

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

ORDINANCE 2023-3

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 365: "RENTAL PROPERTY" OF THE
BOROUGH'S REVISED GENERAL ORDINANCES TO
ENACT LANDLORD REGISTRATION REGULATIONS.**

Mayor Fox offered the following Ordinance and moved its introduction:

WHEREAS, in recent years, the concept of a short-term rental, usually booked online as an alternative to hotels and motels by travelers, tourists, and visitors, has significantly increased in availability and popularity; and

WHEREAS, the Borough of Bradley Beach (the "Borough") is concerned about the potential for short-term rental operations to negatively affect permanent residents' quality of life within their neighborhoods; and

WHEREAS, to date, the Borough finds that its current regulations as to rental properties, and its lack of general landlord registration have, at times, made difficult the enforcement of the Borough's Ordinances and regulations as to rental properties within its limits;

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: "Rental Property" of the Revised General Ordinances of the Borough of Bradley Beach is hereby amended and supplemented as follows (~~stricken~~ text deleted; underlined text added):

CHAPTER 365: RENTAL PROPERTY

ARTICLE I LANDLORD REGISTRATION

§ 365-1 Residential Landlord Registration.

- A. Registration Required. No person(s), corporation or business entity shall offer any residential property for rent, or shall rent, lease or let any residential property to any person or persons, without first obtaining a Landlord Registration Certificate.
- B. Required Information. The applicant shall provide all information required on the Rental Property Registration Statement promulgated by the Borough under this Article.

- C. Fee. The annual registration fee shall be one hundred (\$100.00) dollars for rental properties consisting of four (4) or fewer units, and shall be twenty (\$20.00) dollars per unit for rental properties consisting of five (5) or more units. Notwithstanding the above, all landlords/property owners must apply for, obtain and pay the usual fee for any certificate of occupancy which is required by any statute, regulation or ordinance for any affected premises, as well as the usual fee for the Business Insurance Registration required by Chapter 147 of this Code.
- D. Revocation of Landlord Registration. In the event of any violation(s) of this Article or any other ordinance, statute or regulation concerning rental property within the Borough, the Borough's governing body may revoke any Landlord Registration Certificate upon at least ten (10) days prior notice of the grounds for revocation is served upon the landlord/property owner, and a reasonable opportunity to be heard thereon is provided.
- E. Upon the transfer of ownership of any occupied rental property, the new owner shall have fourteen (14) days to apply for a Landlord Registration Certificate.
- F. Upon the transfer of ownership of any vacant rental property, the new owner shall apply for a Landlord Registration Certificate prior to any new rental or occupancy thereof.

§ 365-2 Rental Property Registration Statement.

- A. The owner of every rental property within the Borough shall file a Rental Property Registration Statement with the Borough Clerk, the form of which is on file with the Borough Clerk. The Borough Clerk shall provide a copy of same to the Code Enforcement Officer. When providing a copy of same to any other person or entity requesting same, the Borough shall redact the names, addresses, and ages of tenants.
- B. The Rental Property Registration Statement shall be filed on an annual basis on or before March 1st of each year.
- C. The Rental Property Registration Statement shall include:
 - (1) The names and addresses of record owners of the rental property, including all general partners in the case of partnership and all members in the case of a limited liability company and all shareholders in the case of a corporation;
 - (2) The name and address of a person who resides in Monmouth County and who is authorized to accept notices from a tenant or a municipality, to issue receipts for these notices, and to accept the services of process on behalf of the record owner;
 - (3) The name and address of the managing agent and, if applicable, the name, address and telephone number of the superintendent, janitor, custodian or other person employed to provide regular maintenance services, and the name, address and telephone of an individual representative of the record owner of managing agent who may be reached or contacted at any time in the event of an emergency affecting the dwelling or any

dwelling unit, including such emergencies as the failure of any essential service or system, and who has authority to make emergency decisions concurring the building or unit, including the making of repairs;

- (4) The name and age of each and every adult tenant in each unit, as well as the number and age(s) of any children shall be provided. The information contained in the Rental Property Registration Statement must be sent forth information for each unit within the rental property and must include all tenants in each unit.
- (5) As to each unit, the owner shall provide a floor plan of each rental unit which shall depict the number, dimensions and location of each room in the unit identifying each room, including both its designed and actual use. The floor plan shall comply with Chapter 328: "Overcrowding of Dwellings" in all respects. No space shall be used for sleeping purposes which has not been so designated as a sleeping area on the sketch provided by the owner and approved by the Code Enforcement Officer, which shall be on file with the Offices of Community Development;
- (6) A certificate of insurance reflecting the following amounts of insurance in compliance with Chapter 147 of this Code as follows:
 - a. Except as provided in subsection (6)(b) hereinbelow, the owner of a rental property or units shall maintain liability insurance for negligent acts and omissions in an 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;
 - b. The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence; and
- (7) Such other information as may be required by the Borough.

D. In the event any tenancy changes during the year, the landlord, owner or managing agent shall, prior to the change in tenancy, provide an updated Rental Property Registration Statement for every unit in which a change in tenant has occurred. This shall be in addition to the requirements for obtaining a certificate of occupancy for the change of tenancy. A change in tenancy shall mean the addition of any person not included in the annual Rental Property Registration Statement or the deletion of any person on the annual Rental Property Registration Statement.

§ 365-3 Exceptions.

This Chapter shall not apply to public housing authorities, not-for-profit housing corporations, and rental property restricted to senior housing or housing for the developmentally disabled.

§ 365-4 Inspections.

All rental properties and/or units shall be inspected by the Borough's Code Enforcement Officer for the purpose of determining Zoning Ordinance compliance and to determine if the rental property, unit or complex complies with all laws, including but not limited to the Property Maintenance Code, Uniform Construction Code, Health Code, Housing Code, and Fire Code.

§ 365-5 Occupancy.

- A. No person shall occupy any rental property or unit, nor shall the owner permit occupancy of a rental property or unit, unless and until the property and/or unit(s) is/are registered in accordance with this Article.
- B. Only those persons whose names are on the Rental Property Registration Statement filed in accordance with this Article may reside in the registered premises. It shall be unlawful and a violation of this Article for any other person to reside in the rental premises. This provision may be enforced against the landlord and tenant and/or any other person residing in such rental premises.
- C. The minimum duration of any rental within the Borough shall be six-and-one-half (6.5) days or one-hundred-fifty-six (156) hours.
- D. No rental property or unit(s) shall be conducted or maintained in such a manner as to constitute a nuisance.

§ 365-6 Sales of Shares in Rental Properties Prohibited.

It shall be a violation of this Code for any tenant of a rental property within the Borough to sell, lease or otherwise accept payment in exchange for a share or other partial interest in their lease of a rental property, or for the right to occupy that rental property. The Landlord Registration Certificate of a rental property in which shares have been purchased or sold shall be subject to revocation for up to one (1) year upon conviction in Municipal Court for a violation of this Section.

§ 365-7 through § 365-26 (Reserved)

ARTICLE II — SUMMER RENTALS

§ 365-14 — Commencement of summer rental where premises are occupied by school-aged children.

~~No dwelling unit that is rented for any portion of the period from September 15 until May 15 to tenants with one or more children between the ages of six and 17, inclusive, shall thereafter be occupied as a summer rental until the third day following the last day of the academic year for the Bradley Beach Elementary School as determined by the Superintendent of the Bradley Beach School District.~~

§ 365 14.1 — Definitions.

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

FAMILY

~~A reasonable number of persons (in relation to available sleeping and bathroom facilities) occupying a dwelling unit and living as a bona fide single, nonprofit housekeeping unit, living and cooking together, and constituting a stable and permanent living unit of a distinct domestic character, being a traditional family unit or the functional equivalent thereof, using certain rooms and housekeeping facilities in common.~~

- ~~A. — This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie or organization which is not a recognized religious order.~~
- ~~B. — For the purposes of this definition, there shall be a presumption that a collective group of persons related by kinship, adoption, blood or marriage living together under the same roof and maintaining a common household or distinct relationship on a permanent basis or for an indefinite period of time, including domestic servants, does constitute a "family" within the meaning of this definition.~~

ROOMING HOUSE

~~A building arranged or used for individual nontransient residency by persons living independently of one another, regardless of whether the residents share the use of common facilities, such as kitchen or bathing facilities; and where no meals or personal or financial services are provided to the residents.~~

§ 365 15 — Fire prevention regulations applicable to summer rental premises.

- ~~A. — No bedroom door in any summer rental dwelling unit shall be equipped with a padlock, combination, or keyed lock that is designed or intended to be locked from outside of the bedroom.~~
- ~~B. — The smoke detectors in every summer rental dwelling unit shall be in working order at all times.~~
- ~~C. — No beds, mattresses, futons, or sleeping bags shall be permitted in any basement, cellar, loft or any other location or room of a summer rental dwelling unit unless the room is specifically designated as a bedroom in the records of the Bradley Beach Housing Department. No curtains, sheets, cardboard or any other material of any kind shall be used to erect temporary partitions between beds or sleeping areas in any summer rental dwelling unit.~~

§ 365-16 — Summer rental licenses; inspections.

~~A. — *Summer rental licenses; definition.* The rental of property within the Borough of Bradley Beach during any portion of the year from May 15 to September 15 is subject to a summer rental license as set forth under §§ 365-15 and 365-16.~~

~~B. — *When summer rental licenses required.*~~

~~(1) A summer rental license issued by the Code Official shall be required prior to the occupancy of any real property rented for a term of less than 175 consecutive days for residential purposes by a person having a permanent place of residence elsewhere. Subject to the provisions of Subsection E regarding special licenses, a new license shall be required whenever there is a change in the identity of any of the tenants or occupants of the premises.~~

~~(2) It shall be a violation of this Code for any person to occupy or use any premises if a required license has not been issued.~~

~~C. — *Applicability of Chapter 303, Mercantile Licenses.* Summer rental licenses are similar to mercantile licenses. The provision of Chapter 303, Mercantile Licenses, shall apply to summer rental licenses as enforced hereunder by the Code Official, provided that, in the event of any inconsistency or conflict between the provisions of this article and the provisions of Chapter 303, Mercantile Licenses, the provisions of this article shall be controlling.~~

~~D. — *Number of licenses required.* Every individual dwelling unit meeting the requirements of Subsection B shall require a separate summer rental license.~~

~~E. — *Term of license.* Summer rental licenses shall be valid for a stated and specific period of time that coincides with the term of the lease or rental not to exceed 174 days; provided, however, that applicants who intend to use premises for short-term rentals to different tenants during a given period of time of less than 175 days may request a special license that is valid for the entire period of time, in which event a new license will not be required upon a change in the identity of the tenants or occupants during that period of time, provided that the applicant supplies the Code Official, at the time the application is made, with the dates when new tenants will occupy the premises and the identities of the new tenants.~~

~~F. — *Application for summer rental license.*~~

~~(1) Applications for summer rental licenses shall be made in writing, on forms prescribed by the Code Official, and signed by the owner of the premises or the owner's authorized agent. The Code Official may require proof of agency. Applications for summer rental licenses shall not be deemed complete by the Code Official unless the applicant:~~

~~(a) Fully completes the form required by the Code Official for such applications, which shall include, at a minimum, the following information:~~

~~{1} The street address and the tax map lot and block numbers of the premises.~~

~~{2} The names and mailing addresses and numbers of all owners of the premises.~~

~~{3} The name, mailing address, and daytime telephone number of the person signing the application.~~

~~{4} The names and mailing addresses of all tenants and of all adult persons who are expected to occupy the dwelling unit whether or not they are tenants. The applicant shall also provide the dates when there will be any change in the identity of the tenants or occupants. For summer rental licensed dwelling units containing five or more occupants, one tenant shall be designated for the purpose of receiving all notices as to violations or notices generally applicable to the dwelling unit.~~

~~(b) Pays the appropriate inspection fee prescribed by this article.~~

~~(c) Provides proof of payment of taxes and assessments pursuant to N.J.S.A. 40:52-1.2.~~

~~(d) Provides the information required where applicable under this article and where applicable under Chapter 303, Mercantile Licenses.~~

~~(e) Provides a copy of the lease agreement executed by all adult persons who will occupy the dwelling unit; provided that the rent amount may be redacted. The copy shall be certified by the applicant to be true and correct and to contain the entire agreement between the landlord and the tenants, except as to the redacted financial information.~~

~~(f) Provides an affidavit executed by each of the persons who will occupy the dwelling unit stating whether he or she maintains a residence elsewhere, providing the full address and telephone number thereof, stating whether the other address is his or her permanent address, providing a copy of his or her driver's license or such additional proof of identification and additional information as the Code Official may reasonably require.~~

~~(g) Provides, in connection with the first application for a summer rental license, a floor plan of the dwelling unit proposed to be licensed, in a form satisfactory to the Code Official, accurately depicting the locations of the~~

bedrooms, kitchen, bathrooms and other rooms in the dwelling unit, and all routes of ingress and egress; provided, however, that nothing contained herein shall be construed to require that the floor plan be prepared by an architect or other licensed professional.

(2) All information and documentation required to be provided pursuant to this section shall be deemed material. Any person who knowingly or grossly negligently misstates any fact therein shall be subject to criminal prosecution. Any summer rental license that is issued on the basis of false information or documentation shall be subject to revocation.

G. ~~Inspections required.~~ No summer rental license shall be issued by the Code Official unless the dwelling unit or premises, as appropriate, has first been inspected and determined to be in full compliance with the Code and the requirements of this article. No temporary or conditional certificates of occupancy or conditional licenses shall be issued in connection with any summer rental license.

H. ~~Inspection reports.~~ Upon completion of any inspection, the Code Official, or his designee, shall prepare a report listing and describing all violations of this Code within five working days. The report shall describe, where appropriate, any corrective remedies that must be taken for the premises or dwelling unit to comply with the Code. The report shall contain the following:

~~IT IS ILLEGAL TO OCCUPY OR USE, OR TO PERMIT THE OCCUPANCY OR USE OF, THIS PREMISES UNLESS AND UNTIL A LICENSE HAS BEEN ISSUED BY THE CODE OFFICIAL. IF ANY VIOLATIONS ARE NOTED, IT IS THE APPLICANT'S RESPONSIBILITY TO MAKE THE NECESSARY CORRECTIONS AND TO APPLY FOR A REINSPECTION.~~

I. ~~Scheduling of inspections and reinspections; conditions.~~ The Code Official, or his designee, shall inspect the dwelling unit or premises to be licensed according to the following schedule:

(1) ~~Initial inspections.~~ For completed applications that are filed before May 1, the inspection shall occur within five business days. For completed applications that are filed after May 1, the inspection shall occur within 10 business days. The Code Official shall, to the extent practicable, schedule inspections in the order in which the completed applications are filed.

(2) ~~Reinspections.~~ When the inspection report required pursuant to Subsection H describes corrective remedies that must be taken for the premises or dwelling unit to comply with the Code, the applicant shall be required to contact the Code Official to schedule a reinspection of the premises or dwelling unit. For requests for reinspection that are made before May 1, the reinspection shall be conducted within three business days. For requests for reinspection that are made on or after May 1, the reinspection shall be conducted within five business days. Each reinspection of a

~~premises or dwelling unit that occurs will be conducted within five business days after the receipt by the Code Official of the reinspection fee.~~

~~(3) *Conditions of inspection and reinspection.* The Code Official shall not inspect any dwelling unit for purposes of issuing a summer rental license during a period it is occupied by another tenant, regardless of whether the tenant is present at the time of the inspection; provided, however, that notwithstanding this provision, the Code Official shall inspect for purposes of issuing a summer rental license those dwelling units that are subject to the restriction set forth in this section regardless of whether they are occupied by another tenant, and shall reschedule any reinspection for as soon as reasonably practicable following the vacation of the premises by the tenants with school-aged children.~~

~~J. *Filing and service of inspection reports.* The original of any inspection or reinspection reports shall be filed with the Code Official. The Code Official shall provide legible copies to the person who executed the application. All inspection and reinspection reports shall be available for public inspection.~~

~~§ 365-17 — Unlawful acts.~~

~~It shall be unlawful for any person or entity to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any structure or any other object regulated herein or cause same to be done, contrary to or in conflict with or in violation of any provisions of this Code, or to fail to obey a lawful order or notice posted under the provisions of this Code.~~

~~§ 365-18 — Violations and penalties.~~

~~In the event that a person or entity fails to comply with this Code by committing an unlawful act, a fine of not less than \$500 but not to exceed the maximum penalty in Chapter 1, Article II, General Penalty, shall be imposed if the violation is not cured or objected to as prescribed under the Code.~~

~~§ 365-19 — Failure to comply with Property Maintenance Code; notice; hearing; violations and penalties.~~

~~Any person or entity which fails to comply with Chapter 262, Housing Standards, shall receive written notice that a violation of Chapter 262, Housing Standards, has occurred. The written notice shall specify the particular violation. The person or entity shall have 10 days from the date of receipt of the notice to cure the violation or file a written objection of the notice with the Borough Clerk. The Borough of Bradley Beach reserves the right to file a complaint in Municipal Court regarding the violation when an objection is received. In such case, a copy of the complaint shall be served upon the appropriate person or entity in accordance with the Court Rules of the State of New Jersey. In the alternative, the Borough of Bradley Beach may appoint a hearing officer to resolve the matter rather than filing a complaint in Municipal Court. The hearing officer shall be a licensed attorney of the State of New Jersey who is appointed by the Mayor, subject to the advice and consent of the Borough Council. The hearing officer shall not own or lease any real property~~

~~within the Borough of Bradley Beach, nor hold any interest in the assets of or profits arising from the ownership of such property. The hearing officer shall schedule a hearing to resolve the complaint and objection thereto in a public place as designated by the Borough Council at least 30 days from the date upon which the notice is served but not more than 45 days from such date. The hearing officer shall give a full hearing to both the complaint and to any evidence in contradiction or mitigation thereof, provided the objector or a legal representative therefor appears at the hearing. At the conclusion of the hearing, the hearing officer shall make a determination with respect to the violation(s) presented. An appeal may be filed in accordance with the provisions of due process and the applicable ordinance or regulation. In the event that the person or entity fails to cure the violation or to file an objection, a fine, of not less than \$1,000, but not to exceed the maximum penalty in Chapter 1, Article II, General Penalty, shall be imposed.~~

~~§ 365-20 — Fees.~~

~~The Code Official shall charge and collect the following fees:~~

~~A. — For applications for summer rental license: \$35.~~

~~B. — (Reserved)~~

~~C. — (Reserved)~~

~~D. — (Reserved)~~

~~E. — All fees regarding and relating to any certificate of occupancy shall be assessed and paid in accordance with § 160-4 of the Revised General Ordinances of the Borough of Bradley Beach.~~

~~§ 365-21 — Recovery of costs.~~

~~Notwithstanding any provision of this Code to the contrary, whenever the Code Official must placard and/or secure a structure or abate a public nuisance and/or any exterior property violations of this Code, or take emergency measures under this article, under any notice provisions consistent with due process, all costs thereof shall be recoverable.~~

~~§ 365-22 — Enforcement of other laws or ordinances not impaired.~~

~~The Code standards and regulations shall be in addition to the provisions of any other applicable ordinance, law, rule, or regulation. Nothing in this Code shall be construed to impair or prevent the enforcement of any other ordinance, law, rule or regulation.~~

~~§ 365-23 — Findings regarding seasonal rental accommodations.~~

~~The Borough Council finds, determines and declares that:~~

~~A. — The New Jersey Legislature has, pursuant to N.J.S.A. 40:52-1n, effective on January 8, 1998, specifically authorized municipalities to license and regulate the rental of real~~

~~property for a term of less than 175 consecutive days for residential purposes by a person having a permanent place of residence elsewhere. This statute was enacted to assist shore-area municipalities in controlling seasonal rentals, and in preserving the quality of life for year-round residents.~~

- ~~B. Bradley Beach is a resort community which experiences an enormous influx of visitors each summer, many of whom seek to rent temporary accommodations while continuing to maintain a permanent residence elsewhere.~~
- ~~C. Because of the great demand for seasonal accommodations in Bradley Beach, seasonally rented accommodations are frequently overerowed by tenants and other occupants who often permit many more occupants in the premises than authorized by this Code.~~
- ~~D. The overerowding of seasonal rental accommodations in Bradley Beach frequently results in conditions that are extremely unsafe to the inhabitants of those premises.~~
- ~~E. Seasonal rental accommodations in Bradley Beach are also frequently detrimental to the health, safety, welfare and quality of life of other nearby residents and visitors. Problems frequently associated with seasonal rental accommodations include excessive noise, unruly behavior, littering, parking of vehicles on lawns, poor maintenance of the property and grounds and violation of trash collection ordinances. Many of these problems are exacerbad by excessive occupancy.~~
- ~~F. Seasonal rental accommodations in Bradley Beach also contribute to significant overerowding in the community and a shortage of on street parking spaces. The overerowed parking conditions lead to unlawful parking at intersections and near fire hydrants, which threaten public safety.~~
- ~~G. Seasonal rental accommodations in Bradley Beach are also detrimental to the school-aged children of families who rent those same premises during the winter season. Because the summer rental season typically runs from May 15 to September 15 of each year, families with school-aged children who inhabit many of these rental properties during the winter months must move out of Bradley Beach at least a month or more before the end of the school year. Some of these children do not finish the school year either in Bradley Beach or at all, while others suffer chronic tardiness or absenteeism during the period after they must move out of Bradley Beach. This has a detrimental effect on both these children and the quality of the education afforded to all the children in the Bradley Beach School District.~~

~~§ 365-24 Commencement of summer rental license where licensed premises are occupied by school-aged children.~~

~~No dwelling unit that is rented for any portion of the period from September 15 until May 15 to tenants with one or more children between the ages of six and 17, inclusive, shall thereafter be occupied pursuant to a summer rental license until the third day following the last day of the academic year for the Bradley Beach Elementary School as determined by the Superintendent of the Bradley Beach School District.~~

~~§ 365-25 — Fire prevention regulations applicable to summer rental licensed premises.~~

- ~~A. — No bedroom door in any summer rental licensed dwelling unit shall be equipped with a padlock, combination, or keyed lock that is designed or intended to be locked from outside of the bedroom.~~
- ~~B. — The smoke detectors in every summer rental licensed dwelling unit shall be in working order at all times.~~
- ~~C. — No beds, mattresses, futons, or sleeping bags shall be permitted in any basement, cellar, loft or any other location or room of a summer rental licensed dwelling unit unless the room is specifically designated as a bedroom in the records of the Bradley Beach Housing Department. No curtains, sheets, cardboard or any other material of any kind shall be used to erect temporary partitions between beds or sleeping areas in any summer rental licensed dwelling unit.~~

~~§ 365-26 — Sales of shares in summer rental licensed dwelling units.~~

~~It shall be a violation of this Code for any tenant of a summer rental licensed dwelling unit to sell, lease or otherwise accept payment in exchange for a share or other partial interest in the lease of a summer rental licensed dwelling unit, or for the right to occupy that dwelling unit. The summer rental license of a dwelling unit in which shares have been purchased or sold shall be subject to revocation for the remainder of the season.~~

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.

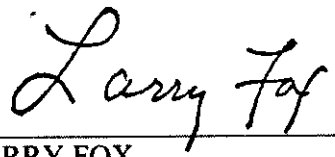
SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified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



Erica Kostyz, RMC, CMR
Municipal Clerk



LARRY FOX
Mayor

Introduced: July 26, 2023

Date of Hearing and Adoption: August 16, 2023