

**TOWN OF GUTTENBERG
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE#10-23

**AMENDING CHAPTER 29 OF THE CODE OF THE TOWN OF GUTTENBERG
ENTITLED “SHORT TERM RENTAL HOUSING IN RESIDENTIAL PROPERTIES
PROHIBITED”**

WHEREAS, the Town of Guttenberg (the “Town”) has determined that Chapter 12 of the Municipal Code of Ordinances must be amended to impose the taxes mandated by the State of New Jersey upon short-term rentals and transient rental accommodations by municipalities within New Jersey; and

WHEREAS, the Town seeks to impose the maximum taxes upon short-term rentals and transient accommodations located within its jurisdiction to generate revenue for the Town and to deter the establishment of short-term and transient rental accommodations, and to promote long-term rentals by occupants with connections to the Guttenberg community and to the residential neighborhoods in which their residences are located.

NOW, THEREFORE, BE IT ORDAINED that the Mayor and the Board of Commissioners of the Town of Guttenberg, County of Hudson, State of New Jersey do hereby authorize Chapter 12 entitled “Rental Housing” of the Municipal Code of Ordinances of the Town of Guttenberg to be amended as follows:

SECTION ONE

§ 29-2 “PROHIBITIONS” shall be amended to read as follows:

No person, including any Hosting Platform operator, shall undertake, maintain, authorize, aid, facilitate or advertise any Vacation Rental activity in any structure other owner occupied premises with not more than two rental units, where an owner such premises is a permanent resident for purposes of this Chapter, unless an owner of such premises has either: (1) received at least two violations under the terms of this Chapter; or (2) a municipal code, Uniform Construction Code, or Rent Control Ordinance violation in the two years preceding a Vacation Rental. For purposes of this Section “premises” shall not constitute more than one building or structure on one tax lot.

SECTION TWO

§ 29-2 shall be amended to read as follows “REGULATIONS, INSURANCES, TAXES and FEES”:

- a. The Mayor and Council of the Town of Guttenberg may promulgate regulations, which may include but are not limited to permit conditions, reporting requirements, inspection frequencies, enforcement procedures, advertising restrictions, disclosure requirements, or insurance requirements, to implement the provisions of this Chapter. No person shall fail to comply with any such regulation.

- b. The Mayor and Council of the Town of Guttenberg may establish and set all fees and charges as may be necessary to effectuate the purpose of this Chapter
- c. Any person seeking to let a unit, or portion thereof for a Vacation Rental must first obtain a Short Term Rental Housing License from the town Building Department. The fee for such application shall be \$50.00.
- d. Short-term rental hosts must carry an insurance policy which includes a minimum liability coverage amount of \$250,000.00 to protect against third-party claims for property damage or bodily injury in connection with the operation of a short-term rental unit. Property insurance by hosting platforms utilized by the short-term rental host may be utilized to satisfy this requirement provided that the policy is for at least \$250,000.00 of liability insurance from property damage or bodily injury.
- e. There shall be a six (6) percent tax imposed on all charges for the use, rental or occupation of a room, rooms in a hotel or transient accommodation as authorized by the “Hotel Occupancy Tax”, N.J.S.A. 40:48E-1 et seq.
- f. The 6% Hotel Occupancy Tax imposed by this Chapter shall be in addition to any other taxes or fees imposed pursuant to any federal law, state statute, or local ordinance including but not limited to: any and all real estate (ad valorem) taxes, service charges, sales taxes, and any additional taxes established as set forth within the any Chapter of the Code of the Town of Guttenberg.
- g. All revenue collected under the Hotel Occupancy Tax Act shall be paid to the Chief Financial Officer of the Town of Guttenberg who shall be responsible for the collection of the tax, in quarterly installments, on or before those dates when real property tax payments are due to the municipality under state law. In addition to the payment of such taxes, the hotel, transient accommodation, and/or short-term rental must also provide the relevant sales tax reports used to calculate, verify, and support the revenues submitted. The Chief Financial Officer of the Town of Guttenberg shall have the authority to require and receive any additional documents in order to verify such submission of tax. The hotel, transient accommodation, and/or short-term rental will not receive any credit or refund against any other taxes due. It is the express intention of the Town of Guttenberg to collect in full both real estate taxes, service charges, and hotel and motel tax.

SECTION THREE

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not impact the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FOUR

Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FIVE

When Effective. This Ordinance shall take effect upon passage and publication as required by law.

Summary of Ordinance

This ordinance authorizes short term vacation rental in owner-occupied structures with three units or less, and imposes and revises the taxes, insurance and fee requirements thereon.

Introduction: 3.27.23

JJ: 4.2.23

Adoption: 4.24.23