**ORDINANCE NO. 04-18**     **AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF KINNELON TO ADD A NEW CHAPTER _____ TO PROHIBIT SHORT TERM (30 DAYS OR LESS) RESIDENTIAL RENTALS**

**WHEREAS**, pursuant to N.J.S.A. 40:52-1 (d) and (n), municipal corporations have been specifically authorized to regulate "furnished and unfurnished 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 one hundred seventy five consecutive days for residential purposes by a person having a permanent place of residents elsewhere"; and

**WHEREAS**, the Borough of Kinnelon, Morris County, New Jersey, desires to establish a procedure and authorize rules and regulations for Short Term Rental Property Prohibition within the Borough; and

**WHEREAS**, the Borough of Kinnelon desires to impose penalties as permitted pursuant to N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29 for violations of the rules and regulations established hereby for Short Term Rental Prohibitions; and

**WHEREAS**, Borough of Kinnelon desires to amend and supplement certain sections of the Code of the Borough of Kinnelon to provide for the regulation of "Short term (30 days or less) Residential Rentals' as further defined below, and for the enforcement of said regulations.

**NOW, THEREFORE, BE IT ORDAINED,** by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey as follows:

**SECTION ONE.**   The Code of the Borough of Kinnelon shall be amended and supplemented to include a new Chapter _____ as follows:

Chapter 144.  SHORT TERM RESIDENTIAL RENTAL PROHIBITION

A.  Purpose and Scope

This Chapter aims to prohibit 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.  This practice has been popularized and facilitated by various websites that advertise and broker these rentals.  Left unregulated, this practice will transform many residential dwellings into transient uses to the detriment of the health, safety and quiet enjoyment of the affected neighborhoods.

B.  This Chapter does not apply to lawfully established and operating hotels, motels, rooming houses, boarding houses, and bed and breakfast establishments.  This Chapter does not apply to any use of single family dwellings protected by New Jersey State statute, as are defined in Chapter 207-4 (B)  of the Kinnelon Borough Code, lawfully existing, including community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, and children in group homes pursuant to NJSA 40:55D-66c.

C.  Short-term rental property.  Notwithstanding anything to the contrary in the Borough Code, it shall be unlawful for any person, including, but not limited to, an owner, lessor, sub-lessor, or any other person with any possessory interest or use rights in the subject dwelling, their principals, partners, shareholders agents, employees, representatives and other person(s) or entity(s) acting in concert or combinations thereof, to receive or obtain compensation of any kind for soliciting, advertising, offering an/or permitting , allowing or failing to discontinue the use, occupancy or rental of any dwelling unit  for a period of thirty consecutive calendar (30) days or fewer.

D.  It shall be unlawful to advertise, solicit, or promote by any means, acts in violation of this Ordinance.

E. Enforcement. The provisions of this Chapter shall be enforced by the Borough Zoning Officer, Building Code or Sub-Code Official, or any other Borough Official or employee so designated by the Mayor and Council who all shall be authorized to issue summons or other appropriate civil violations or Complaints for any violations of this Chapter.

F. Any person who is adjudicated, or by admission is found to have violated any provisions of this Chapter shall be liable for a fine not to exceed $1,000.00. Each day of any such violation after receiving written notice of same shall be a new and separate violation.

G. To the extent that conduct prohibited under this article also violates other provisions of the Borough Code, those violations constitute separate offenses subject to additional fines and penalties as proscribed.

H. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including but not limited to eviction proceedings and or injunction, reasonable attorneys fees or other fees and costs, tin the Boroughs Municipal court or the Superior Court of New Jersey, in the vicinage of Morris County or in such other Court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

**SECTION TWO.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.
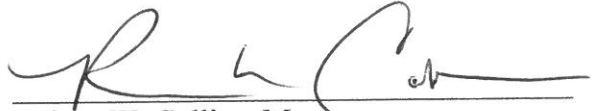
**SECTION THREE.** Ordinances, resolutions, and regulations or parts of ordinances, resolutions, and regulations inconsistent herewith, are hereby repealed to the extent of such inconsistency.

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

ATTEST:                                                BOROUGH OF KINNELON

_____        _____
Karen M. Iuele, RMC, Borough Clerk        Robert W. Collins, Mayor

## CERTIFICATION

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on May 17, 2018 and adopted by the Governing Body at a regular meeting of the Borough held on June 21, 2018.

_____
Karen M. Iuele, RMC, Borough Clerk