

**TOWNSHIP OF HARDYSTON
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2023-02

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX,
STATE OF NEW JERSEY AMENDING THE TOWNSHIP MUNICIPAL CODE AT
CHAPTER 104, HOUSING, ARTICLE III, SHORT TERM RENTAL PROPERTY, IN
ORDER TO SUPPLEMENT THE LIST OF PROPERTIES FOR WHICH SHORT-TERM
RENTAL IS A PERMITTED USE AND TO ESTABLISH THAT A 3% MUNICIPAL
OCCUPANCY TAX SHALL APPLY TO SAME IN ACCORDANCE WITH N.J.S.A.**

40:48F-1

WHEREAS, it has come to the attention of the Mayor and Council of the Township of Hardyston that the Township Municipal Code’s general prohibition on the rental of dwelling units for periods of 60 days or fewer (‘Short Term Rentals’) can be construed, inadvertently, as applying to certain properties for which such a prohibition was never meant to apply (‘Affected Properties’); and

WHEREAS, the Affected Properties include hotel condominiums (‘Hotel Condominiums’), as defined by the Municipal Code at Section 185-58; and

WHEREAS, the Mayor and Council wish to revise the Municipal Code to clarify that the general prohibition on the rental of dwelling units for periods of 60 days or fewer shall not apply to Hotel Condominiums; and

WHEREAS, pursuant to N.J.S.A. § 40:48F-1 et seq., municipalities are permitted to impose upon the owners of short-term rental properties a Municipal Occupancy Tax of up to three percent (3%) when each and every short-term rental occupancy ends or there is a change of occupancy by transient occupants; and

WHEREAS, the Mayor and Council wish further to ensure that the Township imposes upon all Short Term Rentals the Municipal Occupancy Tax of three percent (3%) authorized by N.J.S.A. § 40:48F-1.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Township Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

1. Chapter 104, “Housing,” Article III, “Short-Term Rental Property,” Section 104-15, “Permitted Uses,” is hereby amended as follows:

§ 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.
 - D. Hotel Condominiums, as established in Section 185-58 of the Municipal Code, shall be permitted to be rented, leased, or otherwise lawfully occupied for a period of 60 days or less in accordance with the applicable land use approvals and conditions governing the properties.
2. Chapter 104, "Housing," Article III, "Short-Term Rental Property," is hereby supplemented to add Section 104-20, "Taxation," as follows:

§ 104-20 Taxation.

Pursuant to N.J.S.A. § 40:48F-1 et seq., at the end of each and every occupancy of the properties listed in Section 104-15(B), (C), and (D), which occupancy is for a period of 60 days or less, the property owner, in addition to the State Sales Tax and State Occupancy Fee, shall be subject to a 3% Municipal Occupancy Tax.

3. Severability. If any article, 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 and they shall remain in full force and effect.
4. Repealer. All existing ordinances or parts of existing ordinances which are inconsistent with the terms of this ordinance are to the extent of such inconsistency repealed.
5. Effect. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Brian J. Kaminski, Mayor

ATTEST:

Jane Bakalarczyk, Clerk

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 February 22, 2023. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on March 22, 2023, 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, Clerk