

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2021-03

Title: AN ORDINANCE AMENDING CHAPTER 432, MERCANTILE LICENSES, SPECIFICALLY SUBSECTION 4(I), RENTAL UNITS, OF THE CODE OF THE TOWNSHIP OF LOWER, TO MODIFY EXISTING ANNUAL FEES

WHEREAS, pursuant to N.J.S.A. 40:52-1 et seq. the Township of Lower is given the power to license and regulate commercial activities within its jurisdiction; and

WHEREAS, pursuant to N.J.S.A. 40:52-1(n), the power to license and regulate includes "the rental of real property for a term less than 175 consecutive days for residential purposes by a person having a permanent place of residence elsewhere;" and

WHEREAS, pursuant to N.J.S.A. 40:52-2, the Township of Lower "may fix the fees for all such licenses, which may be imposed for revenue, and may prohibit all unlicensed persons and places and vehicles, businesses and occupations from acting, being used, conducted or carried on" within its jurisdiction; and

WHEREAS, in light of the increasing costs associated with property inspections and code enforcement and to maintain an accurate record of all properties marketed for short-term rentals within the jurisdiction of the Township of Lower, the Township Council deems it to be necessary and appropriate to increase the mercantile fees associated with the operation of rental units within the Township of Lower.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey as follows:

Section 1. Chapter 432, Mercantile Licenses, Subsection 4(I), Rental Units, is hereby repealed and replaced with:

432-4(I) Rental Units. Premises containing rental units shall pay an annual fee as follows:

- (1) Hotels and motels shall pay, in addition to any other fee provided by law, an annual fee in the amount of \$4 per rental unit or \$75, whichever is greater.
- (2) Apartment houses, rooming houses and boardinghouses shall pay an annual fee in the amount of \$4 per unit or \$50, whichever is greater.
- (3) Retirement homes shall pay an annual fee in the amount of \$75 or \$4 per unit, whichever is greater.
- (4) Premises containing trailers or cabins for rent shall pay an annual fee in the amount of \$4 per unit or \$50, whichever is greater.
- (5) Structures which contain one or more separate furnished or unfurnished living units (other than apartment houses, rooming houses and boardinghouses), which are rented for a term of less than 175 consecutive days, shall pay an annual fee based upon the permitted occupancy of the structure as follows:
 - a. 1 to 6 permitted occupants: \$150 per year;
 - b. 7 to 11 permitted occupants: \$240 per year;
 - c. 12-16 permitted occupants: \$325 per year.

- (6) Structures containing one or more separate units in or at which any business is conducted and carried on, which are rented on either a seasonal or year-round basis, shall pay an annual fee of \$75 per unit, regardless of whether or not the lessee of such unit has a separate mercantile license for the business conducted therein.

Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

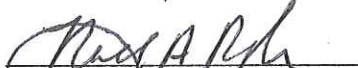
Section 4. This Ordinance shall become effective 20 days after final passage and publication according to law.



Thomas Conrad, Councilmember



Kevin Coombs, Councilmember



Roland Roy, Jr., Councilmember



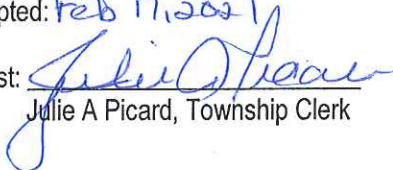
David Perry, Deputy Mayor



Frank Sippel, Mayor

First Reading: Feb 1, 2021

Adopted: Feb 17, 2021

Attest: 

Julie A Picard, Township Clerk