

Short-term rental ordinance tabled for more work

By JACK FICHTER
Cape May Star and Wave

CAPE MAY — For the second time in a month, City Council delayed introducing an ordinance that would require registration with the city of all homes used for short-term rentals and base mercantile license fees on the square footage of rental properties.

The ordinance proposed raising mercantile fees for residential rentals from a \$75 flat fee for all sizes of residences to \$125 for square footage of 1,001 square feet to 2,000 square feet, \$175 for 2,001 to 3,000 square feet, \$300 for 3,001 to 4,000 square feet, \$400 for 4,001 to 5,000 square feet and \$500 for 5,000 square feet and larger.

Each room occupied for sleeping purposes by a least one person must contain no less than 70 square feet.

At a Dec. 7 meeting, Deputy Mayor Stacy Sheehan said a lot of controversy surrounded what the ordinance states and what it does not state. She suggested passing only the fee structure section of the ordinance.

Sheehan noted all owners of residential properties pay \$75 per year for a license whether they own a one-bedroom charging \$1,000 per week or a 15-bedroom house charging \$15,000 per week.

Councilwoman Lorraine Baldwin said council had intended to talk to city employees who would be affected by the ordinance — the city clerk, fire official and city assessor.

"I think we need to look at this a little more strategically and include everybody in that discussion like we talked about at the last meeting," she said.

Sheehan said many items in the ordinance are in place, such as the requirement for rental properties to have an annual fire inspection. She said properly licensing residential rentals would allow the city to know if adequate parking were being provided.

"Is that something we should look at as a council to maybe change something that requires maybe more parking or limit the number of cars that can come," Sheehan said.

Mayor Zack Mullock suggested Sheehan and Baldwin meet and examine the ordinance in its entirety and make recommendations before it reappears on council's agenda.

"These fees haven't been changed in 15 or 20 years even though rental prices have gone up astronomically," Sheehan said.

Mullock said he believes council agreed on the new fee schedule for residential rental properties. He noted the strain on the city's water system, which will require an upgrade or replacement of the desalination plant, was coming from hotels and large house rentals.

Encouraging year-round rentals should be addressed in the ordinance, Mullock said.

City solicitor Chris Gillin-Schwartz said there was "no time bomb that's about to go off if you don't take action on this tonight." He said the city has a fee schedule and a system for fire inspections, mercantile licenses and an enforcement mechanism in place.

"If you did nothing but amend that fee schedule, you will have updated your mercantile license and then you will just be relying on the system that's in place for inspecting and licensing these rentals," Gillin-Schwartz said.

Dennis Crowley, chairman of the city's Municipal Taxation and Revenue Advisory Committee (MTRAC), which brought the proposed ordinance to council, said it was the fourth time he had met with council on the residential rental property issue.

He said he believed it was a mistake for council not to

introduce the ordinance. Crowley said the ordinance was complex, ponderous and had "a lot of new stuff in it, and lot of old stuff in it" and needed to be discussed in a public forum.

"Cape May is trapped in a transformation into a huge commercial enterprise," he said.

Crowley said 100 years ago, the population of Cape May was larger than it is today.

"That speaks volumes of what Cape May is," he said. "It is a large segment of the accommodations industry that supports this town."

He said residential properties are being used for the accommodations industry which current city regulations do not address. Crowley said the city's code book has seven oblique references to residential rentals.

The task of MTRAC is to look at the revenues the city could generate from fees and how they could be collected, he said.

Crowley did not recommend just changing mercantile fees and said he feared the ordinance would be tweaked until there was nothing left of it.

"It's a bad road to go down if you start pulling things out of the very comprehensive and well-crafted, I might say, ordinance that helps this town because the mission of this council is not to protect the status quo, the mission of this council is to get ready for the future," he said.

Baldwin said MTRAC did a good job crafting the ordinance. Crowley suggested the ordinance be introduced by council and not moved to the "back burner" for the second time.

He said the city's system did not capture the commercialized residential real estate market.

"As we enter the 21st century with this large commercial engine, let's make sure we know what it is," Crowley said. "Let's make sure you know how much it's costing us and let's make sure we know how to regulate it, and that was the intent of this ordinance."

MTRAC met 25 times with half the meetings devoted to residential rental properties, he said.

Mullock said he received emails from the public expressing concerns about penalty language in the ordinance. For the first offense of not registering a residential rental property, a fine not to exceed \$1,000 may be levied or incarceration of a term not to exceed 90 days and a period of community service not to exceed 90 days, states the ordinance.

Mullock said such a penalty did not need to be in a Cape May ordinance. Gillin-Schwartz said the same penalty was in nearly every municipal code in the state.

"Mr. Crowley, I respectfully disagree with the idea that if you don't do everything in there that the city is somehow handcuffed or exposed because my message to the public, to council, to Mr. Crowley, to everybody

is that, right now, if you rent out Airbnb, whatever method, we have a mercantile license for that, it's \$75 and you have to get an annual fire inspection and if you don't do that, you're subject to the general penalty," Gillin-Schwartz said.

Mullock suggested council bring suggested changes to the ordinance to the next

meeting. Crowley said MTRAC has competed all its work on the ordinance.

"Make it as strong as you think you can make it, make whatever changes you want to it, but it's your policy, it's not my policy, it's not the committee's policy," he said.

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TIDES: Dec. 22-29, 2021				
DATE	HIGH		LOW	
	A.M.	P.M.	A.M.	P.M.
22	9:40	10:14	3:01	4:07
23	10:17	10:56	3:41	4:46
24	10:58	11:42	4:26	5:28
25	11:43		5:17	6:12
26	12:35	12:35	6:16	7:01
27	1:33	1:34	7:22	7:54
28	2:32	2:38	8:30	8:48
29	3:32	3:43	9:36	9:44

MOON PHASES
Last quarter, Dec. 27 • new moon, Jan. 2

PLEASE TAKE NOTICE that the Bureau of Fire Safety, Township of Lower has provided the below schedule of meetings for the year 2022. The public meetings begin at 5:00 pm, with a closed session held at 4:30 pm. All meetings are held at the Lower Township Public Safety Building, 1389 Langley Road, Cape May Airport, Erma, NJ.

January 26	September 28
February 23	October 26
March 23	November 16
April 27	December 26
May 25	

Also please be advised that the Bureau of Fire Safety meeting scheduled for April 27th and September 28th, 2022, will be attended by the Lower Township Fire Commissioners of Fire Districts 1, 2 and 3. These two meetings will be held at the Lower Township Municipal Building, 2600 Bayshore Road, Villas, NJ.

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Merry Christmas and Happy Holidays

from the Cape May Point Science Center

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Cape May Point is blessed with St. Mary's by the Sea – an environmental and historic architectural holy landmark preserved by the dedicated service & sacrifice of the Sisters of St. Joseph.

This building, located in the heart of the Atlantic Flyway, at the nexus of the Atlantic Ocean, the Delaware Bay & the Delaware River, where one of the most important predatory bird migrations exists in all of the continental United States. Monarch Butterflies and other insects gather for favorable winds to continue their impressive migration. Where just as majestic is that which is unseen, the millions of fish and mammals which swim beneath the Atlantic Ocean right off our shores.

St. Mary's by the Sea, a historic landmark in Cape May Point, will become The Cape May Point Science Center which will advocate, educate and encourage people to appreciate the nature in which we live.