

**BOROUGH OF EDGEWATER
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2023-003**

**AN ORDINANCE AMENDING AND REPLACING CHAPTER 335 OF THE CODE OF
THE BOROUGH OF EDGEWATER ENTITLED “RENTAL PROPERTY”**

WHEREAS, there exists a need to replace, update, and amend Short-Term Rental of Property measures set forth in the Code of the Borough of Edgewater; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Edgewater, Bergen County, as follows:

§335-20 Background and Findings.

A. The Mayor and Council find that the rental of residential dwelling 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 chapter is to safeguard the peace, safety and general welfare of the residents of the Borough 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 Borough 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 Borough adopts this chapter to prohibit short-term residential rentals and enforce said prohibitions.

§335-21 Definitions.

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

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.

DWELLING

Any single- or multi-family residential building or structure in the Borough, 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.

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.

PERSON

An individual, corporation, association, firm, partnership, limited liability company, or other legal entity.

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.

RENTAL

An agreement between persons whereby money or other consideration is charged in exchange for the right to occupy or use all or part of a dwelling.

SHORT-TERM RENTAL

Any rental of a dwelling or part thereof for less than 30 consecutive days.

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.

§335-22 Prohibited conduct.

A.

No person shall use, possess or occupy a dwelling on a short-term rental basis. No person shall enter into a short-term rental agreement for a dwelling.

B.

No person owning, leasing, or having control of a dwelling shall allow it to be used, occupied or possessed as a short-term rental.

C.

No person shall advertise, solicit or facilitate a short-term rental agreement for a dwelling.

§335-23 Violations and penalties.

A.

Any person who violates any provision of this chapter shall be subject to the following penalties:

(1)

For a first violation. A fine of not less than \$1,250 per day for each violation for each dwelling unit and/or 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 \$1,500 per day for each violation for each dwelling unit and/or 20 days in jail at the discretion of the Municipal Court Judge, or both;

(3)

For a third and subsequent violation. A fine of not less than \$2,000 per day for each violation for each dwelling unit and/or 30 days in jail at the discretion of the Municipal Court Judge, or both.

B.

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

§335-24 Enforcement.

This chapter may be enforced by Edgewater Police Department, Building Department Inspectors, Edgewater Fire Prevention Inspectors, and Edgewater Housing Inspectors together with any other municipal officials authorized to enforce Borough ordinances.

Introduced: April 17, 2023
Adopted: May 15, 2023

ATTEST:

ANNAMARIE O'CONNOR, RMC

MICHAEL MCPARTLAND, MAYOR