

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

**ORDINANCE #12/23**

**AN ORDINANCE AMENDING CHAPTER 316 ENTITLED “ROOMING, LODGING,  
AND BOARDING HOUSES” TO UPDATE BOARDING HOUSE LICENSING  
REQUIREMENTS**

**WHEREAS**, the Town of West New York (the “Town”) has under the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., and the police power, N.J.S.A. 40:48-1, et seq., the authority to regulate land uses within its municipal boundaries; and

**WHEREAS**, N.J.S.A. 40:52-10 authorizes a governing body to make, amend, repeal and enforce ordinances to license and regulate rooming and boarding houses within a municipality which are consistent with N.J.S.A. 55:13B-1 et seq., so long as the municipality notifies the Commissioner of Community Affairs or their designee; and

**WHEREAS**, the Mayor and Board of Commissioners have determined that it shall be unlawful for any owner of any property within the boundaries of the Town of West New York to operate a boarding house contrary to the procedures and the regulations established in this Chapter or applicable State statute.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, as follows:

**SECTION ONE**

Chapter 316 of the Code of the Town of West New York entitled “Rooming, Lodging and Boarding Houses” is hereby deleted in its entirety and replaced as follows:

**§ 316-1 Definitions**

"Licensing authority" means a municipal governing body or, in a municipality which has established a rooming or boarding house site licensing board pursuant to section 10 of this act, the board so established.

"Operator" means any person including for the purposes of this act any corporation or association of persons and any agency or instrumentality of State or local government, which operates or proposes to operate a rooming or boarding house.

"Owner" means the holder of title in fee simple to premises and any lessor or sublessor of whom an operator is or proposes to become a sublessor in connection with an application for a license, or for renewal thereof, pursuant to P.L.1979, c.496 (C.55:15B-1 et seq.).

"Population" means the most recent population count reported by the Department of Labor.

"Rooming or boarding house" means a rooming or boarding house licensed pursuant to P.L.1979, c.496 (C.55:13B-1 et al.).

### **§ 316-2 License Required**

- A. No rooming or boarding house shall be located or operated within the Town of West New York, except upon premises licensed for the purpose by the municipal licensing authority pursuant to the provisions of this Chapter and N.J.S.A. 40:52-10.
- B. Any rooming or boarding house that is in lawful operation as of the date of enactment of this Chapter shall be entitled to continue in operation until December 31, 2023 and, if the holder of the license applies for its renewal not later than 60 days prior to that date, until a final determination is made upon that application.
- C. The governing body of the Town of West New York is hereby designated as the municipal licensing authority.

### **§ 316-3 Application for License**

An application for licensure shall be in writing on forms approved by the governing body and provided by the Town Clerk. A completed application shall be filed with the Town Clerk, and shall be accompanied by all supporting information and documentation as may be requested, together with an application fee in the amount of two hundred dollars (\$200.00). If the application is denied, 90% of the fee shall be refunded and 10% retain to defray the expenses incurred by the Town in connection with the investigation required under this Chapter.

### **§ 316-4 Notice and Hearing**

- A. After filing an application, the applicant shall cause notice of the pendency of the application to be published in the form and manner prescribed by the governing body and as required by L.1993, c.290.
- B. Within 30 days of receipt of a completed application in accordance with § 316-3, the time and place for a public hearing on the application shall be fixed, at which the operator, or proposed operator, and all other parties in interest, including members of the general public, shall be heard upon the merits of the application and the suitability of the premises for the proposed use.

### **§ 316-5 Expiration of License and Renewal**

- A. A license shall be valid for one year from the date of issuance and until such time as the licensing authority has acted upon an application for renewal, unless the license is terminated earlier by revocation.
- B. The licensee shall apply for renewal within 60 days prior to the license's expiration date. The application for renewal shall follow the same procedure and requirements as

prescribed for a new application and shall necessitate consideration and determination in the same manner as in the case of a new application.

### **§ 316-6 Revocation of License**

Licenses issued under this Chapter may be revoked by resolution of the licensing authority for any of the following reasons:

- A. A finding that there was any misstatement of material fact in the application upon which the license was issued.
- B. The occurrence of any fact which had it occurred and been known to the licensing authority before issuance of the license, would have resulted in the denial of the application.
- C. Repeated violations, or prolonged failure to correct any violation, of any applicable building, housing, health or safety code or regulations.
- D. Refusal to allow access to any portion of the licensed premises at all reasonable times, with or without advance notice, in order that officers or agents of the licensing authority, or any official charged with enforcement within the municipality of any building, housing, health, or safety code or regulations applicable to the premises may determine compliance with such codes or regulations.
- E. Revocation by the Department of Community Affairs of the operator's license or other authorization to operate a rooming or boarding house on the premises.
- F. Notification by the Department of Community Affairs that the premises are not, or are no longer, suitable for operation of a rooming or boarding house.
- G. Failure or refusal to comply with any lawful regulation or order of the licensing authority.

### **§ 316-7 Violations and Penalties**

Any person, persons, firm or corporation engaged in the business of keeping a lodging, rooming or boarding house without first having obtained a license therefore, or who shall violate any of the provisions of this chapter shall, upon conviction, be subject to the penalties provided for in Chapter 1, General Provisions, Article I.

## **SECTION TWO**

**Severability.** If any term or provision of this Ordinance is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, in whole or in part, such determination shall not affect the validity of the remaining terms and provisions of this Ordinance.

### **SECTION THREE:**

**Repealer.** To the extent that any provision of the Code of the Town of West New York is found to conflict with this Ordinance, in whole or in part, this Ordinance shall control.

### **SECTION FOUR:**

In order to avoid accidental repeal of existing provisions, the Town Clerk and the Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

### **SECTION FIVE:**

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

**Introduced: 8/30/2023**

### **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 **August 30, 2023** and ordered published, for consideration before final passage at a public hearing on **September 20, 2023 at 6:30 p.m.** held remotely or in person. Instructions regarding attendance and participation in the meeting will be posted on the Town's website: <http://www.westnewyorknj.org/>. 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.