

ORDINANCE 2023-26

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 122, ENTITLED "MERCANTILE ESTABLISHMENTS"

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 122 entitled "Mercantile Establishments," so as delete existing §122-34 and to replace with a new §122-34 which shall be entitled "Transient and nontransient requirements" which shall read as follows:

- A. Nontransient requirements. All rooms, apartments or cottages rented on a nontransient basis must comply with the provisions of Article II of Chapter 55.
- B. Transient rental requirements. All rooms, apartments or cottages rented on a nontransient basis must comply with the provisions of Chapter 55 including the age restrictions on transient rentals which are as follows:
 - 1. During the period commencing April 15 and ending at midnight on June 30 of each year, no transient rental shall be rented to any person under 21 years of age. The primary occupant of each rental 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 property owner shall be responsible for compliance with this provision, and both shall be responsible for a violation.
 - 2. During the period commencing July 1 and ending at midnight on April 14 of each year, no transient rental shall be rented to any person under 18 years of age. The primary occupant of each rental 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 property owner shall be responsible for compliance with this provision, and both shall be responsible for a violation.

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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

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 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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