

**TOWNSHIP OF WYCKOFF
340 FRANKLIN AVENUE
WYCKOFF, NJ 07481**

ORDINANCE #2086

AN ORDINANCE TO AMEND CHAPTER 144, ENTITLED “PROHIBITION OF SHORT-TERM RENTAL PROPERTY,” OF THE CODE OF THE TOWNSHIP OF WYCKOFF TO EXTEND THE MINIMUM PERMITTED RENTAL TERM FROM 31 DAYS TO 91 DAYS AND TO CLARIFY THE PROHIBITION ON THE RENTAL OF AMENITIES, FEATURES, ACCESSORIES, AND APPURTENANCES ASSOCIATED WITH A DWELLING

Note: Matters enclosed in bold-faced brackets **[thus]** are intended to be omitted. Matters **bolded and underlined thus** are new matters.

WHEREAS, the Township Committee of the Township of Wyckoff has previously determined that short-term rental activity in residential neighborhoods may adversely impact the public health, safety and welfare, neighborhood character, parking, traffic, noise conditions, refuse, and the quiet enjoyment of surrounding properties; and

WHEREAS, the Township Committee further finds that the use of dwelling units, or portions of residential properties and their associated amenities, for transient, seasonal, vacation, event-based, recreational, commercial, or other similarly short-duration occupancy or use is inconsistent with the stability and permanency associated with residential neighborhood living; and

WHEREAS, the Township Committee has determined that extending the minimum permitted rental term from 31 days to 91 days will provide a clearer distinction between bona fide residential occupancy and transient lodging activity; and

WHEREAS, the Township Committee further finds that the paid use of amenities, features, accessories, and appurtenances associated with dwellings, including but not limited to pools, patios, decks, yards, driveways, recreation areas, and accessory structures, may create the same or similar adverse impacts upon residential neighborhoods even where no overnight occupancy occurs; and

WHEREAS, the Township Committee has determined that it is in the best interests of the Township to amend Chapter 144 of the Code of the Township of Wyckoff to extend the minimum permitted rental term and to clarify the prohibition on the lease, rental, license, reservation, or other paid use of amenities, features, accessories, and appurtenances associated with dwellings;

NOW, THEREFORE, 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. Section 144-2B of the Code of the Township of Wyckoff, entitled “Short-term rental property prohibited uses,” is hereby amended to read as follows:

“B. Nothing in this chapter will prevent the formation of an otherwise lawful residential occupancy of a dwelling unit for a rental period of **[31 days or more] 91 days or more.**”

SECTION 2. Section 144-2D of the Code of the Township of Wyckoff, entitled “Short-term rental property prohibited uses,” is hereby amended to read as follows:

“D. **[The lease or rental, for any purpose, of any amenity, feature, accessory, or appurtenance to or associated with a dwelling is prohibited.] The lease, rental, license, reservation, booking, or other grant of permission for use, for any purpose and whether or not any overnight occupancy occurs, of any amenity, feature, accessory, or appurtenance to or associated with a dwelling is prohibited, including but not limited to any pool, spa, hot tub, patio, deck, porch, balcony, yard, lawn area, driveway, garage, recreation area, accessory structure, or similar area or improvement associated with a dwelling.**”

SECTION 3. The definition of “ADVERTISE or ADVERTISING” set forth in Section 144-3 of the Code of the Township of Wyckoff is hereby amended to read as follows:

“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, **including, without limitation, the use or occupancy of a dwelling unit, or the use of any amenity, feature, accessory, or appurtenance to or associated with a dwelling, for consideration, where such activity is prohibited by this ordinance.**”

SECTION 4. The definition of “Dwelling Unit” set forth in Section 144-3 of the Code of the Township of Wyckoff is hereby amended to read as follows:

“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 **[potions] 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] 90 days or less.**”

SECTION 5. The definition of “HOSTING PLATFORM” set forth in Section 144-3 of the Code of the Township of Wyckoff is hereby amended to read as follows:

“HOSTING PLATFORM

A website or marketplace in whatever form, whether online or not, which facilitates **[short-term rentals] short-term rentals, or other reservations, bookings, licenses, or paid uses prohibited by this chapter** 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.”

SECTION 6. The definition of “Short-Term Rental” set forth in Section 144-3 of the Code of the Township of Wyckoff is hereby amended to read as follows:

“SHORT-TERM RENTAL

A residential occupancy for a period of fewer than **[31 days] 91 days.**”

SECTION 7. Section 144-4 of the Code of the Township of Wyckoff, entitled “Permitted uses,” is hereby amended to read as follows:

“The residential occupancy of an otherwise lawful and lawfully occupied dwelling unit for a period of **[30 days or less] 90 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.”

SECTION 8. Section 144-5 of the Code of the Township of Wyckoff, entitled “Advertising prohibited,” is hereby amended to read as follows:

“§ 144-5. Advertising prohibited.

[It shall be unlawful to advertise, solicit or promote by any means actions in violation of this ordinance.]

A. It shall be unlawful to advertise, solicit or promote by any means actions

in violation of this ordinance.

[B. It shall be unlawful to advertise, solicit or promote by any means actions in violation of this ordinance.]

B. It shall be unlawful to advertise, solicit, promote, list, offer, post, publish, disseminate, or otherwise market, by any means, any short-term rental or any lease, rental, license, reservation, booking, or other paid use of any amenity, feature, accessory, or appurtenance associated with a dwelling where such activity is prohibited by this chapter.

C. It shall be unlawful for any hosting platform to undertake, maintain, authorize, aid, facilitate or advertise any short-term rentals in violation of this chapter **or any other reservation, booking, license, or paid use prohibited by this chapter.**”

SECTION 9. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 10. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

SECTION 11. This ordinance shall take effect upon final passage and publication according to law.