

ORDINANCE NO. 28-2019

**BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXX
“LAND DEVELOPMENT ORDINANCE” TO ENACT A NEW SECTION
REGULATING AND ESTABLISHING CERTAIN REQUIREMENTS FOR
SHORT-TERM RENTALS IN THE BOROUGH OF ROSELAND

WHEREAS, pursuant to N.J.S.A. 40:55D-62, the New Jersey State Legislature has vested municipalities with the authority to adopt and amend zoning ordinances; and

WHEREAS, the Borough of Roseland (the “Borough”) has adopted zoning ordinances setting forth permitted and prohibited uses in residential zones throughout the Borough; and

WHEREAS, the Borough desires to regulate the use of single-family detached houses and apartment complexes for short-term rentals so as to ensure that such rental use does not create adverse impacts to residential neighborhoods due to excessive traffic, noise, and density; and

WHEREAS, it is in the public interest that short-term rental uses be regulated in order to help preserve long-term housing and to minimize any potential deleterious effects of short-term rental properties on other properties in the surrounding neighborhoods in which they are located; and

WHEREAS, the Mayor and Borough Council find that there is a substantial interest in furthering the public health, safety and welfare by controlling density, by protecting the residential character of areas designated for residential use, by implementing its Master Plan in promoting home ownership and providing appropriate housing stock to meet the needs of the Borough and its residents, by establishing and enforcing minimum life safety standards, and by preserving the housing market located within the Borough.

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Roseland, County of Essex, State of New Jersey, being the governing body thereof, that Chapter XXX “Land Development Ordinance” be and hereby is amended to add the following **thus**:

30-2.F.7 Short-term Rentals; Licensing

- A. **The purpose of this Section is to regulate the use of single-family detached houses and apartment complexes for short-term rentals so as to ensure that such rental use does not create adverse impacts to residential neighborhoods due to excessive traffic, noise, and density. Two, Three and Four Family Homes may not at any time be used for short term rentals.**
- B. **As used in this section, the term “short-term rental” shall mean the rental for compensation of a dwelling, or portion of a dwelling, for the purpose of overnight lodging for a period of not less than one night and not more than thirty (30) consecutive days, other than ongoing month-to-month tenancy granted to the same renter for the same unit as their primary residence. This definition shall not include hotels, motels, and**

bed and breakfasts inns.

- C. The person offering a dwelling unit for short-term rental use must be the owner or lessee of the residence in which the short-term rental activity occurs. Short-term rental activity may not occur in any accessory building located on the same premises as the residence.
- D. Any person offering a dwelling unit for short-term rental use shall be required to obtain any license from the Borough Clerk to offer each dwelling unit for short-term rental. The applicant for such license shall submit to the Borough Clerk an application in a form to be determined by the Clerk, along with a non-refundable application/registration fee of \$500.00. Said license shall be valid for a period of one year from the date of issuance, unless the short-term rental property changes ownership, at which time such license shall automatically expire. The Borough shall have discretion to accept and reject such licenses. As part of the application for a license, the applicant shall indicate whether there is sufficient off-street parking available for the short-term rental.
- E. Any person offering a dwelling unit for short-term rental use shall first be required to obtain a Certificate of Habitability from the Housing and Property Maintenance Department indicating that the dwelling unit conforms with the provisions of the Housing and Property Maintenance Code of the Borough of Roseland. Every thirty (30) days thereafter, the owner of such dwelling unit shall obtain a new Certificate of Habitability from the Borough of Roseland. The fee for the issuance of a Certificate of Habitability shall be \$60.00 and shall be payable to the Borough of Roseland.
- F. There shall be no sign identifying the short-term rental use, and there shall be no identification of such short-term rental use upon any mailbox.
- G. The short-term rental use shall be conducted in a manner that does not materially disrupt or adversely affect the residential character of the neighborhood.
- H. No equipment or process shall be used in such short-term rental which creates glare, fumes, odors, or other nuisance factors detectable to the human senses outside the lot on which the short-term rental is conducted. Both the owner or lessee of a short-term rental property and the short-term renters shall comply with all ordinances of the Borough of Roseland including, but not limited to those ordinances regulating noise and nuisance conduct. Failure of short-term renters to comply with all such ordinances shall subject the short-term renters and the owner or lessee of such short-term rental property to the issuance of fines and/or penalties, as set forth in Sub-Section Q below.
- I. Short-term rentals shall be limited to a maximum of sixty (60) days per year.
- J. In a single-family detached home, up to two (2) bedrooms may be rented to guests. Occupancy shall be limited to two (2) guests per bedroom or four (4) total guests, whichever is less. Notwithstanding this provision, an owner of a home may rent out their entire home, consistent with the requirements of this ordinance.

- K. Only one party of guests shall be permitted per short-term rental unit.
- L. For all short-term rentals, there shall be an in-Borough property manager available at all times if the owner or operator is out of the Borough during the time of rental.
- M. The owner of a short-term rental property shall post the following information in a prominent location within the short-term rental unit:
1. Owner name; if owner is an entity, the name of a principal in the entity, and phone number for the owner (individual);
 2. The name and phone number of the in-Borough property manager, should the owner or operator be out of Borough during the time of rental;
 3. The phone numbers for the Borough's Police Department, the Borough's Fire Department, the Borough's Code Enforcement Officer;
 4. The maximum number of parking spaces available onsite;
 5. Trash and recycling pick-up day, and all applicable rules and regulations regarding trash disposal and recycling;
 6. A copy of this ordinance;
 7. A copy of the license issued by the Borough of Roseland;
 8. A copy of the Certificate of Habitability issued pursuant to this Section; and
 9. Notification that a short-term renter may be cited or fined by the Borough for violations of, and in accordance with, any applicable ordinance(s) of the Borough.
- N. Use of the short-term rentals for commercial or social events shall be prohibited.
- O. All advertising for any short-term rental shall include a reference to the license number issued by the Borough of Roseland.
- P. No short-term rental shall be for a period of more than 30 days at one time.
- Q. No short-term rental shall be permitted in any condominium or Borough home, where the condominium association by-laws or master deed, or condominium rules and regulations, do not permit such short-term rental of condominium units in the development.
- R. In no event shall a short-term rental property be rented to anyone younger than 21 years of age. The primary occupant of all short-term rentals executing the agreement between the owner and the occupant must be over the age of 21, and must be the party who will actually occupy the property during the term of the short-term rental. The primary occupant may have guests under the age of 21 who will share and occupy the property with them. Both the primary occupant executing the short-term rental agreement and the owner of the short-term rental property shall be responsible for compliance with this provision, and shall both be liable for a violation, where the property is not occupied by at least one adult over the age of 21, during the term of the short-term rental.

S. Any violation of this section may subject a violator to any remedy, legal or equitable, available to the Borough. Remedies may specifically include revocation of the short-term rental privilege as permitted under this ordinance.

BE IT FURTHER ORDAINED that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, this Ordinance shall take effect upon passage.

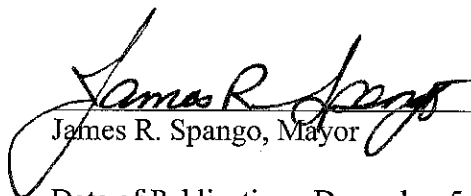
DATE OF INTRODUCTION: September 17, 2019

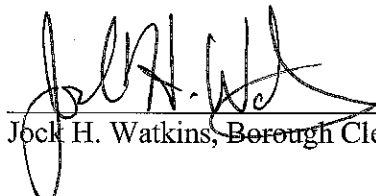
Motion to Introduce by: Councilman Jacobs
Motion Seconded by: Councilman Bardi
Introduction Approved: 6-0 Voice Vote

DATE OF ADOPTION: November 26, 2019

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi	X		X				
Councilwoman Fishman							X
Councilman Freda			X				
Councilman Jacobs							X
Councilwoman Perrotti		X	X				
Councilwoman Tolli			X				
Mayor Spango (In case of tie)							
VOTE:			4	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 26th day of November, 2019.


James R. Spango, Mayor


Jock H. Watkins, Borough Clerk

Date of Publication: December 5, 2019, The Progress