

ORDINANCE 2023-24

AN ORDINANCE OF THE BOROUGH OF SEASIDE HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE BOROUGH CODE OF THE BOROUGH OF SEASIDE HEIGHTS, SO AS TO AMEND CHAPTER 179, ENTITLED "RENTAL PROPERTY"

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Seaside Heights, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Borough Code of the Borough of Seaside Heights is hereby amended and supplemented so as to amend Chapter 179 entitled "Rental Property," so as add Article III which shall be entitled "Hotel and Motel Rental Restrictions" and which shall read as follows:

§179-13 Purpose.

The Borough Council of the Borough of Seaside Heights finds and declares that, for many decades during the months of April, May and June the Borough has experienced substantial numbers of unsupervised minors who rent rooms in the Borough to celebrate high school proms and graduations. These large numbers of unsupervised minors have grown because of curfews and other restrictions imposed by neighboring municipalities.

These crowds of minors often create unlawful and unsafe conditions by engaging in violent and disorderly behavior which results in excessive and unnecessary noise, parking complaints, vandalism, destruction of public and private property, fights that lead to serious bodily injury, underage drinking and public intoxication, underage possession and use of cannabis, and public urination. These problems were exacerbated by changes in state law in 2021 that virtually eliminated consequences and accountability on the part of minors and their parents and criminalized behavior of law enforcement officers.

The Borough has been strained to dedicate substantial manpower and financial resources to these problems while public safety employees and volunteers are put in harm's way. Moreover, the Borough attempted to control part of these problem by adopting in 2018 minimum age of 18 years to rent any premises in the Borough. But experience and data indicate very clearly that the rental restriction ordinance did not mitigate the problems.

The intended purposes of this Section are to: a) protect the public health, safety and general welfare of individuals and the community at large; b) monitor and provide a reasonable means for the mitigation of impacts created by such transitory uses of residential properties within the Borough; and c) implement rationally based and reasonably tailored regulations to protect the integrity of the Borough's residential neighborhoods.

§179-14 Regulations Pertaining to Hotels and Motels.

A. During the period commencing April 15 and ending at midnight on June 30 of each

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year, no room in a hotel or motel shall be rented to any person under 21 years of age. The primary occupant of each room shall be 21 years of age or older and must actually occupy the unit during the term of the rental. In the event any occupants are under 21 years of age those occupants shall be the immediate family member or under legal guardianship of the primary occupant or another occupant that is 21 years of age or older. Both the primary occupant executing the rental agreement and the hotel or motel owner shall be responsible for compliance with this provision, and both shall be responsible for a violation.

B. During the period commencing July 1 and ending at midnight on April 14 of each year, no room in a hotel or motel shall be rented to any person under 18 years of age. The primary occupant of each room shall be 18 years of age or older and must actually occupy the unit during the term of the rental. In the event any occupants are under 18 years of age those occupants shall be the immediate family member or under legal guardianship of the primary occupant or another occupant that is 18 years of age or older. Both the primary occupant executing the rental agreement and the hotel or motel owner shall be responsible for compliance with this provision, and both shall be responsible for a violation.

§179-14 Violations and Penalties.

A. **Violations and Penalties.** Any person violating or failing to comply with any of the provision of this article shall, upon conviction thereof, be punishable by a fine of \$1,000, by imprisonment not to exceed 90 days or by community service of not more than 90 days, or any combination of fine, imprisonment and community service as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

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NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Seaside Heights held on the **19th day of July, 2023**, and will be considered for second reading and final passage at a regular meeting of the Borough Council to be held on the **16th day of August, 2023**, at 5:00 p.m., at the Borough Council Chambers located at 116 Sherman Avenue (above the firehouse) in Seaside Heights, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.



DIANE B. STABLEY, RMC
Borough Clerk, Borough of Seaside Heights

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