

**BOROUGH OF WOODCLIFF LAKE**  
**Bergen County, New Jersey**

**ORDINANCE NO. 16-08**

**“AN ORDINANCE AMENDING CHAPTER 380: ZONING BY ADDING ARTICLE XVI  
ENTITLED “SHORT TERM VACATION RENTALS OF/IN RESIDENTIAL PROPERTIES PROHIBITED”**

Hereto introduced on the 6<sup>th</sup> day of June, 2016 at 8:00 PM did pass on first reading and that said Ordinance be further considered for final passage at a meeting to be held on the 11<sup>th</sup> day of July, 2016 at 8:00 PM or as soon thereafter as the matter can be reached at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance, and that the Borough Clerk is hereby authorized and directed to publish said Ordinance according to law with a notice of introduction and passage on first reading and of the time and place when and where said Ordinance be further considered.

**WHEREAS**, the Borough’s primary housing goals including preserving its housing stock and preserving the quality and character of its existing neighborhoods. In order to continue to flourish, the Borough must preserve its available housing stock and the character and charm which result, in part, from cultural, ethnic and economic diversity of its resident population; and

**WHEREAS**, the Borough must also preserve its unique sense of community which it derives, in large part, from residents’ active part participation in civic affairs, including local government, cultural events, and educational endeavors; and

**WHEREAS**, operations of vacation rentals, where residents of the Borough rent-out entire dwellings or portions thereof to visitors are detrimental to the community’s welfare and are prohibited by local law, because occupants of such vacation rentals do not have any connections to the Borough community and to the residential neighborhoods in which they are visiting; and

**WHEREAS**, the presence of such visitors within the Borough’s residential neighborhoods can sometimes disrupt the residential character of the neighborhoods and adversely impact the community; and

**WHEREAS**, judicial decisions have upheld local governments’ authority to prohibit vacation rentals, boarding houses and rooming houses; and

**WHEREAS**, the Board of Commissioners of the Borough of Woodcliff Lake finds it to be in the best interest of the Borough and its citizens to adopt an ordinance to prohibit such short-term vacation rentals in residential properties that may jeopardize the community’s welfare and degrade the quality of life within the Borough.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, as follows:

**Section 1:** Chapter 380 entitled Zoning of the Borough of Woodcliff Lake is hereby amended and revised to add and create a new Article XVI entitled, "Short Term Vacation Rentals in Residential Properties - Prohibited" and new Section beginning at §380-112 entitled "Short Term Vacation Rentals in Residential Properties – Prohibited" to read as follows:

ARTICLE XIV: Short Term Vacation Rentals in Residential Properties - Prohibited

§380-112 DEFINITIONS.

- a. **HOSTING PLATFORM.** A market place in whatever form or formal which facilitates the Vacation Rental, through advertising, match-making or any other means, using any medium of facilitation and from which the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the market place.
- b. **VACATION RENTAL.** Rental of any dwelling unit, in whole or in part, within the Borough of Woodcliff Lake, to any person(s) for exclusive or partial transient use of thirty (30) consecutive days or less, whereby the dwelling is only approved for permanent residential occupancy and not approved for transient occupancy by this Chapter. Rental of dwellings within the Borough approved hotels, motels and bed and breakfasts shall not be considered Vacation Rentals.

§380-113 PROHIBITIONS.

- a. No person, including any Hosting Platform operator, shall undertake, maintain, authorize, aid, facilitate or advertise any Vacation Rental activity that does not comply with this Code.

§380-114 REGULATIONS.

- a. The Mayor and Council of the Borough 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 Chapter. No person shall fail to comply with any such regulation.
- b. The Mayor and Council of the Borough may establish and set by Resolution all fees and charges as may be necessary to effectuate the purpose of this Chapter.

#### §380-115 ENFORCEMENT.

- a. Violation of any provision of this chapter shall be cause for a Municipal Court summons to be issued by the Police Department, Code Enforcement Official, or Health Officer.
- b. Violation of the provisions of this chapter shall be punishable as a minimum fine of two hundred fifty (\$250.00) dollars and a maximum of one thousand (\$1000.00) per day of the violation for first time offenders. Second and subsequent offenders Violation of the provisions of this chapter shall be punishable as a minimum fine of seven hundred fifty (\$750.00) dollars and a maximum of one thousand (\$1000.00) per day of the violation. All fines shall be payable through the Municipal Court Violations Bureau.
- c. Any person convicted of violating any provision of this Chapter in a criminal case or found to be in violation of this Chapter in a civil case brought by a law enforcement agency shall be ordered to reimburse the Borough and other participating law enforcement agencies their full investigative costs and remit all illegally obtained rental revenue to the Borough so that it may be returned to the victims of legal short term rental activities.
- d. Any interested person may seek an injunction or other relief to prevent or remedy violations of this Chapter. The prevailing party in such an action shall be entitled to recover reasonable costs and attorney's fees.
- e. The remedies provided in this section are not exclusive, and nothing in this Section shall preclude the use or application of any other remedies, penalties or procedures established by law.

**Section 2:** The terms of this ordinance shall not be deemed and are not intended to impair the provisions and enforcement of any other chapter of this Code, which shall remain in full force and effect.

**Section 3:** The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

**Section 4.** All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the

legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

**Section 5:** This ordinance shall take effect upon passage and publication according to law.

Date: June 6, 2016

Attest: **DEBORAH DAKIN**  
**BOROUGH CLERK**