

ORDINANCE 01, 2022

AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY AMENDING SECTION 134 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL TO REGULATE SHORT TERM RENTALS

WHEREAS, the Township wishes to prohibit short term rentals of dwellings or dwelling units for a period of 90 days or less subject to certain exceptions; and

WHEREAS, it has come to the Township Committee's attention that incidents have occurred in the State of New Jersey where pools, dwellings and other similar spaces have been rented out for parties; and

WHEREAS, the Township wishes to prohibit pools, dwellings and other amenities from being rented within the Township;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of West Amwell, in the County of Hunterdon, State of New Jersey, as follows:

SECTION 1.

Chapter 134. Short-Term Rentals

§134-1 Prohibited Conduct.

No person shall undertake, maintain, authorize, aid, facilitate, solicit, promote and advertise any rental or activity that violates any part of this article.

§134-2 Short Term Rental Restrictions.

- A. Notwithstanding anything to the contrary in the Township Code, it shall be unlawful for any person, including, but not limited to, an owner, lessor, sublessor with any possessory interest in any dwelling unit, to receive compensation of any kind for the use, occupancy, or rental of any dwelling or dwelling unit for a period of 90 days or less except for the following:
1. Conditionally permitted bed and breakfast uses as set forth and described in Code Section 109-97 only where bed and breakfast uses are conditionally permitted pursuant to ordinance.
 2. "Use and occupancy" arrangements between the purchaser and seller of a dwelling, whereby the purchaser of the dwelling is temporarily occupying or renting the seller's dwelling prior to closing on the purchase of the dwelling pursuant to the terms of a written contract or agreement
- B. Notwithstanding anything to the contrary in the Township Code, it shall be unlawful for any person, including, but not limited to, an owner, lessor, sublessor with any possessory interest in any dwelling unit, to receive compensation of any kind for the use, occupancy, lease or rental, for any purpose and for any period of time, of any amenity, feature, or accessory that is appurtenant to or associated with any rental facility, rental unit, dwelling (including but not limited to, a duplex, multiple, or single-family) or residential structure is prohibited. "Amenity, feature, or accessory" shall include, but is not limited to, swimming pools, pool cabanas, accessory structures, hot tubs, decks, patios, yards and the like.

- C. Notwithstanding anything to the contrary in the Township Code, it shall be unlawful for any person, including, but not limited to, an owner, lessor, sublessor with any possessory interest in any dwelling unit, to receive compensation of any kind for the use, occupancy, lease or rental, for any purpose and for any period of time, of property or portion of property for camping, glamping or recreational vehicle space.

§134-3 Regulations; fees and charges.

The Township Committee may promulgate regulations, which may include but are not limited to permit conditions, reporting requirements, inspection frequencies, enforcement procedures, advertising restrictions, disclosure requirements, or insurance requirements, to implement the provisions of this article. No person shall fail to comply with any such regulation.

§134-4 Enforcement.

The provisions of this article shall be enforced by the Township Zoning Officer, Fire Department, Police Department and any other Township official or employee so designated by the Township Clerk/Administrator who all shall be authorized to issue summons or other appropriate civil violations or complaints for any violations of the terms and provisions of this article.

§134-5 Fines, violations and penalties.

1. Any person who is found or adjudicated to have violated any provision of this article shall be liable for a fine not to exceed \$1,000. Each day of any such violation after receiving written notice of same shall be a new and separate violation.
2. 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 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 Hunterdon County, or in such other court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

SECTION 2. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies only.

SECTION 3. 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 4. This Ordinance shall take effect after final passage and publication in accordance with law.

ATTEST:

By Order of the Township Committee

Maria Andrews, Township Clerk, RMC

James Cally, Mayor

Introduced: 1/19/22

Adopted: 2/16/22