

**TOWNSHIP OF HARDYSTON**

**ORDINANCE 2018-09**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX TO AMEND TOWNSHIP GENERAL ORDINANCES, CHAPTER 104 HOUSING TO ESTABLISH A NEW ARTICLE III TO BE TITLED "SHORT-TERM RENTAL PROPERTY" IN ORDER TO ESTABLISH RESTRICTIONS ON THE RENTAL OF RESIDENTIAL DWELLING UNITS FOR CERTAIN TIME PERIODS**

**BE IT ORDAINED**, by the Township of Hardyston, in the County of Sussex, and State of New Jersey, as follows:

**SECTION 1.** Chapter 104, Housing of the Code of the Township of Hardyston is hereby amended and supplemented with a new Article III entitled "Short-Term Rental Property", which shall read as follows:

**CHAPTER 104 HOUSING**

**Article III: Short-Term Rental Property**

**§104-13 Rental for Certain Time Periods Prohibited.**

- A. Notwithstanding anything to the contrary contained in the Township of Hardyston Code, it shall be unlawful for an owner, lessor, sub-lessor, any other person(s), or entity(ies) with possessor or use right(s) in a dwelling unit, their principals, partner or shareholders, or their agents, employees, representatives and other person(s) or entity(ies), acting in concert or a combination thereof, to receive or obtain actual or anticipated consideration for soliciting, advertising, offering, and/or permitting, allowing, or failing to discontinue the use or occupancy of any dwelling unit, as defined herein, for a period of 60 days or less.
- B. Nothing in this section will prevent formation of an otherwise lawful occupancy of a dwelling unit for a rental period of more than 60 days.

**§104-14 Definitions.**

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

ADVERTISE OR ADVERTISING shall mean 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 section, 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 section.

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

DWELLING UNIT shall mean any structure, or portion thereof, whether furnished or unfurnished, which is occupied, in whole or in part, or intended, arranged or designed to be occupied for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, cooperative, converted space, or portions thereof, that are offered to use, made available for use, or are used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s), for consideration, for a period of 60 days or less.

HOUSEKEEPING UNIT constitutes a family-type situation involving one or more persons living together that 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 shall mean 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 or possessory right(s) within a dwelling unit.

OWNER shall mean any person(s) or entity(ies), association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sublease or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) that has charge, care, control, or participates in the expenses and/or profit of a dwelling unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON shall mean an individual, firm, corporation, association, partnership, limited liability company, entity, and any other person(s) and/or entity(ies) acting in concert or any combination thereof. Residential occupancy shall mean the use of a dwelling by an occupant(s).

**§104-15 Permitted Uses.**

A. The residential occupancy of an otherwise lawful and lawfully occupied dwelling unit for a period of 60 days or less by any person who is a member of the housekeeping unit of the owner, without consideration, such as house guests, is permitted.

B. Golf villas in connection with the golf course resort orientated housing as permitted within the C-R zone shall be permitted to rent, lease or otherwise lawfully occupy the dwelling unit in accordance with the land use approvals and conditions governing the development for a period of 60 days or less.

C. The cabins/dwelling units located at Block 59 Lot 6.04 in the MIDD-10 zone are permitted to be rented, leased or otherwise lawfully occupied for a period of 60 days or less in accordance with the land use approvals and conditions governing the property.

**§104-16 Advertising Prohibited.**

It shall be unlawful to advertise, solicit or promote by any means actions in violation of this section.

**§104-17 New Jersey Uniform Fire Code Requirements.**

Any change of occupancy for a residential dwelling unit as permitted pursuant to this ordinance shall be required to obtain a certificate of smoke alarm, carbon monoxide alarm, and portable fire extinguisher compliance (CSACMAPFEC) pursuant to the New Jersey Uniform Fire Code (N.J.A.C 5:70-2.3)

**§104-18 Property Registration.**

- A. Any person who is renting their dwelling unit for consideration on a temporary basis for a period greater than 60 days but less than 365 days shall be required to register with the Township Clerk by completing a registration form approved by the Manager of Hardyston Township.
- B. The registration shall include the property location, owner contact information, emergency contact information, the names of the occupants and the term of residence.
- C. The registration shall include a fee as established in Chapter 88 of the Township General Ordinances.

**§104-19 Enforcement; Violations and Penalties.**

- A. The provisions of this section shall be enforced by the Building Code Official, Fire Official, Health Department, other Subcode, Code Official, or law enforcement agent of the Hardyston Township Police Department, as their jurisdiction may arise, including legal counsel for the Township or other persons designated by the Township of Hardyston to issue municipal civil infractions directing alleged violators of this to appear in court or file civil complaints.
- B. A violation of this section is hereby declared to be a public nuisance, a 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 section, without regard to intent or knowledge, shall be liable for maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding the maximum permitted by N.J.S.A. 40:49-5. Each day of such violation shall be a new and separate violation of this section.
- D. The penalty imposed herein shall be in addition to any 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, in the Township's Municipal Court or the Superior Court of New Jersey in the vicinage of SussexCounty, or in such other court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

**Section 2.** Chapter 88 Fees, Section 88-1 Fees Payable to Municipal Clerk of the Code of the Township of Hardyston is hereby amended and supplemented to read as follows:

**§88-1 Fees Payable to Municipal Clerk**

B. Licenses

(19) Temporary Rental Registration Fee: \$50 (Chapter 104)

**Section 3.** This Ordinance may be renumbered for codification purposes.

**Section 4.** All Ordinances of the Township of Hardyston which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 5.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**Section 6.** This Ordinance shall take effect immediately following adoption and publication as required by law.

**NOTICE**

**PLEASE TAKE NOTICE** that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on July 25, 2018. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on August 22, 2018, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

**Jane Bakalarczyk, RMC/CMC  
Municipal Clerk**