

CITY OF ENGLEWOOD

ORDINANCE NO. 23-09

AN ORDINANCE CREATING ARTICLE IX OF CHAPTER 325 OF THE CODE OF THE CITY OF ENGLEWOOD REGULATING SHORT-TERM RENTALS OF REAL PROPERTY

Be it ordained by the Mayor and Council of the City of Englewood that Chapter 325 be amended to add Article IX, "Short-Term Rentals" as follows:

ARTICLE IX: SHORT-TERM RENTALS

§ 325-62 Purpose.

This ordinance is adopted to regulate, control and/or prohibit the short-term rental of residential homes and dwelling units in the City of Englewood. This shall not apply to bona-fide non-residential not for profit organizations.

§ 325-63 Definitions

As used in this Chapter, the following terms shall have the meanings indicated:

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 this article, 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 quit 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, carriage house, condominium, building, co-operative, converted space, or portions thereof, that are offered to use, made available for use, or are used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s), for consideration, for a period of thirty-one (31) 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 right(s) within a dwelling unit.

OWNER

Any person(s) or entity(ies), association, trust, fiduciary, limited liability company, corporation or partnership, or any combination who legally use, possess, own, lease, sublease 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(s) and/or entity(ies) acting in concert or any combination thereof.

RESIDENTIAL OCCUPANCY

The use of a dwelling unit by an occupant(s).

§ 325-64 Rental for Certain Time Period Prohibited.

- A. Notwithstanding anything to the contrary contained in the City Code, it shall be unlawful for an owner, lessor, sublessor, any other person(s) or entity(ies) with possessory or use right(s) in a dwelling unit, their principals, partner or shareholders, or their agents, employees, representatives and other person(s) or entit(ies), 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 thirty-one (31) days or less.
- B. It shall be unlawful for an owner, lessor, sublessor, any other person(s) with possessory or use right(s) to offer or obtain actual or anticipated consideration for soliciting, advertising, offering and/or permitting, allowing or failure to discontinue the use of a private swimming pool or other recreational facility on a hourly, daily, weekly or seasonal basis.
- C. Nothing in this Chapter will prevent formation of an otherwise lawful occupancy of a dwelling unit for a rental period of more than thirty-one (31) days.

§ 325-65 Permitted Uses.

The residential occupancy of an otherwise lawful and lawfully occupied dwelling unit for a period of thirty-one (31) days or less by any person who is a member of the housekeeping unit of the owner, without consideration, such as house guests, is permitted.

§ 325-66 Advertising Prohibited.

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

§ 325-67 Enforcement; Violations And Penalties.

- A. The provisions of this article shall be enforced by the Building Code Official, Fire Official, Health Department, other Subcode or Code Official, Englewood Police Department, as their jurisdiction may arise, including legal counsel for the City or other persons designated by the City Council to issue municipal civil infractions directing alleged violators of this article to appear in court or file civil complaints.
- B. A violation of this article 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.
- C. Any person found to have violated any provision of this article, without regard to intent or knowledge shall be liable for the maximum civil penalty, upon adjudicated violation or admission of a fine not exceeding \$1,250.00. Each day of such violation shall be a new and separate violation of this Chapter.
- D. 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 injunction, reasonable attorney's fees or other fees and costs. In the City's Municipal Court or the Superior Court of New Jersey, Bergen County, or in such other court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

§ 325-68 Severability.

If any section provision or clause of this article or the application thereof to any person or circumstance is judicially held invalid, a reviewing Court may amend the ordinance to correct such invalidity and carry out the intent of this Chapter. Such invalidity shall not affect any remaining portions or application of this article which can be given effect, without the invalid portion or application.

§ 325-69 Effect on Other Provisions.

This Chapter shall supersede and replace any other provisions of the Code of the City of Englewood, now or later enacted, which have or may be construed to have differing or contrary terms or conditions relating to the subject of this Chapter. This Chapter is not intended to alter the current or later enacted amendments to the City's Zoning Code.

§ 325-70 When Effective

This Chapter shall become effective after second reading and thirty days after being published in a newspaper of general circulation within the City.

ORDINANCE #23-09

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RECORD OF VOTE

FIRST READING DATE: May 2, 2023

COUNCIL	MOTION	VOTE
Cobb		Y
Maron		Y
Rosenzweig	X	Y
Wilson		Y
Wisotsky		Y

DATE PUBLISHED IN THE RECORD: May 7, 2023

DATES PUBLIC HEARINGS HELD: May 16, 2023

DATE SECOND READING HELD: May 16, 2023

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Cobb						
Maron						
Rosenzweig						
Wilson						
Wisotsky						

Y=YES

N=OPPOSED

A=ABSTAINED

AB=ABSENT

PRESENTED TO MAYOR:

APPROVED _____

REJECTED _____ (VETO)

DATE SIGNED: _____

MAYOR MICHAEL WILDES

I do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted and approved by the Mayor and Council of the City of Englewood.

Yancy Wazirmas, RMC
City Clerk