

ORDINANCE NUMBER 1214

ORDINANCE OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN, STATE OF NEW JERSEY ADDING ARTICLE II, SHORT-TERM RENTALS, TO CHAPTER 267, RENTAL UNITS, IN THE CODE OF THE BOROUGH OF BARRINGTON

BE IT ORDAINED by the Borough Council of the Borough of Barrington, County of Camden, and State of New Jersey that Article II., Short-term Rentals, is hereby added to Chapter 267, Rental Units, in the Code of the Borough of Barrington, as follows:

**Article II.
Short-term Rentals**

ARTICLE I.	ARTICLE II.	SECTION 267-18	Definitions.
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In addition to the Definitions as set forth in Section 267-1 of Article I. of this Chapter, 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:

DWELLING UNIT – SHORT-TERM RENTAL - 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.

DWELLING, SINGLE-FAMILY - A building designed for or containing one dwelling unit.

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.

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.

HABITABLE SPACES - A space in the building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

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

SHORT-TERM RENTAL - a dwelling, or segment thereof, rented or leased for a term of three (3) days or more, up to twenty-nine (29) days. Under no circumstances may a dwelling, or segment thereof, be rented or leased for a term of less than three (3) days.

BOROUGH – the Borough of Barrington.

UNDERAGE – For the purpose of the consumption of alcoholic beverages, under the age of twenty-one (21) years old. For all other purposes, under the age of eighteen (18) years old.

ARTICLE II.	ARTICLE II.	SECTION 267-19	Purpose and scope.
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A. The purpose of this Article is to regulate 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.

B. The Borough Council finds that the rental of residential dwellings for short-term occupancy has been identified as a community concern due to the potential for increased traffic, noise, high occupant turnover, and increased density in residential neighborhoods.

C. The number of individuals occupying such short-term rentals has the potential to exceed standards for the design capacity of such structures and to cause health and safety risks for the occupants, neighbors and nearby properties.

D. The purpose of this chapter is to safeguard the peace, safety and general welfare of the residents of the Borough and their visitors or guests by reducing noise, traffic and parking congestion, vandalism, overcrowding, neighborhood uncertainty, high occupant turnover, the diminution of neighborhood character, and other secondary effects that have been associated with the short-term rental of residential properties.

E. Therefore, the Borough of Barrington adopts this chapter to prohibit and regulate short-term residential rentals, and enforce said prohibitions and regulation.

ARTICLE III.	ARTICLE II.	SECTION 267-20	Short-term rentals.
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A. No person shall hereafter occupy any short-term rental unit, nor shall the owner permit the occupancy of any short-term rental unit within the Borough of Barrington, which is not inspected in accordance with this Article.

B. No short-term rental unit may be scheduled for inspection unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.

D. Subject to the provisions of this Chapter, the short-term rental of a dwelling, or segment thereof within a dwelling, is permitted provided the following conditions are satisfied:

(1) The dwelling has completed the Rental Registration Process including, but not limited to, registering as a rental property, paid the accompanying registration fee of Three Hundred, Fifty Dollars (\$350.00), has been inspected, issued a rental certificate of occupancy, and complied with all other requirements set forth in Chapter 267 of the Code of the Borough of Barrington. In addition thereto, the dwelling will be inspected monthly under the criteria as set forth by the "Short-term Rental Monthly Inspection Criteria," which shall be provided to the landlord upon the application for inspection of the short-term rental property pursuant to this Article. The fee for this monthly inspection shall be Fifty Dollars (\$50.00).

(2) The landlord has filed the appropriate application for inspection with the Borough pursuant to N.J.S.A. 46:8-28 and Chapter 267 of the Code of the Borough of Barrington.

(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 as set forth in the applicable Building and Fire Codes.

(6) 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.

(7) Bedroom doors may have privacy locks, but not key locks.

(8) There is sufficient space on the subject property to lawfully provide one on-premises parking space for each tenant's vehicle.

(9) The owner of the short-term rental unit notifies the Borough of each tenant change. This information must include: the name, address, telephone number and e-mail address of all tenants/occupants as well as the names of all underage individuals.

ARTICLE IV. ARTICLE II.

SECTION 267-21

Commercial rentals.

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

ARTICLE V. ARTICLE II. SECTION 267-22 Rentals of amenities.

The lease or rental, for any purpose, of the real property or portion thereof, amenity, feature, accessory, or appurtenance to or associated with a dwelling is prohibited.

ARTICLE VI. ARTICLE II. SECTION 267-23 Rental limitation on occupancy; posting of maximum.

A. Each inspectee granted a certificate of inspection pursuant to this Article shall be permitted to lease or rent the dwelling which has been inspected and for which a certificate of inspection has been granted hereunder to a number of registered tenants, which number shall not exceed the number which has been computed in accordance with the following:

(1) Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area.

(2) Every room occupied for sleeping purposes by more than one person shall contain at least 50 additional square feet of floor area for each occupant thereof, except that any such room, any building or structure which is in existence and for which a Certificate of Occupancy has been issued as of March 28, 1996, shall be deemed to accommodate two people notwithstanding the fact that such room does not have a minimum of 120 square feet as required by this Subsection A.

(3) Every space being occupied shall be a habitable space and meet the occupancy requirements specified in the current Barrington Property Maintenance Code.

B. **Maximum number of occupants; posting.** The maximum number of occupants shall be posted in each rental unit. It shall be unlawful for any person to allow a greater number of occupants than the posted maximum number to sleep in or otherwise occupy the rental unit. Any person violating this provision shall be subject to the penalty provisions provided herein. For purposes of this subsection, the term "person" is intended to mean owner and/or occupier, tenant or guest occupying the rental unit, including invitees.

ARTICLE VII. ARTICLE II. SECTION 267-24 Revocation and/or suspension of certificate of inspection; other disciplinary action; procedure; conditional renewal.

A. **Grounds.** In addition to any other penalty prescribed herein, an owner and/or

occupier may be subject to the revocation or suspension of a certificate of inspection or having such certificate of inspection placed in probationary status or other appropriate disciplinary action upon the happening of one or more of the following:

(1) Conviction of a violation of this article in the Municipal Court or any other court of competent jurisdiction.

(2) Following a determination of a violation of this article after a hearing held pursuant to Subsection C of this section.

(3) A pattern of renting the unit(s) to one or more individuals or groups of individuals who, during any one or more inspection term(s), are convicted of a violation of Chapter 230, Noise, or a violation of any other Borough ordinance, which conviction is related to or rising out of the use and occupancy of the short-term rental unit(s). In order to support disciplinary action under this section, it need not be shown that convictions are of the same individual(s) or that the conviction(s) were for conduct occurring during any single certificate of inspection term. It shall be sufficient to demonstrate that such convictions were of different individuals occurring over one or more certificate of inspection terms.

(4) A pattern of permitting the short-term rental unit(s) to be occupied by more than the maximum number of occupants as defined herein.

(5) Maintaining the short-term rental unit, or units or the portion of the property which is subject to short-term rental, in a dangerous condition likely to result in injury to person or property.

(6) A false, misleading, or fraudulent statement made in connection with the short-term rental inspection application of a short-term rental unit or units, under this article.

(7) A pattern of conduct which results in creating, maintaining, permitting or suffering the existence of any of the following conditions at or about the short-term rental unit:

(a) Disorderly conduct on the part of tenant(s) or occupant(s) or their guests. "Disorderly conduct" shall be as defined in N.J.S.A. 2C:33-2; provided, however, that a conviction of such person or persons under that statute shall not be required in order for the Borough to take action under this section.

(b) A nuisance, as that term is defined by N.J.S.A. 2C:33-12; provided, however, that a conviction of such person or persons under that statute shall not be required in order for the Borough to take action under this section.

(c) The failure to comply with any directive of the Borough concerning the

abatement of conduct prohibited by Subsection A(7)(a) or (b) hereof.

(d) The public manifestation by tenant(s), occupants or guests of being under the influence of alcohol or controlled dangerous substances; provided, however, that a conviction of such individuals for such violation(s) shall not be required in order for the Borough to take action under this section.

(e) The possession or consumption of alcoholic beverages by minors not related by blood to the tenant in or about the short-term rental unit.

(8) Whenever the Police Department shall have made an arrest of or issued a summons to a tenant, occupant or guest or owner and/or occupier on more than one occasion during any thirty-day period for an offense related to or arising out of the use and occupancy of the short-term rental unit(s), the same shall be prima facie evidence of a violation of Subsection A of this section, provided that the owner and/or occupier and/or managing agent shall have had notice of the existence of such circumstances or conditions.

B. It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action involving a short-term rental certificate of inspection by demonstrating that the owner and/or occupier has taken appropriate action and has made a good faith effort to abate the conditions or circumstances giving rise to the revocation proceeding, including but not limited to the institution of legal action against the tenant(s), occupant(s) or guests for recovery of the premises, eviction of the tenant(s) or otherwise.

C. Procedure; written complaint; notice; hearing.

(1) A complaint seeking the revocation or suspension of a certificate of inspection may be filed by any one or more of the following: the Borough Construction Official, the Borough Zoning Officer, the Borough Code Enforcement Officers, and/or a sworn law enforcement officer of the Borough Police Department. Such complaint shall be in writing and filed with the Borough Clerk. The complaint shall be specific and shall be sufficient to apprise the inspectee of the charges so as to permit the inspectee to present a defense. The individual(s) filing the complaint may do so on the basis of information and belief and need not rely on personal information.

(2) Upon the filing of such written complaint, the Borough Clerk shall schedule a hearing, which shall not be sooner than five days nor more than 20 days thereafter. The Borough Clerk shall forward a copy of the complaint and a notice as to the date, time and place of the hearing to the inspectee and the managing agent, if any, by regular mail at the address indicated on the short-term rental inspection application form. Service upon the managing agent shall be sufficient.

(3) The hearing required by this section shall be held by a Hearing Officer who shall be appointed by Borough Council. The Hearing Officer shall render a decision within 10 days of the conclusion of the hearing, recommending the dismissal of the complaint, revocation or suspension of the certificate of inspection, determining that the certificate of inspection shall not be renewed or reissued for one or more subsequent certificate of inspection years, or placing the certificate of inspection on probationary status as set forth in Subsection D below. The Hearing Officer shall transmit his or her findings of fact and conclusions of law to the Borough Administrator or his/her designee, who shall review the matter and may accept, reject or modify the recommendations of the Hearing Officer based on the record before him or her within 10 days of receipt of the Hearing Officer's decision.

(4) All hearings shall be recorded by sound recording equipment. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply, and the evidential rules and burden of proof shall be that which generally controls administrative hearings.

(5) The Borough Solicitor or his or her designee may appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

D. Certificate of inspection in probationary status.

(1) In lieu of a revocation or suspension of a certificate of inspection, the Borough Administrator or his designee may determine to place the certificate of inspection in a probationary status. Once imposed, the probationary status shall remain in effect for the remainder of that certificate of inspection term and the succeeding renewal term.

(2) The terms of the probationary status shall be specifically set forth in a resolution of the Borough Council, a copy of which shall be served upon the owner and/or occupier, managing agent, realtor (if different from the managing agent and if whose identity is known to the Borough), tenants, occupants, Police Chief, and Code Enforcement Officer. Such notice shall be served personally or by certified mail, return receipt requested, or both. If service is made by certified mail, return receipt requested, it shall also be sent simultaneously by first-class mail. Mail to the owner and/or occupier and managing agent shall be at the address indicated on the short-term rental inspection application form.

(3) The Borough Council may, on its own initiative or at the request of an owner and/or occupier, managing agent, tenant or occupant of the short-term rental unit, modify the terms of such probationary status at any time during the probationary term. If modified, it shall be by resolution, copies of which shall be served upon such persons and in such manner as specified in

Subsection D(2) hereof.

(4) The violation of any term of condition or the probation by the owner and/or occupier, managing agent or tenant or occupant shall be cause for the immediate suspension or revocation of the short-term rental certificate of inspection.

(5) An owner of a short-term rental unit shall give written notification to the Borough Clerk of any change in tenants during the period of probation. New tenants shall be notified in accordance with Subsection D(2) hereof.

E. Conditional renewal of certificate of inspection.

(1) Any certificate of inspection which is in probationary status may be renewed for the succeeding certificate of inspection term conditioned upon compliance by the owner, managing agent or tenant or occupants with the terms and conditions of probation.

(2) The failure to comply with the terms and conditions of probation by the owner and/or occupier or managing agent or tenant or occupants shall be cause for the immediate suspension or revocation of the certificate of inspection.

ARTICLE VIII. ARTICLE II. SECTION 267-25 Enforcement.

The Code Enforcement Officer, the Borough Zoning Officer and/or the Police Department are hereby empowered to enforce this Article.

ARTICLE IX. ARTICLE II. SECTION 267-26 Violations; penalties.

A Any person, firm, association or corporation violating any of the provisions of this article shall, upon conviction, be subject to one or more of the following: a fine not less than \$1,000 or greater than \$2,000, and/or imprisonment in the county jail for a term not exceeding 90 days, and/or a period of community service not exceeding 90 days, in the discretion of the Municipal Court Judge. Each day that a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this chapter.

B. Any person, firm, association or corporation who is convicted of violating this article within one year of the date of a previous violation and who was fined for the previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person, firm, association or corporation for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the article but shall be

calculated separately from the fine imposed for the violation of the article.

C. The foregoing penalties shall be in addition to any other penalty provided in this article and shall be in addition to those penalties set forth in N.J.S.A. 46:8-35.

ARTICLE X.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE XI.

This Ordinance shall take effect upon passage and publication according to law.

BOROUGH OF BARRINGTON

Date of Introduction: June 11, 2025

Date of Adoption:

By: _____
Kyle Hanson, Mayor

Attest: _____
Terry Shannon, Borough Clerk

The foregoing ordinance was introduced by Borough Council at the regular meeting held on June 11, 2025. This Ordinance will be considered for adoption on final reading and public hearing to be held on July 8, 2025 at 6:00 p.m. in the Council Meeting Room, Barrington Borough Hall, 229 Trenton Avenue, Barrington, New Jersey.

The purpose of this Ordinance is to regulate, pursuant to N.J.S.A. 40:49-5, short-term property rentals within the Borough of Barrington. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Thursday (Legal Holidays excluded), and public between the hours of 8:30 AM to 12:00 PM on Fridays (Legal Holidays excluded), at the Office of the Borough Clerk, Barrington Borough Hall, 229 Trenton Avenue, Barrington, New Jersey.