

# Ordinance

Ordinance No. 9-H

OF THE  
CITY OF ATLANTIC CITY, N.J.

Date.8-21-2019..  
Date to Mayor.....

Approved as to Form and Legality on Basis of Facts Set Forth      Factual contents certified to by

Assistant City Solicitor Karl Timbers

Director of Licensing and Inspections, Dale Finch

Prepared by the City Solicitor's Office

Council Member           KURTZ           Presents the following Ordinance:

**ORDINANCE TO AMEND THE CODE OF THE CITY OF ATLANTIC CITY  
CHAPTER 194, REGULATING SEASONAL PERMITS AND ESTABLISHING REGISTRATION  
REQUIREMENTS FOR SEASONAL AND SHORT-TERM RENTALS**

**WHEREAS**, the City Council seeks to regulation seasonal and short-term rental use of certain legally permitted dwelling units throughout the City of Atlantic City (also referenced as the "City" or "Atlantic City") in order to promote tourism and economic vitality in the City; and

**WHEREAS**, seasonal and short-term rental of homes can provide a flexible housing stock that allows travelers a safe accommodation while contributing to the local economy, promoting travel and tourism and supporting the local tourism industry and business community; and

**WHEREAS**, seasonal and short-term rental of homes can provide homeowners an opportunity to maintain ownership of property in difficult economic circumstances; and

**WHEREAS**, the needs of long-term residents should be balanced with the allowance of seasonal and short-term rentals; and

**WHEREAS**, City Council recognizes that unregulated seasonal and short-term rentals can create disproportionate impacts related to their size, excessive occupancy, and lack of proper facilities; and

**WHEREAS**, the presence of seasonal and short-term rentals of residential dwelling units in established residential neighborhoods can create negative compatibility impacts and nuisance violations, among which include, but are not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety; and

**WHEREAS**, it is in the public interest that seasonal and short-term rental uses be regulated in order to help preserve housing for long-term tenants and to minimize any potential deleterious effects of short-term rental properties on other properties in the surrounding neighborhoods in which they are located; and

**WHEREAS**, City Council finds that there is a substantial interest in furthering the public health, safety and welfare by controlling density, by protecting the residential character of areas designated for residential use by establishing and enforcing minimum life safety standards, and by preserving the long-term rental housing market located within the City.

**NOW, THEREFORE BE IT ORDAINED** by the Council of the City of Atlantic City that the following City Code Sections shall be amended as described below:

**Section 1.** Chapter 194, Section 194-6, entitled "Seasonal permits" is amended and supplemented in order to establish a new Section to be known as "Seasonal permits and short-term rentals," as follows:

**SECTION 194-6 Seasonal permits and short term rentals.**

**A. Purpose.**

The City Council of the City of Atlantic City finds and declares that the seasonal and short term rental of limited residential dwelling units within the City benefits the local community by affording owners of such units the ability to garner additional income from their real property (also referenced as "property") in order to diminish the financial burden of carrying costs and maintenance expenses related to the property, as well as providing travelers with an alternative option for accommodations in the City, thereby promoting the local travel and tourism industry, and contributing to the economic vitality of the City. Notwithstanding those benefits, the City Council also finds and declares that certain transitory uses of residential property tend to affect the residential character of the community and, if unregulated, can be injurious to the health, safety and welfare of the community.

The intended purposes of this Section are to: a) balance the rights of the owners of residential dwelling units proposed for seasonal and short-term rental use and the City's business community affected by the allowance and existence of seasonal and short-term rentals; b) protect the public health, safety and general welfare of individuals and the community at large; c) provide for an organized and reasonable process for the seasonal and short-term rental of certain defined classifications of residential dwelling units in the City; d) monitor and provide a reasonable means for the mitigation of impacts created by such transitory uses of residential properties within the City of Atlantic city; e) preserve and protect the long-term housing market stock in the City; f) implement rationally based and reasonably tailored regulations to protect the integrity of the City's residential neighborhoods, and g) ensure that the seasonal and short-term rental property inventory in the City satisfies basic property maintenance standards, in order to protect the safety of occupants and the citizens of the City.

The City Council of the City of Atlantic City has therefore determined that it shall be unlawful for any owner of any property within the geographic bounds of the City of Atlantic City, New Jersey, to rent or operate a seasonal or short-term rental contrary to the procedures and regulations established in this Section, or applicable State statute.

Therefore, in lieu of a regular occupancy permit, dwelling units, rooms or other spaces which are occupied on a seasonal and/or transient rental basis may obtain a seasonal or short term rental permit prior to the first occupancy of the season for that unit. A season shall include the months of winter, spring, summer and fall.

**B. Fees per dwelling unit.**

The fee schedule for seasonal and short term rentals shall be indicated below based on the occupancy load per dwelling unit, regardless of the number of changes of the tenancy. The occupancy load shall be determined by Housing Inspectors of the Department of Licensing and Inspections using the International Property Maintenance Code (IPMC).

Season	Months	Fee
		(per dwelling unit)
Winter/Spring	January 15 to May 14	
Summer	May 15 to September 14	
Fall		
Based upon Occupancy Load:	Eight and under	\$300.00
	Nine to Fifteen	\$600.00
	Over Fifteen	\$1,200.00

**C. Authority.**

In accordance with New Jersey law, a municipality may make and enforce within its limits all ordinances and regulations not in conflict with general laws, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants. The City of Atlantic City hereby adopts the within Ordinance in accordance with said authority.

**D. Definitions.**

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

**Owner** shall mean an individual or entity holding title to a property proposed for short term rental, by way of a legally recorded Deed.

**Owner-Occupied** shall mean the owner of the property resides in the short term rental property (also referenced as "STRP"), or in the principal residential unit with which the STRP is associated on the same lot, and identifies same as his or her principal residence as that term is defined in this Section. For purposes of this Section, if the owner of the property is an entity other than an individual or individuals, then at least one principal or member of the owner entity must reside in the STRP, or in the principal residential unit with which the STRP is associated on the same lot, and identify same as his or her principal residence as that term is defined in this Section.

**Principal Residence** shall mean the address: (1) where at least one of the property owners spends the majority of his or her non-working time, and (2) which is most clearly the center of his or her domestic life, and (3) which is identified on his or her driver's license or State Identification Card as being his or her legal address. All the above requirements must be met in order for an address to constitute being a principal residence for purposes of this Section.

**Property** shall mean a parcel of real property located within the boundaries of the City of Atlantic City, Atlantic County, New Jersey.

**Responsible Party** shall mean both the short-term rental property owner and a person (property manager) designated by the owner to be called upon and be responsible at all times during the period of a short-term rental and to answer for the maintenance of the property, or the conduct and acts of occupants of the short-term rental property, and, in the case of the property manager, to accept service of legal process on behalf of the owner of the short-term rental property.

**Short-Term Rental** (also referenced as "STR") shall mean the accessory use of a dwelling unit for occupancy by someone other than the unit's owner or permanent resident for a period of thirty (30) or less consecutive days, up to a cumulative total period of not to exceed one hundred eighty (180) days in a calendar year, which dwelling unit is regularly used and kept open as such for the lodging of guests, and which is advertised or held out to the public as a place regularly rented to transient occupants, as that term is defined in this Section.

**Short-Term Rental Property** (also referenced as "STRP") shall mean a residential dwelling unit as defined in the Code of the City of Atlantic city, that is used and/or advertised for rent as a short-term rental by transient occupants as guests, as those terms are defined in this Section. Dwelling units rented to the same occupant for more than thirty (30) continuous days, licensed Bed and Breakfast establishments, licensed rooming or boarding houses, hotels, and motels shall not be considered Short-Term Rental Property.

**Short-Term Rental Property Agent** shall mean any New Jersey licensed real estate agent or other person designated and charged by the owner of a short-term rental property, with the responsibility for making the STR application to the City on behalf of the owner, and fulfilling all of the obligations in connection with completion of the short-term rental property permit application process on behalf of the owner. Such person shall be available for, and responsive to contact on behalf of, the owner, at all times.

**Transient Occupant** shall mean any person or a guest or invitee of such person, who, in exchange for compensation, occupies or is in actual or apparent control or possession of residential property, which is either: (1) registered as a short-term rental property, or (2) satisfies the definition of a short-term rental property, as such term is defined in this Section. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the short-term rental is a transient occupant.

#### **E. Regulations Pertaining to Seasonal and Short-Term Rentals.**

- a. It shall be unlawful for any owner of any property within the geographic bounds of the City of Atlantic City, New Jersey, to rent or operate a seasonal or short-term rental contrary to the procedures and regulations established in this Section or applicable State statute.
- b. Short-term rentals shall be permitted to be conducted in the following classifications of property in the City of Atlantic city:
  1. Condominium units, where the Condominium Association By-Laws or Master Deed permit a short-term rental, and where the owner of the unit legally identifies the address as his or her principal residence;
  2. Individually or collectively owned single-family residences, which one of the owners legally identifies as the address of his or her principal residence, as that term is defined herein;
  3. One unit within a two-family residential dwelling, where the other unit is occupied by the owner and identified by the owner as his or her principal residence, as that term is defined herein;
  4. Not more than one unit in any multi-family residential dwelling, where one other unit in the same dwelling is occupied by the owner and identified by the owner as his or her principal residence, as that term is defined herein; and

5. Not more than one room within a single-family residential dwelling unit, where the room shares common kitchen and bathroom facilities with the occupant of the dwelling unit, and the remainder of the single-family dwelling unit is occupied by the owner and identified by the owner as his or her principal residence, as that term is defined herein.
- c. Notwithstanding the provisions of sub-paragraph (b) above, short-term rentals shall not be permitted in boarding or rooming houses, dormitories, foster homes, adult family care homes, assisted living facilities, community residences for developmentally disabled persons, community shelters for victims of domestic violence, or nursing homes. Further, short term rental of the following properties is prohibited:
1. Condominiums or townhomes, where the Condominium Association By-Laws or Master Deed, or Condominium Rules and Regulations, do not permit such short-term rental of condominium units in the development;
  2. An individually or collectively owned single-family residential dwelling unit, which address none of the owners legally identifies as his or her principal residence;
  3. A unit in a two-family residential dwelling, where the other unit is not occupied by the owner nor legally identified by the owner as his or her principal residence;
  4. Two or more units in a multi-family residential dwelling, and where one of the other units is not occupied by the owner nor legally identified by the owner as his or her principal residence;
  5. A room within a single-family, two-family or multi-family residential dwelling unit, where the room shares common kitchen and bathroom facilities with the occupant(s) of the dwelling unit in which it is located, which occupant(s) is neither the owner of the dwelling unit nor identifies the remainder of the dwelling unit in the single-family, two-family or multi-family residence as his or her principal residence.
  6. Two or more individual rooms within a single-family, two-family or multi-family residential dwelling unit, where the rooms share common kitchen and bathroom facilities with the occupant(s) of the dwelling unit(s) in which they are located, which occupant(s) is neither the owner of the dwelling unit nor identifies the remainder of the dwelling unit in the single-family, two-family or multi-family residence as his or her principal residence.
- c. Notwithstanding the prohibitions set forth in sub-paragraph (c) (1) thru (6) above, in the event that a property owner was eligible under, and complied with the regulations of, a prior Seasonal Rental License Ordinance during the calendar year 2018, and that owner made application for, registered and received a valid Seasonal Rental License in 2018 pursuant to the (former) Seasonal Rental License Ordinance, then that property owner, if intending to apply for a seasonal or short-term rental permit pursuant to this Section, shall be exempt from the specific requirement set forth above which mandates that the seasonal or short-term rental property must be the principal residence of the owner applying for a seasonal or short-term rental permit.

- e. The exemption and right specified in sub-paragraph (d) above, however, shall be limited and restricted only to the owner of the property that received a valid 2018 Seasonal Rental License, and shall not run with the land to subsequent purchasers, grantees or transferees. This exemption shall extinguish upon the occurrence of any of the following:
1. The owner of the property allowing the expiration of the STR permit, without having made a timely application for renewal of the permit prior to its expiration date; or
  2. The revocation of the STR permit for any violation(s) as set forth in this Section; or
  3. The sale or transfer of title to the property to any other individual, or entity, whether or not any of the current owner(s) is a principal or member in the grantee entity.

In the event of the occurrence of any of the above events, then the property shall no longer be afforded the benefit of this exemption, and the owner must comply with all of the requirements of this Section, including the principal residence provision, in order to obtain a valid STR permit.

- f. The provisions of this Section shall apply to short-term rentals as defined in Subsection above. The following do not qualify as a privately-owned residential dwelling unit, as that term is used herein, and therefore do not need to obtain a short-term rental permit pursuant to this Section any hotel, motel, studio hotel, rooming house, dormitory, public or private club, bed and breakfast inn, convalescent home, rest home, home for aged people, foster home, halfway house, transitional housing facility, or other similar facility operated for the care, treatment, or reintegration into society of human beings; any housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees with or without their families; any housing operated or used exclusively for religious, charitable or educational purposes; or any housing owned by a governmental agency and used to house its employees or for governmental purposes.

**F. Seasonal and Short-Term Rental Permit, Permit Registration Fee/Application, and Certificate of Occupancy.**

- a. In addition to any land use requirement(s) set forth by the City of Atlantic City Land Use Regulations, the owner/operator of a seasonal or short-term rental property shall obtain a seasonal/short-term rental permit from the City of Atlantic City Landlord Registration, Code Enforcement Division of the Department of Licensing and Inspections, before renting or advertising for rent any short-term rental.
- b. No person or entity shall operate a Seasonal or STRP, or advertise a residential property for use as a Seasonal or STRP, without the owner/operator of the property first having obtained a Seasonal/STR permit issued by the City of Atlantic City Landlord Registration, Code Enforcement Division of the Department of Licensing and Inspections. The failure to obtain a valid Seasonal/STR permit prior to advertising the seasonal or short-term rental property in any print, digital, or internet advertisement or web-based platform, and/or in the MLS or any realtor's property listing shall be a violation of this Ordinance. No Seasonal or STR permit issued under this Section may be transferred or assigned or used by any person or entity, other than the owner to whom it is issued, or at any property location or dwelling unit other than the property for which it is issued.
- c. An owner of property intended to serve as a seasonal or short-term rental property, as defined herein, or any agent acting on behalf of the owner, shall submit to the City of Atlantic City Landlord Registration, Code Enforcement Division of the Department of Licensing and Inspections a seasonal/short-term rental permit application provided by the City, along with a seasonal application/registration fee of at least three hundred dollars (\$300.00), based upon occupancy load. The Occupancy load will be determined by inspection by the City's Department of Licensing and Inspections. Said fee shall be non-refundable, including in the event that the application is denied. The fee shall also constitute the required fee for the rental Certificate of Occupancy application, referenced below.

- d. The seasonal/short-term rental permit, if granted, shall be valid for the season for which the applicant has applied.
- e. The owner of a seasonal/short-term rental property, as defined herein, or any agent acting on behalf of the owner, who intends to rent all of the property, or any permitted part thereof as a seasonal/short-term rental, shall also make application to the Landlord Registration, Code Enforcement Division of the Department of Licensing and Inspections, in conjunction with the seasonal/short-term rental permit application, for the issuance of a rental Certificate of Occupancy for the seasonal/short-term rental property, on such forms as required by that Division.
- f. A seasonal/short-term rental permit and rental Certificate of Occupancy shall be renewed on an a seasonal basis, by submitting to the Landlord Registration, Code Enforcement Division of the Department of Licensing and Inspections, a seasonal or short-term rental permit application and rental Certificate of Occupancy application and a renewal registration fee based upon occupancy load.
- g. The seasonal/short-term rental permit shall expire automatically when the seasonal/short-term rental property changes ownership, and a new initial application and first-time registration fee will be required in the event that the new owner intends to use the property as a seasonal/short-term rental property. A new application and first-time registration fee shall also be required for any seasonal/short-term rental that had its seasonal/short term rental permit revoked or suspended.

**G. Application Process for Short-Term Rental Permit and Inspections.**

- a. Applicants for a seasonal/short-term rental permit shall submit, on a seasonal basis, an application for a seasonal/short-term rental permit to the City of Atlantic City Landlord Registration, Code Enforcement Division of the Department of Licensing and Inspections. The application shall be furnished, under oath, on a form specified by the Director of Licensing and Inspections, accompanied by the non-refundable application fee as set forth in Subsection above. Such application shall include:
  - 1. The name, address, telephone number and email address of the owner(s) of record of the dwelling unit for which a permit is sought. If such owner is not a natural person, the application must include and identify the names of all partners, officers and/or directors of any such entity, and the personal contact information, including address and telephone numbers for each of them;
  - 2.
  - 3. The address of the unit to be used as a seasonal/short-term rental;
  - 4. A copy of the driver's license or State Identification Card of the owner of the seasonal/short-term rental property, confirming, as set forth in this Section, that the property is the principal residence, as that term is defined herein, of the owner making application for the Seasonal or STR permit;
  - 5. The owner's sworn acknowledgement that they comply with the requirement that the seasonal or short-term rental property constitutes the owner's principal residence, as defined in Subsection above, or that the owner is entitled to an exemption from that requirement as set forth in Subsection (d) above;
  - 6. The name, address, telephone number and email address of the short-term rental property agent, which shall constitute his or her 7 day a week, 24hour a day contact information;
  - 7. The name, address, telephone number and email address of the short-term rental property responsible party, which shall constitute his or her 7 day a week, 24-hour a day contact information;

8. The owner's sworn acknowledgement that he or she has received a copy of this Ordinance, has reviewed it, understands its requirements and certifies, under oath, as to the accuracy of all information provided in the permit application;
  9. The number and location of all parking spaces available to the premises, which shall include the number of legal off-street parking spaces and on-street parking spaces directly adjacent to the premises. The owner shall certify that every effort will be made to avoid and/or mitigate issues with on-street parking in the neighborhood in which the short-term rental is located, resulting from excessive vehicles generated by the short-term rental of the property, in order to avoid a shortage of parking for residents in the surrounding neighborhood;
  10. The owner's agreement that all renters of the seasonal/short-term rental property shall be limited to the number of on-street spaces as provided by the Landlord Registration, Code Enforcement Division of the Department of Licensing and Inspections. The owner may purchase additional off-street parking passes as needed from the Landlord Registration, Code Enforcement Division of the Department of Licensing and Inspections, which must be parked at designated areas to be determined by the Director of Licensing and Inspections.
  11. The owner's agreement to use his or her best efforts to assure that use of the premises by all transient occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and
  12. Any other information that this Chapter requires a property owner to provide to the City in connection with an application for a rental certificate of occupancy. The Director of Licensing and Inspections or his designee shall have the authority to obtain additional information from the Seasonal or STRP owner/applicant or amend the permit application to require additional information, as necessary, to achieve the objectives of this Chapter.
- b. Every application for a seasonal/short-term rental permit shall require seasonal inspections for the Seasonal/STRP's compliance with the City's fire safety regulations and property maintenance code. In addition, each application is subject to review to verify the Seasonal/STRP's eligibility for use as a seasonal or short-term rental and compliance with the regulations in this Section.
  - c. For a condominium short-term rental permit application, a letter of approval by the condominium association must be submitted with the application.
  - d. A Zoning Compliance Certificate, which states that the premises are not being occupied or used in violation of the City's Land Use Regulations and Zoning Ordinance, shall be required.
  - e. A sworn statement shall be required that there have been no prior revocations or suspensions of this or a similar license, in which event a license shall not be issued, which denial may be appealed as provided hereinafter.
  - f. Attached to and concurrent with submission of the permit application described in this Section, the owner shall provide:
    1. Proof of the owner's current ownership of the seasonal or short-term rental unit;
    2. Proof of general liability insurance in a minimum amount of \$500,000.00; and
    3. Written certifications from the seasonal or short-term rental property agent and responsible party that they agree to perform all of the respective duties specified in this Section.

- g. In no event shall a seasonal or short-term rental property be rented to anyone younger than twenty-one (21) years of age. The primary occupant of all seasonal/short-term rentals executing the agreement between the owner and the occupant must be over the age of twenty-one (21), and must be the party who will actually occupy the property during the term of the short-term rental. The primary occupant may have guests under the age of twenty-one (21) who will share and occupy the property with them. Both the primary occupant executing the short-term rental agreement and the property owner shall be responsible for compliance with this provision, and shall both be liable for a violation, where the property is not occupied by at least one adult over the age of twenty-one, during the term of the short term rental;

#### **H. Issuance of Permit and Appeal Procedure.**

- a. Once an application is submitted, complete with all required information and documentation and fees, the Landlord Registration, Code Enforcement Division of the Department of Licensing and Inspections, following any necessary investigation for compliance with this Section, shall either issue the seasonal or short-term rental permit and Certificate of Occupancy, or issue a written denial of the permit application (with the reasons for such denial being stated therein), within ten (10) business days.
- b. If denied, the applicant shall have ten (10) business days to appeal in writing to the Director of Licensing and Inspections, by filing the appeal with the Office of the Director.
- c. Within thirty (30) days thereafter, the Director of Licensing and Inspections or his designee shall hear and decide the appeal.

#### **I. Seasonal or Short-Term Rental Operational Requirements.**

- a. All seasonal or short-term rentals must comply with all applicable rules, regulations and ordinances of the City of Atlantic city and all applicable rules, regulations and statutes of the State of New Jersey, including regulations governing such lodging uses, as applicable. The Seasonal/STRP owner shall ensure that the seasonal or short-term rental is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of a short term rental.
- b. The owner of a STRP shall not install any advertising or identifying mechanisms, such as signage, including lawn signage, identifying the property for rent as a seasonal or short-term rental property
- c. Transient occupants of the Seasonal or STRP shall comply with all ordinances of the City of Atlantic City including, but not limited to those ordinances regulating noise and nuisance conduct. Failure of transient occupants to comply shall subject the transient occupants, the owner of the STRP, the Responsible Party and the Seasonal or Short-Term Rental Agent listed in the short-term rental permit application, to the issuance of fines and/or penalties, and the possibility of the revocation or suspension of the Seasonal or STRP permit.
- d. The owner of a Seasonal or STRP shall post the following information in a prominent location within the short term rental:
1. Owner name; if owner is an entity, the name of a principal in the entity, and phone number for the owner (individual);
  2. The names and phone numbers for the Responsible Party and the Seasonal or Short-Term Rental Agent (as those terms are defined in this Section);
  3. The phone numbers for the Atlantic City Police Department, the Atlantic city Fire Department, the City of Atlantic City Division of Code Enforcement and the City of Atlantic City Landlord Registration, Code Enforcement Division of the Department of Licensing and Inspections;

4. The maximum number of parking spaces available onsite;
  5. Trash and recycling pick-up day, and all applicable rules and regulations regarding trash disposal and recycling. Excessive trash and recycling is the responsibility of the owner. The owner may be required to have excessive trash and recycling removed at their own expense;
  6. A copy of the City of Atlantic City Animal House Ordinance and this Ordinance; and
  7. Notification that a guest, Transient Occupant, the Seasonal/Short-Term Rental Property Agent, the Responsible Party or Owner may be cited or fined by the City of Atlantic City Police Department or the City of Atlantic City Landlord Registration, Code Enforcement Division of the Department of Licensing and Inspections, for violations of, and in accordance with any applicable Ordinance(s) of the City of Atlantic City;
- e. In the event any complaints are received by the Atlantic City Police Department or the Landlord Registration, Code Enforcement Division of the Department of Licensing and Inspections regarding the short-term rental and/or the Transient Occupants in the Seasonal or STRP, and the owner of the Seasonal or STRP is unreachable or unresponsive, both the Responsible Party and the Short-Term Rental Agent listed in the seasonal or short-term rental permit application shall have the responsibility to take any action required to properly resolve such complaints, and shall be authorized by the Seasonal or STRP owner to do so.
- f. While a STRP is rented, the owner, the Short-Term Rental Agent, or the Responsible Party shall be available twenty-four hours per day, seven days per week for the purpose of responding within two (2) hours to complaints regarding the condition of the STRP premises, maintenance of the STRP premises, operation of the STRP, or conduct of the guests at the STRP, or nuisance complaints from the Atlantic City Police Department or neighbors, arising by virtue of the short-term rental of the property.
- g. If the STRP is the subject of two (2) or more substantiated civil and/or criminal complaints, the Director of Licensing and Inspections or his designee may revoke the short-term rental permit issued for the property, in which case, the STRP may not be the subject of a new STRP permit application for one (1) year following the date of revocation of the permit.
- h. Failure to make application for, and to obtain the issuance of, a seasonal or short-term rental permit prior to advertising the rental in print publications or newspapers, on any internet-based booking platforms, or online, and/or in the MLS or other real estate listing of a real estate agent licensed by the NJ State Real Estate Commission, shall be equivalent to operation of the rental without a permit, and shall constitute a violation of this Code, and may result in enforcement action and the issuance of a Summons, and may subject the rental owner, the Rental Agent, and the Responsible Party to issuance of fines and/or penalties.
- i. The person offering a dwelling unit for seasonal or short-term rental use must be the owner of the dwelling unit. A tenant of a property may not apply for a seasonal or short-term rental permit, nor shall the property or any portion thereof be sub-leased by the tenant on a seasonal or short-term basis, or operated as a seasonal or STRP by the tenant. This seasonal/short-term rental regulation shall supersede any conflicting provision in a private lease agreement permitting sub-leasing of the property, or any portion of the property. Violation of this Section will result in enforcement action against the tenant, the owner, the Rental Agent, and the Responsible Party, and will subject all such parties to the issuance of a Summons and levying of fines and/or penalties.
- j. In the event that the City receives three (3) substantiated complaints within a season concerning excessive vehicles belonging to the transient occupants of a seasonal/short-term rental, the seasonal or short-term rental permit for the property is subject to revocation by the Director of Licensing and Inspections or his designee.

- k. The Seasonal or STRP owner must be current with all taxes and sewer charges assessed to the property prior to the issuance of a seasonal or short-term rental permit. In the event that any code violations have been issued by the City relating to the seasonal or STRP, a seasonal or short-term rental permit shall not be issued until such time as such violations have been properly abated. The seasonal/STRP owner must also close any open construction permits for the property prior to the issuance of a short-term rental permit.
- l. All fines or penalties issued by the Municipal Court for the City of Atlantic City for any past code violations relating to the STRP, including penalties for failure to appear in Court, must be satisfied in full prior to the issuance of a short-term rental permit.

**J. Violations and Penalties.**

A violation of any provision of the within Section may subject the STRP owner, Transient Occupant(s), the Short-Term Property Rental Agent, and the Responsible Party or their agents to fines assessed by the Court up to \$2,000.00 per violation, per day that the violation exists.

**Section 1.** Chapter 194, is hereby amended.

**Section 2.** Any Ordinances or parts thereof inconsistent herewith shall be amended and supplemented to conform to the provisions contained herein.

**Section 3.** If any part of this Ordinance is declared unconstitutional or illegal by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

**Section 4.** This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181 b)

**ORDINANCE WITHDRAWN 8/21/2019**

October 11, 2019 11:04 AM 9-H

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE

COUNCIL MEMBER	AYE	NAY	N.V	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
CHENG							MARSH						
DELGADO							RANDOLPH						
FAUNTLEROY							SHABAZZ						
KURTZ							TIBBITT						
SMALL, PRESIDENT													
X-Indicates Vote    NV-Not Voting    AB-Absent    MOT-Motion    SEC-Second													

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on .....

Adopted on second and final reading after hearing on.....

Approved By.../s/.....Date.....By Council.....Reconsidered Over  
Ride \_\_\_\_\_

Mayor Aye Nay

This is a Certified True copy of the Original Ordinance on file in the City Clerk's Office.

/s/.....PAULA GELETEI, City Clerk