

ORDINANCE 2025-17
BOROUGH OF SPRING LAKE HEIGHTS
COUNTY OF MONMOUTH

**ORDINANCE REGULATING SHORT-TERM RENTAL OF RESIDENTIAL UNITS WITHIN
THE BOROUGH**

WHEREAS, certain owners of residential dwelling units located in the Borough of Spring Lake Heights (“Borough”) engage in the lease or rental of such dwelling units both for long and short-term rental use; and

WHEREAS, the Borough Council possesses the plenary power to regulate short-term rentals under 175 days pursuant to N.J.S.A. 40:52-1 ; and

WHEREAS, the Borough Council finds that in order to ensure public health, safety, and welfare, it is important for the Borough to regulate short-term rentals; and

WHEREAS, applicable state law authorizes municipalities to impose a municipal tax on short-term rentals; and

WHEREAS, the Borough finds that the imposition of such a municipal tax on short-term rentals is in the best interests of the Borough.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Spring Lake Heights, County of Monmouth, State of New Jersey, as follows:

SECTION 1. Chapter 10, titled “Building and Housing”, Section 10-2.9, titled “Licensing of Rental Units” is hereby modified and supplemented as follows:

§ 10-2.9 Licensing of Rental Units.

a. No person, corporation or partnership shall let or lease any furnished or unfurnished housing or living unit ~~as a Short-Term Rental for seasonal residential purposes for occupancy including the period between May 15 to September 15, unless a) a license to let such unit is first procured by the owner of said housing or rental unit and kept in effect at all such times as required by this subsection or any other law or ordinance of the Borough of Spring Lake Heights, and b) at all times there is compliance with the requirements of this Section. For purposes of this Section, Short-Term Rental shall be defined as the use of a dwelling unit for occupancy by someone other than the unit's owner or permanent resident for a period shorter than one hundred seventy-five (175) consecutive days. Short-Term Rental shall not include any~~

~~b. This subsection shall not apply to hotels, rooming houses, boarding house or lodging houses licensed or regulated under any other ordinance of this Borough or to any premises leased for a period of one year one hundred seventy-five (175) or more consecutive days.~~

b. Short-Term Rentals shall comply with the following regulations:

1. A Short-Term Rental shall not be extended for a term shorter than seven (7) consecutive days in duration. Any advertisement of a Short-Term Rental must include and invoke the minimum stay requirement set forth in this subsection.

2. A dwelling unit utilized as a Short-Term Rental shall not be extended as a Short-Term Rental to more than eight (8) discrete sets of occupants in a calendar year period.

3. A Short-Term Rental shall not be extended unless the primary occupant is at least twenty-one (21) years and is present during the entire term of the Short-Term Rental.

c. The fee for such license or renewal thereof shall be ~~\$50~~ \$100 and the license shall be valid for the ~~period between May 15 and September 15 in the~~ calendar year of its issue.

d. Every person required to procure a license under the provisions of this subsection shall submit an application for such license to the Code Enforcement Officer at the Municipal Building of the Borough of Spring Lake Heights, which application shall be accompanied by the full amount of the fees chargeable for the license sought. All applications for a license under the provisions of this subsection shall be by a written statement upon the forms provided by the Code Enforcement Officer and shall contain the following:

1. A statement that there have been no prior revocations or suspensions of license. In the event that there has been a prior revocation or suspension, the Code Enforcement Officer shall not issue a license which refusal may be appealed as hereinafter provided.

2. A statement that the applicant is not violating the zoning ordinance of the Borough of Spring Lake Heights.

3. The name of the owner to whom license will be issued and his residence address. If the applicant is not an individual, then the names, positions and residence addresses of all officers and managers of the applicant.

4. The address of the premises and the name and residence address of the owner of the premises, the name and permanent address of each proposed tenant and social security number, drivers license number and photo ID for each proposed tenant.

5. If applicable, the name and address of an agent of the owner of the premises residing in or having an office in the Borough of Spring Lake Heights who is authorized to accept mailed service of any notice or order and to comply with same on behalf of the owner.

6. The name and address of the real estate agent, if any, negotiating the tenancy.

7. Proof of compliance with the Certificate of Occupancy provisions of subsection 10-2.7 or that an application for a Certificate of Occupancy has been filed and all fees paid.

8. A statement from the Tax Collector that all taxes due on the premises are current.

9. A certificate of insurance evidencing liability insurance upon the property that is the subject of a Short-Term Rental in an amount of at least \$500,000 per occurrence.

e. Applications for renewal or transfer of a license shall follow the same procedure as is outlined for an original application.

f. After submission of the application and the required fees to the Code Enforcement Officer, the Borough Code Enforcement Officer shall make any investigation necessary to determine if there has been compliance with the Certificate of Occupancy provisions of subsection 10-2.7 and shall indicate his written

approval or disapproval of the license application within 10 days after the application is filed with the Code Enforcement Officer. If approved, the license shall issue forthwith in the name of the Code Enforcement Officer. If disapproved, the Code Enforcement Officer shall forthwith notify the applicant in writing of such disapproval and the reasons therefor, and the applicant shall have 10 days from receipt of notice of disapproval to appeal the decision of the Borough Code Enforcement Officer to the governing body of the Borough of Spring Lake Heights, which, after due hearing, can affirm or reverse the decision of the Borough Code Enforcement Officer. Such appeal shall be heard and decided within 30 days of the filing of the appeal.

g. Each license issued under the provisions of this subsection shall state upon its face the following:

1. The name and address of the licensee and of the agent authorized to accept service of any notice or process on behalf of the licensee.
2. The name and permanent address of each tenant of the premises.
3. The amount of license fee therefor.
4. The dates of issuance and expiration thereof.

h. In addition to the provisions hereinafter set forth covering specific licensed operations, every licensee under this subsection shall:

1. Permit all reasonable inspections of the premises.
2. Permit access to the licensed premises at all reasonable times by the Code Official unless there is a violation, in which case immediate access shall be provided.
3. Ascertain and at all times comply with all laws and regulations applicable to such licensed premises.
4. Avoid all forbidden, improper, unlawful or unnecessary practices, business or conditions which do or may affect the public health, morals or welfare.
5. Refrain from operating the licensed operation on the premises after expiration of his license and during the period when his license is revoked or suspended.
6. Post and maintain the license on the back of the front door of the premises: along with the following information:

a. Phone numbers of the Spring Lake Heights Police, Fire Department, Code Enforcement, and Borough Offices.

b. Dates of garbage and recycling pickup

c. Maximum number of on-site parking under applicable law.

d. Street parking rules and regulations in the vicinity of the Short-Term Rental.

e. The maximum occupancy of the Short-Term Rental under applicable law.

7. Require within any contract extending a Short-Term Rental, and take reasonable steps to ensure compliance by the tenant or occupant, of the following requirements:

a. The primary tenant or occupant under the Short-Term Rental shall provide a copy of a driver license or other similar government form of identification to verify his or her identity.

b. The primary tenant shall be at least twenty-one (21) years of age and be present during the entire term of the Short-Term Rental.

c. The primary tenant or occupant under the Short-Term Rental shall provide a listing of all occupants of the Short-Term Rental.

d. The occupancy of the Short-Term Rental shall be limited to the maximum occupancy prescribed by applicable law.

e. The primary tenant shall be required to represent that the primary tenant and all occupants will comply with all applicable law, including but not limited to the Borough's rules and regulations.

i. License fees for furnished or unfurnished rental housing or living units occupied for residential purposes shall be paid upon filing of the application for the license or for renewal thereof.

j. It shall be the duty of the Chief of Police, the Code Official and any Police Officer of the Borough of Spring Lake Heights to determine if this subsection has been complied with and to enforce the provisions of this subsection against any person found to be violating the same.

k. The landlord licensee shall post on the back of the front door of the premises the Certificate of Occupancy required under subsection 10-2.7 and a list setting forth the full names and permanent addresses of each tenant, including the name and permanent address of each person contributing toward the cost of the rental. In the event of a change in tenancy during the period of the license, the licensee shall file with the Borough Clerk a list of the names and permanent addresses of the new tenants, a copy of which shall be posted as required above.

l. Any license granted or issued pursuant to this subsection may be suspended or revoked after notice and hearing for any of the following reasons:

1. Any fraud, misrepresentation or false statement contained in the application for license.

2. Any violation of this subsection or subsection 10-2.7.

3. Conducting the use, licensed under this subsection, by applicant himself, or any of his agents, servants, employees, tenants or occupants in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

4. In the event any tenant or occupant of the premises licensed hereunder is charged with a violation, notice of the pending charge will be given by mail to the licensee and the person designated to receive notices on the licensee's behalf pursuant to subsection 10-2.9d.5. above. In the event two such complaints are issued within a twenty-four (24) month period ~~during one licensing year~~ and result in convictions in Municipal Court, then such conviction shall be grounds for suspension or revocation of license.

m. Notice of Hearing. Notice of hearing for revocation or suspension of license shall be given by the Borough Clerk or the Borough Code Official, setting forth specifically the grounds of complaints and the time and place of the hearing. Such notice shall be mailed by certified mail to the licensee and his designated agent, if applicable, at the address indicated on the license application at least five days prior to the date set forth for the hearing which shall be no sooner than 30 days from the date upon which the notice is served or mailed.

1. The hearing shall be held before a Hearing Officer to be designated by resolution of the governing body. The Hearing Officer shall be an attorney-at-law of the State of New Jersey, who shall not be an owner or lessee of any real property within the Borough of Spring Lake Heights. The hearing shall be tape-recorded. At such hearing proof of conviction of any occupant of the licensed premises for a violation of any Borough ordinance relating to noise or disorderly conduct occurring on the licensed premises shall be admissible.

2. Penalties. The Hearing Officer upon finding that the charges against the licensee have been sustained, may in his discretion suspend the license for a specified period or revoke the license. In the discretion of the Hearing Officer such sentence may be suspended conditioned on subsequent compliance with the ordinance. If noncompliance with such condition is established at a subsequent hearing, the sentence will be reimposed.

3. Any suspension of license may include a period of suspension during the term of any renewal of the license.

n. In addition to the provisions for revocation or suspension of license, the Borough Code Official, the Chief of Police, any Police Officer of the Borough of Spring Lake Heights, or any taxpayer or resident of the Borough may make complaint in the Municipal Court of the Borough of Spring Lake Heights for any violation of this subsection or any article, section, paragraph or provision thereof.

o. Any person convicted in Municipal Court of a violation of the provisions of this subsection shall be subject to a fine of not less than \$100 or more than \$1,000, or imprisonment or period of community service not exceeding 90 days.

SECTION 2. TRANSIENT ACCOMODATIONS MUNICIPAL TAX: The following Section is hereby established as follows:

§ 10-2.9A Transient Accommodations Municipal Tax.

a. Intent. The intent of this Section is to implement the tax authorized by N.J.S.A. 40:48F-1 et seq. upon Short-Term Rentals upon Transient Accommodations as defined herein.

b. Transient Space Marketplace Municipal Tax

1. A tax is hereby imposed on the rent and/or occupancy charges imposed upon Transient Accommodations within the Borough of Spring Lake Heights, as authorized by N.J.S.A. 40:48F-1 et seq. The tax shall be imposed at the rate of 3% of the rent and/or occupancy charges imposed.

2. Transient Accommodation shall be defined as any Short-Term Rental that is a) obtained through a Transient Space Marketplace, or b) extended upon a property that is actively let using a Transient

Space Marketplace, but shall not include a) rentals of a dwelling rented for 14 or fewer days per year, b) rentals of owner-occupied premises with fewer than three rental units, c)

2. Short-Term Rental shall be as defined in § 10-2.9.

3. Transient Space Marketplace shall mean a marketplace or travel agency through which a person may offer Short-Term Rentals to customers and through which customers may arrange for occupancies of Short-Term Rentals. Transient Space Marketplace shall exclude any Short-Term Rental in which a) the rental transaction is executed by a real estate broker, licensed by the State of New Jersey, b) the keys to the property, whether a physical key, access to a keyless locking mechanism, or other means of physical entrance to the property, are provided to the lessee at the offsite location of the licensed real estate broker, and c) there is no maid service, room service, linen-changing service, or other common hotel services are made available by the lessor.

d. Any unpaid taxes under this Section shall be subject to interest at a rate of five (5%) percent per annum.

d. The Tax shall be paid by the lessees of the Short-Term Rental.

e. No vendor of a Transient Space Marketplace shall assume or absorb the tax created in this Section.

f. No vendor of a Transient Space Marketplace shall in any manner advertise or hold out to any person or to the public in general, any manner, directly or indirectly, that the tax will be assumed by the vendor, that the tax will not be separately charged and stated to the customer, or that the tax will be refunded to the customer.

g. Violations.

1. Each assumption or absorption by a vendor of the tax created in this Section shall be deemed a separate offense and each representation or advertisement by a vendor for each day the representation or advertisement continues shall be deemed a separate offense.

2. All violations in regard to the payment of the Tax shall be subject to the penalties set forth in this Section and other applicable provisions of the Borough Code.

3. The Tax created pursuant to this Section shall be collected on behalf of the Borough by the person collecting the rent from the Short-Term Rental customer.

4. The individual required to collect the Tax under this Section shall be personally liable for the Tax imposed, collected or required to be collected hereunder.

5. Notwithstanding any other provision, Transient Space Marketplaces are required to collect and pay the Tax for transactions obtained through the Transient Space Marketplace in accordance with applicable state law.

h. The Borough shall annually provide to the State Treasurer, not later than January 1 of each year, a list of the name and addresses of all Short-Term Rentals within the Borough.

SECTION 2A.

Upon adoption, pursuant to N.J.S.A. 40:48F-1, this Ordinance shall be transmitted to the State Treasurer, together with a list of the names and addresses of all Short-Term Rentals located in the Borough.

SECTION 3. SEVERABILITY.

The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

SECTION 4. REPEALER.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

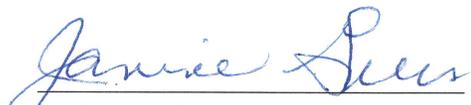
SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect after its passage and publication according to law, except that Pursuant to N.J.S.A. 40:48F-1, the Transient Accommodations Municipal Tax established pursuant to this Ordinance shall take effect on the first day of the first full month occurring 90 days after the transmittal to the State Treasurer.



Christopher M. Campion, Jr., Mayor

12-15-2025
Date



Janine Gillis, Borough Clerk

12-15-2025
Date

