

**ORDINANCE NO. 2020-**

**AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT,  
COUNTY OF OCEAN AND STATE OF NEW JERSEY  
AMENDING AND SUPPLEMENTING CHAPTER 63B OF  
THE TOWNSHIP CODE ENTITLED “RENTAL  
PROPERTIES”.**

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Township  
Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as  
follows:

**SECTION 1.** Chapter 63B of the Township Code entitled “Rental Properties” is  
hereby amended to add a new Article II, which shall read as follows:

**Article II Short-Term Rentals**

**§ 63B-9 Purpose and scope.**

**A.** This article aims to curtail, and in certain circumstances prohibit, the increasingly widespread practice of renting or leasing various types of dwellings, or segments thereof, located primarily in residential neighborhoods, on a short-term basis to transient guests. This practice has been popularized and facilitated by various websites that advertise and broker these rentals. Left unregulated, this practice will transform many residential dwellings into flophouses to the detriment to the health, safety, and quiet enjoyment of the affected neighborhoods.

**B.** This article does not apply to lawfully established and operating hotels, motels, rooming houses, boardinghouses, and bed-and-breakfast establishments.

**§ 63B-10 Definitions.**

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

**DWELLING**

Any building or portion thereof designed or used exclusively for one or more dwelling units, as delineated below:

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**A. DWELLING UNIT**

A building or part thereof having cooking, sleeping and sanitary facilities designed for or occupied by one family and which is entirely separated from any other dwelling unit in the building, either vertically or horizontally, and with an independent means of access.

**B. DWELLING, SINGLE-FAMILY**

A building designed for or containing one dwelling unit.

**C. DWELLING, TWO-FAMILY**

A building designed for or containing two dwelling units which are entirely separated from each other by vertical walls or horizontal floors.

**D. DWELLING, MULTIPLE**

A building designed for or containing three or more dwelling units which are entirely separated from each other by vertical walls or horizontal floors.

**E. DWELLING, EFFICIENCY APARTMENT**

An apartment including the following separate rooms or a combination thereof: a bathroom with toilet and bath facilities and a combination living room and bedroom with a combination kitchen and dining room; or a combination living room, bedroom and dining room with a separate kitchen; or a combination living room, bedroom, dining room and kitchen, provided that the kitchen can be closed off from the remainder of the room. No additional room shall be provided except hallways and suitable closet and storage space.

**F. DWELLING, ONE-BEDROOM APARTMENT**

An apartment including the following separate rooms or a combination thereof: a kitchen; a dining room; a living room; or a combination kitchen and dining room with a separate living room; or a separate kitchen with a combined living room and dining room area, provided that in no case shall a kitchen be combined with a living room; a bathroom with toilet and bath facilities; and a bedroom. No additional room shall be provided except hallways and suitable closet and storage space.

**G. DWELLING, TWO-BEDROOM APARTMENT**

An apartment including the following separate rooms or a combination thereof: a kitchen; a dining room; a living room; or a combination kitchen and dining room with a separate living room; or a separate kitchen with a combined living room and dining area, provided that in no case shall a kitchen be combined with a living room; a bathroom with

toilet and bath facilities; a master bedroom; a second bedroom. No additional room shall be provided except hallways and suitable closet and storage space.

#### **H. DWELLING, THREE-BEDROOM APARTMENT**

An apartment including the following separate rooms or a combination thereof: a kitchen; a dining room; a living room; or a combination kitchen and dining room with a separate living room; or a separate kitchen with a combined living room and dining area, provided that in no case shall a kitchen be combined with a living room; a bathroom with toilet and bath facilities; a master bedroom; a second bedroom; a third bedroom. No additional room shall be provided except hallways and suitable closet and storage space.

#### **I. DWELLING, TOWNHOUSE**

A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

#### **SEGMENTED DWELLING**

A room within or section of a dwelling that constitutes an area less than the entire dwelling.

#### **§ 63B-11 Short-term rentals prohibited.**

No dwelling, or segment thereof, may be rented or leased for a term of less than 30 days.

#### **§ 63B-12 Room Rentals.**

**A.** The lease or rental of multiple rooms within a dwelling to a single tenant or separate tenants is prohibited.

**B.** The lease or rental of a single room within a dwelling is permitted provided the following conditions are satisfied:

**1.** The dwelling has been inspected, issued a rental certificate of occupancy, and complied with all other requirements set forth in Chapter 63B.

**2.** The landlord has filed the appropriate registration with the Township pursuant to N.J.S.A. 46:8-28 and Chapter 63B of the Township Code.

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3. The dwelling complies with all applicable health, safety, construction, zoning, and fire codes.
4. The dwelling has a minimum of two bedrooms.
5. The addition of the tenant does not result in a violation of occupancy limitations.
6. The owner maintains all required insurances in sufficient coverage amounts and has furnished proof thereof to the Township.
7. The dwelling is owner-occupied year-round.
8. A minimum tenancy of one month, and a maximum of one tenant.
9. The tenant has unrestricted access to the dwelling's common areas and amenities, including but not limited to kitchens, basements, garages, laundry facilities, patios/porches, pools, assigned closets, assigned bathrooms, and living and dining areas.
10. Bedroom doors may have privacy locks, but not key locks.
11. There is sufficient space on the subject property to lawfully provide one on-premises parking space for the tenant's vehicle.

**§ 63B-13 Commercial Rentals.**

The lease or rental of any dwelling for commercial or corporate purposes is prohibited.

**§ 63B-14 Rentals of Amenities.**

The lease or rental, for any purpose, of any amenity, feature, accessory, or appurtenance to or associated with a dwelling is prohibited. This prohibition includes, but is not limited to, swimming pools, hot tubs, tennis courts, basketball courts, home gyms, and garages.

**§ 63B-15 Advertisement.**

The print, electronic, or Internet advertisement of any rental that is prohibited by or fails to comply with the provisions of this article or any other applicable provision of the Township Code is prohibited.

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**§ 63B-16 Enforcement.**

The Code Enforcement Officer, Zoning Officer, and the Police Department are empowered to enforce this article.

**§ 63B-17 Violations and Penalties.**

**A.** Any person violating or failing to comply with any other provision of this article shall, upon conviction thereof, be punishable by a fine no less than \$100 and no more than \$1,000, by imprisonment not to exceed 90 days or by community service of not more than 90 days, or any combination of fine, imprisonment and community service, as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

**B.** Each and every day a violation of this article persists shall constitute a separate violation.

**C.** To the extent the conduct prohibited under this article also violates other provisions of the Township Code, those violations constitute separate offenses subject to additional fines and penalties as prescribed.

**SECTION 2.** Chapter 63B of the Township Code entitled “Rental Properties” and specifically Section 63B-1 to -8 thereof shall be listed under the new heading, “Article I Rental Properties.”

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5.** This ordinance shall take effect after second reading and publication as required by law.

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**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the \_\_\_\_\_ day of \_\_\_\_\_, **2020**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the \_\_\_\_\_ day of \_\_\_\_\_, **2020**, at \_\_\_\_\_ AM/PM. at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

\_\_\_\_\_  
**MICHELE RIVERS, RMC**, Clerk  
Township of Barnegat

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