

**CITY OF ENGLEWOOD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 23-11**

**AN ORDINANCE CREATING ARTICLE III OF CHAPTER 385 OF THE CODE OF THE
CITY OF ENGLEWOOD REGULATING RENTALS OF PRIVATE SWIMMING POOLS**

Be it ordained by the Mayor and Council of the City of Englewood that Chapter 385 be amended to add Article III, "Regulating Rentals of Private Swimming Pools" as follows:

ARTICLE III: REGULATING RENTALS OF PRIVATE SWIMMING POOLS

§ 385-24 Purpose.

This ordinance is adopted to regulate, control and/or prohibit the rental of indoor and outdoor pools in the City of Englewood.

§ 385-25 Definitions:

As used in this Chapter, the following terms shall have the meanings indicated.

ADVERTISE OR ADVERTISING

Any form of solicitation, promotion, and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this article, as same may be viewed through various media, including, but not limited to newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for consideration which are prohibited by this Chapter.

CONSIDERATION

Soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration including a promise or benefit, a quit pro quo, rent, fees, other form of payment, or thing of value.

OWNER

Any person(s) or entity(ies), association, trust, fiduciary, limited liability company, corporation or partnership, or any combination who legally use, possess, own, lease, sublease or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) that has charge, care, control, or participates in the expenses and/or profit of a dwelling unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON

An individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination thereof.

It shall be unlawful for an owner, lessor, sublessor, any other person(s) with possessory or use right(s) to offer or obtain actual or anticipated consideration for soliciting, advertising, offering

and/or permitting, allowing or failure to discontinue the use of a private indoor and outdoor swimming pool on an hourly, daily, weekly or seasonal basis. Swim Clubs, Field Clubs, Hotel and like facilities are hereby exempt from this prohibition. The use of a pool by the tenant of a residential rental dwelling is permitted, however the pool may not be rented to third parties.

EXEMPTION PROPERTY

Hotel, Field Club, Commercial establishments and rental of home.

§ 385-26 Advertising Prohibited

It shall be unlawful to advertise, solicit or promote by any means actions in violation of this Chapter.

§ 385-27 Enforcement; Violations and Penalties.

- A. The provisions of this article shall be enforced by the Building Code Official, Fire Official, Health Department, other Subcode or Code Official, Englewood Police Department, as their jurisdiction may arise, including legal counsel for the City or other persons designated by the City Council to issue municipal civil infractions directing alleged violators of this article to appear in court or file civil complaints.
- B. A violation of this article is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.
- C. Any person found to have violated any provision of this article, without regard to intent or knowledge shall be liable for the maximum civil penalty, upon adjudicated violation or admission of a fine not exceeding \$1,250.00. Each day of such violation shall be a new and separate violation of this Chapter.
- D. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including but not limited to, eviction proceedings, and/or injunction, reasonable attorney's fees or other fees and costs. In the City's Municipal Court or the Superior Court of New Jersey, Bergen County, or in such other court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

§ 385-28 Severability

If any section provision or clause of this article or the application thereof to any person or circumstance is judicially held invalid, a reviewing Court may amend the ordinance to correct such invalidity and carry out the intent of this Chapter. Such invalidity shall not affect any remaining portions or application of this article which can be given effect, without the invalid portion or application.

§ 385-29 Effect On Other Provisions

This Chapter shall supersede and replace any other provisions of the Code of the City of Englewood, now or later enacted, which have or may be construed to have differing or contrary terms or conditions

relating to the subject of this Chapter. This Chapter is not intended to alter the current or later enacted amendments to the City's Zoning Code.

§ 385-30 When Effective

This Chapter shall become effective after second reading and thirty days after being published in a newspaper of general circulation within the City.

ORDINANCE #23-11

AN ORDINANCE CREATING ARTICLE III OF CHAPTER 385 OF THE CODE OF THE CITY OF ENGLEWOOD REGULATING RENTALS OF PRIVATE SWIMMING POOLS

RECORD OF VOTE

FIRST READING DATE: May 2, 2023

COUNCIL	MOTION	VOTE
Cobb		Y
Maron		Y
Rosenzweig	X	Y
Wilson		Y
Wisotsky		Y

DATE PUBLISHED IN THE RECORD: May 7, 2023

DATES PUBLIC HEARINGS HELD: May 16, 2023

DATE SECOND READING HELD: May 16, 2023

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Cobb		Y		Y		Y
Maron		Y		Y		Y
Rosenzweig	X	Y	X	Y	X	Y
Wilson		Y		Y		Y
Wisotsky		Y		Y		Y

Y=YES N=OPPOSED A=ABSTAINED AB=ABSENT

PRESENTED TO MAYOR: May 17, 2023

APPROVED _____

REJECTED _____ (VETO)

DATE SIGNED: _____

MAYOR MICHAEL WILDES

I do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted and approved by the Mayor and Council of the City of Englewood.

Yancy Wazirmas, RMC
City Clerk