

**BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY**

**ORDINANCE 2023-3**

**AN ORDINANCE SUPPLEMENTING CHAPTER 365:  
“RENTAL PROPERTY” OF THE BOROUGH’S REVISED  
GENERAL ORDINANCES WITH NEW ARTICLE I:  
“SHORT-TERM RENTALS” TO ESTABLISH  
REGULATIONS PERTAINING TO DWELLING UNITS  
RENTED FOR NINETY OR FEWER CONSECUTIVE DAYS**

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**Mayor Fox** offered the following Ordinance and moved its introduction:

**WHEREAS**, as a resort municipality, the Borough of Bradley Beach (the “Borough”) welcomes thousands of visitors to its community each year; and

**WHEREAS**, the Borough’s Mayor & Council finds that many owners of residential dwelling units in the Borough engage in the lease or rental of such dwelling units both for long and short-term rental use; and

**WHEREAS**, the Borough’s Mayor & Council further finds that in order to ensure the public health, safety and welfare it is important in cases of emergency, disturbance, law enforcement and regulatory activities for the Borough to have a record enabling the owner or managing agent of any such residential dwelling unit to be contacted at any time; and

**WHEREAS**, the Borough’s Mayor & Council hereby determines that it would be in the best interests of the Borough and its residents to prohibit any owner of a residential dwelling unit to rent, lease or otherwise permit the occupancy of the unit by non-owners without first having registered the residential dwelling as a short term rental unit with the Borough;

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, and State of New Jersey as follows:

SECTION 1. Chapter 365, entitled “Rental Property”, of the Revised General Ordinances of the Borough of Bradley Beach are hereby supplemented with *new* Article I, entitled “Short-Term Rentals”, as follows:

**CHAPTER 365**

**RENTAL PROPERTY**

**ARTICLE I: SHORT-TERM RENTALS**

**§ 365-1 Purpose and Scope.**

This Article shall regulate the increasingly widespread practice of renting or leasing various types of dwellings, or segments thereof, located primarily in residential neighborhoods, on a short-term basis to transient guests. This practice has been popularized and facilitated by various websites that advertise and broker these rentals. Left unregulated, this practice could adversely affect the health, safety, and general welfare of the citizens of the Borough. This Article seeks to balance the rights of the owners of residential dwelling units and the needs of the community at large.

This Article does not apply to lawfully established and operating hotels, motels, rooming houses, boardinghouses, and bed-and-breakfast establishments.

**§ 365-2 Definitions.**

As used in this Article, 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 Article.

**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 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 Article.

**PROPERTY**

Shall mean a parcel of real property located within the boundaries of the Borough of Bradley Beach.

## **RESPONSIBLE PARTY**

Shall mean both the short-term rental property owner and a person (or 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 use of a dwelling unit as defined in Section 450-4 of the Code of the Borough of Bradley Beach for occupancy by someone other than the unit’s owner or permanent resident for a period of ninety (90) days or less consecutive days. Short Term Rental properties are required to have a minimum stay period of seven (7) consecutive days. Any advertisement or rental of Short Term Rental Properties must include and invoke this minimum stay requirement.

## **SHORT-TERM RENTAL PROPERTY (ALSO REFERENCED AS “STRP”)**

Shall mean a dwelling unit as defined in Section 450-4 of the Code of the Borough of Bradley Beach, 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 Article. Dwelling units rented to the same occupant for more than ninety (90) continuous days, licensed Bed and Breakfast establishments, licensed rooming or boarding houses, hotels, and motels shall not be considered a Short-Term Rental Property.

## **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 Article. 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.

## **TRANSIENT SPACE MARKETPLACE**

Shall mean a marketplace or travel agency through which a person may offer STRs to customers and through which customers may arrange for occupancies of STRs. The definition of a transient space marketplace does not include a marketplace or travel agency that exclusively offers transient accommodations in New Jersey owned by the owner of the marketplace or travel agency. “Obtained through a transient space marketplace” means that payment for the accommodation is made through a means provided by the marketplace or travel agency, either directly or indirectly, regardless of which person or entity receives the payment, and where the contracting for the accommodation is made through the marketplace or travel agency.

**§ 365-3 Regulations Pertaining to Short-Term Rentals.**

- A. It shall be unlawful for the owner of any property within the Borough, to rent or operate a short-term rental contrary to the procedures and regulations established in this Article or applicable State statute.
  
- B. Short-term rentals shall be permitted to be conducted in the following classifications of property in the Borough of Bradley Beach:
  - (1) Condominium units, where the Condominium Association By-Laws and Master Deed do not prohibit a short-term rental;
  - (2) Single-family residences;
  - (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;
  - (4) Not more than two units 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.
  
- C. Notwithstanding the provisions of paragraph b above, short-term rentals shall not be permitted in:
  - (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) 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.
  
- D. The provisions of this Article shall apply to short-term rentals as defined in Section 365-2 above. The following do not qualify as a STRP, as that term is used herein, and are not required to obtain a short-term rental permit pursuant to this Article: 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.

**§ 365-4 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 Zoning and Land Use Regulations of the Borough of Bradley Beach, the owner of a short-term rental property shall obtain a short-term rental permit from the Borough of Bradley Beach Municipal Clerk, 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 of the property first having obtained a STR permit issued by the Borough of Bradley Beach. 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 Chapter. No STR permit issued under this Chapter 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, or any agent acting on behalf of the owner, shall submit to the Borough of Bradley Beach Municipal Clerk, a short-term rental permit application provided by the Borough, along with an annual application/registration fee of \$500.00.
- 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, 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 Municipal Clerk, 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 Municipal Clerk, a short-term rental permit application and rental Certificate of Occupancy application and a registration fee as set forth in Section 365-4(C).
- G. The short-term rental permit shall expire automatically when the short-term rental property changes ownership, and a new initial application and 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 registration fee shall also be required for any short-term rental that had its short term rental permit revoked or suspended.

**§ 365-5 Application Process for Short-Term Rental Permit and Inspections.**

- A. A Zoning Compliance Certificate, which states that the premises are not being occupied or used in violation of the Zoning and Land Use Regulations of the Borough, shall be required.

- B. Confirmation 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.
- C. Attached to and concurrent with submission of the permit application described in this Chapter, 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 no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence, except in the case of the owner of a multifamily home which is four or fewer units, one of which is owner occupied, then coverage must be maintained for the foregoing in an amount no less than \$300,000, or such minimum amounts which may be set by State law; and
  - (3) Written certification from the responsible party that they agree to perform all of the respective duties specified in this Chapter.
- D. The STRP owner/permit holder shall publish the short-term rental permit number issued by the Borough 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.
- E. Each and every time there is a change of occupancy by transient occupants during the year when the permit is active, the STRP owner, their agent, or the responsible party must provide the Borough 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 Municipal Clerk or in electronic format on the Borough website. The intent is that the Borough shall have basic identifying information of all occupants of the STRP at all times, just as required by the Borough 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).
- F. In no event shall a short-term rental property be rented to anyone younger than eighteen (18) 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 eighteen (18), 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 eighteen (18) 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 eighteen (18), during the term of the short term rental;

**§ 365-6 Issuance of Permit and Appeal Procedures.**

- A. Once an application is submitted, complete with all required information and documentation and fees, the Municipal Clerk, following any necessary investigation for compliance with this Article 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 Borough Administrator, by filing the appeal with the Borough Administrator's Office.
- C. Within thirty (30) days thereafter, the Borough Administrator or his or her designee shall hear and decide the appeal.

**§ 365-7 Short-Term Rental Operational Requirements.**

- A. All short-term rentals must comply with all applicable rules, regulations and ordinances of the Borough of Bradley Beach 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 Borough of Bradley Beach 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 and the responsible party 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 name and phone number for the responsible party;
  - (3) The phone numbers for the Borough of Bradley Beach Police Department, the Borough of Bradley Beach Fire Department, the Borough of Bradley Beach

Department of Code Enforcement and the Borough of Bradley Beach Building Department;

- (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 this Borough Code Chapter 365, Article 1.
  - (7) Notification that a guest, transient occupant, the responsible party or STRP owner may be cited or fined by the Borough of Bradley Beach Police Department, Code Enforcement, or the Borough of Bradley Beach Building Department, for violations of, and in accordance with any applicable ordinance(s) of the Borough of Bradley Beach;
- F. In the event any complaints are received by the Bradley Beach Police Department, Code Enforcement, or the Building Department regarding the short-term rental and/or the transient occupants in the STRP, and the owner of the STRP is unreachable or unresponsive, the responsible party 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 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 Bradley Beach 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 civil and/or criminal complaints which result in sustained violations of this Chapter, other provisions of the Borough Code or State law, the Borough Administrator 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, or 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 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 164 will result in enforcement action against the tenant, the STRP owner, 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 Borough finds three (3) occurrences where the number of vehicles belonging to the transient occupants of a STRP exceeds the number allowed pursuant to Section 164-5a6, the short-term rental permit for the property is subject to revocation by the Borough Administrator 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 Borough 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 Borough of Bradley Beach 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.

**§ 365-8            Violations and Penalties.**

A violation of any provision of this Chapter may subject the STRP owner, transient occupant(s), and the responsible party or their agents to fines assessed by the Court. Penalties for non-compliances with the requirements set forth in the ordinance shall be as follows:

First Offense:	Warning Issued
Second Offense:	\$100.00 to \$500.00 Fine
Third or More Offense(s):	\$500.00 - \$2,000.00 per Violation and Revocation of Permit

**§ 365-9 to § 365-13    (Reserved)**

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Bradley Beach, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

**SO ORDAINED** as aforesaid.

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ERICA KOSTYZ  
Borough Clerk

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LARRY FOX  
Mayor

Introduced: February 8, 2023

Date of Hearing and Adoption: