

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

**ORDINANCE #32/15**

**AN ORDINANCE AMENDING CHAPTER 161 OF THE TOWN OF WEST NEW YORK  
MUNICIPAL CODE REGARDING THE FEES FOR APPLICATIONS FILED FOR  
SIDEWALK CONSTRUCTION PERMITS AND CERTIFICATES OF OCCUPANCY  
FOR COMMERCIAL STRUCTURES AND ADDING A FEE FOR FAILED  
CERTIFICATE OF OCCUPANCY INSPECTIONS**

**WHEREAS**, Chapter 161 Section 2(B)(1)(e) of the Town of West New York Municipal Code governs the fees for applications filed for sidewalk construction permits; and,

**WHEREAS**, Chapter 161 Section 2(B)(1)(e) of the Town of West New York Municipal Code sets the fee for sidewalk construction permits as \$25 for the first 300 square feet, in addition to administrative fees, and \$15 for each additional 100 square feet, in addition to administrative fees; and,

**WHEREAS**, the Town is desirous of changing the amount of the fees set forth in Chapter 161 Section 2(B)(1)(e) of the Town of West New York Municipal Code to \$100 for the first 500 square feet, in addition to administrative fees, and \$15 for each additional 100 square feet, in addition to administrative fees, all other fees remaining the same as currently provided for; and,

**WHEREAS**, Chapter 161 Section 2(F)(1) of the Town of West New York Municipal Code governs the fees for applications for commercial structures; and

**WHEREAS**, Chapter 161 Section 2(F)(1) of the Town of West New York Municipal Code sets the fee for a certificate of occupancy for a commercial structure as \$200: and

**WHEREAS**, the Town is desirous of changing the amount of the fee set forth in Chapter 161 Section 2(F)(1) from \$200 to \$350 and adding a fee of \$25 for reinspections of previously failed inspections; and

**WHEREAS**, Chapter 161 Section 2(O) of the Town of West New York Municipal Code governs the fines assessed for violations of Chapter 161; and

**WHEREAS**, Chapter 161 Section 2(O) of the Town of West New York Municipal Code assesses a fine for violations of Chapter 161 not to exceed \$100 for the first offense and for second or repeated offenses, and a minimum fine of \$50 and a maximum fine of \$500 for each separate offense; and

**WHEREAS**, the Town is desirous of changing the amount of the fine set forth in Chapter 161 Section 2(O) for violations of Chapter 161 to \$200 for the first offense and for second or

repeated offenses and a minimum fine of \$200 and a maximum fine of \$500 for each separate offense; and

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

### **SECTION ONE**

Chapter 161 Section 2(B)(1)(e) of the Town of West New York Municipal Code shall be deleted in its entirety and the following substituted therefore:

The first 500 square feet of sidewalk permit fee will be \$100, in addition to administrative fees. Each additional 100 square feet will be \$15, in addition to administrative fees. Curb cut permits will be \$20, in addition to administrative fees. Sidewalk openings will be \$30, in addition to administrative fees.

### **SECTION TWO**

Chapter 161 Section 2(F)(1) of the Town of West New York Municipal Code shall be deleted in its entirety and the following substituted therefore:

The fee for a certificate of occupancy shall be \$100, except that the fee for a certificate of occupancy for a commercial structure shall be \$350. The fee for reinspections of previously failed inspections shall be \$25.

### **SECTION THREE**

Chapter 161 Section 2(O) of the Town of West New York Municipal Code shall be deleted in its entirety and the following substituted therefore:

Any person convicted of violating any provision of this chapter shall be subject to payment of a fine of \$200 for the first offense and for second or repeated offenses, a minimum fine of \$200 and a maximum fine of \$500 for each separate offense.

### **SECTION FOUR**

**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 FIVE

**Repealer.** All Ordinances or parts 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 part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

## SECTION SIX

This Ordinance shall take effect upon passage and publication as required by law.

## SUMMARY OF ORDINANCE

This Ordinance: (i) changes fees for applications filed for a sidewalk construction permit from \$25 for the first 300 square feet, in addition to administrative fees, and \$15 for each additional 100 square feet, in addition to administrative fees, to \$100 for the first 500 square feet, in addition to administrative fees, and \$15 for each additional 100 square feet, in addition to administrative fees; (ii) changes the fee for a certificate of occupancy for a commercial structure from \$200 to \$350; (iii) adds a fee of \$25 for reinspections of previously failed inspections, and (iv) increases the fines for violations of Chapter 161 from a maximum of \$100 to a minimum of \$200.

**Introduced: 12/16/2015**

**Withdrawn: 1/20/2016**

### 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 **December 16, 2015** and ordered published, and will be further considered before final passage at a public hearing on **January 20, 2016 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