

**HAMPTON TOWNSHIP  
ORDINANCE #2021-06**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HAMPTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, TO ADD NEW CHAPTER 84, ENTITLED “SHORT-TERM RESIDENTIAL RENTAL PROPERTY REGULATIONS”.**

**WHEREAS**, pursuant to *N.J.S.A.40:52-1(d)* and (n), municipalities are authorized to regulate “furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof” and the “rental of real property for a term of less than 175 consecutive days for residential purposes by a person having a permanent place of residence elsewhere”; and

**WHEREAS**, in recent years, there has arisen a proliferation of internet and other media advertising often on websites dedicated to the rental of dwelling units for short terms and for a period of less than 150 days (“short-term rental”); and

**WHEREAS**, unregulated short-term rentals can create disproportionate impacts related to their size, excessive occupancy and lack of proper facilities; and

**WHEREAS**, common experience dictates the conclusion that short-term rentals frequently result in public nuisance, noise complaints, unruly behavior, obscene language, fighting, littering, parking of vehicles on lawns, public urination, sanitation issues, overcrowding, poor maintenance of property and grounds, noncompliance with trash and recycling collection procedures, and illegal parking within residential neighborhoods of Hampton Township, and essentially convert residential dwelling units into de-facto hotels, motels, boarding houses or other commercial enterprises contrary to the purposes of the Township’s zoning and other ordinances; and

**WHEREAS**, the Township wishes to prevent overcrowding, which can result when the Township’s occupancy limits are unknowingly exceeded and can cause safety and fire hazards; and

**WHEREAS**, the Hampton Township Committee finds that, in the interest of public health, safety and welfare, short-term rental uses should be regulated to help preserve housing within the Township for long-term tenants, to minimize potential deleterious effects of short-term rental properties on neighboring properties, to protect the residential character of areas designed for residential use, to maintain density at reasonable and safe levels, and to establish and enforce minimum life safety standards;

**NOW THEREFORE, BE IT ORDAINED**, by the Township of Hampton, in the County of Sussex, New Jersey, as follows:

SECTION 1. The Revised General Ordinances of the Township of Hampton, County of Sussex, State of New Jersey, are hereby amended to add Chapter 84, entitled “Short-Term Residential Rental Property Regulations”, which shall read as follows:

**Chapter 84. Short-Term Residential Rental Property Regulations**

**Section 84-1. Definitions.**

ADVERTISE or ADVERTISING -- Solicitation, promotion and/or communication for the purpose of marketing rental or occupancy of a dwelling unit for consideration. Examples of such advertising include

solicitations and promotions through media including but not limited to, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, multiples listing services, or text or other electronic messages.

**CONSIDERATION** -- Any legally recognized form of consideration including, by way of example, money, compensation, a promise or benefit, a quid-pro-quo, rent, fees, other form of payment, or thing of value.

**DWELLING UNIT** -- Any structure, or part thereof, located in the Township of Hampton, which is occupied or intended, arranged or designed to be occupied in whole or in part for sleeping, dwelling, cooking, gathering, entertaining and/or other residential purposes by one or more people. This definition includes a building, apartment, condominium, co-operative and/or converted space, or portion thereof, offered for use, made available for use and/or used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s). Excluded from this definition are: campgrounds regulated by chapter 113; legally operating motels and hotels; nursing homes; buildings legally dedicated for use as group homes, protective shelters or adult care facilities; residences temporarily occupied by the owner of another residential property in the Township then undergoing construction activity; and rental properties occupied by tenants under a lease of a term of six months or more which has expired but by reason of which the tenant continues to occupy the property on a month-to-month basis.

**HOUSEKEEPING UNIT** -- Constitutes a family-type situation, involving one or more persons, who live together in a dwelling unit as their principal residence and who 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 to be in or possessory right to a dwelling unit.

**OWNER** -- Any person who or which uses, possesses, owns, leases, sub-leases or licenses a dwelling unit and/or who or which has charge, care, control, or participates in the expenses and/or profits of, a dwelling unit pursuant to a written or unwritten rental, lease, license, use, occupancy or any other agreement.

**PERSON** -- An individual, firm, corporation, association, partnership, limited liability company, association, entity, and/or any person(s) and/or entity(ies) acting in concert or any combination thereof; and any operator, principal, shareholder, director, agent and/ or employee of the person.

**RESIDENTIAL OCCUPANCY** -- The use of a dwelling unit by an occupant.

#### **Section 84-2. Short-Term Rentals Prohibited; Exceptions.**

- A. No dwelling unit shall be rented or let for occupancy by a person for a period of less than 150 consecutive days.
- B. No owner shall receive or obtain actual or anticipated consideration for soliciting, advertising, offering and/or permitting, allowing or failing to discontinue the use or occupancy of a dwelling unit for a period of less than 150 consecutive days.
- C. This chapter does not prohibit:
  - (i) rental of a dwelling unit to or for a particular occupant or particular group of occupants for a period of 150 consecutive days or more.

- (ii) residential occupancy of an otherwise lawfully occupied dwelling unit for a period of 150 consecutive days or less by a person who is a member of the owner's housekeeping unit without consideration;
- (ii) temporary occupancy of a dwelling unit without consideration by a guest of a member of the owner's housekeeping unit while that member of the housekeeping unit is in residential occupancy of the dwelling unit without consideration.

**Section 84-3. Advertising Prohibited.**

No person shall advertise the rental or occupancy of a dwelling unit in violation of this chapter.

**Section 84-4. Enforcement; Violations and Penalties.**

- A. The code enforcement officer, municipal health office and/or the construction official are each empowered to enforce the provisions of this chapter.
- B. Any person violating a provision of this chapter shall, on conviction, be subject to the penalties and fines prescribed in Chapter 1 of this Code.
- C. The penalties imposed herein shall be in addition to any and all other remedies that may accrue under any other law.

SECTION 2. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

SECTION 3. All ordinances or parts of ordinances inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or contrariness.

SECTION 4. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey following the required twenty-day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

**CERTIFICATION**

I hereby certify that the above Ordinance was introduced by the Township Committee at their regular meeting held May 25, 2021 at the Hampton Township Municipal Building, Baleville, Sussex County, New Jersey.

Date: \_\_\_\_\_

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Kathleen Armstrong, RMC

Township Clerk

## **HAMPTON TOWNSHIP NOTICE**

NOTICE IS HEREBY GIVEN that the attached Ordinance #2021-06 was introduced at a regular meeting of the Township Committee of the Township of Hampton, Sussex County, New Jersey, held on the 27<sup>th</sup> day of April, 2021 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Township Committee to be held on the 25<sup>th</sup> day of May, 2021 at the Municipal Building, One Rumsey Way, in the Township of Hampton, at 7:00 p.m., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

Date:

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Kathleen Armstrong, RMC  
Township Clerk

## **HAMPTON TOWNSHIP NOTICE ORDINANCE 2021-06**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance #2021-06 was adopted at Final Reading at the regular meeting of the Township Committee of the Township of Hampton, County of Sussex held on Tuesday, May 25, 2021, at the Hampton Township Municipal Building, Baleville, N.J.

Date:

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Kathleen Armstrong, RMC  
Township Clerk