

NOTICE OF PENDING ORDINANCE
NOTICE IS HEREBY GIVEN

that at a virtual meeting of the Council of the Borough of North Plainfield held on September 13, 2021 there was introduced and read for the first time, and passed on such first reading, an ordinance, a true copy whereof is printed below and that said Council did then and there fix the regular meeting of said Council to be held on September 27, 2021 at 7:30 p.m. or as soon thereafter as the matter may be heard, and the Borough Council Chambers, 263 Somerset Street, North Plainfield, New Jersey as the place when and where said ordinance will be further considered for final passage, at which time and place, or at any time and place to which such meeting shall from time to time be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

The said ordinance as introduced and passed on first reading as aforesaid is in the following words and figures:

BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY

ORDINANCE NO. 21-08

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT
CHAPTER 10 OF THE BOROUGH CODE OF THE BOROUGH
OF NORTH PLAINFIELD, ENTITLED "BUILDING AND
HOUSING," TO ADD A NEW SUBSECTION ENTITLED
"SHORT-TERM RENTALS"**

WHEREAS, the Borough of North Plainfield is authorized to regulate buildings used for sleeping, lodging and occupancy for purposes including, but not limited to, boardinghouses, rooming houses, rental housing or other living units/arrangements, pursuant to N.J.S.A. 40:52-1 *et seq.*; and,

WHEREAS, in addition, N.J.S.A. 40:48-2.12(a) provides that the governing body of a municipality may make, amend and repeal and enforce ordinances to regulate buildings and structures and their use and occupation to prevent and abate conditions therein harmful to the health and safety of the occupants of said building and structures, as well as the general public in the municipality; and,

WHEREAS, the Borough wishes to prohibit the increasingly widespread practice of renting or leasing various types of dwellings, or portions thereof, located primarily in residential neighborhoods to transient guests on a short-term basis.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Borough Code of the Borough of North Plainfield is hereby amended, revised and supplemented as to Chapter 10 of the Borough Code, entitled “Building and Housing”, by adding a new subsection 10-6 to the Borough Code, entitled “Short-Term Rentals”, which shall read as follows:

§ 10-6 SHORT-TERM RENTALS.

§10-6.1 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

DWELLING UNIT - Shall mean any room or rooms, or suite or apartment thereof, located within any one-family, two-family, or any other home not included within the terms of the "Hotel and Multiple Dwelling Law," N.J.S.A. 55:13A-1, *et seq.*, whether furnished or unfurnished, which is occupied and/or unoccupied, intended, arranged and/or designed to be occupied for sleeping and/or dwelling purposes, by one or more persons, including, but not limited to, the owner(s) thereof.

DWELLING – Shall mean any building or portion thereof designed or used exclusively for one (1) or more dwelling units.

§10-6.2 Short-term rentals prohibited.

No dwelling, or portion thereof, may be rented and/or leased and/or traded for a term of less than sixty (60) consecutive calendar days within the geographic boundaries of the Borough of North Plainfield.

§10-6.3 Room rentals.

- A. The lease or rental of multiple rooms within a dwelling to a single tenant and/or separate tenants is clearly prohibited.
- B. The lease or rental of a single room within a dwelling is only permitted, if and only if, all of the following conditions below are fully satisfied:
 - (1) The dwelling has been inspected, issued a Certificate of Municipal Code Compliance and has complied with all other requirements set forth in this Chapter.
 - (2) The landlord has filed all of the appropriate registration with the Borough, pursuant to N.J.S.A. 46:8-28.

- (3) The dwelling complies with all applicable health, safety, construction, zoning, and fire codes and received written Borough approvals as to all of these items.
- (4) The dwelling has a minimum of two (2) bedrooms.
- (5) The addition of the tenant does not result in a violation of occupancy limitations.
- (6) The landlord/owner maintains all required insurances in Somerset County objectively reasonable coverage amounts and has furnished proof thereof to the Borough.
- (7) The dwelling is owner-occupied year round.
- (8) A minimum tenancy of two (2) months and a maximum of one (1) tenant is permitted; otherwise, no permission is granted.
- (9) The tenant has unrestricted access to the dwelling's common areas and amenities, including, but not limited to, kitchens, basements, garages, laundry facilities, patios/porches, pools, assigned closets, assigned bathrooms, and living and dining areas within the dwelling unit.
- (10) Bedroom doors may have privacy locks, but not key locks.
- (11) There is sufficient space on the subject property to lawfully provide one (1) on-premises parking space for the tenant's vehicle.

§10-6.4 Commercial rentals prohibited.

The lease or rental of any dwelling for commercial and/or corporate purposes is prohibited. An agreement which is part of a contract for the sale of residential real property between a Buyer and a Seller for the continued temporary use and occupancy of the residential real property by the Seller after the sale and closing of title, commonly called a “use and occupancy agreement,” shall not be prohibited this Ordinance.

§10-6.5 Rental of amenities prohibited.

The lease or rental, for any purpose, of any amenity, feature, accessory, or appurtenance to and/or associated with a dwelling is prohibited.

§10-6.6 Advertisement.

The print, electronic, and/or internet and/or any other form of advertisement of any rental that is prohibited by or fails to comply with the provisions of this Chapter and/or any other applicable provision of the Municipal Code is prohibited.

§10-6.7 Enforcement.

The Borough Municipal Code Compliance Officer and the Borough Police Department are empowered to enforce this Chapter subsection.

§10-6.8 Violations and penalties.

- A. Every person convicted of a violation of a provision of this Chapter shall be subject to the maximum fines and penalties established under N.J.S.A. 40:49-5 and 40:69A-29, and/or under the provisions of the Borough Code and any subsequent amendments thereto.
- B. Each and every day a violation of this chapter persists shall constitute a separate violation.
- C. To the extent that the conduct prohibited under this Chapter also violates any other provisions of the Borough Code, those violations constitute separate offenses, subject to additional fines and penalties as prescribed.

NOW, THEREFORE, BE IT FURTHER ORDAINED that this Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to N.J.S.A. 40:69A-181(b), declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

Copies of the full Ordinance are on file with the Borough Clerk of the Borough of North Plainfield in the Municipal Building, 263 Somerset Street, North Plainfield, New Jersey. Copies may be obtained upon request and a copy is posted on the Bulletin Board in the Municipal Building reserved for such purpose.

Richard K. Phoenix, RMC
Borough Clerk