

ORDER PURSUANT TO THE PROCLAMATION OF STATE OF EMERGENCY

**TO ALL RESIDENTS AND PERSONS WITHIN THE BOROUGH OF HARVEY
CEDARS IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY AND TO ALL
DEPARTMENTS OF THE MUNICIPAL GOVERNMENT OF THE BOROUGH OF
HARVEY CEDARS**

WHEREAS pursuant to the powers vested by Chapter 251 of the laws of 1942, as amended and supplemented, N.J.S.A. App. A: 9-30, *et seq.*; N.J.S.A. 40:48-1, *et seq.*; and all applicable statutory law and regulations, the Borough of Harvey Cedars declared on March 24, 2020, that a local disaster/emergency exists within by and through the required authorization of the Mayor and Emergency Management Coordinator; and

WHEREAS the aforesaid laws and declaration of emergency authorize the promulgation of such orders, rules, and regulations as are necessary to meet the various problems which have or may occur due to such an emergency; and

WHEREAS the Borough's year-round population is most recently estimated at approximately 300, and the year-round and off-season population of the region is starkly lower than the peak summer season; and

WHEREAS there is one (1) local hospital with approximately 120 beds servicing the entire region; and

WHEREAS the regional infrastructure and resources are staffed and geared at this time during the offseason to provide sufficient resources to the region's year-round residents; and

WHEREAS during the summer tourist season, even with the influx of employees and resources, the infrastructure and resources are directed to establishing the region as a premier family vacation destination and such are insufficient in the event of the sheer scope of an emergency such as the COVID-19 pandemic; and

WHEREAS there is a standing State declaration of emergency and Executive Order 107, which orders the public to remain in home isolation, except for certain limited exceptions; and

WHEREAS the Borough cannot properly protect the public health, welfare, and safety at this time if there is a significant influx of non-resident visitors; and

WHEREAS the evidence establishes that other regions in this State and in the greater metropolitan areas of New York and Philadelphia are experiencing a significant increase in the number of persons infected with and succumbing to COVID-19; and

WHEREAS the Borough and region have also experienced significant increases in the number of persons infected and succumbing to COVID-19; and

WHEREAS the public health experts have vigorously recommended that in order to seek to contain the pandemic and slow the spread of COVID-19, citizens should remain at home as much as possible and the State has imposed the aforesaid restrictions in order to follow the public health experts' recommendations; and

WHEREAS these restrictions have been put in place in an effort to protect the public health, welfare, and safety, and in an effort to "flatten the curve" to protect all members of the healthcare profession and all first responders who are on the frontline of the epidemic, as well as the workers continuing to work who are deemed essential and who are providing the public with the necessities of life; and

WHEREAS in order to comply and assist with the ongoing efforts at home isolation and to "flatten the curve," to ensure that the region's infrastructure and necessary resources during this time are not depleted, to ensure that the local healthcare infrastructure, including the local hospital, is not overwhelmed and can provide proper service to all in the region, to ensure that the region's first responders are not overwhelmed by the pandemic, and to ensure that essential workers can continue to support the day-to-day life in the Borough, the Borough has decided it must declare temporary and immediate restrictions on the rental of properties located in the Borough; and

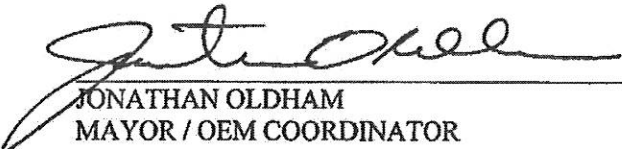
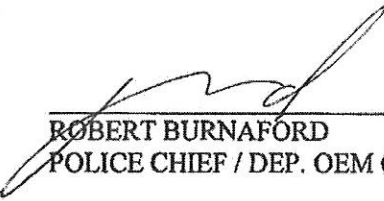
WHEREAS it is submitted that these restrictions are necessary requirements for the compelling reason to protect the Borough's residents, non-residents (the entire public), as any significant influx of temporary residents and visitors is likely to overwhelm the healthcare professionals, healthcare infrastructure, the first responders, the workers deemed essential and on the front lines providing the public with essential services, and the necessary day-to-day resources needed for those living in the region; and

WHEREAS it is submitted that the evidence establishes the health, welfare, and safety of non-residents is better served by their staying in their primary residence communities and that their maintenance of their primary residence is more consistent and in compliance with Executive Order 107, as well as the recommendations of the public health experts; and

WHEREAS this action is not taken lightly, given the private property and other rights of the local owners, who the Borough considers to be integral members of this family, this community, and this region, and who have assisted in making the Borough the community and destination it is today and will continue to be going forward.

NOW, THEREFORE, in accordance with the aforesaid laws and recitals, which are incorporated herein by reference, it is promulgated and declared that until further Order of the Borough that:

- A. The short-term rental of residential properties in the Borough, which is defined as twenty one (21) days or less, is hereby prohibited and no rental agreements or arrangements of any kind, whether or not consideration is exchanged, shall be made by and between owners of residential property and any third parties in the Borough for any occupancy of the properties between the date of this Order and May 1, 2020, or when the State rescinds restrictions in Executive Order 107, whichever occurs first; and
- B. All rental arrangements as aforesaid that are presently in effect are subject to the terms of this Order, and, therefore, are hereby declared terminated by operation of this Order; and
- C. No owners shall be permitted to rent to third parties and no third parties shall be permitted to rent and/or occupy residential properties pursuant to any rental arrangement as aforesaid between the date of this Order and May 1, 2020; and
- D. Each day of rental and/or occupancy as aforesaid shall be considered a separate violation; and
- E. Consistent with Executive Order 107, nothing set forth this Order shall be construed to bar or preclude owners and their immediate family members, caretakers, household members, or romantic partners from occupying the owner's residential properties during the duration of this Order; and
- F. This Order shall not apply to non-residential properties (hotels and motels); and
- G. The Emergency Management Coordinator and the Borough Police Department shall be charged with the enforcement of the terms of this Order; and
- H. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

Dated: 3/29/20
JONATHAN OLDHAM
MAYOR / OEM COORDINATORDated: 3/29/2020
ROBERT BURNAFORD
POLICE CHIEF / DEP. OEM COORDINATOR