

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #30/17

**AN ORDINANCE AMENDING CHAPTER 218 OF THE CODE OF THE TOWN OF
WEST NEW YORK ENTITLED “HEATING”**

WHEREAS, Chapter 218 of the Code of the Town of West New York (“Town”) regulates heating requirements by landlords to furnish heat to any residence occupied by residents of the Town; and

WHEREAS, a landlord’s failure to furnish heat to any residence occupied by residents of the Town imposes a health emergency and hardship upon the persons residing in the building; and

WHEREAS, the failure of a landlord to supply heat at a level of 68° F. at all times creates a health and sickness hazard and emergency to occupants of the building; and

WHEREAS, the Board believes it is vital that it be clear that all types of residences that are rented to a tenant be included in this requirement due to the health hazard lack of heat may cause; and

WHEREAS, N.J.S.A. 26:3-31 provides statutory authority for a local Board of Health to enact enabling legislation to implement the policies and requirements set forth in that statute; and

WHEREAS, the governing body, acting as the local Board of Health, is empowered by N.J.S.A. 40:88-4 to make and enforce public health ordinances to provide for the maintenance of health in the community; and

WHEREAS, there is a public need to have the means to effect immediate fuel needs to enforce Department of Community Affairs regulations and N.J.S.A. 26:3-31(m) with respect to minimum heat standards of the Town and its residents; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York, that Chapter 218 entitled “Heating” shall be amended as follows:

Section One

Chapter 218-12 “Definitions” shall be deleted and replaced as follows:

§ 218-12 - Definitions. As used in this chapter, the following terms shall have the meanings indicated:

BUILDING — Any building or structure, whether used as a dwelling or otherwise, regardless of its size and regardless of the purpose for which such building or structure is used.

LANDLORD — Includes any person who rents land, a building, a condo, a cooperative, or an apartment to a tenant, including any person who enters into a rental agreement with a resident or receives money in exchange for a residence to be used by a resident.

MANAGER — Includes any management company or other entity that is responsible for maintenance of utilities including the activation of a heating system for a building, structure, condo, cooperative or any other location that is rented to a tenant or individually owned.

PERSON — Includes person, persons, firm, corporation, copartnership or family.

OWNERS — Includes any person that owns a building, condo, cooperative or any other structure that is used as a residence for residents.

RESIDENCE — a person's home; the place where someone lives.

TENANT — a person who occupies land or property rented from a landlord or by an individual owner.

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, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section Three

Repealer. All ordinances or portions thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, or the extent of such conflict or inconsistency, it being 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

When Effective. This ordinance shall take effect upon passage and publication as required by law.

SUMMARY OF ORDINANCE

This Ordinance amends Chapter 218 “Heating” by clarifying that condos and cooperatives that are rented to a tenant, as well as management company/entity, are required to adhere to the same heating requirements as all other buildings and structures that currently fall under this Ordinance.

Introduced: 11/30/2017

Adopted:

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **November 30, 2017** and ordered published, and will be further considered before final passage at a public hearing on **December 21, 2017 at 3:30 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