

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #35/17

**AN ORDINANCE CREATING CHAPTER 317 OF THE CODE OF THE TOWN OF
WEST NEW YORK ENTITLED “SHORT TERM VACATION RENTALS IN
RESIDENTIAL PROPERTIES PROHIBITED”**

WHEREAS, the Town of West New York (“Town”) consists of just 1.3 square miles, which is home to an estimated 54,000 residents; and

WHEREAS, the Town’s primary housing goals include preserving its housing stock and preserving the quality and character of its existing single and multi-family residential neighborhoods. In order to continue to flourish, the Town 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 Town must also preserve its unique sense of community which it derives, in large part, from residents’ active participation in civic affairs, including local government, cultural events, and educational endeavors; and

WHEREAS, operations of vacation rentals, where residents of the Town rent-out entire units to visitors and are not present during the visitors’ stays are detrimental to the community’s welfare and are prohibited by local law, because occupants of such vacation rentals, when not hosted, do not have any connections to the Town community and to the residential neighborhoods in which they are visiting; and

WHEREAS, the presence of such visitors within the Town’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.

WHEREAS, the Board of Commissioners of the Town of West New York finds it to be in the best interest of the Town 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 Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey as follows:

The Code of the Town of West New York is hereby amended and revised to add and create a new Chapter 317 entitled “Short Term Vacation Rentals in Residential Properties Prohibited” to read as follows:

SECTION ONE

DEFINITIONS.

a. Hosting Platform. A marketplace in whatever form or format 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 marketplace.

b. Vacation Rental. Rental of: (i) any dwelling unit, accessory building or structure, garage, attic, or basement, in whole or in part; or (ii) any furniture within any dwelling unit, accessory building or structure, garage, attic, or basement, within the Town of West New York, to any person(s) for exclusive transient use of thirty (30) consecutive days or less, regardless of whether one of the dwelling unit’s Permanent Residents is on-site, in the dwelling unit, throughout the visitors’ stay, and whereby the unit is only approved for permanent residential occupancy and not approved for transient occupancy by this Chapter. Rental of units within Town approved hotels, motels and bed and breakfasts shall not be considered Vacation Rental.

c. Permanent Residents. A person who occupies a dwelling unit or accessory building or structure, for at least sixty (60) consecutive days with intent to establish that unit as his or her primary resident and may be an owner or a lessee.

SECTION TWO

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.

SECTION THREE

REGULATIONS.

a. The Board of Commissioners of the Town 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 Board of Commissioners of the Town may establish and set all fees and charges as may be necessary to effectuate the purpose of this Chapter.

SECTION FOUR

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. Violations of the provisions of this chapter shall be punishable for the first offense of a minimum fine of five hundred (\$500.00) dollars. Every subsequent offense shall be punishable by a minimum fine of one thousand (\$1,000.00) dollars 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 Town and other participating law enforcement agencies their full investigative costs and remit all illegally obtained rental revenue to the Town so that it may be returned to the victims of illegal 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 FIVE

Severability. 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 effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION SIX

Repealer. 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 SEVEN

This Ordinance shall take effect upon passage and publication as required by law.

SUMMARY OF ORDINANCE

This ordinance prohibits short term vacation rentals in residential properties throughout the Town.

INTRODUCED: 12/21/2017

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **December 21, 2017** and ordered published, and will be further considered before final passage at a public hearing on **January 18, 2018 at 6:30 p.m.** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC

Town Clerk