

**ORDINANCE OF THE TOWNSHIP OF BELLEVILLE
ESSEX COUNTY, NEW JERSEY**

ORDINANCE NO. 34-23

DATE OF INTRODUCTION: 8/15/23 DATE OF ADOPTION: 9/12/23
Legal Advertisement: 8/24/23 Legal Advertisement: 9/21/23

TITLED:

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BELLEVILLE, COUNTY OF
ESSEX, STATE OF NEW JERSEY ESTABLISHING A NEW CHAPTER 39 OF THE CODE OF THE
TOWNSHIP OF BELLEVILLE ENTITLED "RENTAL PROPERTY, SHORT-TERM" BY ESTABLISHING
RULES AND REGULATIONS FOR SHORT-TERM RENTAL OF PRIVATE RESIDENCE TO VISITORS**

Chapter 39. Rental Property, Short-Term.

§39-1. Authority; definitions.

- a. Authority. In accordance with New Jersey law, a municipality may make and enforce within its limits all ordinances and regulations not in conflict with general laws, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants. The Township of Belleville hereby adopts the within chapter in accordance with said authority.

- b. Definitions. The following terms shall have the meanings indicated below:

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 which form a single habitable unit.

OWNER

An individual or entity holding title to a property proposed for a short-term rental by way of a legally recorded deed.

OWNER-OCCUPIED

The owner of the property resides in the short-term rental property (hereinafter "STRP") and identifies same as his or her principal residence as that term is defined in this section. For purposes of this section, if the owner of the property is an entity other than an individual or individuals, then at least one principal or member of the owner entity must reside in the STRP and identify same as his or her principal residence as that term is defined in this section.

PRINCIPAL RESIDENCE

The address i) where at least one of the property owners spends the majority of his or her nonworking time, and ii) which is most clearly the center of his or her domestic life, and iii) which is identified on his or her driver's license or state identification card as being his or her legal address. All the above requirements must be met in order for an address to constitute a principal residence for purposes of this section.

PROPERTY

A parcel of real property located within the boundaries of the Township of Belleville, Essex County, New Jersey.

RESPONSIBLE PARTY

Both the short-term rental property owner and a person (property manager) designated by the owner to be called upon and be responsible at all time during the period of a short-term rental and to answer for the maintenance of the property, or the conduct and acts of occupants of the short-term rental property, and, in the case of the property manager, to accept service of legal process on behalf of the owner of the short-term rental property.

SHORT-TERM RENTAL (hereinafter "STR")

The accessory use of a dwelling unit for occupancy by someone other than the unit's owner or permanent resident for a period of 30 or less consecutive days, which dwelling unit is regularly used and kept open as such for the lodging of guests, and which is advertised or held out to the public as a place regularly rented to transient occupants, as that term is defined in this section.

SHORT-TERM RENTAL PROPERTY (hereinafter "STRP")

A residential dwelling unit, as defined herein, that is used and/or advertised for rent as a short-term rental by transient occupants as guests, as those terms are defined in this section. Dwelling units rented to the same occupant for more than 30 continuous days, licensed bed-and-breakfast establishments, licensed rooming houses or boarding houses, hotels, and motels shall not be considered short-term rental property.

SHORT-TERM RENTAL PROPERTY AGENT

Any New Jersey licensed real estate agent or other person designated and charged by the owner of a short-term rental property, with the responsibility for making the short-term rental application to the Township on behalf of the owner, and fulfilling all of the obligations in connection with completion of the short-term rental property permit application process on behalf of the owner. Such person shall be available for and responsive to contact on behalf of the owner at all times.

TRANSIENT OCCUPANT

Any person or a guest or invitee of such person, who, in exchange for compensation, occupies or is in actual or apparent control or possession of residential property, which is either: i) registered as a short-term rental property, or ii) satisfies the definition of a short-term rental property, as such term is defined in this section. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the short-term rental is a transient occupant.

§39-2. Procedures and regulations.

- a. It shall be unlawful for any owner of any property within the geographic bounds of the Township of Belleville, Essex County, New Jersey, to rent or operate a short-term rental in a manner that is contrary to the procedures and regulations established in this section or applicable state statute.
- b. Short-term rentals shall be permitted to be conducted in the following classifications of property in the Township of Belleville:
 - (1) One dwelling unit within a two-family to five-family, owner-occupied residence where the owner of the property or at least one principal or member of the owner entity legally identifies the address as his or her principal residence.
- c. Short-term rental of the following properties is prohibited:
 - (1) Single-family homes, condominiums or townhomes; and
 - (2) A unit in a two-family to five-family residential dwelling where one unit is not occupied by the owner or legally identified by the owner as his or her principal residence; and
 - (3) A unit in a two-family to five-family residential dwelling which is rented for less than three days; and

- (4) A two-family to five-family residential dwelling which does not maintain on-site parking for each unit based on the residential parking requirements of the Township Zoning Code.
- (5) A room or portion of any dwelling unit where full access to the entire property among all occupants is not permitted except for existing legal rooming houses; and
- (6) Any unit in a property with six or more dwelling units.

§39-3. Permit required; registration requirements and fee; certificate of habitability.

- a. In addition to any land use requirement(s) set forth in the Township of Belleville Zoning Ordinance, the owner/operator of a short-term rental property shall obtain a short-term rental permit from the Township of Belleville Building and Construction Code Department before renting or advertising for rent any short-term rental. The application for a short-term rental permit must meet the following initial requirements to be considered:
 - (1) For existing short-term rentals, the applicant must not have had more than two documented and verified instances where the Belleville Police Department has been called to address complaints of any type attributable to the short-term rental within the last two years; and
 - (2) For existing short-term rentals, the applicant must have no violations of the Township of Belleville's Noise Ordinance within the last two years. A violation of the Noise Ordinance means a documented violation by the Township of Belleville Municipal Court; and
 - (3) The applicant must be current with all Township taxes, water and sewage charges; and
 - (4) The applicant must have no open zoning or construction permits or open zoning, construction or code enforcement violations.
- b. No person or entity shall operate a STRP, or advertise a residential property for use as a STRP, without the owner/operator of the property first having obtained a STR permit issued by the Township of Belleville Building and Construction Code Department. The failure to obtain a valid STR permit prior to advertising the short-term rental property in any print, digital, or internet advertisement or web-based platform, and/or in the multiple listing service (hereinafter "MLS") or any realtor's property listing shall be a violation of this chapter. No STR permit issued under this section may be transferred or assigned or used by any person or entity other than the owner to whom it is issued, or at any property location or dwelling unit other than the property for which it is issued.

- c. An owner of property intended to serve as a short-term rental property, as defined herein, or any agent acting on behalf of the owner, shall submit to the Township of Belleville Building and Construction Code Department a short-term rental permit application provided by the Township, along with an annual application/registration fee of \$500.00. Said fee shall be nonrefundable, including in the event that the application is denied. The annual application/registration fee shall also cover the fee for the rental certificate of habitability application, referenced below.
- d. The short-term rental permit, if granted, shall be valid for a period of one year from the date of issuance.
- e. The owner of a short-term rental property, as defined herein, who intends to rent any permitted part of the property as a short-term rental shall also make application to the Building and Construction Code Department, in conjunction with the short-term rental permit application, for the issuance of a rental certificate of habitability for the short-term rental property, on such forms as required by that Department.
- f. A short-term rental permit and certificate of habitability shall be renewed on an annual basis, based upon the anniversary of the original permit issuance, by submitting to the Building and Construction Code Department a short-term rental permit application, a rental certificate of habitability application, an inspection of the property, and a renewal registration fee of \$250.00.
- g. The short-term rental permit shall expire automatically when the short-term rental property changes ownership, and a new initial application and first-time registration fee will be required in the event that the new owner intends to use the property as a short-term rental property. A new application and first-time registration fee shall also be required for any short-term rental that had its short-term rental permit revoked or suspended.

§39-4. Permit Application process; inspections.

- a. Applicants for a short-term rental permit shall submit, on an annual basis, an application for a short-term rental permit to the Township of Belleville Building and Construction Code Department. The application shall be furnished, under oath, on a form specified by that Department, accompanied by the nonrefundable application fee as set forth in §39-3 above. Such application shall include:
 - (1) The name, address, telephone number and email address of the owner(s) of record of the dwelling unit for which a permit is sought. If such owner is not a natural person, the application must include and identify the names of all partners, officers

and/or directors of any such entity, and the personal contact information including address and telephone numbers for each of them;

- (2) The address of the unit to be used as a short-term rental;
- (3) A copy of the driver's license or state identification card of the owner of the short-term rental property, confirming, as set forth in this section, that the property is the principal residence, as that term is defined herein, of the owner making application for the STR permit;
- (4) The owner's sworn acknowledgment that they comply with the requirement that the short-term rental property constitutes the owner's principal residence, as defined in §39-1(b) above;
- (5) The name, address, telephone number and email address of the short-term rental property agent, which shall constitute his or her seven-day-a-week, twenty-four-hour-a-day contact information;
- (6) The name, address, telephone number and email address of the short-term rental property responsible party, which shall constitute his or her seven-day-a-week, twenty-four-hour-a-day contact information;
- (7) The owner's sworn acknowledgment that he or she has received a copy of this chapter, has reviewed it, understands its requirements and certifies, under oath, as to the accuracy of all information provided in the permit application;
- (8) A property survey showing the number and location of all legal parking spaces on the premises;
- (9) The owner's agreement that all renters of the short-term rental property shall be limited to one vehicle per two occupants in the short-term rental property;
- (10) The owner's agreement to use his or her best efforts to assure that use of the premises by all transient occupants will not disrupt the neighborhood and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and
- (11) Any other information that this chapter requires a property owner to provide to the Township in connection with an application for a rental certificate of habitability. The Township Manager or his or her designee, shall have the authority to obtain additional information from the STRP owner/applicant or amend the permit application to require additional information, as necessary, to achieve the objectives of this chapter.

- b. Every application for a short-term rental permit shall require annual inspections for the STRP's compliance with the Township's fire safety regulations and property maintenance code. In addition, each application is subject to review to verify the STRP's eligibility for use as a short-term rental and compliance with the regulations in this section.
- c. A zoning compliance certificate, which states that the premises are not being occupied or used in violation of the Township's Zoning regulations as found in Chapter 23, shall be required.
- d. A sworn statement shall be required that there have been no prior revocations or suspensions of this or a similar license, in which event a license shall not be issued, which denial may be appealed as provided hereinafter.
- e. Attached to and concurrent with submission of the permit application described in this section, the owner shall provide:
 - (1) Proof of the owner's current ownership of the short-term rental unit;
 - (2) Proof of general liability insurance in a minimum amount of \$500,00.00; and
 - (3) Written certifications from the short-term rental property agent and responsible party that they agree to perform all of the respective duties specified in this section,.
- f. The STRP owner/permit holder shall publish the short-term rental permit number issued by the Township in every print, digital, or internet advertisement, and/or in the MLS or other real estate listing of a real estate agent licensed by the New Jersey Real Estate Commission, in which the short-term rental property is advertised for rent on a short-term basis.
- g. 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 STRP owner shall be responsible for compliance with this provision, and shall 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.

§39-5. Issuance of permit; appeal procedure.

- a. Once an application is submitted, complete with all required information and documentation and fees, the Building and Construction Code Department, following any necessary investigation for compliance with this section, shall either issue the short-term rental permit and rental certificate of habitability, or issue a written denial of the permit application (with the reasons for such denial being state therein), within 10 business days.
- b. If denied, the applicant shall have 10 business days to appeal the denial, in writing, to the Township Manager.
- c. Within 30 days thereafter, the Township Manager or his or her designee shall hear and decide the appeal.

§39-6. Operational requirements.

- a. All short-term rentals must comply with all applicable rules, regulations and ordinances of the Township of Bellville and all applicable rules, regulations and statutes of the State of New Jersey, including regulations governing such lodging uses, as applicable. The STRP owner shall ensure that the short-term rental is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of a short-term rental.
- b. A dwelling unit shall be limited to a single short-term rental contract at a time.
- c. The owner of a STRP shall not install any advertising or identifying mechanisms, such as signage, including law signage, identifying the property for rent as a short-term rental property.
- d. Transient occupants of the STRP shall comply with all ordinances of the Township of Belleville, including, but not limited to, those ordinances regulating noise and nuisance conduct. Failure of transient occupants to comply shall subject the transient occupants, the owner of the STRP, the responsible party and the short-term rental agent listed in the short-term rental permit application to the issuance of fines and/or penalties and the possibility of the revocation or suspension of the STRP permit.
- e. The owner of a STRP shall post the following information in a prominent location within the short-term rental:
 - (1) Owner name; if the owner is an entity, the name of a principal in the entity and phone number for the owner (individual);

- (2) The names and phone numbers for the responsible party and the short-term rental agent (as those terms are defined in this chapter);
 - (3) The phone numbers for the Police Department and the Fire Department;
 - (4) The maximum number of parking spaces available on site;
 - (5) Trash and recycling pickup day, and all applicable rules and regulations regarding trash disposal and recycling;
 - (6) Notification that a guest, transient occupant, the short-term rental property agent, the responsible party or STRP owner may be cited or fined by the Township of Belleville, or the Township of Belleville Fire Department, for violations of, and in accordance with, any applicable ordinance(s) of the Township of Belleville.
- f. In the event that any complaints are received by the Belleville Police Department regarding the short-term rental and/or the transient occupants in the STRP, and the owner of the STRP is unreachable or unresponsive, both the responsible party and the short-term rental agent listed in the short-term rental permit application shall have the responsibility to take any action required to properly resolve such complaints, and shall be authorized by the STRP owner to do so.
 - g. While a STRP is rented, the owner, the short-term rental agent, or the responsible party shall be available 24 hours per day, seven days per week, for the purpose of responding within two hours to complaints regarding the condition of the STRP premises, maintenance of the STRP premises, operation of the STRP, or conduct of the guests at the STRP, or nuisance complaints from the Police Department, or neighbors, arising by virtue of the short-term rental of the property.
 - h. If the STRP is the subject of two or more substantiated civil and/or criminal complaints, the Township Manager or his or her designee may revoke the short-term rental permit issued for the property, in which case the STRP may not be the subject of a new STRP permit application for one year following the date of revocation of the permit.
 - i. Failure to make application for, and to obtain the issuance of, a short-term rental permit prior to advertising the STRP in print publications or newspapers, on any internet-based booking platforms, or online, and/or in the MLS or other real estate listing of a real estate agent licensed by the New Jersey Real Estate Commission, shall be equivalent to operation of the STRP without a permit, and shall constitute a violation of this chapter, and will result in enforcement action and the issuance of a summons, and shall subject the STRP owner, the short-term rental agent, and the responsible party to issuance of fines and/or penalties.

- j. The person offering a dwelling unit for short-term rental use must be the owner of the dwelling unit. A tenant of a property may not apply for a short-term rental permit, nor shall the property or any portion thereof be subleased by the tenant on a short-term basis, or operated as a STRP by the tenant. This STRP regulation shall supersede any conflicting provision in a private lease agreement permitting subleasing of the property or any portion of the property. Violation of this section will result in enforcement action against the tenant, the STRP owner, the short-term rental agent, and the responsible party, and will subject all such parties to the issuance of a summons and levying of fines and/or penalties.
- k. In the event that the Township receives three substantiated complaints concerning excessive vehicles belonging to the transient occupants of a STRP, the short-term rental permit for the property is subject to revocation by the Township Manager or his or her designee.
- l. The STRP owner must be current with all tax, water and sewer charges assessed to the property prior to the issuance of a short-term rental permit. In the event that any code violations have been issued by the Township relating to the STRP, a short-term rental permit shall not be issued until such time as such violations have been properly abated. The STRP owner must also close any open construction permits for the property prior to the issuance of a short-term rental permit.
- m. All fines or penalties issued by the Municipal Court for the Township of Belleville for any past code violations relating to the STRP, including penalties for failure to appear in court, must be satisfied in full prior to the issuance of a short-term rental permit.

§39-7. Violations and penalties.

A violation of any provision of the within chapter may subject the STRP owner, transient occupant(s), the short-term property rental agent, and the responsible party or their agents to fines assessed by the Court up to \$2,000.00 per violation per day that the violation exists.