

ORDINANCE NO. 1 - 2024
TOWNSHIP OF FAIRFIELD
COUNTY OF CUMBERLAND

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 406 OF THE
TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY, ENTITLED "TAXATION"
SPECIFICALLY CREATING SECTION 406-11 ENTITLED "MUNICIPAL
OCCUPANCY TAX"**

WHEREAS, on August 9, 2019 and pursuant to N.J.S.A. 40:48F-1, the State of New Jersey enacted legislation authorizing municipalities to impose a municipal occupancy tax in an amount not to exceed 3% for the rental of hotel and motel rooms, and other transient accommodations; and

WHEREAS, the Township Committee of the Township of Fairfield recognizes the exponential growth of the transient rental marketplace over the course of the past several years and the impact that same has had on Township resources and on the public; and

WHEREAS, the Township Committee of the Township of Fairfield has evaluated the applicable municipal occupancy tax regulations and has determined that it is appropriate and in the best interests of the Township, that the Township of Fairfield impose a municipal occupancy tax of 3% on all hotel, motel, and other transient accommodations rentals in accordance with the provisions of N.J.S.A. 40:48F-1 et seq.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the by the Township Committee of the Township of Fairfield, County of Cumberland, State of New Jersey that Chapter 406, Taxation, of the Code of the Township of Fairfield be and hereby is amended as follows:

Section 1. Chapter 406-11, Taxation, Municipal Occupancy Tax, is hereby enacted as follows:

§ 406-11. Purpose; Statutory Authority.

It is the purpose of this section to implement the provisions of P.L. 2003, c.114, as amended by P.L. 2018, c.49, which authorizes the governing body of a municipality to adopt an Ordinance imposing a tax at a uniform percentage rate not to exceed 3% on charges of rent for every occupancy of a room or rooms in a hotel, motel, or transient accommodation subject to taxation pursuant to subsection (d) of N.J.S.A. 54:32B-3, which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel, motel, or transient accommodation.

§ 406-12. Definitions.

The definitions set forth within N.J.S.A. 54:32B-2 are incorporated herein by reference.

§ 406-13. Tax Imposed.

There is hereby established a hotel, motel, and transient accommodation municipal occupancy tax in the Township of Fairfield which shall be fixed at a uniform percentage rate of 3% on charges of rent for every occupancy of a hotel, motel, or transient accommodation in the Township of Fairfield that is subject to taxation pursuant to subsection (d) of Section 3 of P.L. 1966, c.30, N.J.S.A. 54:32B-3 (sales tax).

§ 406-14. Tax is in addition to other taxes and fees.

The municipal occupancy tax shall be in addition to any other tax or fee imposed pursuant to state statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel, motel, or transient accommodation.

§ 406-15. Exemptions.

The municipal occupancy tax authorized herein shall not be imposed on the rent collected in connection with the occupancy of a hotel, motel, or transient accommodation if the purchaser, user, or consumer is an entity exempt from the tax imposed on an occupancy under the Sales and Use Tax Act pursuant to Subsection (a) of Section 9 of P.L. 1966, c. 30 (N.J.S.A. 54:32B-9). Furthermore, a “transient accommodation” subject to this tax shall include those entities defined as “transient accommodations” and rentals which are obtained through a “transient space marketplace” as set forth within N.J.S.A. 40:48E-2 and shall not include those entities which are specifically excluded by definition.

§ 406-16. Regulations pertaining to vendors; Violations and Penalties.

In accordance with the requirements of P.L. 2003, c. 114:

- a. All taxes imposed by this article shall be paid by the purchaser.
- b. A vendor shall not assume or absorb any tax imposed by this article.
- c. A vendor shall not in any manner advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the tax will be assumed or absorbed by the vendor, that the tax will not be separately charged and stated to the customer, or that the tax will be refunded to the customer.

- d. Each assumption or absorption by a vendor of the tax shall be deemed a separate offense, and each representation or advertisement by a vendor for each day that the representation or advertisement continues shall be deemed a separate offense.
- e. The penalty for each violation of the foregoing provisions shall be as set forth in Chapter 1, Article 1, Section 5, General Penalty, for each offense.

§ 406-17. Collection of Tax.

The tax imposed by this article shall be collected on behalf of the Township by the person collecting the rent from the hotel, motel, or transient accommodation customer. Each person required to collect the tax imposed herein shall be personally liable for the tax imposed, collected or required to be collected hereunder.

SECTION 2. Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity of constitutionality of any other sections or parts thereof.

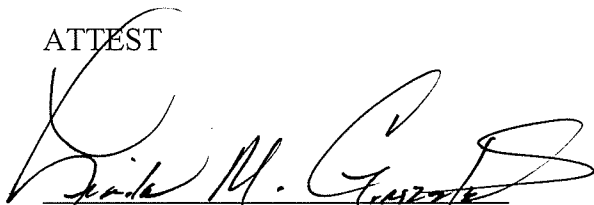
SECTION 3. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.


SECTION 4. This Ordinance shall take effect immediately upon final passage and publication in accordance with law. The tax is effective on the first day of the first full month following 90 days after the New Jersey Division of Taxation has received the adopted Ordinance.

STATE OF NEW JERSEY :
 : ss
 COUNTY OF CUMBERLAND :

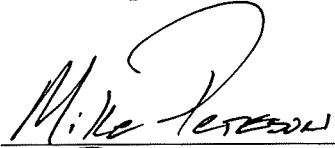
Please take notice that the above Ordinance was adopted by the Township Committee of Fairfield Township after a public hearing on the 20th day of March, 2024.

ATTEST


 Linda M. Gonzales, Municipal Clerk


 Marvin Pierce, Jr., Mayor

Adoption First Reading: March 6, 2024
Publication on First Reading: March 12, 2024
Second Reading/Public Hearing: March 20, 2024
Publication on Second Reading: March 25, 2024
Final Adoption: March 20, 2024



Motion by:



Seconded by:

Aye: Bateman, Burrus, Byrd, Peterson, & Pierce

Nay: None

Abstain: None