

CITY OF ASBURY PARK
ONE MUNICIPAL PLAZA
ASBURY PARK, NJ 07712

PHONE: (732) 502-5740
FAX: (732) 502-5738



CITY COUNCIL
JOHN MOOR, MAYOR
AMY QUINN, DEPUTY MAYOR
YVONNE CLAYTON
JESSE KENDLE
EILEEN CHAPMAN

MICHAEL CAPABIANCO, CITY MANAGER

STR Permit - Preliminary Departmental Approvals

DEPARTMENT SIGNATURE

DATE

1) Zoning Compliance: _____

2) Tax/Sewer: _____
(All Payments Current)

3) Construction: _____
(All Permits Closed)

4) Fire Safety Inspection: _____
(contact 732.775.6300 to schedule)

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SHORT TERM RENTAL REGISTRATION PROCESS

As per **Ordinance 2017-40 of the Code of the City of Asbury Park**, a short-term rental (also referenced as "STR") shall mean "the accessory use [rental] 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". Any short-term rental requires a STR Permit and a Certificate of Inspection (CI) issued by the City. Approved STR Permits and CI's are valid for one year.

Fees: \$300.00 annually (both new and renewal applications)

Applicants for a Short Term Rental Permit and Certificate of Inspection must complete the required application (attached), which includes submission of copies of all required documentation referenced in the below checklist, as well as executed Acknowledgement of Owner and Certification of STR Property Agent and/or Responsible Party (*as applicable*).

Please use the following checklist as a guide for a complete package.

- Completed approval process of all City Departments, and completed (attached) Departmental Approval form:
- 1- Zoning – confirmation by the Zoning Officer for the City of Asbury Park, confirming that the property is not being occupied or used in violation of the City's Land Use Regulations and Zoning Ordinance, and that the STR is permitted;
 - 2- Tax and Sewer- confirmation by Tax Collector that all tax and sewer charges have been paid to date and are current;
 - 3- Construction- confirmation by the Construction Department that there are no open building permits on the property in which the STR is located;
 - 4- Fire Safety- inspection by the Fire Safety Official confirming that the property is in compliance with all Fire Safety regulations.

Completed all required STR Permit and Certificate of Inspection Application details (*attached*);

Provided original executed application and attached (and executed) acknowledgement by Owner, and Certification of Authorized Agent confirming understanding and adherence to all applicable City regulations regarding short-term rentals. If authorized agent is completing and executing for Owner, there must be valid authorization from Owner provided;

Pursuant to 13-1000.4 (b) Short-term rentals shall be permitted to be conducted in the following classifications of property in the City of Asbury Park (check off which applies to your property):

- 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 by Ordinance;
- 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 by Ordinance;
- 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 by Ordinance; 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 by Ordinance.
- Exempt property based on having been issued a valid 2017 Summer Rental C.O. [insert S. R. C. O. # _____]

If this is a condominium short-term rental permit application, a letter approving short term rental of the unit by the Condominium Association must be submitted with the application.

Attached to and concurrent with submission of the Permit Application, the owner MUST provide the following documents:

1. Proof of "principal residence" requirement by submission of copy of a valid and current NJ Driver's License or NJ State issued Identification Card (*unless property is exempt as having been issued a valid 2017 Summer Rental C.O.*);
2. Proof of the Applicant's current ownership of the short-term rental unit. (*A copy of the current, legally recorded Deed to the property, tax bill or other document verifying CURRENT ownership satisfies this requirement*);
3. Proof of general liability insurance on the subject property, in a minimum amount of \$500,000.00, which policy must be in the name of the Owner/Applicant, and in full force and effect for the entire duration of the 12 month Permit period, and;
4. If STR property is owned by an LLC, a Corporation or Partnership, a copy of the Operating Agreement (for LLC), Buy-Sell Agreement (for Corporation), or Partnership Agreement (for Partnership) must be produced to verify the current members/principals in the entity;
5. Executed Certification(s) from the property Owner's STR Property Agent and/or Responsible Party, wherein said parties acknowledge and agree that they shall perform all of their respective duties in compliance with the STR Ordinance and comply with all other applicable laws of the City of Asbury Park in connection with the STR.

Payment, in full, of the annual STR Permit and CI fees, and any other additional fees, as applicable.

INCOMPLETE PACKAGES AT TIME OF
SUBMISSION

WILL BE REJECTED AND SUBJECT TO A REAPPLICATION FEE

**SHORT TERM RENTAL AND
CERTIFICATE OF INSPECTION APPLICATION**

A. SHORT TERM RENTAL PROPERTY LOCATION:

Street Address: _____

Lot/Block/Subdivision: _____

Category of STR: _____

B. SHORT TERM RENTAL PROPERTY OWNER:

Owner Name(s):* _____

Mailing Address: _____

(Must be physical street address; NO P.O. Box accepted)

City, State, Zip: _____

Primary Phone: _____ Cell/Secondary Phone: _____

Email Address: _____

*If Owner is an LLC, Corporation or Partnership, the following information MUST be included:

Individual Names of ALL Members of LLC, Principals of Corporation or Partners in Partnership: *(attach additional sheet if necessary)*

<u>NAME</u>	<u>ADDRESS (include street address, no PO Box)</u>	<u>PHONE NUMBER</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

C. RESPONSIBLE PARTY:*

Primary Contact Name: _____

Company Name: _____

Mailing Address: _____

(Must be physical street address; NO P.O. Box accepted)

City, State, Zip: _____

Contact Phone: _____

(Must be phone number answered twenty four (24) hours a day, seven (7) days a week)

Email: _____

(Email address will be used for the purpose of future communications and must be active for communications at all times).

* (Must be individual designated and authorized by property owner to act on behalf of owner, responsible for all aspects of the STR and tenants conduct, and accept service of process on behalf of owner)

ANNUAL REGISTRATION FEE:

\$300.00

ADDITIONAL FEES AS APPLICABLE:

\$85.00 Fee for 21 day Conditional CI – (CCI)

- Accepted forms of payment are Check or Money Order
- Checks shall be made payable to: “*City of Asbury Park*”

REGISTRATION CERTIFICATE:

Pursuant to the City of Asbury Park Ordinance No. 13-1000.5-D: The short-term rental permit, if granted, shall be valid for a period of one year from the date of issuance.

I hereby certify that all of the above information which I have provided in completing this STR Permit and CI application is true and accurate.

Owner name printed legibly: _____

Relationship to STR Property: _____

Date: _____

Signature of Property Owner or STR Property Agent

ACKNOWLEDGEMENT

By signing in the space below, the Property Owner or STR Property Rental Agent hereby certifies, affirms and acknowledges that he/she has read all of the information in this STR application package, is fully familiar with, and understands all requirements and property owner obligations set forth in the City of Asbury Park STR Ordinance, and agrees to comply with all responsibilities as outlined below, and as required by all applicable laws of the City of Asbury Park:

1. The STR property constitutes my (or if agent signing, the owner's) principal residence, as defined in Subsection 13-1000.3 of the STR Ordinance, or I am entitled to and eligible for an exemption from that requirement as set forth in Subsection 13-1000.4(d) of the STR Ordinance;
2. The phone number for the Responsible Party will be answered twenty-four (24) hours a day, seven (7) days a week, by a party with authority to address or coordinate problems associated with the STR dwelling unit. I understand that the Responsible Party is always the first number the City will call regarding complaints;
3. The Responsible Party resides within the local area, and is able to respond in person to complaints or emergencies within one (1) hour and correct violations within a reasonable amount of time;
4. The number of **legal**, on-site parking spaces available to the STR premises (consisting of legal off-street & adjacent on-street parking) is: _____. I understand that my agreement with STR occupants shall limit the number of vehicles permitted to be parked in connection with the STR to a MAXIMUM of one (1) vehicle per two (2) occupants in the STR property;
5. The address number of the STR residence is displayed and clearly visible, legible, and contrasting, from the street or private way on which the STR property fronts, as described in detail in the City of Asbury Park Municipal Code;
6. The Owner or Owner's STR Agent and Responsible Party agrees to make every effort to avoid and/or mitigate issues with on-street parking in the neighborhood in which the STR is located resulting from the STR, in order to avoid a shortage of parking for residents in the surrounding neighborhood;
7. I agree that my property will not be rented as a STR to anyone younger than twenty-one (21) years of age. I further agree that the primary occupant of any STR of my property, executing the STR Agreement between myself and the STR Occupant, will be over the age of twenty-one (21), and will be the party who will actually occupy the property during the term of the short-term rental. I understand that the primary occupant may have guests under the age of twenty-one (21) who may share and occupy the property with them;
8. All STR occupants will be informed by the Responsible Party of applicable City laws and regulations and Homeowner Association rules and regulations, concerning and regulating the STR, including but not limited to noise, vehicle parking, household garbage, and common area usage issues arising as a result of the STR;
9. I will not advertise the STR on any web-based listing site or list the property as a STR with a realtor, prior to obtaining a STR permit and CI properly issued by the City of Asbury Park. Further, I agree that I will include the STR Permit number issued by the City on each and every web-based listing of the property as a STR, in a

conspicuous place on the ad (preferably the top of the page), so that said permit number is visible and able to be easily identified;

10. Each and every time there is a change of occupancy by transient occupants during the year when the STR permit is active, the STR property owner, or STR property rental agent must provide the City with information as to the identity of every transient occupant who will be occupying the STR property, on a form to be made available by the Department of Property Improvement and Neighborhood Preservation or in electronic format on the City website;
11. I understand that any misuse of STR rights granted by the City in connection with the issuance of the STR Permit, or the filing of multiple complaints pertaining to the STR with the City of Asbury Park or the City's Police Department may subject me to possible revocation of this permit and/or issuance of fines or penalties;
12. I certify that there have been no prior revocations or suspensions of this STR Permit or any City issued Certificate of Occupancy for the same property which is the subject of this STR Permit.

I hereby certify that the statements made in this Application and Acknowledgement are true and accurate, to the best of my knowledge. I understand that any false statements or information provided by me herein, or the violation of any of the above terms or provisions of the STR Ordinance, are grounds for denial of this STR Application, revocation of the STR Permit and issuance of fines or penalties by the Municipal Court of the City of Asbury Park. I further certify, affirm and acknowledge that I will adhere to all STR Permit conditions and regulations, as required by the applicable STR Ordinance of the City of Asbury Park.

Applicant Signature: _____ Date: _____

THIS SECTION TO BE COMPLETED BY CITY CODE ENFORCEMENT STAFF

- Copy of valid and current state identification ___ YES ___ NO
- Acknowledgement signed: ___ YES ___ NO
- Short-Term Rental Property is a permitted use: ___ YES ___ NO
- Copy of Condo Assoc. Letter: ___ YES ___ NO (as applicable)
- Copy of Proof of Ownership: ___ YES ___ NO
- Copy of liability insurance: ___ YES ___ NO
- \$300.00 fee paid: ___ YES ___ NO _____
- \$85.00 CCO Fee paid: ___ YES ___ NO (as applicable)

Completed and Reviewed by: Staff Initials _____ Date: _____
Rejected _____ Under Review _____ Approved _____

Certificate of Inspection (CI) Issued: _____ YES _____ NO

STR Permit # _____

Date Permit and CI Issued: _____ Expiration Date: _____



**Asbury Park, New Jersey
ORDINANCE NO. 2017-40**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIII, ENTITLED
"PROPERTY IMPROVEMENT AND NEIGHBORHOOD PRESERVATION –
PROPERTY MAINTENANCE CODE," OF THE "CODE OF THE CITY OF ASBURY
PARK, NEW JERSEY," REGULATING AND ESTABLISHING REGISTRATION
REQUIREMENTS FOR SHORT-TERM RENTALS IN THE CITY OF ASBURY PARK,
NEW JERSEY**

WHEREAS, the Asbury Park City Council seeks to permit the short-term rental use of certain legally permitted dwelling units throughout the City of Asbury Park (also referenced as the "City" or "Asbury Park") in order to facilitate the booking of reservations for such uses through internet-based booking platforms, and promote tourism and economic vitality in the City; and

WHEREAS, the 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, the 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; and

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

WHEREAS, the presence of 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, long-term rental housing vacancy rates in the City are at low levels, making it increasingly difficult for people to obtain permanent housing in Asbury Park; and

WHEREAS, removal of residential units from the long-term housing market contributes to low vacancy rates; and

WHEREAS, the conversion of long-term housing units to short-term rentals will result in the loss of long-term housing for Asbury Park residents; and

WHEREAS, it is in the public interest that 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, the Asbury Park 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 implementing its Master Plan and Five Year Consolidated Plan in promoting home ownership and providing appropriate housing stock to meet the needs of the City; 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 Mayor and Council of the City of Asbury Park, County of Monmouth, State of New Jersey, as follows:

Section 1. Chapter XIII, entitled "Property Improvement and Neighborhood Preservation - Property Maintenance Code," of the "Code of the City of Asbury Park, New Jersey," which was previously amended by Ordinance No. 2016-53 (adopted on December 28, 2016), is hereby further amended and supplemented in order to establish a new Section thereof (Section 13-1000) to be known as "Short-Term Rentals," as follows:

SECTION 13-1000 SHORT-TERM RENTALS.

13-1000.1 Purpose.

The Asbury Park City Council 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 (13-1000) 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 Asbury Park; 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 Asbury Park City Council has therefore determined that it shall be unlawful for any owner of any property within the geographic bounds of the City of Asbury Park, New Jersey, to rent or operate a short-term rental contrary to the procedures and regulations established in this Section (13-1000), or applicable State statute.

13-1000.2 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 Asbury Park hereby adopts the within Ordinance in accordance with said authority.

13-1000.3 Definitions.

As used in this Section (13-1000), 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 (13-1000). For purposes of this Section (13-1000), 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 (13-1000).

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 (13-1000).

Property shall mean a parcel of real property located within the boundaries of the City of Asbury Park, Monmouth 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 (13-1000).

Short-Term Rental Property (also referenced as "STRP") shall mean a residential dwelling unit as defined in Chapter XIII of the Code of the City of Asbury Park, 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 (13-1000). 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 (13-1000). 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.

13-1000.4 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 Asbury Park, New Jersey, to rent or operate a short-term rental contrary to the procedures and regulations established in this Section (13-1000) or applicable State statute.

b. Short-term rentals shall be permitted to be conducted in the following classifications of property in the City of Asbury Park:

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.

d. 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, the

prior Summer Rental License Ordinance (which was found at former Section 12-8 of the City Code) during the calendar year 2017, and that owner made application for, registered and received a valid Summer Rental License in 2017 pursuant to the (former) Summer Rental License Ordinance, then that property owner, if intending to apply for a short-term rental permit pursuant to this Section (13-1000), shall be exempt from the specific requirement set forth above which mandates that the short-term rental property must be the principal residence of the owner applying for a 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 2017 Summer 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 (13-1000); 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 (13-1000), including the principal residence provision, in order to obtain a valid STR permit.

f. The provisions of this Section (13-1000) shall apply to short-term rentals as defined in Subsection 13-1000.3 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 (13-1000): 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.

13-1000.5 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 Asbury Park Land Use Regulations, the owner/operator of a short-term rental property shall obtain a short-term rental permit from the City of Asbury Park Department of Property Improvement and Neighborhood Preservation, 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 Asbury Park Department of Property Improvement and Neighborhood Preservation. 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 (13-1000) 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 Asbury Park Department of Property Improvement and Neighborhood Preservation, a short-term rental permit application provided by the City, along with an annual application/registration fee of three hundred dollars (\$300.00). 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 short-term rental permit, if granted, shall be valid for a period of one year from the date of issuance.

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 Department of Property Improvement and Neighborhood Preservation, 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 Department.

f. A short-term rental permit and rental Certificate of Occupancy shall be renewed on an annual basis, based upon the anniversary of the original permit issuance, by submitting to the Department of Property Improvement and Neighborhood Preservation, a short-term rental permit application and rental Certificate of Occupancy application and a renewal registration fee of three hundred dollars (\$300.00).

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.

13-1000.6 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 Asbury Park Department of Property Improvement and Neighborhood Preservation. The application shall be furnished, under oath,

on a form specified by the City Manager, accompanied by the non-refundable application fee as set forth in in Subsection 13-1000.5 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. A copy of the driver's license or State Identification Card of the owner of the short-term rental property, confirming, as set forth in this Section (13-1000), that the property is the principal residence, as that term is defined herein, of the owner making application for the STR permit;
4. The owner's sworn acknowledgement that they comply with the requirement that the short-term rental property constitutes the owner's principal residence, as defined in Subsection 13-1000.3 above, or that the owner is entitled to an exemption from that requirement as set forth in Subsection 13-1000.4(d) above;
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, 24-hour 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;
9. The owner's agreement that all renters of the short-term rental property shall be limited to one (1) vehicle per two occupants in the short-term rental property;
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 City Manager 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 (13-1000).

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 (13-1000), 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 (13-1000).

g. The STRP owner/permit holder shall publish the short-term rental permit number issued by the City in every print, digital, or internet advertisement, and/or in the Multiple Listing Service (hereinafter "MLS") or other real estate listing of a real estate agent licensed by the NJ State Real Estate Commission, in which the short-term rental property is advertised for rent on a short term basis.

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 short-term rental property agent must provide the City with information as to the identity of all transient occupants who will be occupying the STRP, on a form to be made available by the Department of Property Improvement and Neighborhood Preservation or in electronic format on the City website. The intent is that the City shall have basic identifying information of all occupants of the STRP at all times, just as required by the City in conjunction with any standard rental Certificate of Occupancy application, which information shall include the occupant's or occupants' 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).

i. 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 STRP 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;

13-1000.7 Issuance of Permit and Appeal Procedure.

a. Once an application is submitted, complete with all required information and documentation and fees, the Department of Property Improvement and Neighborhood Preservation, following any necessary investigation for compliance with this Section (13-1000), 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 City Manager, by filing the appeal with the City Manager's Office.

c. Within thirty (30) days thereafter, the City Manager or his designee shall hear and decide the appeal.

13-1000.8 Short-Term Rental Operational Requirements.

a. All short-term rentals must comply with all applicable rules, regulations and ordinances of the City of Asbury Park 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. A dwelling unit shall be limited to a single short-term rental contract at a time.

c. 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.

d. Transient occupants of the STRP shall comply with all ordinances of the City of Asbury Park 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.

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 (13-1000));
3. The phone numbers for the Asbury Park Police Department, the Asbury Park Fire Department, the City of Asbury Park Department of Code Enforcement and the City of Asbury Park Department of Property Improvement and Neighborhood Preservation;
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;
6. A copy of the City of Asbury Park Animal House Ordinance and this Ordinance; and
7. Notification that a guest, Transient Occupant, the Short-Term Rental Property Agent, the Responsible Party or STRP owner may be cited or fined by the City of Asbury Park Police Department or the City of Asbury Park Department of Property Improvement and Neighborhood Preservation, for violations of, and in accordance with any applicable Ordinance(s) of the City of Asbury Park;

f. In the event any complaints are received by the Asbury Park Police Department or the Department of Property Improvement and Neighborhood Preservation 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 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 Asbury Park 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 City Manager 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 STRP 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 STRP without a permit, and shall constitute a violation of this Code, and will result in enforcement action and the issuance of a Summons, and shall subject the STRP owner, the Short-Term 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 STRP 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 (13-1000) will result in enforcement action against the tenant, the STRP owner, the Short-Term 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. In the event that the City receives three (3) substantiated complaints concerning excessive vehicles belonging to the transient occupants of a STRP, the short-term rental permit for the property is subject to revocation by the City Manager or his designee.

l. The STRP owner must be current with all tax 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.

m. All fines or penalties issued by the Municipal Court for the City of Asbury Park 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.

13-1000.9 Violations and Penalties.

A violation of any provision of the within Section (13-1000) 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 2. Chapter XII, entitled "Building And Construction," is hereby amended in order to repeal Section 12-8 thereof, entitled "Summer Rental Regulations," in its entirety (including all Subsections 12-8.1 through 12-8.13).

Section 3. Any Ordinances or parts thereof inconsistent herewith shall be amended and supplemented to conform to the provisions contained herein.

Section 4. 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 5. 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).

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2017-40 which was finally adopted by the City Council at a meeting held on the 8th day of November, 2017


 CINDY A. DYE
 CITY CLERK

✓ Vote Record - Ordinance 2017-40						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Eileen Chapman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Yvonne Clayton	Seconded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Jesse Kendle	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Amy Quinn	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	John Moor	Seconded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Introduced						