



Kearny Town Council

402 Kearny Avenue
Kearny, NJ 07032

www.kearnynj.org

FIRST READING -	2/10/26
PUBLISH -	2/13/26
SECOND READING -	2/24/26
PUBLISH -	2/27/26
PLAN BD REVIEW -	

ORDINANCE 2026-7

Ordinance Amending Section 15-4 of the Town Code Regarding Short Term Rentals

WHEREAS, the Mayor and Council previously adopted Ordinance 2017-61 placing restrictions on short term rentals of single-family homes, which Ordinance was codified in Section 15-4 of the Town Code; and

WHEREAS, the Mayor and Council find that the rental of other types of residential dwellings for short-term occupancy has raised additional concerns due to the potential for increased traffic, noise, high occupant turnover, and increased density in residential neighborhoods; and

WHEREAS, the number of individuals occupying such short-term rentals has the potential to exceed standards for the design capacity of such structures and to cause health and safety risks for the occupants, neighbors and nearby properties; and

WHEREAS, the short-term rental market nationwide has expanded with the use of professional brokers and internet listing services, requiring an expansion of enforcement mechanisms to deter parties who facilitate and solicit short-term rentals; and

WHEREAS there are numerous property owners, real estate offices, brokers, and other agencies that actively promote short-term rentals to potential Town visitors through the internet and other forms of advertisement, making it necessary to prohibit the promotion and advertisement of short-term rentals; and

WHEREAS the Mayor and Council wish to expand the scope of the restriction on short term rental to safeguard the peace, safety and general welfare of the residents of the Town of Kearny and their visitors and guests by eliminating noise, traffic and parking congestion, vandalism, overcrowding, neighborhood uncertainty, high occupant turnover, diminution of neighborhood character, and other secondary effects that have been associated with the short-term rental of residential properties.

NOW, THEREFORE, BE IT ORDAINED that the following subsections of Section 15-4 of the Town Code shall be amended as follows:

- I. Section 15-4.2** is amended to add the following definitions:

DWELLING

Any single- or multi-family residential building or structure in the Town of Kearny, or any part thereof, which is occupied in whole or in part, or intended to be occupied in whole or in part, as a residence or sleeping place for one or more individuals.

FACILITATE

A person facilitates if, acting with knowledge that an operator managing agency or rental agent is renting a dwelling on a short-term basis, the person knowingly provides the operator managing agency or rental agent with means or opportunity for the commission of said offense.

RENT

The consideration or remuneration charged, whether or not received, for the occupancy or use of a dwelling, whether to be received in money, goods, services, labor, other use of other dwelling(s), or otherwise.

RENTAL

An agreement between persons whereby money or other consideration is charged in exchange for the right to occupy or use all or part of a dwelling.

SHORT-TERM RENTAL

Any rental of a dwelling or part thereof for less than 30 consecutive days.

SOLICIT

A person "solicits" if, with the intent to promote or facilitate the short-term rental of a dwelling, such person commands, encourages, requests or solicits another person to engage in a short-term rental agreement.

The foregoing definitions shall apply unless the context clearly indicates or requires a different meaning.

Section § 15-4.3 is amended to read in its entirety as follows:

Section § 15-4.3 Restrictions on Short Term Rentals:

- a. No person shall use, possess or occupy a dwelling on a short-term rental basis.
No person shall enter into a short-term rental agreement for a dwelling.
- b. No person owning, leasing, or having control of a dwelling shall allow it to be

used, occupied or possessed as a short-term rental.

- c. No person shall advertise, solicit or facilitate a short-term rental agreement for a dwelling.
- d. The residential occupancy of an otherwise lawful and lawfully occupied dwelling (including a single-family house) for a period of less than 30 days without consideration by relatives or friends of any member of a dwelling (including a single-family house) shall not be a violation of any provision of this Section 15-4.

Section § 15-4.5b is amended to read in its entirety as follows:

b. Any person who violates any provision of this Section 15-4, without regard to intent or knowledge, shall be subject to the following penalties:

- 1. For a first violation. A fine of \$750 per day for each violation for each dwelling unit and/or 10 days in jail at the discretion of the Municipal Court Judge, or both;
- 2. For a second violation. A fine of not less than \$750 nor more than \$1,200 per day for each violation for each dwelling unit and/or 20 days in jail at the discretion of the Municipal Court Judge, or both;
- 3. For a third and subsequent violation. A fine of not less than \$1,200 nor more than \$2,000 per day for each violation for each dwelling unit and/or 30 days in jail at the discretion of the Municipal Court Judge, or both.

Each day that a person violates a provision of this chapter shall be considered as a separate and distinct violation. Unpaid fines levied against a property owner shall be a lien on the property where the violation occurred.

II. All other provisions of Section 15-4 of the Town Code shall remain in full force and effect.

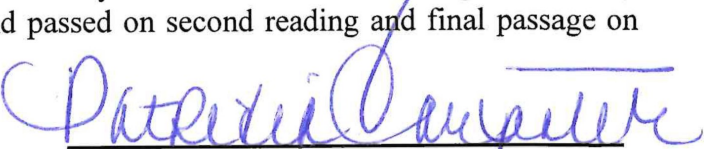
III. The Ordinance shall take effect immediately upon adoption and any publication as may be required by law.

HISTORY:

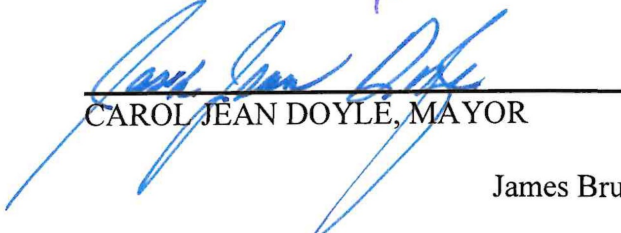
02/10/26 Council INTRODUCED
Next: 02/24/26

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Fred Esteves, Council Member
SECONDER:	Carol Jean Doyle, Mayor
AYES:	Doyle, Eckel, DeCastro, Ficeto, Zapata, Theodoropoulos, Solano, Esteves, Rodrigues

I certify that the foregoing ordinance was introduced by the Council on first reading on February 10, 2026, duly published according to law, and passed on second reading and final passage on February 24, 2026.


 PATRICIA CARPENTER, TOWN CLERK

I hereby approve the foregoing ordinance this 26th day of February, 2026


 CAROL JEAN DOYLE, MAYOR

James Bruno

MAR 11, 2026
 Construction, DPW
 Police, Court