

BOROUGH OF OCEAN GATE
801 OCEAN GATE AVENUE, CN 100
OCEAN GATE NJ 08740
732-269-3166 Ext. 129 ogcode@oceangatenjgov.com

RENTAL FACILITY LICENSE SHORT TERM APPLICATION & CERTIFICATION

PURSUANT TO ORDINANCE #651-21

Applicants for a Short-Term Rental and certificate of Inspection must complete the required application (attached). Short-Term Rentals are permitted within the Borough of Ocean Gate for a minimum of seven (7) days.

FEES: \$500.00 Annual Registration Fee

 \$ 75.00 Re-inspection Fee

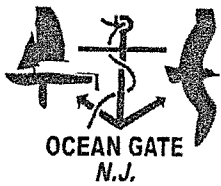
If any fee is not paid within 30 days of its due date, a late fee surcharge of \$250.00

If any fee is not paid within 45 days of the assessment of a late fee surcharge, a summons will be issued for violating the Ordinance.

Please follow the checklist as a guide to complete application:

1. Submit a complete registration application form (include a floor plan as it will be part of the application)
2. Submit payment
3. Obtain a satisfactory inspection; (The International Property Maintenance Code 1998 adopted in Ordinance 564-12)
Email ogcode@oceangatenjgov.com to schedule
4. Current on all Municipal Taxes, Water, Sewer charges and any other Municipal assessments
5. Complies with Ordinance 651-21 (attached)

The rental license shall commence on the date of issuance and shall expire on the same date the next calendar year. A separate license shall be required for each unit if more than one rental unit is contained in the property.



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Rental Division: ogcode@oceangatenjgov.com 732-269-3166 Ext. 129

RENTAL FACILITY LICENSE SHORT TERM APPLICATION & CERTIFICATION
PURSUANT TO ORDINANCE #651-21

NOTE: Applicants for a Short-Term Rental and certificate of Inspection must complete the required application:

1. Rental Property Address _____ Ocean Gate NJ Block _____ Lt _____
(Unit)

2. Owners of Record: _____

Home Address _____

Phone: _____ Email: _____

Registered Agent:

(Name) (Address) (Phone)

3. **Manager/Local Contact Information:** If owner is not a resident of Ocean County, NJ, please provide the information of an individual that you have authorized for acceptance of notices from tenant or municipality issue receipts therefore and to accept service of process on behalf of the Owner of Record.

(Name) (Address) (Phone)

4. **Owner's Emergency Representative-** in absence of owner/agent, **NOT IN SAME RESIDENTS AS OWNER or TENANT**, in time of emergency that is authorized to make emergency decisions regarding this rental unit

(Representative) (Address) (Phone)

5. Number of Sleeping Rooms in this unit _____

Note: Floor plan requirement attached to rental license application Procedure

6. **Registration Fee Information: \$500.00 Annual Fee Re-inspection Fee: \$75.00**

7. **Owner/Agent Certification:** I hereby certify that all of the above information is true to the best of my knowledge, and belief. I am aware that if the foregoing information is willfully false, that I am subject to penalties and criminal prosecution.

8. **Confirming that all mechanical equipment, fireplaces, solid fuel-burning appliances, cooking, and heating equipment is properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.**

Date _____ Owner/Agent Signatures _____

NOTARY Date: _____ Signature _____

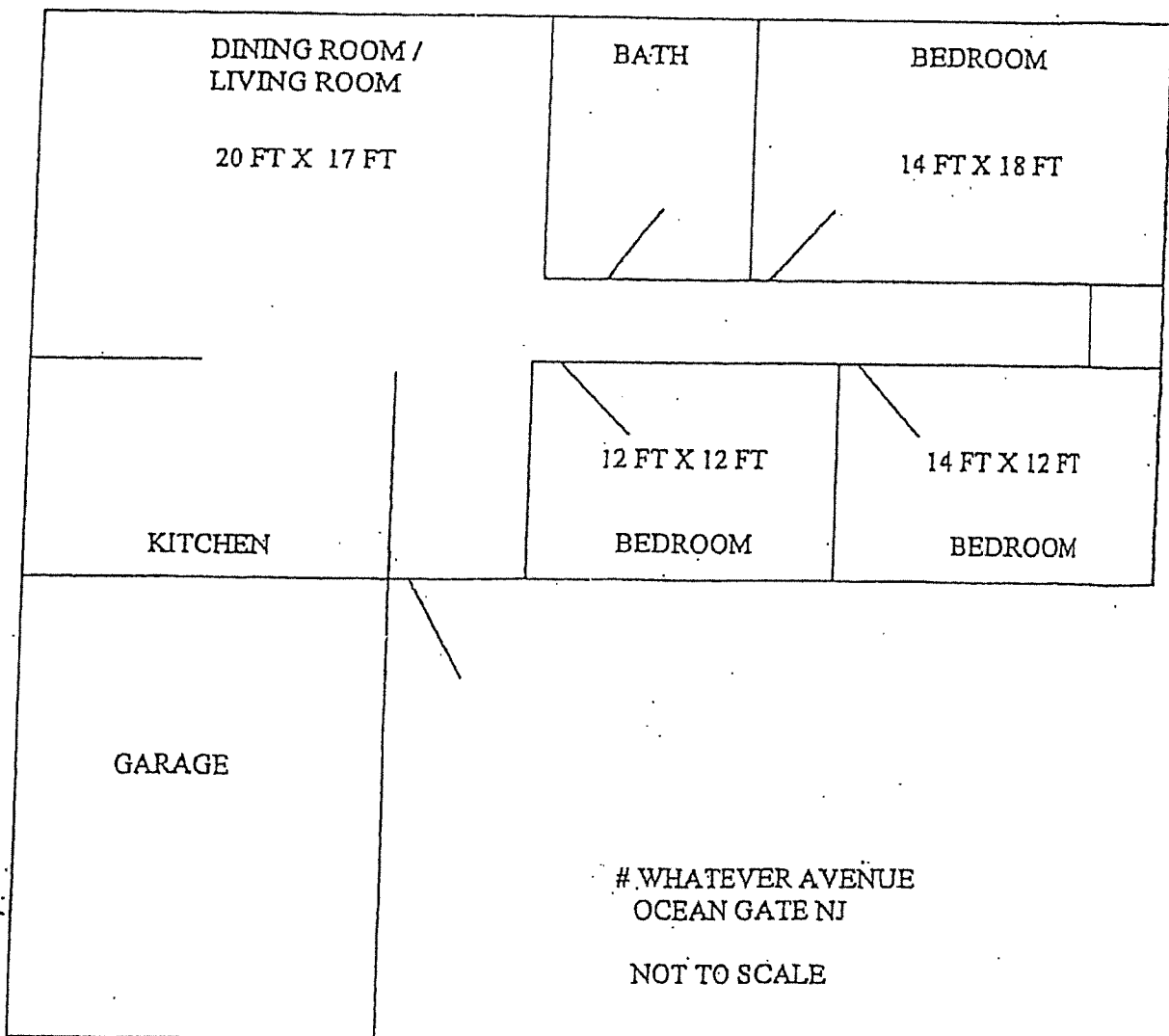
SEAL

Note: Every person required to file this registration form pursuant to this registration shall file an amended registration form within 20 days after any change in the information required to be included hereon. No additional fee shall be required for the amendment except when ownership of the unit is changed. All property fees must be paid and all municipal charges satisfied or this application will be considered incomplete and not in compliance with the Ordinance # 651-21

Each anniversary of registration of a rental unit will require a renewal registration which will be sent to Owner/ Agent for implementation and procurement of a new license.

Borough of Ocean Gate
801 Ocean Gate Ave, CN 100
Ocean Gate NJ 08740
732-269-3166, ext 129

Sample
Rental Floor Plan Layout



WHATEVER AVENUE
OCEAN GATE NJ
NOT TO SCALE

ORDINANCE 651-21

AN ORDINANCE REQUIRING THE REGISTRATION AND LICENSING OF ALL SHORT TERM RENTAL PROPERTIES WITHIN THE BOROUGH OF OCEAN GATE, COUNTY OF OCEAN, STATE OF NEW JERSEY; REQUIRING CERTAIN INSPECTIONS ON A PERIODIC BASIS TO QUALIFY FOR SUCH LICENSE; ESTABLISHING FEES; AND PROVIDING PENALTIES FOR VIOLATION THEREOF

WHEREAS, N.J.S.A. 46:8-28 et seq. mandates the registration of short term rental units either with the State of New Jersey or with the Borough Clerk or designee in the municipality wherein the rental unit is situated; and

WHEREAS, the Borough Council intends the within Ordinance to parallel the requirements of N.J.S.A. 46:8-28 et seq. and to the extent that the information required to be furnished by this Ordinance satisfies the requirements of the Statute, the information will be filed and indexed in such a manner that the owner will comply with the requirements of N.J.S.A. 46:8-28 et seq. as well as with the requirements of this Ordinance; and

WHEREAS, it is the intention of the Borough Council to rely upon certain of the information required to be furnished to the Borough Clerk or designee pursuant to N.J.S.A. 46:8-28 et seq. and to require certain additional information so as to enable the Borough of Ocean Gate to fulfill its responsibilities in promoting and protecting the public health, safety and welfare; and

WHEREAS, it is the express intention of the Borough Council to encourage compliance with State law and nothing contained within this Ordinance is intended to be nor shall it be construed to be an attempt to interfere with a legislative policy enacted by the State of New Jersey; and

WHEREAS, the purpose of this Ordinance is to insure that residential rental units are properly maintained, to require landlords to comply with the Property Maintenance Code and to protect the lives and property of the Borough residents.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Ocean Gate, in Ocean County and State of New Jersey, as follows:

651-21.1 –DEFINITIONS.

- a. Unless the context clearly indicates a different meaning, the following words or phrases when used in this Ordinance shall have the following meaning:
- b. “Agent” shall mean the individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this Ordinance. The term does not necessarily mean a licensed real estate broker or salesman of the State of New Jersey as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesman of the State of New Jersey if such person designated by the owner as his agent is so licensed.
- c. “Apartment” or “dwelling” shall mean any apartment, cottage, bungalow, any room or rooms in dwelling unit consisting of one (1) or more rooms occupying all or part of a floor or floors in a building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment be designed for residence, for office, or the operation of any industry or business, or for any other type of independent use.
- d. “License” shall mean the short-term license issued by the Borough Clerk or designee attesting that the rental unit has been properly registered in accordance with this Ordinance.
- e. The term “licensee” includes within its definition the term “agent” where applicable.

- f. "Occupant" shall mean any individual residing in a "Rental Unit" who is not the owner of record or an immediate family member (e.g. son, daughter, father, or mother) of the owner of record.
- g. "Owner" shall mean any person or group of persons, firm, corporation, or officer thereof, partnership association, or trust, who owns, operates, exercises control over, or are in charge of a rental facility.
- h. "Person" shall mean an individual, firm, corporation, partnership, association, trust, or other legal entity, or any combination thereof.
- i. "Rental unit" shall mean a dwelling unit or "Apartment" as defined above which is available for lease or rental purposes and is meant to include individual apartments located within apartment complexes.
- j. "Short-term rental" shall mean a rental facility or rental unit being rented for a period of less than thirty (30) days.

651-21.2 –REGISTRATION.

- a. All rental units shall hereafter be registered with the Borough Clerk, Code Enforcement Officer, Construction Officer, Zoning Officer, or designee of the Borough of Ocean Gate or such other person as designated by the Borough Council on forms which shall be provided for that purpose and which shall be obtained from the Borough Clerk or designee. Such registration shall occur on an annual basis as provided herein.

651-21.3 - REGISTRATION AND LICENSING: TERM: INITIAL REGISTRATION PROVISIONS.

- a. The license term shall commence on the first of the month and shall be valid until the last day of the preceding month of the next calendar year, at which time it shall expire and a new registration shall be required. The initial registration shall occur within forty-five (45) days following the adoption of this Ordinance. Any lease or short term rental contact which has been executed prior to the adoption of this Ordinance shall not be affected but the rental unit must nevertheless be registered, inspected and licensed in accordance with this Ordinance. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this Ordinance.

651-21.4 -REGISTRATION FORMS: FILING: CONTENTS.

- a. Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all short- term rental units shall be registered and licensed as provided herein. Every owner shall file with the Borough Clerk or designee of the Borough of Ocean Gate, or such other person as designated by the Borough Council a registration form for each unit contained within a building or structure which shall include the following information:
 - 1. The name and address of the record owner or owners of the premises and the record owner or owners of the rental business if not the same persons. In the case of a partnership the names and address of all general partners shall be provided together with the telephone numbers for each of such individuals indicating where such individuals may be reached both during the day and evening hours. If the record owner is a limited liability company ("LLC"), the name and address of the registered agent and members or managing members, as the case may be, of said LLC together with the telephone numbers for each of such individuals indicating where such individuals may be reached during the day and evening hours. If the record owner is a corporation, the name and address of the registered agent and corporate officers of said corporation together with

the telephone numbers for each of such individuals indicating where such individual may be reached both during the day and evening hours;

2. If the address of any record owner is not located in Ocean Gate or in Ocean County, the name and address of a person who resides in Ocean County and who is authorized to accept notices from a tenant and to issue receipts therefore and to accept service of process on behalf of the record owner;
 3. The name and address of the managing agent of the premises, if any;
 4. The name and address, including the dwelling unit number of the superintendent, janitor, custodian, or other individual employed by the owner or agent to provide regular maintenance service, if any;
 5. The name, address, and telephone number of an individual representative of the owner or agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith;
 6. As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit a floor plan which shall become part of the application and which shall be attached to the registration form when filed by the Borough Clerk or designee;
 7. Such other information as may be prescribed by the Borough.
- b. A registration form shall be required for each rental unit within a subject property.

651-21.5 -REGISTRATION FORM; INDEXING AND FILING.

- a. The Borough Clerk or designee shall index and file the registration forms. In doing so the Borough Clerk or designee shall follow the mandates of N.J.S.A. 46:8-28.1 as amended and supplemented so that the filing of the registration form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being registered and will also satisfy the registration requirements of this Ordinance.

651-21.6 -AMENDMENTS TO REGISTRATION FORM; FILING.

- a. Every person required to file a registration form pursuant to this Ordinance, shall file an amended registration form within twenty (20) days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment, except where the ownership of the premises is changed.

651-21.7- INSPECTIONS.

- a. Each rental unit shall be inspected at least once every twelve-month period, whether occupied or not.
- b. Such inspections shall be performed by such person, persons, or agency duly authorized and appointed by the Borough of Ocean Gate and inspections made by persons or an agency other than the duly authorized and appointed person, persons, or agency of the Borough of Ocean Gate shall not be used as a valid substitute.

- c. Such inspection shall be for the purpose of determining compliance with the Borough code enforcement and construction department and, to the extent applicable, to determine if the property complies with the International Property Maintenance Code 1998 and all subsequent additions and iterations, or any other codes or standards referenced by the International Property Maintenance Code.
- d. Unsatisfactory Inspection. In the event that the inspection(s) of a rental unit does not result in a satisfactory inspection, such property shall not thereafter be registered, nor shall a license issue, and the owner of the property, or his agent, shall not lease or rent such property, nor shall any tenant occupy the property until the necessary corrections have been made so as to bring the property and rental unit into compliance with the applicable Code and the property is thereafter subsequently inspected, registered, and licensed.
- e. Duty to Correct. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within sixty (60) days. In the event of an imminent hazard, all such corrections shall be made immediately within seventy-two (72) hours. If such conditions are not made within the aforementioned time periods, whichever is applicable, the owner shall be deemed in violation of this Ordinance and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of Section 18 of this Ordinance.

651-21.8 -ACCESS FOR INSPECTIONS AND REPAIRS.

- a. Annual inspections will be scheduled with advance notice at a mutually agreed time between owner/agent and the Code enforcement office. The inspection officers are hereby authorized to make inspections to determine the condition of rental facilities and rental units in order that they may promote the purposes of this ordinance to safeguard the health, safety, welfare of the occupants of rental facilities, rental units, and of the general public. For the purposes of making such inspections, the inspecting officers are hereby authorized to enter, examine, and survey rental facilities and rental unit at all reasonable times. The owner, owner's agent, or occupant of every rental facility and rental unit shall give the inspecting officer free access to the rental facility and rental unit at all reasonable times for the purpose of such inspections, examinations, and surveys. The owner or owner's agent shall be responsible for scheduling inspections and must be present upon the request of the inspecting officer/code enforcement officer.
- b. Every occupant shall give the owner of the rental facility and rental unit access to any part of such rental facility and rental unit at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Ordinance or any lawful order issued pursuant thereto.
- c. Complaints: Within ten (10) days of receipt of a complaint alleging a reported violation of this ordinance, an inspecting officer shall conduct an inspection as hereinbefore provided.

651-21.9 -PROHIBITIONS ON OCCUPANCY.

- a. No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the Borough of Ocean Gate, which is not registered and licensed in accordance with this Ordinance.
- b. The owner shall not directly rent to any person(s) under the age of eighteen (18). Persons under the age of eighteen (18) are permitted to occupy the premises provided a person(s) over the age of eighteen (18) is also occupying.

651-21.10 ADVERTISEMENT.

- a. The print, electronic, or Internet advertisement of any rental that failed to comply with the provisions of this Ordinance or any other applicable provision of the Ordinances of the Borough of Ocean Gate is prohibited.

651-21.11 REGULATIONS APPLYING TO SHORT-TERM RENTALS

- a. Short-term rentals are permitted within the Borough of Ocean Gate. Such rentals shall be for a minimum of seven (7) days.
- b. Short-term rentals are prohibited within the following classifications:
 1. Any room within a single-family, two-family, or multi-family residence, where the room shares common kitchen and bathroom facilities with other occupants who are not the owners of the residence.
 2. Apartments or units in a multi-family residence.

651-21.12: -LICENSE.

- a. A short-term rental license shall be granted if, and only if, the owner of the rental facility or rental unit:
 1. Submits a completed registration form;
 2. Pays the fees under Section 14;
 3. Obtains a satisfactory inspection; The International Property Maintenance Code, 1998 adopted in ordinance 564-12.
 4. Current on all municipal taxes, water, and sewer charges and any other municipal assessments; and
 5. Complies with all other sections of this Ordinance, the Ordinances of the Borough of Ocean Gate,
- b. The rental license shall commence on the date of issuance of said license and shall expire on the same date of the next calendar year. A separate license shall be issued for each rental unit if more than one (1) rental unit is contained in the property.
- c. This license requirement proscribed by this Ordinance shall be a requirement for the issuance of occupancy permits for existing buildings as required by Borough Ordinance 387-95, 564-12, and any supplement thereto.

651-21.13 -FEES.

- a. At the time of the filing of the registration form, and prior to the issuance of a license, the owner or agent of the owner must pay a fee in accordance with the following:
 1. Annual registration fee for short term rental units (\$500.00) which includes an annual code enforcement inspection.
 2. A re-inspection fee of seventy-five dollars (\$75.00) if a short-term rental unit needs to be re-inspected.
 3. If any fee is not paid within thirty (30) days of its due date, a late fee surcharge of two hundred fifty dollars (\$250.00) will be assessed. If any fee is not paid within forty-five (45) days of the assessment of a late-fee surcharge, a summons will be issued for violating the Ordinance.

651-21.14 -PROVIDING REGISTRATION FORM TO OCCUPANTS AND TENANTS.

- a. Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the registration form required by this Ordinance. This particular provision shall not apply to any hotel, motel, or guest house registered with the State of New Jersey pursuant to the Hotel and Multiple Dwelling Act as defined in N.J.S.A. 55:13A-3. This provision may be complied with by posting a copy of the registration certificate in a conspicuous place within the rental unit(s).

651-21.15 -MAXIMUM NUMBER OF OCCUPANTS; POSTING.

- a. The maximum number of occupants shall be posted in each rental unit. It shall be unlawful for any person, including the owner, agent, tenant, or registered tenant to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight the rental unit. Any person violating this provision shall be subject to the penalty provisions of Section 21.20 of this Ordinance.

651-21.16 -OTHER RENTAL UNIT STANDARDS.

- a. All dwelling units shall be maintained in accordance with the International Property Maintenance Code and referenced standards.

651-21.17 -OCCUPANCY STANDARDS.

- b. Nuisance Prohibited: No rental facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owners or of the public in general, such that it shall constitute a nuisance as defined in the ordinances of the Borough of Ocean Gate.
- c. Compliance with Other Laws: The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the Borough of Ocean Gate.
- d. Penalties: Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of Section 21 of this Ordinance.

651-21.18 -REVOCATION OF A LICENSE; PROCEDURE.

- a. Grounds: In addition to any other penalty prescribed herein, an owner may be subject to the revocation or suspension of the license issued under this Ordinance. The following acts may be grounds for revocation or suspension of the license:
 1. Conviction of a violation of this Ordinance in the Municipal Court or any other court of competent jurisdiction.
 2. Determination of a violation of this Ordinance at a hearing held pursuant to Section 17(B) herein.
 3. Renting the unit to a tenant(s) who has been convicted on two (2) or more occasions of a violation of the Borough of Ocean Gate's Noise Ordinance.
 4. Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this Ordinance.
 5. Maintaining the rental unit or units or the property in which the rental unit is a part in a dangerous condition likely to result in injury to person or property.

6. One (1) substantiated criminal or civil complaint filed in New Jersey Superior Court, involving the short-term rental premise.
- b. Procedure; Written Complaint; Notice; Hearing.
1. A complaint seeking the revocation or suspension of a license may be filed by any one (1) or more of the following: Chief of Police, Construction Code Official, Code Enforcement Officer, the Zoning Officer, or any other persons or office authorized to file such complaint. Such complaint shall be in writing and filed with the Borough Clerk or designee. The complaint shall be specific and shall be sufficient to apprise the licensee of the charges so as to permit the licensee to present a defense. The individual(s) filing the complaint may do so on the basis of information and belief and need not rely on personal information.
 2. Upon the filing of such written complaint the Borough Clerk or designee shall immediately inform the Borough Council and a date for a hearing shall be scheduled which shall not be sooner than ten (10), but no more than thirty (30) days thereafter. The Borough Clerk or designee shall forward a copy of the complaint and a notice as to the date of the hearing to the licensee and the agent, if any, at the address indicated on the registration form. Service upon the agent shall be sufficient.
 3. The hearing required by this section shall be held before the Borough Council unless, in its discretion, the Borough Council determines that the matter should be heard by a Hearing Officer who shall be appointed by the Borough Council. If the matter is referred to a Hearing Officer, such officer shall transmit his findings of fact and conclusions of law to the Borough Council within thirty (30) days of the conclusion of the hearing. Borough Council shall then review the matter and may accept, reject, or modify the recommendations of the Hearing Officer based on the record before such hearing officer. In the event that the matter is not referred to a Hearing Officer and is heard by Borough Council, then the Borough Council shall render a decision within thirty (30) days of the conclusion of the hearing. Following the hearing, a decision shall be rendered, dismissing the complaint, revoking or suspending the license, or determining that the license shall not be renewed or reissued for one (1) or more subsequent license years.
 4. A stenographic transcript shall be made of the hearing. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply and the evidential rules and burden of proof shall be that which generally controls administrative hearings.
 5. The Borough Solicitor or his designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

c. Defenses.

1. It shall be a defense to any proceeding for the revocation, suspension, or other disciplinary action involving a rental license by demonstrating that the owner has taken appropriate action and has made a good faith effort to abate the conditions or circumstances giving rise to the revocation proceeding including, but not limited to: the institution of legal action against the tenant(s), occupant(s), or guests for recovery of the premises; eviction of the tenant(s) or otherwise; etc.

651-21.19 ENFORCEMENT.

- a. The Code Enforcement Department and the Police Department are empowered to enforce this Ordinance.

651-21.20 –VIOLATIONS; PENALTIES.

- a. Any person who violates any provision of this Ordinance shall, upon conviction in the Municipal Court of the Borough of Ocean Gate or such other court having jurisdiction, be liable to a fine not exceeding \$1,000.00 or imprisonment for a term not exceeding thirty (30) days, or both. Each day that a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this Ordinance.

651-21.21- Taxes

- a. Short-term rentals are subject to Sales Tax in accordance with N.J.S.A. 54:32B-1 and the State Occupancy Fee in accordance with N.J.S.A. 54:32D-1.

651-21.22 –SEVERABILITY.

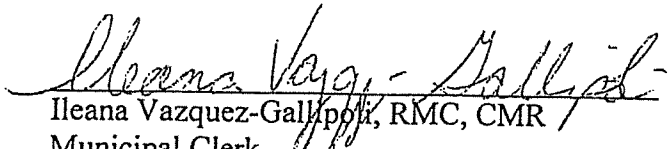
- a. If any section, subsection, paragraph, sentence, or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

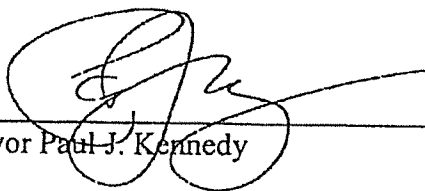
651-21.23 -EFFECTIVE DATE.

- a. This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced and passed on first reading at a Council Meeting of the Borough Council of the Borough of Ocean Gate, in the County of Ocean held on October 20, 2021 and will come on second reading, public hearing and final passage at a Council Meeting of the Ocean Gate Borough Council to be held on November 10, 2021 at the Municipal Complex, 801 Ocean Gate Avenue, Ocean Gate, New Jersey at 7:00 p.m., or as soon thereafter as the matter can be reached, at which last mentioned date, hour and place any person desiring to be heard for or against the adoption of the within Ordinance will be given a chance to be so heard.


Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk


Mayor Paul J. Kennedy