BOROUGH OF LEONIA
ORDINANCE # 2025-23

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF LEONIA TO ADD A NEW CHAPTER 229 TO REGULATE SHORT-TERM RENTAL PROPERTIES WITHIN THE BOROUGH

WHEREAS, the Borough of Leonia has determined that it is in the best interest of the Borough that Short-term Rental Properties within the Borough be regulated; and

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Leonia as follows:

Section 1. Chapter 229 of the Code of the Borough of Leonia shall be added as follows:

229-1. DEFINITIONS

OWNER

An individual or entity that has the legal or equitable title to the short-term rental property.

PRINCIPAL RESIDENCE

The address: 1) where at least one of the property owners spends the majority of his or her non-working time not less than 150 days in a calendar year; 2) which is most clearly the center of his or her domestic life; and 3) 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.

RENTER

The lessee or tenant of the short-term rental property.

SHORT-TERM RENTAL

The entire dwelling unit where short-term rental is provided for compensation for stays of between one and 30 consecutive nights, and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a hotel, motel or bed-and-breakfast.

229-2. Eligible Properties

A. Short-term rentals for an entire dwelling unit shall only be permitted in zoning districts wherein they are permitted as residential uses, and in the following classifications of property:

(1) Dwelling units located in a condominium association, homeowners association or cooperative association, where the association's bylaws, master deed, or other relevant governing document permits short-term rentals and where the owner of the unit legally identifies an address within the association as his or her principal residence;

(2) Individually or collectively owned single-family residences;

(3) Legally approved and permitted accessory dwelling units where a property owner resides in the primary residence;

(4) Individually or collectively owned two-family residential dwellings, where both units are under common ownership and one unit is owner-occupied.

B. Short-term rentals shall be in compliance with Chapter 212, Property Maintenance, Article X, Occupancy in One-Family and Multiple-Family Dwellings. Section 212-27 through 212-31 of the Code of the Borough of Leonia.

C. Short-term rentals shall not be permitted on illegally nonconforming properties. Properties must either 1) comply with existing zoning, 2) have been granted variances for their noncompliance, or 3) demonstrate preexisting nonconforming conditions as certified by the Planning Board in accordance with N.J.S.A. 40:55D-58.

D. Short-term rentals shall not be permitted in multifamily dwellings in which rent is set by HUD, a State agency, rent controlled pursuant to Chapter 220 of the Code of the Borough of Leonia, or an agreement with the owner of the multi-family dwelling.

E. The following shall not be permitted to operate as short-term rentals: hotel, motel, rooming house, dormitory, convalescent home, assisted living facilities, community residences for developmentally disabled person, community shelters for victims of domestic violence, senior housing, housing deed restricted as an affordable housing unit, nursing homes, housing owned or controlled by an educational institution to house students or

faculty, or housing operated or used exclusively for religious, charitable or educational purposes.

F. Ownership.

(1) 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.

G. No short-term rentals shall be permitted for a portion of dwelling unit.

229-3. License Application.

A. The owner/agent of a short-term property shall obtain a short-term rental license from the Zoning Officer of the Borough of Leonia, or his/her designee, before renting or advertising for rent any short-term rental.

B. The application for a short-term rental permit must meet the following initial requirements to be considered:

(1) A short-term rental license application provided by the Borough.

(2) An initial registration fee of $500. Said fee shall be non-refundable, including in the event that the application is denied.

(3) Proof of the owner's current ownership of the short-term rental unit.

(4) Proof of general liability insurance in a minimum amount of $500,000.

(5) Every initial application for a short-term rental permit shall require documentation indicating that the property has been inspected for compliance with the Borough's fire code and Property Maintenance Code within the past six months. Thereafter, upon renewal, the applicant must present documentation that the property has been inspected annually for compliance with the Borough's Fire Code and Property Maintenance Code.

(6) Proof of all Borough taxes paid to date.

229- 4. Issuance of License.

A. Once an application is submitted, complete with all required information, documentation, and fees, the Zoning Officer or his/her designee, following any necessary investigation for compliance with this section, shall either issue the short-term rental license or issue a written denial of the permit application, with the reasons for such denial being stated therein within 30 days, provided access to the short-term rental is provided by the owner or owner's agent.

B. The Zoning Officer shall refer the application to the Construction Official, Fire Official and Property Maintenance Officer for inspection. No license shall be issued until the short-term rental is inspected and approved by each official.

C. The applicant shall comply with the change of use requirements under the Uniform Construction Code (UCC) (if applicable).

D. The short-term rental license if granted, shall not commence prior to 20 days from the receipt of Notice of Approval provided that no appeal has been filed and shall be valid for a period of one year from the date of issuance.

E. Notice of the approval or denial will be mailed to the applicant and adjoining property owners. An aggrieved party may appeal a decision granting or denying an administrative permit to the Planning Board within 20 days of the issuance of the decision in accordance with N.J.S.A. 40:55D-72. The Planning Board may affirm, reverse or modify the decision appealed.

F. Within 30 days thereafter, the Planning Board shall hear and decide the appeal.

G. A short-term rental license shall be renewed on an annual basis, based upon the anniversary of the original permit issuance, by submitting to the Zoning Officer a short-term rental license application and a renewal registration fee of $250.

H. A short-term rental license shall expire automatically when the property changes ownership, and a new initial application and registration fee will be required in the event that the new owner intends to use the property as a short-term rental. A new application shall also be required for any short-term rental that had its short-term rental license lapse for more than three months, revoked or suspended.

229-5. Operational Requirements.

A. A dwelling unit shall be limited to one short-term rental contract at a time.

B. Short-term rentals are permitted for a maximum of 15 separate rentals per year or a maximum of 90 nights per year, whichever occurs first.

C. The owner of the short-term rental shall post the following information in a prominent location in the dwelling unit rented in the short-term rental:
(A sample of approved signage is available in the Building Department)

(1) Owner name; if owner is an entity, the name of a principal in the entity, email address and phone number for the principal;

(2) The maximum number of parking spaces available for short-term rental;

(3) Trash and recycling pick-up day, and all applicable rules and regulations regarding trash disposal and recycling;

(4) Notification that a guest or short-term rental owner may be cited or fined by the Borough of violations of any applicable ordinance(s) of the Borough.

(5) Fire safety egress routes.

(6) Telephone numbers for the Borough of Leonia emergency services (Police, Fire and Ambulance) and Building Department.

(7) Location of the functional fire extinguisher.

D. The following must be in place at all times within the rental:

(1) Working smoke/CO detectors must be installed in areas defined by the Building and Fire Codes. Further, such smoke/CO detectors must be interconnected either hardwired or battery powered.

(2) A functional fire extinguisher shall be visibly installed in any kitchen area.

E. During the entire contract period that a short-term rental is rented, the owner 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 premises, maintenance of the premises, operation of the premises, or conduct of the guests at the premises, or nuisance complaints arising by virtue of the short-term rental of the property.

F. Advertising.

(1) The owner of a short-term rental shall not install any advertising or identifying mechanisms, such as signage identifying the property for rent as a short-term rental.

(2) The short-term rental owner shall publish the short-term rental license number issued by the Borough in every print, digital or internet advertisement and/or in MLS or other real estate listing.

G. The short-term rental owner shall maintain an up-to-date log of all short-term rental occupants including the occupants' names and dates of commencement and expiration of each short-term rental period. This log shall be available for inspection by the Borough's Zoning Officer and the Police Department in case of emergency.

H. In no event shall a short-term rental 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.

I. Short-term rental occupants shall comply with all ordinances of the Borough including, but not limited to, those ordinances regulating noise and nuisance conduct. Failure of short-term rental occupants to comply shall subject the short-term rental occupants and owner to the issuance of fines and/or penalties, and the possibility of the revocation of the short-term rental license.

J. Approved Signage. The short-term rental unit shall have posted a floor plan of the housing showing all exits.

229-6. Violations, License Revocation, Penalties

A. Unlicensed rentals.

(1) Advertising without a license. Failure to make application for, and to obtain the issuance of, a short-term rental license prior to advertising the rental shall be equivalent to operation of the short-term rental without a license, and shall constitute a

violation, and will result in enforcement action and the issuance of fines and/or penalties as described below.

(2) Renting without a license. Using a dwelling unit for short-term rental without a license, or after a previous license has expired or was revoked, will subject the property owner to fines and penalties outlined ~~in~~ below.

B. Revocation of license.

(1) If the short term rental property is the subject of three or more substantiated complaints, the Zoning Officer or his/her designee or the Borough Administrator or his/her designee shall revoke the short-term rental license issued.

(2) If revoked, the short-term rental will be ineligible for a new license for one year following the date of revocation of the license.

(3) In the event a short-term rental license is revoked a second time, the short-term rental property shall be ineligible for licensing.

(4) The Zoning Officer or his/her designee or the Borough Administrator or his/her designee shall retain the discretion to revoke a short-term rental license in the event of a single substantiated complaint if, in his/her sole discretion, the interests of the Borough and its residents justify immediate revocation.

(5) In the event that a short-term rental is the subject of a civil and/or criminal complaint and/or code violation that involves a condition that creates a substantial risk of injury to live or property, the Zoning Officer or his/her designee or the Borough Administrator or his/her designee may, at their sole discretion, suspend the short-term rental license pending substantiation.

(6) In the event that the Borough receives two substantiated complaints concerning excessive vehicles belonging to the short-term rental occupants of a short-term rental, the short-term rental license for the property is subject to revocation by the Zoning Officer or his/her designee or the Borough Administrator or his/her designee.

(7) Upon the revocation or suspension of a license, the Zoning Officer or his/her designee or the Office of the Borough Administrator shall issue a written notice of revocation or suspension, as

applicable, of the short-term rental permit with the reasons for such revocation or suspension being stated therein within 10 days.

(8) Appeals of license revocation and suspension are subject to the jurisdiction of the Borough Administrator. An applicant shall have 10 business days to appeal the revocation or suspension, in writing, to the Office of the Borough Administrator.

(9) Within 30 days thereafter, the Borough Administrator or his/her designee shall hear and decide the appeal.

C. Penalties.

(1) Approvals may be revoked for failure to comply with this Chapter or with any conditions of approval imposed as part of the license approval.

(2) The first and second violation of a requirement will result in a penalty as described in Subsection C(3) and (4) below; and the third in a revocation of the approval. If a revocation occurs, the owner may not apply for reinstatement for a period of one year.

(3) Any person violating or failure to comply with any provision of this Chapter shall, upon conviction thereof, be punishable by a fine of no more than $1,000 for the first violation; no more than $2,000 for the second violation, 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. If a short-term rental license has been revoked, the minimum fine shall be $2,000.

(4) 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 shall be punished as provided in C.(3) above for each separate offense.

(5) Repeat violations. Any person who is convicted of violating this Chapter within one year of the date of a previous violation of the same provision, and who was fined for that 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 for a repeated offense shall be the maximum fine fixed for a violation of the provision, but shall be in addition to but calculated separately from the fine imposed for the current violation of the provision.

Section 2. If any section, paragraph, sub-section, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

Section 3. All ordinances or parts of ordinances of the Borough heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall terminate automatically on August 31, 2026 unless extended by the Mayor and Council.

Section 5. This Ordinance shall take effect twenty (20) days after final passage and adoption.

RECORD OF VOTE												
ORD. 2025-23												
	First Reading						Second Reading					
	November 5, 2025						December 1, 2025					
Council	M	S	Y	N	A	AB	M	S	Y	N	A	AB
Zeigler		✓	✓					✓	✓			
Fisher						✓			✓			
Grandelis			✓						✓			
Hesterbrink			✓						✓			
Scarangella			✓									✓
Terrell	✓		✓				✓		✓			
Mayor Ziegler												
M - Motion S - Seconded Y- Yes N - No A - Abstain AB - Absent												

Bill Ziegler, Mayor

ATTEST:

Jonathan Mandel, Borough Clerk