

# Ordinance

Ordinance No. 9-B

OF THE  
CITY OF ATLANTIC CITY, N.J.

Date.8-19-2020...  
Date to Mayor.....

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

\_\_\_\_\_  
Assistant City Solicitor /s/ Karl Timbers

\_\_\_\_\_  
Director of Licensing & Inspections /s/ Dale Finch

Prepared by the City Solicitor's Office

Council Member TIBBITT SHABAZZ & RANDOLPH presents the following Ordinance:

## **AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ATLANTIC CITY CHAPTER 190, REGULATING NUISANCES, PUBLIC HEALTH**

**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.**

DELETE: Chapter 190. Article III

ADD:

### **ARTICLE III. Regulation of short-term rentals determined as nuisance properties.**

#### **Chapter 190-14. Purpose and intent.**

The purpose of this chapter is to enable the City of Atlantic City to take effective action to assure that excesses arising from irresponsible short-term rentals, when they occur, shall not be repeated, and that landlords be held to sufficient standards of responsibility in order to preserve the peace and tranquility of the City for its permanent residents.

#### **Chapter 190-15. Definitions.**

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

##### Hearing Officer

The Director of the Department of Licensing and Inspections, or other individual as designated by the Appointing Authority, shall be the hearing officer for matters as required in this article.

##### Landlord

The person or persons who own or purport to own a building in which there is rented or offered for rent housing space for living or dwelling under either a written or oral lease.

**Substantiated Complaint**

A complaint for a violation of any provision of Title 2C of the New Jersey Statutes or any municipal ordinance governing disorderly conduct, upon or in proximity to any rental premises, and attributable to the acts or incitements of any of the tenants of those premises which has been substantiated by prosecution and conviction in any court of competent jurisdiction.

**Chapter 190-16. Complaints.**

After there are two or more complaints, on separate occasions, of conduct upon or in proximity to any rental premises, and attributable to the acts or incitements of any of the tenants of those premises, that have been substantiated by prosecution and conviction in any court of competent jurisdiction as a violation of any provision of Title 2C of the New Jersey Statutes or any municipal ordinance governing disorderly conduct, the Director of Licensing and Inspections may institute proceedings to require the landlord of those premises to post a bond against the consequences of future incidents of the same character.

Short-term rental properties designated as a Nuisance Property for excessive use of municipal services as defined under Article II of this Chapter shall also be subject to the bond requirement of this article.

**Chapter 190-17. Notice requirements.****A.**

The Director of Licensing and Inspections shall cause to be served upon the landlord, in person or by registered mail to the address appearing on the tax records of the City, notice advising of the institution of such proceedings, together with particulars of the substantiated complaints upon which those proceedings are based, and of the time and place at which a hearing will be held in the matter, which shall be in the municipal building, municipal court or other public place within the municipality, and which shall be no sooner than 30 days from the date upon which the notice is served or mailed.

**B.**

In the event a tenant is convicted of any of the conduct described in this Article, the Director of Licensing and Inspections shall cause notice advising that the conduct specified has occurred to be served on the landlord, in person or by registered mail, at the address appearing on the tax records of the City. The Director, has the discretion, based upon the severity of the conduct

**C.**

In the event an owner is made aware that a tenant is the subject of a substantiated complaint, based upon conduct upon or in proximity to their rental premises, and attributable to the acts or incitements of any of the tenants of the premises, the owner shall be required to report the complaint to the City.

**Chapter 190-18. Hearing; violations and penalties.**

A.

At the hearing convened pursuant to this chapter, the Hearing Officer shall give full hearing to both the complaint of the City and to any evidence in contradiction or mitigation that the landlord, if present or represented and offering such evidence, may present. The Hearing Officer may consider, to the extent deemed relevant by the Hearing Officer, prior complaints about the residents of the property, even if those complaints did not result in a conviction. At the conclusion of the hearing, the Hearing Officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of this chapter.

B.

Any bond required to be posted shall be in accordance with the judgment of the Hearing Officer, in light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for:

(1)

Damages likely to be caused to public or private property and damages consequent upon disruption of affected residents' rights of fair use and quiet possession of their premises;

(2)

Securing the payment of fines and penalties likely to be levied for such offenses; and

(3)

Compensating the municipality for the costs of repressing and prosecuting such violations of this Article; but no such bond shall be in an amount less than \$500 or more than \$5,000. The municipality may enforce the bond thus required by action in the Superior Court, and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality.

C.

A bond or other security deposited in compliance with this section shall remain in force for a period recommended by the Hearing Officer but not less than two nor more than four years. Upon the lapse of the specified period the landlord shall be entitled to the discharge thereof, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under this Article in which case the security shall be renewed, in an amount and for a period that shall be specified by the Hearing Officer.

**Chapter 190-19. Proceedings against landlord; recovery from tenant.**

A.

If, during the period for which a landlord is required to give security pursuant to this Article, a substantiated complaint is recorded against the property in question, the Director of Licensing and Inspections may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security, for an extension of the period for which such security is required, or for an increase in the amount of security required, or for any or all of those purposes.

B.

Any forfeiture or partial forfeiture of security shall be determined by the Hearing Officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in this Article. Any decision by the Hearing Officer to increase the amount or extend the period of the required security shall be determined in light of the same factors set forth in this Article and shall be taken only to the extent that the nature of the substantiated complaint or complaints out of which proceedings arise under this section indicates the appropriateness of such change in order to carry out the purposes of this chapter effectually. The decision of the Hearing Officer in such circumstances shall be enforceable in the same manner as provided for in this Article.

C.

A landlord may recover from a tenant any amounts of security actually forfeited as described in this section.

**ARTICLE IV: Release of Balloons**

**Chapter 190-20. Purpose and intent.**

This article is adopted in order to protect the environment, particularly the wildlife, and the health, safety and well-being of persons and property by prohibiting the release of helium balloons into the atmosphere, including latex and mylar, as it has been determined that the release of balloons inflated with lighter-than-air gases poses a danger and nuisance to the environment, particularly to wildlife and marine animals, so as to constitute a public nuisance and may pose a threat to the safety of its inhabitants and their property.

**Chapter 190-21. Release prohibited; exceptions.**

It shall be unlawful for any person, firm or corporation to intentionally release, organize the release or intentionally cause to be released balloons inflated with a gas that is lighter than air within the Atlantic City limits, except for:

A.

Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.

B.

Hot air balloons that are recovered after launching.

C.

Balloons released indoors.

**Chapter 190-22. Violations and penalties.**

Any person found in violation of this article is guilty of a noncriminal infraction punishable by a fine not to exceed the sum of \$500.

**SECTION 2.** Any Ordinance or parts of any Ordinance inconsistent with the positions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3.** This Ordinance shall take effect immediately upon its final passage and publication as provided by law.

kcAugust 17, 2020 12:12 PM 9-B

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.
DELGADO							MORSHED						
DUNSTON							RANDOLPH						
FAUNTLEROY							SHABAZZ						
KURTZ							ZIA						
							TIBBITT, 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

# Ordinance

Ordinance No. 9-C

OF THE  
CITY OF ATLANTIC CITY, N.J.

Date..8-19-2020...

Date to Mayor.....

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Assistant City Solicitor/s/ Karl Timbers

Director of Licensing & Inspections /s/ Dale Finch

Prepared by the City Solicitor's Office

Council Members TIBBITT, SHABAZZ & RANDOLPH Present the following Ordinance:

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

**WHEREAS**, the City Council seeks to regulate 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**, 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**, 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 short-term rentals.

**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 "Short-term rental permits," as follows:

### **SECTION 194-6 Short-term rental permits.**

#### **A. Purpose.**

The City Council of the City of Atlantic City finds and declares that the 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 short-term rental use and the City's business community affected by the allowance and existence of 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 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 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 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 transient rental basis shall obtain a short-term rental permit prior to the first occupancy of the year for that unit.

#### **B. 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.

#### **C. Definitions.**

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

**Application Fee** shall mean the fee charged by the City of Atlantic City for the initial application and renewal fee for the Short-Term Rental License.

**Nuisance Property** shall mean any property that has been determined as violating Chapters 186, 190, and 194 of the Code of the City of Atlantic City or this through excessive qualifying calls for services, substantiated complaints, or for violations of the Chapter.

**Occupancy Load** shall mean the numbers of persons permitted in a short-term rental property, based upon an inspection completed in compliance with the International Property Maintenance Code, IPMC, and shall be capped at 16 occupants, regardless of the number of bedrooms.

**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.

**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.

**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.

#### **D. Fees per dwelling unit.**

The fee schedule for 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 Code Enforcement Inspectors of the Department of Licensing and Inspections using the International Property Maintenance Code (IPMC).



**Annual Application: \$150.00**

**Annual License Fee (based on occupancy load):**

Eight and under	\$2000.00
Nine to Sixteen	\$2500.00

**E. Regulations Pertaining to 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 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;

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;

**F. 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 short-term rental property shall obtain a 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 STRP, or advertise a residential property for use as a STRP, without the owner/operator of the property first having obtained a 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 STR permit prior to advertising the 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 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 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 short-term rental permit application provided by the City, along with an application and a registration fee, 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 short-term rental permit, if granted, shall be valid for the year for which the applicant applied.

d. The short-term rental permit, if granted, shall be valid for the year for which the applicant has applied, without proration.

e. The owner of a 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 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 short-term rental permit application, for the issuance of a rental Certificate of Occupancy for the short-term rental property, on such forms as required by that Division.

f. A short-term rental permit and rental Certificate of Occupancy shall be renewed on an annual basis, by submitting to the Landlord Registration, Code Enforcement Division of the Department of Licensing and Inspections, a short-term rental permit application and rental Certificate of Occupancy application and a renewal registration fee based upon occupancy load.

g. The short-term rental permit shall expire automatically when the 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 short-term rental property. A new application and first-time registration fee shall also be required for any short-term rental that had its short-term rental permit revoked or suspended. Fees charged to the owner shall not be prorated.

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

a. Applicants for a short-term rental permit shall submit, on an annual basis, an application for a 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. The address of the unit to be used as a short-term rental;
3. If the owner is an LLC, Corporation or Partnership, the following information must be included: individual names of all members of the LLC, principals of corporation or partners in partnership; and
4. A copy of the driver's license or State Identification Card of the owner of the short-term rental property;
5. 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;
6. 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;
7. 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;
8. 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; and
9. The owner's agreement that all renters of the 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.
10. 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

11. 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 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 short-term rental permit shall require annual inspections for the 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 STRP's eligibility for use as a 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. Every owner must comply with the City's Land Use Regulations and Zoning Ordinance.
- 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 short-term rental unit;
  2. Proof of general liability insurance in a minimum amount of \$500,000.00; and
  3. Written certifications from the 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 short-term rental property be rented to anyone younger than twenty-one (21) years of age. The primary occupant of all 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. Each and every time there is a change of occupancy by transient occupants during the year when the permit is active, the STRP owner, or their rental property agent must provide the City with information as to the identity of all transient occupants who will be occupying the property, on a form to be made available by the Division of Code Enforcement or in electronic format on the City's website. The intent is that the City shall have basic identifying information of all occupants of the property at all times, just as required by the City in conjunction with any standard rental Certification of Occupancy application, which information shall include the occupants or occupant's names and ages, and the dates of the commencement and expiration of the term of each short-term rental period of the respective occupant(s).

**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 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. Short-Term Rental Operational Requirements.**

- a. All 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 STRP owner shall ensure that the 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 short-term rental property
- c. Transient occupants of the 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 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 STRP permit.
- d. If a property has two (2) 2 substantiated complaints and is determined as a nuisance property, the Director of Licensing and Inspections may suspend the ability of the owner to rent the property. The owner will have ten (10) business days to appeal this determination in writing, by filing appeal with the Office of the Director. Within thirty (30) days thereafter, the Director of Licensing and Inspections or his designee shall hear and decide on the appeal.
- e. The owner of a 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 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. This requirement may be determined by the City at the time of application, and if so determined owner will provide the City a copy of the waste/hauling agreement;
  6. A copy of the City of Atlantic City Animal House Ordinance and this Ordinance; and
  7. Notification that a guest, Transient Occupant, the 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;
- f. 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 STRP, and the owner of the STRP is unreachable or unresponsive, both the Responsible Party and the Short-Term Rental Agent listed in the 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 STRP owner to do so.
- g. 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 one (1) hour of 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.
- h. 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.
- i. Failure to make application for, and to obtain the issuance of, a 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 Real Estate Commission, shall be equivalent to operation of the rental without a permit, and shall constitute a violation of this Code, and will 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.

j. The person offering a dwelling unit for short-term rental use must be the owner of the dwelling unit. A tenant of a property may not apply for a short-term rental permit, nor shall the property or any portion thereof be sub-leased by the tenant on a short-term basis, or operated as a STRP by the tenant. This 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.

k. The STRP owner must be current with all taxes and sewer charges assessed to the property prior to the issuance of a short-term rental permit. In the event that any code violations have been issued by the City relating to the STRP, a short-term rental permit shall not be issued until such time as such violations have been properly abated. The 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. These fines are in addition to violations of any other section of applicable chapters on the City Code of the City of Atlantic City.

**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)

kcAugust 17, 2020 12:13 PM 9-C

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.
DELGADO							MORSHED						
DUNSTON							RANDOLPH						
FAUNTLEROY							SHABAZZ						
KURTZ							ZIA						
							TIBBITT, 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.....Ride \_\_\_\_\_  
Reconsidered Over

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