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BOROUGH OF MAYWOOD
15 Park Avenue, Maywood, NJ 07607

ORDINANCE #14-22

**“AN ORDINANCE AMENDING THE BOROUGH CODE TO ADD CHAPTER 395
PROHIBITING SHORT TERM VACATION RENTALS AND/OR UNLAWFUL EVENT
SPACES IN RESIDENTIAL PROPERTIES WITHIN THE BOROUGH”**

BE IT ORDAINED BY THE BOROUGH MAYOR AND COUNCIL OF THE BOROUGH OF MAYWOOD, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, the Borough’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 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 participation in civic affairs, including local government, cultural events, and educational endeavors; and

WHEREAS, operations of vacation rentals or use of residential homes as unlawful event spaces, where residents of the Borough rent-out partial or entire homes to visitors are detrimental to the community’s welfare and are prohibited by local law pursuant to Chapter 291 and 339, 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 violate the zoning classifications of the properties; and

WHEREAS, judicial decisions have upheld local governments’ authority to prohibit such vacation rentals and the rental of portion a private home for unlawful event spaces; and

WHEREAS, the Mayor and Council of the Borough of Maywood 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 Borough Mayor and Council of the Borough of Maywood, County of Bergen, as follows:

Section 1: Chapter 395 shall be added to the Borough of Maywood Code and shall be entitled "Short Term Vacation Rentals in Residential Properties Prohibited". Such new article shall read as follows:

Chapter 395 "Short Term Vacation Rentals/Unlawful Event Space Rental in Residential Properties - Prohibited"

§ 395-1 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 any dwelling unit, in whole or in part, within the Borough of Maywood, to any person(s) for exclusive transient use of thirty (30) consecutive days or less, whereby the unit is only approved for permanent residential occupancy and not approved for transient occupancy by this Chapter. Rental of units within Borough approved hotels, motels and bed and breakfasts shall not be considered a Vacation Rental pursuant to this chapter.
- C. *Unlawful Event Space.* Rental of any portion of a dwelling unit, in whole or in part including the rear/front/side yard areas and/or swimming pools, within the Borough of Maywood, to any person(s) for use to hold events of thirty (30) consecutive days or less, whereby the unit is only approved for permanent residential occupancy and not approved for transient occupancy or event use by this Chapter. Rental of units within Borough approved as hotels, motels, bed and breakfasts, restaurants, taverns and approved commercial event spaces shall not be considered an Unlawful Event Space pursuant to this chapter.

§ 395-2 PROHIBITIONS

- A. Vacation Rentals or use of any portion of a rental home residential homes including the yards or swimming pools as an Unlawful Event Space, as defined by this chapter, are prohibited in the Borough of Maywood. No property shall be utilized in any manner that does not comply with this Code.
- B. No person, including any Hosting Platform operator, shall undertake, maintain, authorize, aid, facilitate or advertise any Vacation Rental or Unlawful Event Space activity that does not comply with this Code.

§ 395-3 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.

§ 395-4 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, Health Officer.
- B. Any person, persons, firm or corporation violating any of the provisions of this article shall be subject to a fine not exceeding \$1,000 or imprisonment for a period not exceeding 90 days, or both. Each and every day that a violation shall be found to exist shall constitute a separate violation of this article.
- 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 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.

§ 395-5 APPLICABILITY

The terms of this ordinance shall not be deemed and are not intended to impair the provisions and enforcement of Chapter 291 and 339 of this Code, which shall remain in full force and effect.

Section 2: All ordinances of the Borough of Maywood which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3: If any section, subsection, sentence, clause or phrase of this ordinance if, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 4: This ordinance shall take effect upon passage and publication according to law.

Date: _____

APPROVED: _____

Richard Bolan, Mayor

ATTEST: _____

Barbara L. Dispoto, RMC/CMC
Borough Clerk

Introduction-1st Reading

Date: July 26, 2022

| | Moved | Seconded | Ayes | Nays | Abstain | Absent | Recuse |
|--------------------------|-------|----------|------|------|---------|--------|--------|
| Mayor Bolan | | | | | | | |
| Councilwoman Cicarelli | | | X | | | | |
| Councilman Conoscenti | | | X | | | | |
| Councilwoman Flynn | | X | X | | | | |
| Councilman Roer | | | X | | | | |
| Councilman Ullman | | | | | | X | |
| Council President DeMuro | X | | X | | | | |

Adoption-2nd/Final Reading

Date:

| | Moved | Seconded | Ayes | Nays | Abstain | Absent | Recuse |
|--------------------------|-------|----------|------|------|---------|--------|--------|
| Mayor Bolan | | | | | | | |
| Councilwoman Cicarelli | | | | | | | |
| Councilman Conoscenti | | | | | | | |
| Councilwoman Flynn | | | | | | | |
| Councilman Roer | | | | | | | |
| Councilman Ullman | | | | | | | |
| Council President DeMuro | | | | | | | |

CERTIFICATION

I, Barbara L. Dispoto, Municipal Clerk of the Borough of Maywood in the County of Bergen and the State of New Jersey do hereby certify that the foregoing ordinance is a true copy of the original ordinance duly passed and adopted on first reading by the Governing Body at the meeting of _____, 2022.

Date: _____

Barbara L. Dispoto, RMC/CMC
Borough Clerk