

TOWNSHIP OF WYCKOFF

ORDINANCE #1967

AN ORDINANCE AMENDING CHAPTER 144 (PROHIBITION OF SHORT-TERM RENTAL PROPERTY) OF THE TOWNSHIP CODE TO CLARIFY PROHIBITED USES

BE IT ORDAINED by the Township Committee of the Township of Wyckoff, in the County of Bergen, State of New Jersey as follows:

SECTION 1. Chapter 144 (Prohibition of Short-Term Rental Property) is hereby amended to read as follows [**additions bracketed in bold type, deletions in bold type with strikethrough**]:

§ 144-1. Findings.

The Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey, hereby finds and adopts, as if set forth more fully herein, the fact assertions of the “whereas” clauses of this ordinance, as its findings of fact.

§ 144-2. Short-term rental property prohibited uses.

~~**A. Notwithstanding anything to the contrary in the Township Code, it shall be unlawful for an owner, lessor, sublessor, any other person(s) or entity(ies) with possessory or use right(s) in a dwelling unit, their principals, partners 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 30 days or less.**~~

~~**B. Nothing in this ordinance will prevent formation of an otherwise lawful occupancy of a dwelling unit for a rental period of more than 30 days.**~~

[A.] [Notwithstanding anything to the contrary contained in the Township Code, it shall be unlawful for a person or owner to receive or obtain actual or anticipated consideration for using, authorizing, permitting, or failing to discontinue the use of any dwelling unit as a short-term rental, as defined herein.]

[B.] [Nothing in this article will prevent the formation of an otherwise lawful residential occupancy of a dwelling unit for a rental period of 31 days or more.]

[C.] [Nothing in this article shall be deemed to prohibit the lawful operation of any hotel as that term is defined in the New Jersey Hotel and Multiple Dwelling Law, *N.J.S.A. 55:13-1 et seq.*]

[D.] [The lease or rental, for any purpose, of any amenity, feature, accessory, or

appurtenance to or associated with a dwelling is prohibited.]

§ 144-3. Definitions.

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

ADVERTISE or ADVERTISING

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 ordinance, 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 ordinance.

CONSIDERATION

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

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~~ **[portions]** thereof, that is offered to use, made available for use, or is used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s), for consideration, for a period of 30 days or less.

[HOSTING PLATFORM

A website or marketplace in whatever form, whether online or not, which facilitates short-term rentals through advertising, searching, matchmaking, or any other means, using any medium of facilitation and from which the operator of the hosting platform derives revenues, including but not limited to booking fees or advertising revenues, from providing or maintaining the website or marketplace.]

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

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

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

An individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination therewith.

RESIDENTIAL OCCUPANCY

The use of a dwelling unit by an occupant(s).

[SHORT-TERM RENTAL

A residential occupancy for a period of fewer than 31 days.]

§ 144-4. Permitted uses

The residential occupancy of an otherwise lawful and lawfully occupied dwelling u[nit] for a period of 30 days or less by a person who is a member of the housekeeping unit of the owner, without consideration, such as house guests, is permitted.

§ 144-5. Advertising prohibited.

- A. It shall be unlawful to advertise, solicit or promote by any means actions in violation of this ordinance.
- B. **[It shall be unlawful for any hosting platform to undertake, maintain, authorize, aid, facilitate or advertise any short-term rentals in violation of this article.]**

§ 144-6. Enforcement; violations and penalties.

- A. The provisions of this ordinance shall be enforced by the **[Construction Official,]** Zoning Official, Fire Official and/or other Subcode or Code Official, as their jurisdiction may arise, including other persons designated by the Township Committee, to issue municipal civil infractions directing alleged violators of this ordinance to appear in court or to file civil complaints.
- B. A violation of this ordinance 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 ordinance, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$1,250. Each day of such violation shall be a new and separate violation of this ordinance.
- D. 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 ~~inunction~~ **[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 Bergen County, or in such other Court, or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

§ 144-7. Severability.

If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 2. In case any one or more of the provisions of this Ordinance shall, for any reason, be held to be illegal, invalid, or unconstitutional, such judgment shall not affect, impair, or invalidate any other provision of this Ordinance and shall be construed and enforced as if such illegal, invalid, or unconstitutional provision had not been contained herein.

SECTION 3. All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect upon final passage and publication as prescribed by law.

INTRODUCTION: August 16, 2022