

B. It shall be unlawful for any Hosting Platform to undertake, maintain, authorize, aid, facilitate or Advertise any Short-Term Rentals in violation of this Chapter.

Section 6. Violations, Penalties and Enforcement.

A. The provisions of this Chapter shall be enforced by the Construction Official, Zoning Official, Health Department, other Subcode or Code Official, as their jurisdiction may arise, including legal counsel for the Borough or other persons designated by the Borough Council, to issue municipal civil infractions directing alleged violators of this Chapter and/or to appear in court or file civil complaints.

B. A violation of this Chapter 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 Person found to have violated any provision of this chapter, 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 Chapter.

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 Bergen County, or in such other Court or tribunal of competent jurisdiction, by either summary disposition or by Zoning or Construction Code municipal proceeding.

Section 7. Severability.

If any section, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such subject shall be rendered.

Section 8. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 9. Effective Date.

This Ordinance shall take effect after publication thereof and final passage as required by law.