



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldwpnj.com>

Meeting: 04/20/20 07:00 PM

2020 ORDINANCE NEW ORDINANCE

AN ORDINANCE ENTITLED "SHORT-TERM RENTAL PROPERTY REGULATIONS" CREATING CHAPTER 433 SHORT-TERM RENTAL PROPERTY REGULATION, SO AS TO REGULATE THE SHORT-TERM RENTAL OR LETTING OF ANY RESIDENTIAL PREMISES OR PARTS THEREOF EXCEPT CERTAIN LICENSED HOTELS OR MOTELS

WHEREAS, the New Jersey Legislature has, pursuant to *N.J.S.A.* 40:52-1(d) and (n), specifically authorized municipal corporations, including the Township of Bloomfield to regulate any "furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof" and the "rental of real property for a term of less than 175 consecutive days for residential purposes by a person having a permanent place of residence elsewhere"; and

WHEREAS, in recent years, there has arisen a proliferation of internet and other media advertising often on websites dedicated to the rental of Dwelling Units for short terms and for a period of less than thirty (30) days ("Short-Term Rental"); and

WHEREAS, the Mayor and Council recognizes that unregulated short-term rentals can create disproportionate impacts related to their size, excessive occupancy, and lack of proper facilities; and

WHEREAS, the presence of two train stations and proximity of this Township to New York City enhances the likelihood of the development of a market for temporary occupancy of dwelling units or portions thereof in the Township of Bloomfield; and

WHEREAS, the Township's experience, as well as common experiences, dictates the conclusion that Short-Term Rentals frequently result in public nuisance, noise complaints, sanitation issues, overcrowding sanitation issues, poor maintenance of the property and

grounds and illegal parking within the residential neighborhoods of the Township, and essentially convert residential dwelling units into illegal de-facto hotels, motels, boarding houses and other commercial enterprises, in violation of the Township's Zoning and other Codes as well as state statutes; and

WHEREAS, the Township wishes to deter the cyber-social phenomenon of any Owner renting his/her residential Dwelling Unit(s) on various websites, as well as the listing of Short Term Rental(s) by website businesses, of any Dwelling Unit(s), that constitute an illegal business operating in violation of the Borough's Zoning Code and other public nuisance ordinances; and

WHEREAS, the Township additionally wishes to prevent overcrowding, which can result when the Township's occupancy limits are unknowingly exceeded; and

WHEREAS, it is in the public interest that short-term rental uses be regulated in order to help preserve housing for long-term tenants and to minimize any potential deleterious effects of short-term rental properties on other properties in the surrounding neighborhoods in which they are located; and

WHEREAS, the Mayor and Council finds that there is a substantial interest in furthering the public health, safety and welfare by controlling density, by protecting the residential character of areas designed for residential use, by establishing and enforcing minimum life safety standards, and by preserving the long-term rental housing market located within the Township.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BLOOMFIELD, IN THE COUNTY OF ESSEX, AND STATE OF NEW JERSEY, as follows:

1. The following shall be established as Chapter 433 of the Bloomfield Township Code, entitled "Short-Term Rental Property Regulation," to read as follows:

§ 433-1 SHORT TERM RENTAL PROPERTY PROHIBITION.

§ 433-1 Findings.

A. The Mayor and Council hereby find and adopt, as if set forth more fully herein, the fact assertions of the “Whereas” clauses of this Ordinance, as their findings of fact.

§ 433-2 Short-Term Rental Property Prohibited Uses.

A. No residential premises including dwelling houses, apartments, rooming houses or boarding houses or any parts thereof or rooms therein, except duly licensed hotels and motels, shall be rented or let for occupancy by any person or persons for a period or term of less than thirty (30) days.

B. Notwithstanding anything to the contrary contained in the Township Code, it shall be unlawful for an Owner, lessor, sub-lessor, any other person(s) or entity(ies) with possessory or use right(s) in a Dwelling Unit, their principals, partner or shareholders, or their agents, employees, representatives and other persons(s) or entity(ies), acting in concert or a combination thereof, to receive or obtain actual or anticipated Consideration for soliciting, advertising, offering, and/ or permitting, allowing, or failing to discontinue the use or occupancy of any Dwelling Unit, as defined herein, for a period of less than thirty (30) days.

C. Nothing in this Ordinance will prevent formation of an otherwise lawful occupancy of a Dwelling Unit for a rental period of more than thirty (30) days.

D. Nothing in this Ordinance will prevent formation of an otherwise lawful occupancy of a Dwelling Unit that has previously been engaged in a lawful lease and continues to be rented on a month-to-month basis.

§ 433-3. Definitions

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 Ordinance, 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 Ordinance.

CONSIDERATION

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

DWELLING UNIT

Any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This

definition includes an apartment, condominium, building, co-operative, converted space, or portions thereof, that is offered to use, made available for use, or is used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of Occupants and/or guest(s), for Consideration, for a period of thirty (30) days or less.

HOUSEKEEPING UNIT

Constitutes a family-type situation, involving one or more persons, living together that exhibit the kind of stability, permanency and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court.

OCCUPANT

Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a Dwelling Unit, or portion thereof, or having other permission or possessory right(s) within a Dwelling Unit.

OWNER

Any person(s) or entity(ies), association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sub-lease 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 therewith.

SHORT TERM RENTAL

Rental of a dwelling unit, or any part of a dwelling unit, including any accessory building, structure or use to the dwelling unit including but not limited to, a vehicle parked on the property, for 30 consecutive days or less excluding community residences, shelters, adult family care homes, a residence temporarily occupied by the owner of another residential property within the Township then undergoing construction activity, or the extension of a month-to-month basis, of an existing lease with a term of at least six months duration, by the existing tenant.

RESIDENTIAL OCCUPANCY

The use of a Dwelling Unit by an Occupant(s).

§ 433-4. Permitted Uses.

The residential occupancy of an otherwise lawful and lawfully occupied Dwelling Unit for a period of thirty (30) days or less by any person who is a member of the Housekeeping Unit of the Owner, without Consideration, such as house guests, is permitted.

§ 433-5. Advertising Prohibited.

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

§ 433-6. Enforcement; Violations and Penalties.

A. The provisions of this Ordinance shall be enforced by the Building Code Official, Fire Official, Health Department, other Sub-Code or Code Official, as their jurisdiction may arise, including legal counsel for the Township or other persons designated by the Township, to issue municipal civil infractions directing alleged violators of this Ordinance and/or to appear in court or file civil complaints.

B. A violation of this Ordinance 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 Ordinance, 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. Each day of such violation shall be a new and separate violation of this Ordinance.

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 Township's Municipal Court or the Superior Court of New Jersey, Essex County Vicinage, or in such other Court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

§ 433-7. Effect of this Ordinance on other laws.

This Ordinance shall supersede and replace any other provisions of the Code of the Township of Bloomfield, now or later enacted, which have or may be construed to have differing or contrary terms or conditions relating to the subject of this Ordinance. This Ordinance is not intended to alter the current or later enacted amendments to the Township's Zoning Code.

§ 433-8. Effective Date.

1. REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

2. SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

3. EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by

law.

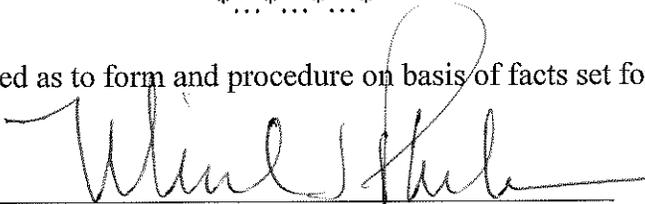
4. **CODIFICATION**

This ordinance shall be a part of the Code of the Township of Bloomfield as though codified and fully set forth therein. The Municipal Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The Municipal Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Bloomfield in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repeal of existing provisions not intended to be repealed.

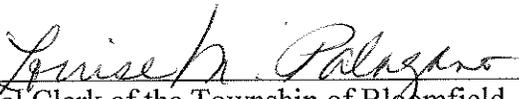
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Approved as to form and procedure on basis of facts set forth.

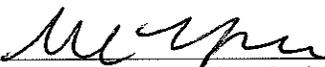


 Director of Law-Township Attorney

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 *April 20, 2020*.



 Municipal Clerk of the Township of Bloomfield



 Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Sarah Cruz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Ted Gamble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Richard Rockwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve						
<input type="checkbox"/> Veto by Mayor						
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Sarah Cruz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table						
<input type="checkbox"/> Not Discussed						
<input type="checkbox"/> First Reading						

Ordinance (ID # 8457)

Meeting of April 20, 2020

<input type="checkbox"/> Table with no Vote	Wartyna Davis		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approve	Ted Gamble		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Veto by Mayor	Richard Rockwell		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussion	Michael J. Venezia		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						