

**TOWNSHIP OF NORTH BERGEN
COUNTY OF HUDSON**

**AN ORDINANCE PROHIBITING SHORT TERM RENTALS OF
RESIDENTIAL PROPERTIES AND PROVIDING PENALTIES FOR THE
VIOLATION THEREOF WITHIN THE TOWNSHIP OF NORTH BERGEN**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF NORTH BERGEN as follows:**

Section 1. Background and Findings.

- A. The Township of North Bergen ("Township") finds that the rental of residential dwellings for short-term occupancy has been identified as a community concern due to the potential for increased traffic, noise, high occupant turnover, and increased density in residential neighborhoods.
- B. The number of individuals occupying such short-term rentals has the potential to exceed standards for the design capacity of such structures and to cause health and safety risks for the occupants, neighbors and nearby properties.
- C. The purpose of this Ordinance is to safeguard the peace, safety and general welfare of the residents of the Township and their visitors and guests by eliminating noise, traffic and parking congestion, vandalism, overcrowding, neighborhood uncertainty, high occupant turnover, diminution of neighborhood character, and other secondary effects that have been associated with the short-term rental of residential properties.
- D. The short-term rental market nationwide has expanded with the use of professional brokers and internet listing services. This increase requires an expansion of enforcement mechanisms to deter parties who facilitate and solicit short term rentals. Because there are numerous homeowners, real estate offices, brokers, and other agencies that actively promote short-term rentals to potential Township visitors through the internet and other forms of advertisement, it is necessary to prohibit the promotion and advertisement of short-term rentals.
- E. Therefore, the Township adopts the following provisions in order to prohibit short-term residential rentals, and enforce said prohibitions.

Section 2. Definitions.

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- A. Advertise or Advertisement: Any written, electronic or oral publication, dissemination, solicitation or circulation which is intended to directly or indirectly induce any person to enter into an agreement for the short-term rental of a dwelling. This definition includes but is not limited to mailings, print advertisements, internet listings, e-mail publications or other oral, printed or electronic media.
- B. Dwelling: Any single or multi-family residential building or structure in the Township, or any part thereof, which is occupied in whole or in part, or intended to be occupied in whole or in part, as a home, residence or sleeping place for one or more individuals.

- C. Facilitate: A person "facilitates" if, acting with knowledge that an operator, managing agency or rental agent is renting a dwelling on a short-term basis, the person knowingly provides the operator, managing agency or rental agent with means or opportunity for the commission of said offense.
- D. Person: An individual, corporation, association, firm, partnership, limited liability company, or other legal entity.
- E. Rent: The consideration or remuneration charged, whether or not received, for the occupancy or use of a dwelling, whether to be received in money, goods, services, labor, other use of other dwelling(s), or otherwise.
- F. Rental: An agreement between persons whereby rent is charged in exchange for the right to occupy or use a dwelling.
- G. Short-term rental: Any rental of a dwelling for less than 30 consecutive days.
- H. Solicit: A person "solicits" if, with the intent to promote or facilitate the short-term rental of a dwelling, such person commands, encourages, requests or solicits another person to engage in a short term rental agreement.

Section 3. Prohibited Conduct.

- A. No person shall use, possess or occupy a dwelling on a short-term rental basis.
- B. No person shall enter a short-term rental agreement for a dwelling.
- C. No person owning, leasing, or having control of a dwelling shall allow it to be used, occupied or possessed as a short term rental.
- D. No person shall advertise, solicit or facilitate a short-term rental agreement for a dwelling.

Section 5. Violations and Penalties.

- A. Any person who violates any provision of this Ordinance shall be fined as follows:
 1. For a first violation – a fine of \$750.00 per day for each violation for each dwelling unit and/or ten (10) days in jail at the discretion of the Municipal Court Judge, or both;
 2. For a second violation – a fine of not less than \$750 and not more than \$1,200 per day for each violation for each dwelling unit and/or twenty (20) days in jail at the discretion of the Municipal Court Judge, or both;
 3. For a third or subsequent violation – a fine of not less than \$1,200.00 and not more than \$2,500.00 per day for each violation for each dwelling unit and/or thirty (30) days in jail at the discretion of the Municipal Court Judge; or both.

Each day that a person violates a provision of this Ordinance shall be considered as a separate and distinct violation.

Section 6. Enforceability.

This Ordinance may be enforced by North Bergen Building Department Inspectors, North Bergen Fire Prevention Inspectors, and North Bergen Housing Inspectors

together with any other municipal officials authorized to enforce Township Ordinances.

Section 7. Severability.

If any article, section, sub-section, sentence, clause, or phrase of this Ordinance is for any reason deemed to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 8. Effect.

This Ordinance will take effect upon publication as required by law.

Introduced: July 13, 2016

Published:

Adopted:

	YES	NO	NOT VOTING
Cabrera	✓		
Marengo	✓		
Gargiulo	Absent		
Pascual	Absent		
Sacco	✓		
(President)			

Intro.
I HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT COPY OF AN ORDINANCE PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NORTH BERGEN IN THE COUNTY OF HUDSON, IN THE STATE OF NEW JERSEY, AT A MEETING HELD ON THE ABOVE DATE.

TOWNSHIP CLERK
[Signature]