

TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY

ORDINANCE NO. 19-04

**AN ORDINANCE REGARDING SHORT TERM RENTAL PROPERTY  
PROHIBITIONS IN THE TOWNSHIP OF WASHINGTON**

WHEREAS, the New Jersey Legislature has, pursuant to *N.J.S.A. 40:52-1(d)* and (n), specifically authorizes municipal corporations, including the Township of Washington (“Township”) to regulate “furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof” and the “rental of real property for a term of less than one hundred seventy-five (175) consecutive days for residential purposes by a person having a permanent place of residence elsewhere”; and

WHEREAS, in recent years, there has arisen a proliferation of internet and other media advertising often on websites dedicated to the rental of dwelling units for short terms and for a period of thirty (30) consecutive days or less (“Short Term Rental”); and

WHEREAS, the Township’s experience, as well as common experiences, dictates the conclusion that Short Term Rentals frequently result in public nuisance, noise complaints, sanitation issues, overcrowding and illegal parking within the residential neighborhoods of the Township, and essentially convert residential dwelling units into illegal de-facto hotels, motels, boarding houses and other commercial enterprises, in violation of the Township’s zoning and other codes as well as state statutes; and

WHEREAS, the Township wishes to deter the cyber-social phenomenon of any owner renting his/her residential dwelling units on various websites, as well as the listing of Short Term Rentals by website businesses, of any dwelling units, that constitute an illegal business operating in violation of the Township’s Zoning Code and other public nuisance ordinances; and

WHEREAS, the Township additionally wishes to prevent overcrowding, which is designed to reduce the per-occupant cost of the Short Term Rentals, and unlawfully permit the Township’s occupancy limits to be exceeded; and

WHEREAS, some property owners and/or their agents permit commercial boarding-house type Short Term Rentals and overcrowded conditions and other public nuisances, in order to unlawfully create a commercial enterprise and

income, in violation of the Township Zoning Code and to maximize their profits; and

WHEREAS, problems also frequently associated with such Short Term Rentals include overcrowding, excessive noise, unruly behavior, obscene language, fighting, littering, parking of vehicles on lawns, public urination, sanitation issues, poor maintenance of the property and grounds, and violation of trash collection ordinances; and

WHEREAS, the operation of vacation rentals, whereby residents of the Township rent-out entire dwellings or portions thereof to visitors are detrimental to the community's welfare and are prohibited by local law; and

WHEREAS, the Township Council of the Township of Washington finds it to be in its best interest of the Township 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 Township;

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Washington, that the Code of the Township is hereby amended by creating Article XIV in Chapter 580 ("Zoning") as follows:

1. "

## ARTICLE XIV

### **Short Term Rentals**

#### **§ 580-87 Incorporation of Findings; Definitions.**

The findings set forth in each "Whereas" clause above are hereby incorporated into the within enactment. As used in this article, the following terms shall have the meanings indicated:

#### **HOSTING PLATFORM**

A marketplace, 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 marketplace.

#### **SHORT TERM RENTAL**

The rental of dwelling units for a period of thirty (30) consecutive days or less.

## **VACATION RENTAL**

Rental of any dwelling unit, in whole or in part, within the Township of Washington, to any persons for exclusive or partial transient use of 30 consecutive days or less, whereby the dwelling is only approved for permanent residential occupancy and not approved for transient occupancy by this chapter.

### **§ 580-88 Rental or payment for use prohibited.**

- 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 article.
  
- B. No person shall charge, demand, receive or accept any rent or other payment for the use or occupancy of any residential premises within the Township of Washington which is used or occupied in violation of this article. Each such charge, demand, receipt or acceptance of such rent or other payment in violation hereof shall constitute a separate offense.
  
- C. No person, specifically including, but not limited to, those persons commonly known as "real estate agents," "brokers" or "salespersons," shall assist, aid or facilitate in the rental, sale, use or occupancy of any residential premises within the Township of Washington which is used or occupied or intended to be used or occupied in violation of this article. For purposes of this article, the acts of listing for rental or sale, advertising or otherwise offering for rent, lease or sale any residential premises within the Township of Washington which are used or occupied or intended to be used or occupied in violation of this article shall be deemed to constitute a violation of this article.

### **§ 580-89 Regulations; fees and charges.**

- A. The Township Council of the Township of Washington 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 article. No person shall fail to comply with any such regulation.

B. The Township Council of the Township of Washington may establish and set by resolution all fees and charges as may be necessary to effectuate the purpose of this article.

**§ 580-90 Enforcement.**

A. Violation of any provision of this article 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 article shall be punishable by a minimum fine of \$250 and a maximum of \$1,000 per day of the violation for first-time offenders. Second and subsequent offenders violating the provisions of this article shall be punishable by a minimum fine of \$750 and a maximum of \$1,000 per day of the violation.

C. Any person convicted of violating any provision of this article in a criminal case or found to be in violation of this article in a civil case brought by a law enforcement agency shall be ordered by the court before which such case is pending to reimburse the Township and other participating law enforcement agencies their full investigative costs, and to remit by way of restitution all illegally obtained rental revenue to the victims of illegal short-term rental activities, the amounts of such payments and the manner of distribution thereof to be prescribed and implemented by such court.

D. Any interested person may seek an injunction or other relief to prevent or remedy violations of this article. The prevailing party in such an action shall be entitled to recover reasonable costs and attorneys' 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.”

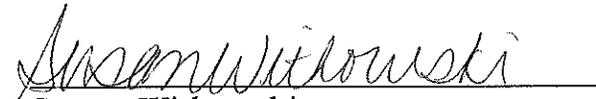
2. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the remaining portions of this Ordinance.

3. All Ordinances or any provisions of any ordinance inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies and not otherwise.

4. This Ordinance shall take effect upon final passage and publication and in accordance with the Charter, and subject to such emergency resolution as may be adopted pursuant to Section 17-32 thereof. [R.S. 40:69A-181 (b)].

ATTEST:

APPROVED:  
TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF WASHINGTON

  
Susan Witkowski,  
Township Clerk

By   
Michael DeSena,  
Council President

First Reading Township Ordinance No. 19-04

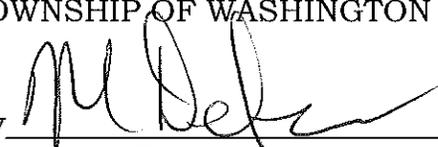
Introduction Date: March 4, 2019

MOTION	SECOND	COUNCIL	AYES	NAYES	ABSTAIN	ABSENT
Bruno	Bruno	Bruno	x			
Cascio	x Cascio	Cascio	x			
Cumming	Cumming	x Cumming	x			
DeSena	DeSena	DeSena	x			
Ullman	Ullman	Ullman	x			

ATTEST:

APPROVED:  
TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF WASHINGTON

  
Susan Witkowski,  
Township Clerk

By   
Michael DeSena,  
Council President

Second Reading Township Ordinance No. 19-04

Adoption Date: March 18, 2019

MOTION	SECOND	COUNCIL	AYES	NAYES	ABSTAIN	ABSENT
Bruno	Bruno	Bruno	x			
Cascio	x Cascio	Cascio	x			
Cumming	Cumming	x Cumming	x			
DeSena	DeSena	DeSena	x			
Ullman	Ullman	Ullman	x			