

****RESCINDED****
ORDINANCE 2024-3

**AN ORDINANCE OF THE TOWNSHIP OF MULLICA, COUNTY OF ATLANTIC,
STATE OF NEW JERSEY, CREATING A NEW CHAPTER OF THE MUNICIPAL
CODE OF THE TOWNSHIP OF MULLICA ENTITLED "SHORT-TERM RENTALS"**

WHEREAS, the Mullica Township Committee seeks to regulate the short-term rental of homes and dwelling units throughout Mullica Township ("Township" or "Mullica") to promote tourism and economic vitality in the Township; and

WHEREAS, the short-term rental of homes and dwelling units can provide a flexible housing supply that allows travelers safe accommodations, 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 and dwelling units can provide homeowners an opportunity to maintain ownership of property in difficult economic circumstances; and

WHEREAS, the Township Committee recognizes that unregulated short-term rentals can create disproportionate impacts related to their size, excessive occupancy, fire safety and lack of proper facilities; and

WHEREAS, the presence of short-term rental units in established residential neighborhoods can create negative compatibility impacts and nuisances including, but not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety; and

WHEREAS, it is in the public interest that short-term rental uses be regulated to minimize any potential deleterious effects of short-term rental properties in the surrounding neighborhoods in which they are located; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Mullica, County of Atlantic, State of New Jersey as follows:

SECTION 1. A Chapter entitled Short-Term Rentals shall be created and added to the Municipal Code of the Township as follows:

CHAPTER SHORT-TERM RENTALS

ARTICLE I Title; Findings; Definitions; Permit Requirements

§ ____-____. Title.

This chapter shall be known as the "Short-Term Rentals Ordinance of the Township of Mullica"

Purpose and Findings.

Township Committee finds and declares that the short-term rental of residential dwelling units within the Township benefits the local community by affording owners of such units the ability to garner additional income from their real property 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 Township, thereby promoting the local travel and tourism industry, and contributing to the economic vitality of the Township. Notwithstanding these benefits, the Township Committee 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 Chapter are to:

- A. Balance the rights of the owners of residential dwelling units proposed for short-term rental use and the Township'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 Township;
- D. Monitor and provide a reasonable means for the mitigation of impacts created by such transitory uses of residential properties within the Township of Mullica
- E. Preserve and protect the long-term housing market stock in the Township;
- F. Implement rationally based and reasonably tailored regulations to protect the integrity of the Township's residential neighborhoods, and
- G. Ensure that the short-term rental property inventory in the Township satisfies basic property maintenance standards, in order to protect the safety of occupants and the citizens of the Township.

The Township Committee has therefore determined that it shall be unlawful for any owner of any property within the geographic bounds of the Township to rent or operate a short-term rental contrary to the procedures and regulations established in this Chapter or applicable State statute.

Definitions.

The words defined in this section shall mean and include the following when used in this chapter:

HOTEL — means any building, including but not limited to any related structure, accessory building, and land appurtenant thereto, and any part thereof, which contains 10 or more units of dwelling space or has sleeping facilities for 25 or more persons and is kept, used, maintained, advertised as, or held out to be, a place where sleeping or dwelling accommodations are available to transient or permanent guests.

This definition shall also mean and include any hotel, motor hotel, motel, or established guesthouse which is commonly regarded as a hotel motor hotel, motel, or established guesthouse as the case may be, in the community in which it is located; provided, that this definition shall not be construed to include any building or structure defined as a multiple dwelling in PL. 1967, c. 76 (N.J.S.A.55: 13A-1 et seq.), registered as a multiple dwelling with the Commissioner of Community Affairs as hereinafter provided, and occupied or intended to be occupied as such, nor shall this definition be construed to include a rooming house or a boarding house as defined in the "Rooming and Boarding House Act of 1979," P.L.1979, c.496 (C.55:13B-1 et al.) or, except as otherwise set forth in P.L. 1987, c.270 (N.J.S.A.55:13A-7.5, 55: 13A-7.6, 55:13A-12.1, ~~55:13A-13.2~~), any retreat lodging facility, as defined in this section. Neither a Hotel nor any unit in a Hotel shall be used as a Short-Term Rental.

OWNER - means an individual or entity holding title to a Short-Term Rental.

RESPONSIBLE PARTY - means the 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 property, and in the case of the property manager to accept service of legal process on behalf of the Owner.

SHORT-TERM RENTAL or "STR" means the accessory use of a dwelling unit for occupancy by someone other than the unit's owner or permanent resident for a period of not less than two (2) consecutive days and not more than thirty (30) days up to a cumulative total period of not to exceed two hundred and eight (208) days in a calendar year, which dwelling unit is advertised or held out to the public as a place regularly rented to transient occupants.

SHORT-TERM RENTAL PROPERTY - means a residential dwelling unit that is used and/or advertised for rent as a short-term rental for transient occupants as guests.

SHORT-TERM RENTAL PROPERTY AGENT - means any New Jersey licensed real estate agent or other person designated and charged by the Owner, with the responsibility for making the short-term rental application to the Township 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.

TOWNSHIP - the Township of Mullica

TRANSIENT OCCUPANT - shall mean any person or a guest or invitee, 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 Chapter. 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.

Regulations for Short-Term Rentals.

- A. It shall be unlawful for any owner of any property within the Township to rent or operate a STR contrary to the procedures and regulations established in this Chapter or applicable State law.
- B. STRs shall be permitted in the following properties:
 - 1. Condominium units where the Condominium Association By-Laws or Master Deed permits 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 one unit in any multi-family residential dwelling having less than five (5) units, where one other unit in the same dwelling is occupied by the owner and identified by the owner as his or her principal residence; and
 - 5. Notwithstanding the provisions of sub-paragraph (2) above short-term rentals shall not be permitted in boarding or rooming houses, dormitories, adult family care homes, assisted living facilities, community residences for developmentally disabled persons, community shelters for victims of domestic violence, trailer's, hotels, or nursing homes.
 - 6. Qualified private communities, HOAs and similar associations may approve more restrictive rules and regulations and additional fees in their by-laws pertaining to short term rental properties within their legal boundaries.

_____ Short-Term Rental Permit, Permit Registration Fee/Application, and Certificate of Occupancy.

- A. The owner/operator of a Short-Term Rental Property shall obtain a STR permit from the Township, before renting or advertising for rent any STR.
- B. No STR permit issued pursuant to this Chapter may be transferred or assigned.
- 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 Township Construction and Code Enforcement Office, a STR permit application provided by the Township and a registration fee in the amount of five hundred dollars (\$500.00). The registration fee for a STR that is occupied by the STR's owner shall be \$250.00.
- D. The STR permit, if granted, shall be valid for a period of one year from the date of issuance.

- E. A STR permit and rental Certificate of Occupancy shall be renewed on an annual basis within thirty (30) days of the anniversary of the issuance of the original STR permit, by submitting to the Township Construction and Code Enforcement Office, a copy to the initial applicable STR permit application, a copy of the initial rental Certificate of Occupancy and a renewal registration fee of five hundred dollars (\$500.00) or two hundred and fifty dollars (\$250.00) if the STR is occupied by its owner. If an application to renew an STR permit is not timely a late fee of one hundred dollars (\$100.00) per day shall be charged in addition to the renewal application fee.
- F. The STR permit shall expire when the Short-Term Rental Property changes ownership. A new 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 STR that had its STR permit revoked or suspended.

S 476-6. Application Process for Short-Term Rental Permit and Inspections.

- A. Applicants for a STR permit shall submit to the Township Construction and Code Enforcement Office, an application for an STR permit. The STR Permit is required to be renewed annually.
- B. The application shall be signed, under oath, on a form specified by the Township.
- C. Such application shall include:
 - 1. The address, telephone number and email address of the owner(s) of the dwelling unit for which a STR permit is sought. if such owner is not a natural person, the application must include and identify the names of all owners, members, 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. 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 contact information;
 - 4. The name, address, telephone number and email address of the Responsible Party, which shall constitute his or her 7 day a week, 24-hour contact information;
 - 5. 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 STR permit application;

6. The number and location of all parking spaces available to the STR, A Short-Term Rental Property shall designate two parking spaces for every bedroom available for rent;
 7. An informal site plan showing all structures on the Short-Term Rental Property, the number and location of parking spaces available to the STR, a floor plan showing the number of bedrooms, and which shall also show the garage if the garage is intended to be used for STR parking. No parking shall be permitted on lawns or on the street;
 8. The STR owner's agreement to use his or her best efforts to assure that use of the STR will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties;
 9. Any other information that this Chapter requires an Owner to provide to the Township in connection with an application for a rental certificate of occupancy.
 10. Every Short-Term Rental Property shall be inspected once a year at time of annual renewal for compliance with the Township's fire safety regulations, property maintenance regulations and building and other code provisions. In addition, each STR is subject to continuing review to verify the STR's eligibility for use as a STR.
 11. A certification that the Owner shall comply with all applicable Federal, State, and Local rules, regulations, and laws.
- D. A sworn statement demonstrating that the Short-Term Rental Property is not being occupied or used in violation of any provision of the Township Code and any State Statute, rule, or regulation shall be submitted with each STR permit application.
- E. A sworn statement providing there have been no revocations or suspensions of a STR permit shall be submitted with the STR permit application. If a STR permit has been revoked or suspended a STR permit shall not be issued, which denial may be appealed as provided herein.
- F. Attached to and concurrent with submission of the STR permit application, the Owner shall provide:
1. Proof of the Owner's current ownership of the Short-Term Rental Property;

2. Proof of general liability insurance in a minimum amount of \$1,000,000.00;
3. Proof all taxes are current;
4. Written certifications from any Short-Term Rental Property Agent and/or Responsible Party that they agree to perform all of the respective duties specified in this Chapter;
5. Water testing responsibilities for private wells. With the initial permit application and at least once every five years thereafter, the owner of any Short Term Rental, shall test that water supply in the manner established pursuant to the Private Well Testing Act for the following parameters: bacteria (total coliform); nitrates; iron; manganese; pH; all volatile organic compounds for which maximum contaminant levels have been established pursuant to P.L.1977, c.224 (N.J.S.A.58:12A-1 et seq.); and lead by a state certified laboratory, The potable water test results shall be provided with STR permit application.. If the owner's private well is required to be tested by other State law requirements, those water tests shall be provided when performed;
6. The STR permit holder shall publish the STR permit number issued by the Township in every print, digital, internet advertisement or any solicitation offering the STR for rent;
7. In no event shall a STR be rented to anyone younger than twenty-one (21) years of age. The party executing the lease or rental agreement for occupancy of the STR may allow occupants under the age of twenty-one (21) to stay with him/her during the rental period of the STR providing at least one occupant over the age of twenty-one is present and in residence;
8. A STR can be occupied by two persons per bedroom with an additional two persons permitted if beds are provided.

—Issuance of Permit and Appeal Procedure.

- A. Once a STR application is submitted, complete with all required information and documentation and fees and following any necessary Code compliance inspections and for compliance with this Chapter, the Township Construction Official shall issue the STR Permit and Rental 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 a STR permit is denied, the applicant shall have ten (10) business days to appeal in writing to the Governing Body, by filing the appeal with the Township Clerk's Office.

- C. Within thirty (30) days thereafter, the Township Governing Body or its appointed designee shall hear and decide the appeal.

S _____. ____ **Short-Term Rental Operational Requirements.**

- A. STR and its occupants must comply with all applicable rules, regulations and ordinances of the Township and State of New Jersey, and all state and federal laws.
- B. The Owner shall not install any advertising or identifying mechanisms, such as signage, including lawn signage, identifying the property for rent as a short-term rental property.
- C. The Owner, Short Term Rental Agent or Responsible Party shall provide the Township with the occupants name, home address, license plate number: year and make of automobile, copy of drivers' license, and telephone number and address of the Short-Term Rental Property that is being occupied.
- D. The Owner shall post the following information in a prominent location within the STR:
 - 1. Owner name; if Owner is an entity, the name of a principal in the entity, and phone number for the Owner;
 - 2. The names and phone numbers for the Responsible Party and the Short-Term Rental Property Agent (as those terms are defined in this Chapter);
 - 3. The phone numbers for the Mullica Police Department, the Mullica Fire Department, and the Township Zoning Department;
 - 4. The maximum number of parking spaces available onsite;
 - 5. Trash and recycling pick-up day, all applicable rules and regulations regarding trash disposal and recycling and a notice that all garbage and recycling containers must be removed from the street within twenty-four (24) hours of the scheduled pick-up;
 - 6. A copy of the Ordinance authorizing this Chapter; and
 - 7. Notification that an occupant, Owner or Short-Term Rental Property Agent may be cited or fined by the Township for any violation(s) of the Township's Ordinance(s).
- E. While a Short-Term Rental Property is rented, the Owner, the Short-Term Rental Property Agent, or 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 STR or its occupants.

- F. If the Short-Term Rental Property is the subject of two (2) or more confirmed/verified and substantiated civil and/or criminal complaints, the Construction Official may revoke the STR permit issued for the property, in which case, the STR may not be the subject of a STR permit application for one (1) year following the date of revocation of the permit. The STR Permit holder shall have five (5) business days to appeal the revocation by filing a written Appeal with the Township Clerk's Office within twenty (20) days thereafter. The Township Governing Body or its appointed designee shall hear and decide the Appeal.
- G. In the event any complaints are received by the Township regarding the STR, or its occupants and the Owner is unreachable or unresponsive, the Responsible Party and the Short-Term Rental Property Agent shall be authorized to and have the responsibility to take any action to resolve such complaints.
- H. Failure to make application for, and to obtain the issuance of, a STR permit before advertising or soliciting occupants for the STR shall constitute a violation of this Ordinance.
- I. 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 STR permit, nor shall the property or any portion thereof be subleased by a tenant on a short-term basis, or operated as a STR.
- J. The STR Owner must be current with all taxes, fines or any other amounts owed to the Township prior to the issuance of a STR permit. In the event that any code violations have been issued by the Township, such violations must be abated before a STR permit will be issued. A STR Owner must also close any open construction permits prior to the issuance of a STR permit.

s **State Registration and Payment of Taxes.**

The Owner shall:

- A. As applicable, pay the statutory State Occupancy Fee.
- B. As applicable, pay the State Sales Tax.
- C. Register the Property with the State of New Jersey.
- D. Register the Property with the Township as required by the Township Rental Registration Ordinance .
- E. Upon reasonable request by the Township, provide proof of payment of applicable state taxes.

s **Prohibited Short Term Rentals.**

- A. Prohibition of amenities in Short Term Rentals.
Swimming Pools, accessory buildings, etc. are prohibited except as an integral part of the residential STR.
- B. Short-term rentals for hosting commercial or social events are strictly Prohibited

s **Violations and Penalties.**

A violation of any provision of the within Chapter may subject the STR Owner, Transient Occupant(s), the STR Property Agent, or the Responsible Party to fines of between \$250.00 to \$500.00 per violation per day, that the violation exists and/or the revocation of any STR permit.

SECTION 2. Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity of constitutionality of any other sections or parts thereto.

SECTION 3. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

SECTION 4. This Ordinance shall take effect immediately upon final passage, approval, and publication by law.

INTRODUCTION: February 27, 2024

PUBLICATION: February 28, 2024

RESCINDED: March 26, 2024

PUBLICATION: March 27, 2024

EFFECTIVE:

Edward Hagaman
Mayor

CERTIFICATION

I, Krystel M. Arana, Municipal Clerk of the Township of Mullica, County of Atlantic, State of New Jersey, do hereby certify that the foregoing Ordinance 2024-3 was introduced by the Mayor and Committee of the Township of Mullica at a Regular Meeting held on Tuesday, February 27, 2024.

Krystel M. Arana
Municipal Clerk

CERTIFICATION

I, Krystel M. Arana, Municipal Clerk of the Township of Mullica, County of Atlantic, State of New Jersey, do hereby certify that the foregoing Ordinance 2024-3 was rescinded by the Mayor and Committee of the Township of Mullica at a Regular Meeting held on Tuesday, March 26, 2024.

Krystel M. Arana
Municipal Clerk