

**BOROUGH OF WILDWOOD CREST
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 1454

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER
56A RENTAL PROPERTIES, AMENDING SECTION 56A-12.1
OCCUPANCY LIMITATIONS FOR RENTAL UNITS**

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that it is necessary and proper for good government, peace and order, to supplement and amend Chapter 56A, Article II, of the Code of the Borough of Wildwood Crest to further restrict the maximum number of occupants for each rental unit within the Borough of Wildwood Crest; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has further determined that restriction of the maximum number of occupants for a rental unit will mitigate the shortage of on street and off street parking within the Borough and the exacerbation of that shortage resulting from excessive rental occupancy of single-family and multi-family dwelling buildings that far exceeds the parking provided for by the Residential Site Improvement Standards.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, as follows: (new language is underlined, removed language is ~~stricken~~)

Section 1. The portion of Ordinance 1437 adopted October 15, 2024 that is codified in the Code of the Borough of Wildwood Crest as Section 56A is hereby amended and supplemented as follows:

§ 56A-12.1. Limitations on occupancy.

- A. Each owner of a rental unit(s) shall be permitted to lease or rent the rental unit to a maximum specified number of tenants and occupants, including minor children, which number shall not exceed the number which has been computed in accordance with the following:

- (1) In every non-transient rental unit, every room occupied or intended to be occupied for sleeping purposes by one occupant shall have a minimum usable floor area of 70 square feet and every room occupied or intended to be occupied for sleeping purposes by more than one occupant shall have a usable floor area of at least 50 square feet for each such occupant, provided, however that children under the age of two shall not be considered to be additional occupants.

Notwithstanding the above, and in no event, shall the total occupancy within a non-transient rental unit exceed the following limits: in non-transient rental units, there shall be a minimum habitable floor area for the initial occupant of 150 square feet and 100 square feet additional space for each additional occupant provided, however, that children under the age of two shall not be considered additional occupants.

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- (2) Rental units shall not be occupied by more than the maximum number of occupants as determined in accordance with subparagraph (1) above.
- B. Kitchens, non-habitable areas, toilet rooms, bathrooms, hallways and interior public areas shall not be occupied for sleeping ~~purposes or used to calculate square footage used to determine occupancy limits.~~
- C. The mercantile license and maximum number of occupants shall be posted in a prominent location on the rental property and shall be visible from a public area such as the front window for each rental unit.
- D. It shall be unlawful for any person to occupy the rental unit in excess of the maximum number permitted.
- E. It shall be unlawful to rent, offer to rent, or advertise for rent a rental unit with an occupancy that exceeds the maximum number permitted by this section.
- F. As a condition precedent for obtaining a license, the owner of a rental unit shall submit, along with the application for a license, a questionnaire, provided by the Municipal Clerk, containing a sketch of the premises pertaining to the number and type of rooms, intended use of the rooms and approximate square footage of the rooms contained in the rental unit which shall be used to determine the maximum occupancy permitted in the rental unit. The questionnaire and sketch shall be kept on file with the mercantile license and shall be utilized in connection with the annual inspections required by this chapter.
- G. Any person violating any provision of this section shall be subject to the penalty provisions of this article. This section may be enforced by the Borough Police Department, Code Enforcement Official, and Fire Official.

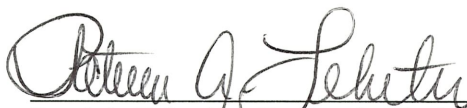
Section 2. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

Section 3. All other ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.


Section 4. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

Section 5. This ordinance shall become effective twenty (20) days after final passage and advertisement thereof as required by law.

Dated: April 30, 2025


Patricia Feketics, Borough Clerk


Don Cabrera, Mayor


Joseph Franco, Jr., Commissioner


Joseph M. Schiff, Commissioner

Introduced: April 9, 2025

Adopted: April 30, 2025