

**AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD AMENDING THE
BOROUGH CODE TO PROHIBIT SHORT-TERM RENTALS**

WHEREAS, the Borough's primary housing goals include preserving its housing stock and preserving the quality and character of its existing residential neighborhoods, and in order for the Borough to continue to flourish, the Borough must preserve its available housing stock and the character and charm which results, in part, from the 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 part, from residents' active participation in civil affairs, including local government, cultural events and educational endeavors; and

WHEREAS, the operation of short-term rentals where residents of the Borough rent out entire units to visitors and are not present during the stays of such visitors are detrimental to the community's welfare as such occupants of such short-term rentals, when not hosted, 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 at times disrupt the residential character of the neighborhoods and adversely impact the community; and

WHEREAS, local governments have the authority to prohibit short-term rentals;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the Borough Code shall be amended to add a new Chapter 297 as follows:

Short-Term Rental.

297.1 Purpose and Scope.

A. This section is intended to the increasingly wide-spread practice of renting or leasing various types of dwellings, or segments thereof, located primarily in residential neighborhoods, on a short-term basis to transient guests. This practice has been popularized and facilitated by various websites that advertise and broker such rentals. Left unregulated, this practice will transform many residential dwellings to the detriment of the health, safety and quiet enjoyment of the affected neighborhoods.

B. This section shall not apply to lawfully established and operating hotels, motels, rooming houses, boarding houses and bed and breakfast establishments.

297-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated.

Hosting Platform.

A marketplace in whatever form or format which facilitates a short-term rental, through advertising, matchmaking or any other means, using any medium or facilitation, and from which the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.

Permanent Resident.

A person who occupies a dwelling unit or accessory building or structure for at least 60 consecutive days with the intent to establish that unit as their primary residence as an owner or a lessee.

Short-Term Rental.

A rental of (a) any dwelling unit, accessory building or structure, garage, attic or basement, in whole or in part; or (b) any furniture within a dwelling unit, accessory building or structure, garage, attic or basement, within the Borough, to any person(s) for exclusive transient use of 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. Rental of units within Borough approved hotels, motels, rooming houses, boarding houses and bed and breakfast establishments shall not be considered short-term rentals.

297-3 Prohibited Acts.

No person, including any hosting platform operator, shall undertake, maintain, authorize, aid, facilitate or advertise any short-term rental activity which does not comply with the Code of the Borough.

297-4 Enforcement; Violations and Penalties.

A. 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 fine of \$500.00 to \$2,000.00. Every subsequent offense shall be punishable by a fine of \$1,000.00 to \$5,000.00.

C. In addition to any fines imposed, any person convicted of violating any provision of this Chapter may 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 to 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.

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.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.