

Agenda No. O-12

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 33, PLANNING AND DEVELOPMENT REGULATIONS TO REGULATE SHORT TERM RENTALS

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

WHEREAS, the short-term rental of homes can provide a flexible housing stock that allows travelers a safe accommodation while contributing to the local economy, promoting travel and tourism and supporting the local tourism industry and business community; and

WHEREAS, the short-term rental of homes can provide homeowners with an opportunity to maintain ownership of property in difficult economic circumstances; and

WHEREAS, the needs of long-term residents should be balanced with the allowance of short-term rentals; and

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

WHEREAS, the presence of short-term rentals of residential dwelling units in established residential neighborhoods can create negative compatibility impacts and nuisance violations, which include, but are not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety; and

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

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

WHEREAS, it is in the public interest that short-term rental uses be regulated in order to help preserve housing for long-term tenants and to minimize any potential deleterious effects of short-term rental properties on other properties in the surrounding neighborhoods in which they are located; and

WHEREAS, the Council finds that there is a substantial interest in furthering the public health, safety and welfare by controlling density, by protecting the residential character of areas

designated for residential use, by establishing and enforcing minimum life safety standards, and by preserving the long-term rental housing market located within the City, now, therefore,

BE IT ORDAINED:

SECTION 1: The Revised General Ordinances of the City of Bayonne, Chapter 33, Planning and Development Regulations, is hereby amended and supplemented to include Article XX, Short Term Rental, in its entirety, as follows:

ARTICLE XX SHORT TERM RENTAL

§ 33-20. Short-Term Rentals

§ 33-20.1. Authority; Definitions.

A. Authority. In accordance with New Jersey law, a municipality may make and enforce within its limits, all ordinances and regulations not in conflict with general laws, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants. The City of Bayonne hereby adopts the within Ordinance in accordance with said authority.

B. The following terms shall have the meanings indicated below:

"Dangerous condition" shall mean a condition that creates a substantial risk of injury to life and/or property.

"Owner" shall mean any person alone or jointly or severally with others:

- a. Who has legal or equitable title to any premises, with or without accompanying actual possession thereof:
- b. Who has equitable title and is either in actual possession or collects rents therefrom:
- c. Who, as executor, executrix, trustee, guardian or receiver of an estate or as mortgagee or as vendee in possession, either by virtue of a court order or by agreement or voluntary surrender of the premises by the person holding the legal title, or as collector of rents, shall have charge, care or control of any dwelling, boardinghouse or lodging' house; or any such person thus representing the person holding the equitable or legal title, all of whom under this chapter shall be bound to comply with the provisions hereof and any rules and regulations adopted pursuant thereto to the same extent as if they were the persons holding the legal or equitable title.

"Owner-occupied" shall mean the owner of the property who resides in the short-term rental property, or in the principal residential unit with which the short-term rental property is associated on the same lot, and identifies same as his or her principal residence as that term is defined in this section. For purposes of this section, if the owner of the property is an entity other than an individual or individuals, then at least one principal or member of the owner entity must reside in the short-term rental property, or in the principal residential unit with which the short-term rental property is associated on the same lot, and identify same as his or her principal residence as that term is defined in this section.

"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; (2) which is most clearly the center of his or her domestic life; and (3) which is identified on his or her driver's license or State identification card as being his or her legal address. All the above requirements must be met in order for an address to constitute a principal residence for purposes of this section.

"Property" shall mean a parcel of real property located within the boundaries of the City of Bayonne, Hudson County, New Jersey.

"Responsible party" shall mean the short-term rental property owner or a person (property manager) designated by the owner to be called upon and be responsible at all times during the period of a short-term rental and to answer for the maintenance of the property, or the conduct and acts of occupants of the short-term rental property, and, in the case of the property manager, to accept service of legal process on behalf of the owner of the short-term rental property.

"Short-term rental" (hereinafter "STR") shall mean the accessory use of a dwelling unit as defined in this section for occupancy by someone other than the unit's owner or permanent resident for a period of sixty day (60) or fewer consecutive days, which dwelling unit is regularly used and kept open as such for the lodging of guests, and which is advertised or held out to the public as a place regularly rented to transient occupants as defined in this section.

"Short-term rental property" (hereinafter "STRP") shall mean a residential dwelling unit as defined in this section, that is used and/or advertised for rent as a short-term rental for transient occupants as guests, as those terms are defined in this section.

"Short-term rental property agent" shall mean any New Jersey-licensed real estate agent or other person designated and charged by the owner of a short-term rental property, with the responsibility for making the short-term rental application to the City on behalf of the owner, and fulfilling all of the obligations in connection with completion of the short-term rental property permit application process on behalf of the owner. Such person shall be available for and responsive to contact on behalf of the owner at all times.

"Substantiated complaint" shall mean a civil or criminal complaint, summons, or notice of violation(s) that is supported by substantial evidence.

"Transient occupant" shall mean any person or a guest or invitee of such person, who, in exchange for compensation, occupies or is in actual or apparent control or possession of residential property, which is either: (1) registered as a short-term rental property, or (2) satisfies the definition of a short-term rental property, as such term is defined in this section. 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.

§ 33-20.2. Regulations pertaining to short-term rentals.

- A. It shall be unlawful for any owner of any property within the geographic bounds of the City of Bayonne to rent, operate, or advertise a short-term rental in a manner that is contrary to the procedures and regulations established in this section or applicable state law.
- B. Short-term rentals shall only be permitted to be conducted in the following classifications of property in the City of Bayonne:

- (1) Dwelling units located in a condominium association, homeowners association, or cooperative association, where the association's bylaws, master deed, or other relevant governing document permits short-term rentals and where the owner of the unit legally identifies an address within the association as his or her principal residence; and
 - (2) Individually or collectively owner-occupied single-family residences; and
 - (3) Two dwelling units within a two-family residential dwelling, where one unit is owner-occupied as that term is defined in this section; and
 - (4) Two dwelling units in a multiple dwelling provided that:
 - (a) The multiple dwelling is not located in a condominium association, homeowner association, or cooperative association;
 - (b) The multiple dwelling contains three or fewer separate dwelling units; and
 - (c) Another dwelling unit in the multiple dwelling is owner-occupied; and
 - (5) Two dwelling units in a multiple dwelling provided that:
 - (a) The multiple dwelling is not located in a condominium association, homeowner association, or cooperative association;
 - (b) The multiple dwelling contains four separate dwelling units; and
 - (c) Another dwelling unit in the multiple dwelling is owner-occupied; and
 - (6) No more than three rooms within a single-family residential dwelling unit operating as a bed and breakfast as defined in this chapter, and the remainder of the single-family dwelling unit is owner-occupied and is identified by the owner as his or her principal residence, as that term is defined in this section, except that no room shall be occupied by any more than two adults and their minor children at anytime.
- C. Short-term rentals shall not be permitted in a multiple dwelling in which rent is: set by HUD, set by a State agency, set by an agreement with the owner/developer, or governed by Chapter 16 of this Code.
- D. The following shall not be permitted to operate as short-term rentals pursuant to this section: hotel, motel, studio hotel, rooming house, dormitory, public or private club, convalescent home, rest home, home for aged people, adult family care homes, assisted living facilities, community residences for developmentally disabled persons, community shelters for victims of domestic violence, senior housing, nursing homes, 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.
- E. Except as provide in subsection H of this section, rentals of any dwelling unit where the owner/operator of the short-term rental property is not present shall be conducted no more than sixty (60) total nights per calendar year. Each night in excess of this limit shall be considered a separate violation.

- F. Rentals of any dwelling unit where the owner/operator of the short-term rental property is not present shall be prohibited in dwelling units located in any multiple dwellings that contain more than four separate dwelling units. It shall be a violation to rent or to advertise such properties.
- G. 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 except as provided below. 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 will result in enforcement action against the tenant, the STRP owner, the short-term rental agent, and the responsible party, and will subject all such parties to the issuance of a summons and levying of fines and/or penalties.
- H. If, at the time of the adoption of this chapter, an owner is operating two properties as short-term rentals it may continue to operate one non-owner-occupied property as a short-term rental, provided that the following conditions are met:
 - (1) The short-term rental property is one of the classifications of property enumerated in subsection B of this section, notwithstanding the owner-occupied requirements:
 - (2) An individual designated by the owner resides in the short-term rental property, or in the principal residential unit with which the short-term rental property is associated on the same lot, and identifies same as his or her principal residence as that term is defined in this section. The designated individual must be available 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; and
 - (3) The non-owner-occupied property is in compliance with the remainder of this chapter.
- I. If, at the time of the adoption of this chapter, a currently operating short-term rental that is not eligible for a short-term rental permit under this chapter has an existing contract with a transient occupant to use the short-term rental for some period of time before July 1, 2024, the requirements of this chapter shall not apply to the pre-existing contract. During the unpermitted operation of a short-term rental pursuant to this subsection, the responsible party must, upon request by the Bayonne Division of Zoning, provide documentation indicating that: (1) the short-term rental was in operation before the adoption of this chapter; and (2) the short-term rental contract was made before the adoption of this Chapter. If the requested documentation is not provided to the Bayonne Division of Zoning within twenty (20) days of the request, it shall constitute a violation of this chapter.
- J. If, at the time of the adoption of this chapter, a short-term rental property is being operated by a tenant, the tenant may continue to do so without a permit as prescribed by this chapter for the duration of the lease or until July 1, 2024, whichever occurs sooner. During the unpermitted operation of a short-term rental pursuant to this subsection, the responsible party must, upon request by the Bayonne Division of Zoning, provide documentation indicating that: (1) the short-term rental was in operation before the adoption of this

Chapter; and (2) that the tenant-operator's lease was not renewed after the adoption of this Chapter. If the requested documentation is not provided to the Bayonne Division of Zoning within twenty (20) days of the request it shall constitute a violation of this Chapter.

§ 33-20.3. Short-term rental permit; permit registration fee/application.

- A. In addition to any land use requirement(s) set forth in the City of Bayonne land use regulations, the owner/operator of a short-term rental property shall obtain a short-term rental permit from the City of Bayonne Department of Planning, Zoning, and Development, before renting or advertising for rent any short-term rental. The application for a short-term rental permit must meet the following initial requirements to be considered:
- (1) For existing short-term rentals, the applicant must not have had more than one documented dangerous condition, as defined in this section, within the last year; and
 - (2) For existing short-term rentals, the applicant must have no violations of any noise violation laws the City of Bayonne has within the last two years. A noise violation means a documented violation by the City of Bayonne Municipal Court; and
 - (3) In the event that any code violations have been issued by the City relating to the STRP, a short-term rental permit shall not be issued until such time as such violations have been properly abated. The STRP owner must also close any open construction permits for the property prior to the issuance of a short-term rental permit; and
 - (4) The applicant must be current with all city taxes, water, and sewage charges; and
 - (5) All fines or penalties issued by the Municipal Court for the City of Bayonne 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.
- B. No person or entity shall operate a STRP, or advertise a residential property for use as a STRP, without the owner/operator of the property first having obtained a STR permit issued by the City of Bayonne Department of Planning, Zoning, and Development. The failure to obtain a valid STR permit prior to using or advertising the STRP in any print, digital, or internet advertisement or web-based platform, and/or in the multiple listing service (hereinafter "MLS") or any realtor's property listing shall be a violation of this chapter. No STR permit issued under this section 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 STRP, or any agent acting on behalf of the owner, shall submit to the City of Bayonne Department of Planning, Zoning, and Development, a STR permit application provided by the City, along with an initial registration fee of one thousand dollars (\$1,000.00). Said fee shall be non-refundable, including in the event that the application is denied.
- D. The STR permit if granted, shall be valid for a period of one year from the date of issuance.
- E. A short-term rental permit shall be renewed on an annual basis, based upon the anniversary of the original permit issuance, by submitting to the City of Bayonne Department of

Planning, Zoning, and Development, a short-term rental permit application, and a renewal registration fee of seven hundred fifty dollars (\$750.00).

- F. The short-term rental permit shall expire automatically when the STRP 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 STRP. A new application shall also be required for any STR that had its short-term rental permit revoked or suspended.

§ 33-20.4. Application process for short-term rental permit and inspections.

- A. Applicants for a short-term rental permit shall submit, on an annual basis, an application for a short-term rental permit to the City of Bayonne Department of Planning, Zoning, and Development. The application shall be furnished, under oath, on a form specified by that department, accompanied by the non-refundable application fee as set forth in Section 33-20.3 above. Such application shall include:
 - (1) The name, address, telephone number and email address of the owner(s) and, if applicable, designated person of record of the dwelling unit, pursuant to Subsection 33-20.2.H herein, for which a permit is sought. If such owner is not a natural person, the application must include and identify the names of all partners, officers and/or directors of any such entity, and the personal contact information, including street address, email address and telephone numbers for each of them;
 - (2) The address of the proposed STR;
 - (3) A copy of the driver's license or State identification card of the owner and, if applicable, designated person pursuant to Subsection 33-20.2.H herein of the short-term rental property, confirming, as set forth in this section, that the property is the principal residence, as that term is defined in this section, of the owner making application for the STR permit;
 - (4) The owner's sworn acknowledgement that he/she is in compliance with the requirement that the STRP constitutes the owner's or, if applicable, the principal residence of the designated person pursuant to Subsection 33-20.2.H herein, as defined in this section;
 - (5) The name, address, telephone number and email address of the short-term rental property agent, which shall constitute his /her seven-day a week, twenty-four-hour a day contact information;
 - (6) The name, address, telephone number and email address of the short-term rental property's responsible party, which shall constitute his/her seven-day a week, twenty-four-hour a day contact information;
 - (7) Copies of two utility bills from the STRP that are less than thirty (30) days old; and
 - (8) The owner's sworn acknowledgement that he/she has received a copy of this chapter, has reviewed it, understands its requirements, and certifies as to the accuracy of all information provided in the permit application;
 - (9) The number and location of all parking spaces available to the premises, which shall include the number of legal off-street parking spaces and on-street parking spaces directly adjacent to the premises. The owner shall certify that every effort will be made to avoid and/or mitigate issues with on-street parking in the neighborhood in which the

STR is located, resulting from excessive vehicles generated by the STR of the property, in order to avoid a shortage of parking for residents in the surrounding neighborhood;

- (10) The owner's agreement that all renters of the STRP shall be limited to one vehicle per two occupants in the STRP;
 - (11) The owner's agreement to use his or her best efforts to assure that use of the STRP by all transient occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties;
 - (12) If an owner is applying for a short-term rental permit for a property that is not owner-occupied, in accordance with Subsection 33-20.2.H of this chapter, the owner must provide documentary proof that the non-owner-occupied property was in use as a short-term rental property at the time of adoption of this chapter; and
 - (13) Any other information that this chapter requires a property owner to provide to the City in connection with an application for a certificate of occupancy. The Director of Planning, Zoning, and Development, or his/her designee, shall have the authority to obtain additional information from the STRP owner/applicant or amend the permit application to require additional information, as necessary, to achieve the objectives of this chapter.
- B. Every initial application for a short-term rental permit shall require documentation indicating that the property has been inspected for compliance with the City's fire safety regulations and Property Maintenance Code within the past six months. Thereafter, upon renewal, the applicant must present documentation that the property has been inspected for compliance with the City's fire safety regulations and Property Maintenance Code within the past three years. Each application is subject to review to verify the STRP's eligibility for use as a STR and compliance with the regulations in this Section. In addition, the City reserves the right to inspect an STRP for compliance with fire safety regulations and the Property Maintenance Code, regardless of the status of the STRP's permit application, in the event that the City receives information that there may be a violation on the premises.
- C. A zoning compliance certificate, which states that the premises are not being occupied or used in violation of the City's Land Use Regulations and Zoning Ordinances, shall be required.
- D. A sworn statement shall be required that there have been no prior revocations or suspensions of this or a similar license, in which event a license shall not be issued, which denial may be appealed as provided hereinafter.
- E. Attached to and concurrent with submission of the permit application described in this section, 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 five hundred thousand dollars (\$500,000.00); and
 - (3) Written certifications from the short-term rental property agent and responsible party that they agree to perform all of the respective duties specified in this section.

- F. The STRP owner /permit holder shall publish the short-term rental permit number issued by the City in every print, digital, or internet advertisement, and/or in the MLS or other real estate listing of a real estate agent licensed by the New Jersey Real Estate Commission, in which the STRP is advertised for rent on a short-term basis.
- G. The STRP owner or agent shall maintain an up-to-date log of all transient occupants who will be occupying the STRP, which shall contain the occupant or occupants' names, ages, dates of commencement and expiration of each short-term rental period. This log shall be available for inspection by the City's (i) Department of Planning, Zoning, and Development, and (2) the Department of Public Safety in case of emergency. The purpose of this requirement is to ensure that the City shall have basic identifying information of all occupants of the STRP at all times.
- H. In no event shall a STRP be rented to anyone younger than twenty-one (21) years of age. The primary occupant of all short-term rentals executing the agreement between the owner and the occupant must be over the age of twenty-one (21), and must be the party who will actually occupy the property during the term of the short-term rental. The primary occupant may have guests under the age of twenty-one (21) who will share and occupy the property with them. Both the primary occupant executing the short-term rental agreement and the STRP owner shall be responsible for compliance with this provision, and shall both be liable for a violation, where the STRP is not occupied by at least one adult over the age of twenty-one (21) during the term of the STR. No one under eighteen (18) years of age shall be permitted on the premises of a STRP unless they are accompanied by their legal guardian.

§ 33-20.5. Issuance of permit and appeal procedure.

- A. Once an application is submitted, complete with all required information and documentation and fees, the Division of Zoning, following any necessary investigation for compliance with this section, shall either issue the short-term rental permit or issue a written denial of the permit application, with the reasons for such denial being stated therein within thirty (30) days, provided access to the STRP is provided by the owner or owner's STR agent.
- B. If denied, the applicant shall have ten business days to appeal the denial, in writing, to the Office of the Business Administrator and the Division of Zoning.
- C. Within thirty (30) days thereafter, the Business Administrator or his/her designee shall hear and decide the appeal.

§ 33-20.6. Short-term rental operational requirements.

- A. All STRs must comply with all applicable rules, regulations and ordinances of the City of Bayonne and all applicable rules, regulations and laws of the State of New Jersey, including regulations governing such lodging uses, as applicable. The STRP owner shall ensure that the STR is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of a STR.
- B. A dwelling unit shall be limited to a single short-term rental contracts 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 STRP.

- D. Transient occupants of the STRP shall comply with all ordinances of the City of Bayonne including, but not limited to those ordinances regulating noise and nuisance conduct. Failure of transient occupants to comply shall subject the transient occupants, the owner of the STRP, the responsible party, and the short-term rental agent listed in the short-term rental permit application, to the issuance of fines and/or penalties, and the possibility of the revocation or suspension of the STRP permit.
- E. The owner of a STRP shall post the following information in a prominent location within the STR:
- (1) Owner name; if owner is an entity, the name of a principal in the entity, email address and phone number for the principal;
 - (2) The names, email addresses, and phone numbers for the responsible party and the short-term rental agent as those terms are defined in this chapter;
 - (3) The phone numbers for the Department of Public Safety and the Department of Planning, Zoning, and Development;
 - (4) The maximum number of parking spaces available for STR use onsite;
 - (5) Trash and recycling pick-up day, and all applicable rules and regulations regarding trash disposal and recycling;
 - (6) Notification that a guest, transient occupant, the short-term rental property agent, the responsible party or STRP owner may be cited or fined by the City of Bayonne Department of Public Safety or the City of Bayonne Department of Department of Planning, Zoning, and Development for violations of, and in accordance with any applicable ordinance(s) of the City of Bayonne.
- F. If any of the information required by Subsection E above is inaccurate while displayed in the STR, it shall constitute a violation of this chapter.
- G. In the event that any complaints are received by the Bayonne Department of Public Safety, or the Department of Planning, Zoning, and Development regarding the STR and/or the transient occupants and the owner of the STRP is unreachable or unresponsive, both the responsible party and the short-term rental agent listed in the short-term rental permit application shall have the responsibility to take any action required to properly resolve such complaints, and shall be authorized by the STRP owner to do so.
- H. While a STRP is rented, the owner, the short-term rental agent, or the responsible party shall be available twenty-four (24) hours per day, seven days per week for the purpose of responding within two 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 Department of Public Safety, or neighbors, arising by virtue of the short-term rental of the property.
- I. If the STRP is the subject of three or more substantiated complaints, the Director of the Department of Planning, Zoning, and Development or his/her designee or the Business Administrator or his/her designee shall revoke the short-term rental permit issued for the STRP, in which case, the STRP may not be the subject of a new STRP permit application for one year following the date of revocation of the permit. The Director of the Department of Planning, Zoning, and Development or his/her designee or the Business Administrator or

his/her designee shall retain the discretion to revoke a short-term rental permit in the event of a single substantiated complaint if, in his/her sole discretion, the interests of the City and its residents justify immediate revocation. In the event that an STRP is the subject of a civil and /or criminal complaint and/or code violation that involves a dangerous condition, as defined in this section, the Director of the Department of Planning, Zoning, and Development or his/her designee or the Business Administrator or his/her designee may, at their sole discretion, suspend the STRP's short-term rental permit pending substantiation.

- J. To the event that the City receives two substantiated complaints concerning excessive vehicles belonging to the transient occupants of a STRP, the short-term rental permit for the property is subject to revocation by the Director of the Division of Planning, Zoning, and Development or his/her designee or the Business Administrator or his/her designee.
 - (1) When the Office of the Business Administrator and/or the Division of Zoning receives notice of a civil and/or criminal complaint and/or code violation at a STRP as outlined in Subsections 33-20.6.H and I above, the Director of the Department of Planning, Zoning, and Development or his/her designee or the Business Administrator or his/her designee shall issue a written notice revocation or suspension, as applicable, of the short-term rental permit with the reasons for such revocation or suspension being stated therein within thirty (30) days.
 - (2) The applicant shall have ten business days to appeal the revocation or suspension, in writing, to the Office of the Business Administrator and the Department of Planning, Zoning, and Development.
 - (3) Within thirty (30) days thereafter, the Business Administrator or his/her designee shall hear and decide the appeal.
- K. Failure to make application for, and to obtain the issuance of, a short-term rental permit prior to advertising the STRP in print publications or newspapers, on any internet-based booking platforms, or online, and/or in the MLS or other real estate listing of a real estate agent licensed by the New Jersey Real Estate Commission, shall be equivalent to operation of the STRP without a permit, and shall constitute a violation of this Code, and will result in enforcement action and the issuance of a summons, and shall subject the STRP owner, the short-term rental agent, and the responsible party to issuance of fines and/or penalties.
- L. 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 subleased 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 will result in enforcement action against the tenant, the STRP owner, the Short-Term Rental Agent, and the Responsible Party, and will subject all such parties to the issuance of a Summons and levying of fines and/or penalties.

§ 33-20.7. Violations and penalties.

- A. A violation of any provision of this chapter may subject the STRP owner, transient occupant(s), the short-term property rental agent, and the responsible party or their agents to fines assessed by the Court up to two thousand dollars (\$2,000.00) per violation, but not less than one hundred dollars (\$100.00) per violation per day that the violation exists.

- B. The STRP owner, transient occupant(s), the short-term property rental agent, and the responsible party or their agents shall have thirty (30) days to cure the violation. Within the thirty-day period, at the STRP owner, transient occupant(s), the short-term property rental agent, and the responsible party or their agents' request, they shall be afforded a hearing before a Bayonne Municipal Court Judge for an independent determination concerning the violation.
- C. Subsequent to the expiration of the thirty-day period, the fine shall be imposed if a Court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

Section 2. Repealer. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 3. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provision which imposes the greater restriction or limitation shall control.

Section 4. Severability. If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance. The Municipal Council of the City of Bayonne declares that it would have passed the Ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 5. Effective Date. This Ordinance shall take effect twenty (20) days after final passage, transmittal to the Hudson County Planning Board (if applicable), and publication according to law.