

**BOROUGH OF WEST WILDWOOD
COUNTY OF CAPE MAY, NEW JERSEY**

ORDINANCE NO. 651 (2026)

AMENDING THE CODE OF THE BOROUGH OF WEST WILDWOOD SECTION 280-76 TO INCLUDE GROUND-FLOOR NON-CONVERSION AFFIDAVIT AND CERTIFICATION FORM

WHEREAS, it is deemed necessary to amend the Borough Code of the Borough of West Wildwood Section 280-76 to include a Non-Conversion Affidavit and Certification Form; and

WHEREAS, the purpose of this Certification is to ensure that an area required to remain non-habitable is not subsequently converted, occupied, or used as living quarters; and

WHEREAS, the Borough of West Wildwood's Floodplain Management Regulations provide that certain area below the lowest floor of habitable structure in a flood hazard area may be used solely for parking of vehicles, building access or storage and expressly prohibit habitation of such areas; and

WHEREAS, The Borough's regulations further provide for deed restrictions prohibiting habitation of qualifying enclosed areas.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the Borough of West Wildwood, that the attached Adendum A, Ground-Floor Non-Conversion Affidavit and Certification Form be adopted and incorporated in the Borough Code Section 280-76.

COMMISSIONERS:


MAYOR MATTHEW J. KSIAZEK

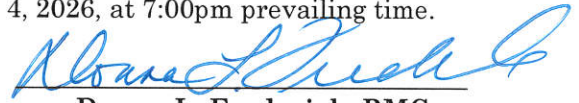

COMMISSIONER JANE E. DIMATTIA


COMMISSIONER JOSEPH D. SEGREST

First Reading/Introduction: 2026 08-20
Advertised: 2026 08-21

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek			X			
Commissioner Jane E. DiMattia		X	X			
Commissioner Joseph D. Segrest	X		X			

I, **Donna L. Frederick, RMC, Municipal Clerk** of the Borough of West Wildwood, Cape May County, do hereby certify the forgoing to be a true and correct copy of an ordinance introduced and passed on the first reading at the August 20, 2026, Workshop Meeting and will be considered for final passage after a public hearing to be held on September 4, 2026, at 7:00pm prevailing time.



**Donna L. Frederick, RMC
Municipal Clerk**

COMMISSIONERS:


MAYOR MATTHEW J. KSIAZEK
COMMISSIONER JANE E. DIMATTIA
COMMISSIONER JOSEPH D. SEGREST

Second Reading/Public Hearing: 2026 09-04

Advertised: 2026 09-08

	Motion	Second	Yes	No	Abstain	Absent
Mayor Matthew J. Ksiazek	X		X			
Commissioner Jane E. DiMattia		X	X			
Commissioner Joseph D. Segrest			X			

I, **Donna L. Frederick, RMC, Municipal Clerk** for the Borough of West Wildwood in the County of Cape May and State of New Jersey, do hereby certify that the foregoing is a correct and true copy of an Ordinance finally adopted by the Board of Commissioners of the Borough of West Wildwood, New Jersey after a public hearing held on September 4, 2026, at 7:00pm prevailing time.



**Donna L. Frederick, RMC
Municipal Clerk**

ADENDUM A

Property Address: _____

Block: _____ **Lot:** _____ **Qualifier:** _____

Property Owner: _____

Owner's Mailing Address: _____

Telephone: _____ **Email:** _____

Applicant, if different from Owner: _____

I. PURPOSE OF CERTIFICATION

This Ground-Floor Non-Conversion Affidavit and Certification ("Certification") is required in connection with any application for construction, alteration, renovation, rehabilitation, change of use, zoning approval, floodplain development approval, building permit, certificate of occupancy, or other development approval involving an enclosed ground-floor, lower-level, basement, crawl-space, or other area of the above-referenced property that is required by Borough ordinance or applicable State or Federal floodplain requirements to remain non-habitable.

The purpose of this Certification is to ensure that an area required to remain non-habitable is not subsequently converted, occupied, or used as living quarters.

The Borough of West Wildwood's Floodplain Management Regulations provide that certain enclosed areas below the lowest floor of a habitable structure in a flood hazard area may be used solely for parking of vehicles, building access, or storage and expressly prohibit habitation of such areas. The Borough's regulations further provide for deed restrictions prohibiting habitation of qualifying enclosed areas.

II. DESCRIPTION OF GROUND-FLOOR AREA

The portion of the structure subject to this Certification is located:

- ☐ Entire ground floor
- ☐ Portion of ground floor
- ☐ Basement
- ☐ Enclosed area below lowest habitable floor
- ☐ Crawl space

☐ Garage

☐ Other: _____

Approximate square footage of area subject to this Certification:

_____ **square feet**

The area is presently proposed to be used for:

☐ Parking of vehicles

☐ Building access

☐ Storage

☐ Mechanical/electrical equipment

☐ Other non-habitable use: _____

III. OWNER'S NON-CONVERSION COVENANT

I/We, the undersigned property owner(s), hereby certify and acknowledge as follows:

1. No Living Quarters.

The area identified in Section II shall not be converted, altered, occupied, rented, leased, or otherwise used as living quarters or as a habitable area when such use is prohibited by applicable Borough ordinance, floodplain regulations, the Uniform Construction Code, the New Jersey Flood Hazard Area Control Act, or other applicable law.

2. No Residential Occupancy.

The area subject to this Certification shall not be used as a bedroom, sleeping area, dwelling unit, apartment, efficiency apartment, guest quarters, or other residential living area where such use is prohibited.

3. No Unauthorized Conversion.

The owner shall not undertake construction or installation intended to convert the area into habitable space, including construction or installation of walls, partitions, plumbing, sanitary facilities, kitchens, cooking facilities, or other improvements for the purpose of creating unauthorized living quarters.

4. Permitted Uses.

To the extent required by applicable floodplain regulations, the area shall remain limited to permitted non-habitable uses, including parking, building access, and storage, together with other uses expressly authorized by the Borough.

5. Floodplain Requirements.

I/We acknowledge that the area may be subject to flooding and that the restrictions contained in this Certification are intended, among other things, to protect life and property and to maintain compliance with applicable floodplain management requirements.

6. No Certificate of Occupancy.

Nothing contained in this Certification shall be construed as authorizing the issuance of a certificate of occupancy or other approval for a use that is not otherwise permitted under the Borough's Land Development Ordinance, Floodplain Management Regulations, the Uniform Construction Code, or applicable State law.

7. Future Owners.

I/We acknowledge that the restrictions applicable to the property may be required to be disclosed to and accepted by subsequent owners and may be required to be recorded as a deed restriction where required by applicable law or Borough ordinance.

8. Notice to Future Owners.

I/We agree that any subsequent purchaser, transferee, tenant, or other person acquiring an interest in the property shall be informed of the restrictions applicable to the ground-floor area described in this Certification.

9. No Reliance on Prior Use.

The existence of any prior use, occupancy, improvement, furnishing, utility connection, or other condition shall not constitute authorization for a prohibited conversion or establish a right to use the area as living quarters.

10. Inspection.

I/We acknowledge that the Borough, through its authorized officials, may inspect the property as permitted by law to determine compliance with applicable ordinances, permits, approvals, and this Certification.

IV. ACKNOWLEDGMENT OF FLOOD-RELATED RESTRICTIONS

The undersigned specifically acknowledge that West Wildwood's Floodplain Management Regulations provide that qualifying enclosed areas below the lowest floor are to be used solely for parking, building access, or storage and that applicable deed restrictions must disclose that habitation of such areas is prohibited.

I/We further acknowledge that West Wildwood requires compliance with its floodplain regulations before development occurs in a flood hazard area and that development undertaken without the required permit or in conflict with an issued permit may constitute a violation.

V. OWNER'S CERTIFICATION

I/We certify under penalty of law that:

- I/We am/are the owner(s) of the property identified above or am/are authorized to execute this Certification on behalf of the owner(s);
- I/We have read and understand this Certification;
- the information provided herein is true and complete to the best of my/our knowledge;
- I/We understand that the ground-floor area identified above may not be converted to living quarters or otherwise used as habitable space where prohibited by applicable law;
- I/We understand that construction or occupancy contrary to this Certification may constitute a violation of the Borough Code and may result in enforcement action, including notices of violation, stop-work orders, penalties, denial or revocation of permits or approvals, and/or other remedies available to the Borough; and
- I/We understand that this Certification does not replace any permit, approval, variance, floodplain development permit, zoning approval, construction permit, certificate of occupancy, or other approval required by law.

Owner Name: _____

Owner Signature: _____

Date: _____

Owner Name (if applicable): _____

Owner Signature: _____

Date: _____

VI. NOTARY ACKNOWLEDGMENT

State of New Jersey

County of _____

I certify that on _____, 20_, ***before me personally appeared*** _____, who I am satisfied is the person(s) named in this Certification, and who executed this Certification and acknowledged that he/she/they executed the same for the purposes stated therein.

Notary Public, State of New Jersey

My Commission Expires: _____

VII. BOROUGH REVIEW

Zoning Officer / Floodplain Administrator / Construction Official Review

Property is subject to ground-floor non-habitable restrictions:

☐ Yes

☐ No

Applicable flood zone: _____

Applicable lowest floor/design flood elevation: _____

Required ground-floor use:

☐ Parking

☐ Access

☐ Storage

☐ Other: _____

Deed restriction required:

☐ Yes

☐ No

If yes, recording information:

Book: _____ Page: _____ Instrument No.: _____

Additional conditions or comments:

Reviewed by: _____

Title: _____

Signature: _____

Date: _____

VIII. IMPORTANT NOTICE

THIS CERTIFICATION DOES NOT, BY ITSELF, AUTHORIZE THE USE OR OCCUPANCY OF ANY PORTION OF THE PROPERTY AS LIVING QUARTERS.

Any proposed conversion of an area into habitable or residential space must independently comply with all applicable provisions of the Borough of West Wildwood Land Development Ordinance, Floodplain Management Regulations, the New Jersey Uniform Construction Code, the New Jersey Flood Hazard Area Control Act, and all other applicable Federal, State, County, and local requirements.

Where a proposed conversion constitutes a change in use, development, or substantial improvement, the owner must obtain all approvals and permits required by law **before commencing the conversion or occupying the area for the proposed use.**

FOR BOROUGH USE ONLY

Application/Permit No.: _____

Date Received: _____

Property File No.: _____

Deed Restriction Recorded: ☐ Yes ☐ No ☐ N/A

Certificate Accepted By: _____

Title: _____

Date: _____