

**TOWN OF WEST NEW YORK  
COUNTY OF HUDSON**

**ORDINANCE # 18/14**

**AN ORDINANCE AMENDING CHAPTER 161 "CONSTRUCTION CODES,  
UNIFORM", SECTIONS 2.B(1)(b), 2(b), 3(b) and 4(b) OF THE TOWN OF WEST NEW  
YORK MUNICIPAL CODE WITH REGARD TO THE COLLECTION OF STATE  
TRAINING FEES TO COMPORT WITH THE MANDATE OF THE STATE OF NEW  
JERSEY RELATIVE THERETO**

**WHEREAS**, Chapter 161, Sections 2.B(1)(b), 2(b), 3(b) and 4(b) of the Municipal Code (the "Code") of the Town of West New York (the "Town") set forth, among other things, the training fees to be paid to the State of New Jersey (the "State") as required by the pertinent provisions of the Uniform Construction Code, codified at N.J.A.C. 5:23-4.19(b); and

**WHEREAS**, Chapter 161, Section 2.B (1)(b), 2(b), 3(b) and (4)(b) of the Code currently require the payment of State training fees in the amount of \$0.00334 per cubic feet of volume for new construction and additions and \$1.70 per \$1,000 of construction value for all other construction, as previously required by the State pursuant to N.J.A.C. 5:23-4.19(b); and

**WHEREAS**, effective October 6, 2014, the State implemented changes to N.J.A.C. 5:23-4.19(b), which increased the State training fee (also referred to and known as the New Jersey State permit surcharge fee) owed for new construction and additions from \$0.00334 per cubic feet of volume to \$0.00371 per cubic feet of volume and increased the fee owed for all other construction from \$1. 70 per \$1,000 of construction value to \$1.90 per \$1,000 of construction value; and

**WHEREAS**, by amending the provisions of N.J.A.C. 5:23-4.19(b), the State imposed a mandate on municipalities to increase the amount of State training fees collected in accordance therewith; and

**WHEREAS**, by way of correspondence dated October 21, 2014, a copy of which is annexed hereto, Town Construction Official, Thomas M. O'Malley requested that Corporation Counsel prepare any and all ordinance amendments required to bring the Code into compliance with the State's revisions to N.J.A.C. 5:23-4.19(b); and

**WHEREAS**, as a result of this State mandate, the Town is desirous of amending Chapter 161, Sections 2.B(1)(b), 2(b), 3(b) and (4)(b) of the Code to reflect the current requirements of N.J.A.C. 5:23-4.19(b) with regard to the collection of State training fees.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Commissioners of the Town of West New York that:

**SECTION ONE**

Chapter 161, Sections 2.B(1 )(b), 2(b), 3(b) and (4 )(b) of the Code shall be amended to increase the State training fees charged for new construction and additions from \$0.00334 per cubic feet of volume to \$0.00371 per cubic feet of volume and to increase the fees charged for all other construction from \$1.70 per \$1,000 of construction value to \$1.90 per \$1,000 of construction value.

**SECTION TWO**

**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, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, which shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any portion thereof.

**SECTION THREE**

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

**SECTION FOUR**

This Ordinance shall take effect upon passage and publication as required by law. Notwithstanding, the increase in State training fees described herein have been in effect since October 6, 2014, the date on which the State of New Jersey implemented the changes to N.J.A.C. 5:23-4.19(b), as mandated thereby.

**SUMMARY OF  
ORDINANCE**

This Ordinance amends Chapter 161, Section 2.B(1)(b), 2(b), 3(b) and (4)(b) of the Code to increase the State training fees charged for new construction and additions from \$0.00334 per cubic feet of volume to \$0.00371 per cubic feet of volume and to increase the fees charged for all other construction from \$1.70 per \$1,000 of construction value to \$1.90 per \$1,000 of construction value, as mandated by the State and the newly adopted provisions of N.J.A.C. 5 :23-4.19(b).

**Introduced: 11/24/14**

**Notice**

The foregoing Bond Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **November 24, 2014** and ordered published, and will be further considered before final passage at a public hearing on **December 17, 2014 at 7:00 p.m.** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC

Town Clerk