**Township Council**
1 Municipal Plaza
Bloomfield, NJ 07003

**Louise M. Palagano**
*Municipal Clerk*

http://www.bloomfieldtwpnj.com

Meeting: 05/19/25 07:00 PM

Ord 25 14

**2025 ORDINANCE AMENDMENT**

## 2025 ORDINANCE AMENDING CHAPTER 315, "LAND DEVELOPMENT AND ZONING", WITHIN THE TOWNSHIP CODE OF THE TOWNSHIP OF BLOOMFIELD.

**BE IT ORDAINED,** by the Mayor and Council of the Township of B Bloomfield, County of Essex, State of New Jersey, Chapter 315, "Land Development and Zoning", within the Township Code of the Township of Bloomfield is hereby amended as follows:

### § 315-6. Definitions.

ATTIC-HABITABLE--A habitable attic shall be an attic that has a code conforming stairway as a means of access and egress and in which the ceiling area at a height of seven feet above the attic floor is not more than one-third the area of the next floor below. A habitable attic shall not include a bedroom or bathroom unless authorized by applicable codes. A habitable attic shall not include a kitchen.

**BATHROOM (FULL)**
Any enclosed space which contains a bathtub or shower, a lavatory and a sink or fixtures serving similar purposes.

**BATHROOM (PARTIAL)**
Any enclosed space which contains a lavatory and a sink or fixtures serving a similar purpose.

BASEMENT

A story partly underground and having more than 1/2 of its clear height below the finished grade. A basement shall not be considered a story for purposes of height measurement in determining the permissible number of stories when used solely for incidental or accessory storage or for the housing of mechanical equipment, to include a hot-water heater and furnace, for a washer, dryer, recreation room and a bathroom, either partial or full. A basement may not be used for sleeping purposes. A bathroom shall not be permitted in the basement unless the only access to same is through an existing dwelling unit.

**DWELLING UNIT**

Any room or group of rooms located within a building forming a single habitable unit with facilities which are used, designed or arranged to be used for living, sleeping, cooking and sanitary facilities. A dwelling unit shall only be permitted to have one kitchen. If the dwelling unit contains a basement, a full bathroom shall not be permitted in the basement. A partial bathroom shall be permitted (a sink and lavatory), provided the only access to same is through an existing dwelling unit. If the dwelling unit contains an attic, a bathroom, either partial or full, shall not be

### ILLEGAL CONVERSION

A change in the use of any room, group of rooms, space or spaces, whether or not any construction takes place, to create dwelling units without approval of the requisite agencies or boards of the Township of Bloomfield and for which no dwelling certificate exists.

### LIVING QUARTERS, SEPARATE

Those in which the occupants live separately from any other individuals in the building and which have direct access from outside the building or common hall.

**SMOKE SHOP**- shall mean any premises dedicated as a principal business to display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia, including providing an area for smoking tobacco products, but excluding any grocery store, supermarket, convenience store or similar retail use that sells tobacco products, shall not be included within the definition of smoke shop. An area for "smoking" shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, or any other matter of substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic device.

### § 315-37. Certain permitted and prohibited uses.

(9)  Trailers, boats or trailer cabins used for dwelling purposes.

(10)  Rooming and boarding houses.

(11)  No basement or attic apartments shall be permitted.

(12)  Illegal occupancies and conversions are prohibited.

A. It shall be unlawful for an owner or landlord of a building to cause or permit occupancy of a basement, attic, garage, room or any space as a dwelling unit created by means of an illegal conversion.

B. It shall be unlawful for a tenant or any other person to occupy a basement, attic, garage, room or any space as a dwelling unit created by means of an illegal conversion.

(13) Smoke Shops and Vape Shops are expressly prohibited in all zones within the Township.

b.Pre-existing Smoke Shops and Vape Shops.

1.Pre-existing Smoke Shops and Vape Shops are not subject to the prohibition, provided that they obtain a license within sixty (60) days of the date of passage of this ordinance from the Township.

c.Licensing, Application, Fees, Display and Transferability.

1.License.

a) No person and/or entity shall conduct, maintain or operate a Smoke Shop or Vape Shop without first obtaining a License from the Township. License Applications will be available from the Township.

b) No person and/or entity shall be issued a License under this section if they are unable to pass a criminal background check.

2.Fees and Duration.

a) Annual fees associated with the licensing requirement for Smoke Shops and Vape Shops shall be assessed at one thousand ($1,000.00) dollars.

b) All licenses issued under this section shall be valid for one (1) calendar year, beginning January 1, and expiring on December 31.

c) All applications for license renewals shall be submitted to the Township no less than sixty (60) days prior to expiration.

3.Application.

a) The initial application and all subsequent renewals shall include the following information.

1.Name and contact information of the owner.

2.Address of the Smoke Shop and/or Vape Shop.

3.Identify if they are retailers and/or manufacturers of electronic smoking devices.

4.Display.

a) All licenses issued shall be posted in a visible location that can be viewed by all patrons entering the establishment.

5. Transferability.

a) Any licenses issued under this section are non-transferable. Any Smoke Shop or Vape Shop that changes ownership shall be required to submit a new application and receive approval of same prior to operating the business.

6. Use of License Fees.

a) All fees collected by the licensing of these shops shall be used to fund the enforcement of this section and promote and maintain programs established by the Township for smoking prevention.

7. Revocation or Suspension of License.

a) Any license issued under this section may be revoked or suspended by the Zoning Officer, pending a formal hearing before the Township council for the following reasons:

   1. Conducting the licensed shop within the Township in an unlawful manner or in a manner which is considered harmful to the health, safety or general welfare of the public.

   2. The application to obtain and/or renew the license contains misrepresentations or false statements.

   3. Any shop convicted of more than two (2) violations in any one (1) licensing year, or having a total of four (4) violations at any time.

8. Hearing.

a) Any shop that has their license revoked or suspended shall be entitled to a hearing before the Township Council within thirty (30) days. Written notice of the time and location of such hearing shall be provided to the licensee at least five (5) days prior to the hearing date. Notice may be provided through regular mail and certified mail addressed to the business address of the licensee or by personal delivery. The notice shall contain a brief statement specifying the grounds in which such revocation or

suspension is based upon.

b) During the hearing, the licensee shall have an opportunity to be heard and answer all questions posed by the Township Council.

9. Enforcement.

a) This section shall be enforced by the Zoning Officer

10. Violations and Penalties.

1. Unless otherwise provided by law, statute, or ordinance, any person(s) who is (are) found to be in violation of the provisions of this section shall, upon conviction thereof, pay a fine of one thousand ($1,000.00) dollars for the first violation, one thousand five hundred ($1,500.00) dollars for the second violation, and two thousand ($2,000.00) dollars for the third violation and each subsequent violation. Each violation, and every day in which a violation occurs, shall constitute a separate violation. No fines shall be issued for sixty (60) days after publication of this section.

## § 315-43. Fences.

L.  It shall be unlawful for any person to install, or have installed, or maintain on the exterior of any building any security grills, gates, or doors of any type, including but not limited to rolling, solid swinging, sliding or accordion garage-type doors, whether solid or not solid. Interior security gates shall be permitted on businesses only if they are open and have window transparency as well as being equipped with a Knox box in accordance with Fire Department regulations.

M.  This section shall be administered and enforced by the administrative officer.

N.  This section shall not supersede the following provisions of the Township Code, which are incorporated herein by reference: the Building Code, Chapter 497, Streets and Sidewalks, Article VIII, Obstruction of Vision; and Chapter 508, Swimming Pools.

*...*...*...*

Approved as to form and procedure on basis of facts set forth.

_____
Director of Law-Township Attorney

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on May 19, 2025.

_____
Municipal Clerk of the Township of Bloomfield

_____
Mayor of the Township of Bloomfield

## ✓ Vote Record - Ordinance

| | | Yes/Aye | No/Nay | Abstain | Absent |
|---|---|---|---|---|---|
| ☐ Adopt | | | | | |
| ☐ Deny | | | | | |
| ☐ Withdrawn | Rosalee Gonzalez | ☑ | ☐ | ☐ | ☐ |
| ☐ Table | Nicholas Joanow | ☑ | ☐ | ☐ | ☐ |
| ☐ Not Discussed | Sarah Cruz | ☑ | ☐ | ☐ | ☐ |
| ☐ First Reading | Monica Charris Tabares | ☑ | ☐ | ☐ | ☐ |
| ☐ Table with no Vote | Wartyna Davis | ☑ | ☐ | ☐ | ☐ |
| ☐ Approve | | | | | |
| ☐ Veto by Mayor | Widney Polynice | ☑ | ☐ | ☐ | ☐ |
| ☐ Discussion | Jenny Mundell | ☑ | ☐ | ☐ | ☐ |
| ☐ Defeated | | | | | |
| ☐ Discussion No Vote | | | | | |

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| ☐ Adopt | | | | | |
| ☐ Deny | | | | | |
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