

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 12, OF THE REVISED ORDINANCES OF THE
TOWNSHIP OF SPARTA TO PROHIBIT THE SHORT
TERM RENTAL OF RESIDENTIAL PROPERTY**

WHEREAS, N.J.S.A. 46:8-27 through 46:8-37, the “Landlord Identity Law” requires all landlords renting housing space for living or dwelling purposes to register with the municipality within which the housing is located; and

WHEREAS, pursuant to N.J.A.C. 5:29-1.1, landlords within the Township of Sparta are required to complete a Landlord Identity Registration Form and file that form in the Office of the Municipal Clerk; and

WHEREAS, in addition to the foregoing, the New Jersey Legislature has, pursuant to N.J.S.A. 40:52-1(d) and (n), specifically authorized municipalities, including the Township of Sparta (“Township”), 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” and 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 arisen a proliferation of internet and other media advertising often on websites dedicated to the rental of dwelling units for short term periods of less than twenty-eight (28) days (“Short Term Rentals”); and

WHEREAS, the Township desires to increase the availability and affordability of Long-Term Rentals and studies show that increasing the availability of short-term rentals raises rental prices overall and diminishes the availability of long-term rentals

WHEREAS, it has been the Township’s experience that Short-Term Rentals can result in public nuisance, noise complaints, sanitation issues, overcrowding and illegal parking, and essentially convert residential dwelling units into de-facto hotels, motels, boarding houses and other commercial enterprises, in violation of the Township’s Ordinances as well as state statutes; and

WHEREAS, the Township wishes to control and limit the short-term rental of residential dwelling units; and

WHEREAS, the Township of Sparta desires to amend and supplement Chapter 12, of the Revised Ordinances of the Township of Sparta, to prohibit the short-term rental of residential dwelling units for a period of less than twenty-eight (28) days.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Sparta, County of Sussex, State of New Jersey, as follows:

SECTION 1. Chapter 12, of the Revised Ordinances of the Township of Sparta is hereby amended and supplemented by the addition of the following:

CHAPTER 12 – SHORT TERM RENTAL PROPERTY PROHIBITION

Section 10-1. – Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Advertise or advertising means any form of solicitation, promotion, marketing and/or communication used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this Ordinance, 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, or consideration, which are prohibited by this Ordinance.

Consideration means the receipt or acceptance of any legally recognized form of consideration including a promise or benefit, a quid-pro-quo, rent, fees, money, other forms of payment and/or things of value.

Dwelling unit means any single family detached dwelling, whether furnished or unfurnished, used and/or offered or made available for use, for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guests.

Occupant means any person or entity, association, limited liability company, corporation, or partnership, who, alone or jointly or severally with others, has actual possession of or possessory rights to, a dwelling unit or any portion thereof, for a period of twenty-eight (28) days or more.

Owner means any person or entity, association, limited liability company, corporation, or partnership, who, alone or jointly or severally with others:

- (1) shall have legal title to a dwelling unit, with or without accompanying actual possession thereof; or
- (2) shall have charge, care or control of a dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Article and the rules and regulations adopted pursuant thereto, to the same extent as if they were the owner.

Person means an individual, entity, association, limited liability company, corporation, or partnership, and any person and/or entity acting on their behalf or in concert therewith.

Sec. 10-2. – Prohibited Uses

It shall be unlawful for an owner or occupant of a dwelling unit to receive or obtain consideration for the rental of any dwelling unit for a period of less than twenty-eight (28) days.

This Article does not apply to lawfully established and operating hotels, motels, rooming houses, boarding houses, and bed and breakfast establishments. This Article does not apply to any use of single-family dwellings protected by New Jersey State statutes including, but not limited to, community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, and children in group homes pursuant to N.J.S.A. 40:55D-66c.

Sec. 10-3. – Permitted Uses

Nothing contained in this Article is intended to prohibit:

- (a) the receipt of consideration for the lawful rental of a dwelling unit for a period of twenty-eight (28) days or more.
- (b) the occupancy of a dwelling unit for a period of twenty-eight (28) days or less by a guest(s) of an owner or occupant where no consideration is exchanged.

Sec. 10-4. – Advertising Prohibited

It shall be unlawful to advertise, solicit or promote by any means the rental of dwelling units for a period of less than twenty-eight (28) days in violation of the provisions of this Article.

Sec. 10-5. – Enforcement; Violations and Penalties

- (a) The Health Department of the Township, Code Enforcement Officer and/or Construction Official are hereby authorized to enforce the provisions of this Article.
- (b) Any person who violates or neglects to comply with any provision of this Article shall, upon conviction thereof, be punished in accordance with Chapter 1, Section 1-5. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- (c) 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 injunctive relief in any Court of competent jurisdiction.

SECTION TWO: All Ordinances of the Township of Sparta which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION THREE: If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION FOUR: This Ordinance shall take effect on January 1, 2025 as provided by law.

NOTICE

NOTICE is hereby given that the above ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Sparta, in the County of Sussex, New Jersey, held on March 26, 2024. It will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Municipal Building, 65 Main Street, in the Township of Sparta, on May 14, 2024 at 7:00 P.M., and during the preceding week copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA

ROXANNE LANDY, RMC
MUNICIPAL CLERK

NOTICE

NOTICE is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta, held at the Municipal Building, 65 Main Street, Sparta, NJ on March 26, 2024. The same came up for final passage and adoption at a meeting of the Township Council of the Township of Sparta, held on May 14, 2024 at 7:00 p.m., at the Municipal Building, 65 Main Street, Sparta, NJ and after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force when it takes effect on January 1, 2025 as provided by law.

ROXANNE LANDY, RMC
MUNICIPAL CLERK