

**BOROUGH OF HILLSDALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 23-10
(Adoption)**

AN ORDINANCE ADOPTING A, “SHORT TERM RENTAL OF PROPERTY AMENITIES PROHIBITION”, OF THE REVISED GENERAL ORDINANCES IN THE BOROUGH OF HILLSDALE

WHEREAS, in recent years, there has arisen a proliferation of internet and other media advertising often on websites dedicated to the rental of Dwelling Amenities such as pools, backyards, driveways, sports courts, or similar facilities for short, often daily, terms (“Amenity Rental”); and

WHEREAS, the Short-Term Rental of Amenities frequently results in public nuisance, noise complaints, sanitation issues, and illegal parking within the residential neighborhoods of the Borough, and converts residential dwelling amenities into public amenities, in violation of the Borough’s Zoning and other Codes as state statutes and the purpose for which their amenities are constructed; and

WHEREAS, the Borough wishes to deter Owners from renting Dwelling Amenities on various websites or by other means; and

NOW, THEREFORE, BE IT ORDAINED by the Members of the Governing Body of the Borough of Hillsdale, in the County of Bergen, State of New Jersey, as follows:

Section One. Definitions.

Advertise or Advertising means 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 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, for Consideration, which are prohibited by this Ordinance.

Consideration means soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration including a promise of benefit, a quid-pro-quo, rent, fees, other form of payment, or thing of value.

Owner means any person(s) or entities, association, limited liability company, or corporation, or partnership, or any combination who legally use, possess, own, lease, sub-lease, or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) that has charge, care con-

trol, or participates in the expenses and/or profit of a Dwelling Amenities pursuant to a written or unwritten agreement, rental lease, license, use, occupancy agreement or any other agreement.

Person means an individual, firm, corporation, association, partnership, limited liability company, association, entity, or any person(s) and/or entities acting in concert or any combination therein.

Section Two. Rental Amenities Prohibited.

- A. The lease or rental, for any purpose, of any amenity, feature, accessory, use, or appurtenance to, or associated with, a dwelling is prohibited. This shall include, but is not limited to, swimming pools, yard areas, tennis courts, riding areas, and interior or exterior having similar recreation features.

Section Three. Enforcement; Violations and Penalties

- A. The provisions of this Ordinance shall be enforced by the Building Code Official, Fire Official, Health Department, other Sub-Code or Code Official, as their jurisdiction may arise, including legal counsel for the Borough or other persons designated by the Governing Body, to issue Municipal Court summons by the Police Department, Building Code Official, Health Department, or other Sub-Code or Code Official.
- B. A violation of this Ordinance is hereby declared to be a public nuisance, 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 Ordinance, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission of a fine exceeding \$1,250.00 or imprisonment for a period not exceeding 90 days, or both. Each day of such violation shall be a new and separate violation of this Ordinance.**
- 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, reimburse the Borough and other participating law enforcement agencies their full investigative costs, in the Borough's Municipal Court or the Superior Court of New Jersey in the vicinage of Bergen County, remit all illegally obtained rental revenue to the Borough so that it may be returned to the victims of illegal short term rental activities, or in such other Court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.
- E. The remedies provided in this Section are not exclusive, and nothing in this Section shall preclude the use of application of any other remedies, penalties or

procedures established by law.

Section Four. Validity

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

Section Five. Effect of this Ordinance on other Laws.


- A. This Ordinance shall supersede and replace any other provisions of the Code of the Borough of Hillsdale, now or later enacted, which have or may be constructed to have differing or contrary terms or conditions relating to the subject of this Ordinance. This Ordinance is not intended to alter the current or later enacted amendments to the Borough’s Zoning Code.

Section Six. Effective Date

- A. This Ordinance shall become effective after the second reading and thirty (30) days after being published in a newspaper of general circulations within the Brough.

Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeRosa, Anthony			X				
Escobar, John			X				
Fox, Justin					X		
Horvath, Zoltan			X				
Lundy, Abby	X		X				
Trochimiuk, Janetta		X	X				
Ruocco, John							

Adoption: June 13, 2023

Attest: 
 Denise Kohan
 Municipal Clerk


 John J. Ruocco
 Mayor