

**CITY OF NORTHFIELD, NJ
ORDINANCE NO.13-2019**

**AN ORDINANCE AMENDING § 275-9 OF THE CODE OF THE CITY OF
NORTHFIELD PROHIBITING SHORT TERM (30 DAYS OR LESS)
RESIDENTIAL RENTALS**

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

WHEREAS, in recent years, there has arisen a proliferation of internet and other media advertising, often on websites, dedicated to the rental of dwelling units for short terms; and

WHEREAS, short term rentals frequently result in public nuisance, noise complaints, sanitation issues, overcrowding and illegal parking within residential neighborhoods; and

WHEREAS, the City of Northfield desires to amend and supplement the § 275-9 of the Code of the City of Northfield to provide for the regulation of Short Term (30 days or less) Residential Rentals, as further defined below, and for the enforcement of said regulations; and

WHEREAS, the City of Northfield desires to impose penalties as permitted pursuant to N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29 for violations of the provisions established herein for Short Term Rental Prohibitions:

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of Northfield, County of Atlantic and State of New Jersey as follows(added text underlined; deleted text stricken):

§ 275-9 Short Term Rentals Prohibited

A. It shall be unlawful for an Owner, lessor, sub-lessor, any other person(s) or entity(ies) with possessory or use rights in a dwelling unit, their principals, partners or shareholders, or their agents, employees, representatives and other persons or entities 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 of less.

B. Nothing in this Chapter will prevent the otherwise lawful occupancy of an entire dwelling unit for a rental period of more than 30 days. However, rental of a room or a portion of the premises for any term is not permitted.

C. Definitions (for purposes of § 275-9).

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 the provisions of this Chapter, 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 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, house, condominium, building, co-operative, 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 guests, 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 rights within a dwelling unit.

OWNER

Any person or entity, association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sub-lease 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 and/or entity acting in concert or any combination thereof.

RESIDENTIAL OCCUPANCY

The use of a dwelling unit by one or more occupants.

D. Permitted Uses.

The residential occupancy of an otherwise lawful occupied dwelling unit 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 houseguests, is permitted.

E. Advertising Prohibited.

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

§ 275-10. Enforcement; Violations and Penalties.

1. The provisions of this Chapter shall be enforced by the Zoning Official, Building Code and/or Sub-Code official or by any other City Official or employee so designated by the Common Council for the City of Northfield.
2. 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.
3. 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 \$2,000.00 or imprisonment of a term not exceeding 90 days or by a period of community service not exceeding 90 days or by any one or more of the above. Each day of such violation, after receiving written notice of same, shall be a new and separate violation of this Chapter.

4. 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 the penalties set forth in N.J.S.A. 46:8-35, and amended from time to time.

~~§ 275-9 Violations and penalties.~~

~~In addition to the penalties set forth in N.J.S.A. 46:8-35, and as periodically amended, any person who violates any provision of this chapter shall, upon conviction in the Municipal Court of the City of Northfield or such other court having jurisdiction, be liable for a fine not exceeding \$12,000 or imprisonment of a term not exceeding 90 days or by a period of community service not exceeding 90 days or by any one or more of the above. Each day that a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this chapter. The penalties and provisions contained in this chapter will automatically be deemed altered and amended in conjunction with any amendments to N.J.S.A. 40:49-5.~~

REPEALER - All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SEVERABILITY - If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

EFFECTIVE DATE - This ordinance shall take effect upon final passage and publication in accordance with law.

Mary Canesi, RMC
Municipal Clerk

Erland Chau
Mayor

The above Ordinance was introduced at a Regular Meeting of the Common Council of the City of Northfield, New Jersey held on September 24, 2019, and will be taken up for a second reading, public hearing and final passage at a meeting of said Council held October 15, 2019 in Council Chambers, City Hall, Northfield, New Jersey.

FIRST READING:	September 24, 2019
PUBLICATION:	September 28, 2019
SECOND READING:	October 15, 2019
PUBLICATION:	October 19, 2019