

**BOROUGH OF ELMWOOD PARK  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-424-23**

**RESOLUTION BY: COUNCILWOMAN PELLEGRINE  
SECONDED BY: COUNCILWOMAN SHERIDAN**

**INTRODUCE ORDINANCE #23-37  
SECOND READING**

**WHEREAS**, a public notice has been given by the Borough Clerk that an ordinance entitled:

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH, SPECIFICALLY CHAPTER XVIII, ENTITLED "SWIMMING POOLS," SAME TO REFLECT A NEW SECTION CONTAINED NEW LANGUAGE HEREIN**

was introduced and passed at a meeting held on Thursday, October 19, 2023 and that further consideration of this ordinance would be taken up at this meeting; and

**WHEREAS**, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Elmwood Park, that an ordinance entitled:

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH, SPECIFICALLY CHAPTER XVIII, ENTITLED "SWIMMING POOLS," SAME TO REFLECT A NEW SECTION CONTAINED NEW LANGUAGE HEREIN**

pass on final reading.

APPROVED: November 9, 2023

\_\_\_\_\_  
Robert Colletti, Mayor

ATTEST: \_\_\_\_\_

Shanee Morris, CMR  
Acting Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Dennis	X				Pellegrine	X			
Fasolo	X				Sheridan	X			
Golabek	X				Balistreri	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 9<sup>th</sup> day of November 2023. Signed and sealed before me.

\_\_\_\_\_  
Shanee Morris, CMR  
Acting Borough Clerk

\_\_\_\_\_  
Dated

**BOROUGH OF ELMWOOD PARK  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO.: 23-37**

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**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH, SPECIFICALLY CHAPTER XVIII, ENTITLED "SWIMMING POOLS," SAME TO REFLECT A NEW SECTION CONTAINED NEW LANGUAGE HEREIN**

**INTENT OF THIS ORDINANCE**

This Ordinance intends to amend a specific section of the SWIMMING POOLS ordinance. It is further the intent of updating the penalties section to increase the fines to deter violations.

**WHEREAS**, the Mayor and Council have been made aware that individual owners and or tenants and or occupants of properties in the borough of Elmwood Park have rented, leased, or otherwise have allowed the use of private pools and use of rear yards which are amenities of and part of real estate property and are charging rental fees for the use thereof. The Mayor and Council have determined that this activity is detrimental to the health, safety, and welfare concerns of the residents of the Borough of Elmwood Park; and has further determined that this activity should be made illegal and further, have found it necessary to increase penalties necessary to deter violations of this sections of the Ordinance. and

**WHEREAS**, the Mayor and Council have acknowledged and determined that the amendment and increase of fines is necessary for the health, safety, and welfare of the public; and

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Elmwood Park, County of Bergen, and State of New Jersey as follows:

**SECTION 1:** Chapter XVIII of the Code of the Borough of Elmwood Park, entitled "Swimming Pools" is hereby amended to include the following new section containing the following language:

**Section 18-8** "The lease, rent or let, for any purpose, any pools, feature, accessory, or appurtenance to or associated with a dwelling or private property, is hereby prohibited,"

**Section 18-9** It shall be unlawful for any person or persons who own, lease, rent or sublet property, in a residential zone, to place and ad for the rental of property as set forth in above **section 18-8**, in any form of advertising, to and including and not limited to, Internet web sites or any other form of solicitation, whether in writing or electronic in form or nature.

**Section 18-10 Violations and Penalties** is hereby added to read as follows:

For any person or persons found guilty of the violation of section 18-8 and section 18-9, the fine shall be \$1,000.00 for the first offense and \$1,250.00 for the second offense, and 90 days jail sentence and \$1,250.00 fine for the third offense.

**Section 18-11** Any person or persons found guilty of the violation of this section said violation can be used by the Borough Building Department as a violation of the use and occupancy of said building or property, and the building department shall have the authority to revoke said use and occupancy upon 30 day written notice to the owners or occupants of said property or building.

**SECTION 2.** In the event any section, part, or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

**SECTION 3.** All ordinances or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of their inconsistencies.

**SECTION 4.** This Ordinance shall take effect immediately upon its final passage and publication as required by law.

ATTEST: \_\_\_\_\_

Shanee Morris, CMR

Acting Borough Clerk

APPROVED: \_\_\_\_\_

Robert Colletti, Mayor

Introduced: October 19, 2023

Adopted: November 9, 2023