

**TOWN OF WEST NEW YORK**

**COUNTY OF HUDSON, STATE OF NEW JERSEY**

**ORDINANCE #14/16**

**AN ORDINANCE CREATING THE TOWN OF WEST NEW YORK IDENTIFICATION  
CARD PROGRAM**

**WHEREAS**, the Town of West New York recognizes that many of its residents do not have access to various forms of identification and therefore have difficulty obtaining services and access to health care, as well as entry into public/government buildings; and

**WHEREAS**, the Town of West New York also recognizes that many of its residents are undocumented and therefore are unable to obtain and produce acceptable documentation, resulting in greater difficulty in obtaining, for example, services and access to health care; and

**WHEREAS**, the availability of an identification card issued by the Town of West New York will be helpful to many residents and immigrants.

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

**SECTION ONE**

**Section 1. Town of West New York Identification Card Program Established;  
Administration of Program.**

The Town of West New York hereby establishes a West New York Identification Card Program which shall be issued to individuals who can prove their identity and residency, in accordance with the terms of this chapter.

The Department of Public Affairs (hereinafter referred to as the “Administering Department”) shall be designated as the department to administer the West New York Identification Card Program.

The Administering Department shall issue such policies and procedures necessary to effectuate the purposes of this chapter; including, the designation of access sites where applications for such cards shall be made available for pick-up and submission. The Administering Department shall also make the applications available online.

## **Section 2. Definitions.**

*TOWN OF WEST NEW YORK IDENTIFICATION CARD* or *WEST NEW YORK IDENTIFICATION CARD* (“*WNYID*” or “*identification card*”) shall mean an identification card issued by the Town of West New York that shall, at a minimum, display the card holder’s photograph, name, date of birth, address, signature, and issuance and expiration date. Such card shall also, at the cardholder’s option, display the cardholder’s self-designated gender. Such identification card shall be designated in a manner to deter fraud.

*RESIDENT* shall mean a person who can establish that he or she currently resides in the Town of West New York.

*TOWN* unless otherwise identified shall solely mean the Town of West New York.

*CARE OF ORGANIZATION* shall mean the Town agency, hospital, private or public shelter, non-profit organization, or religious institution in West New York, New Jersey serving homeless individuals or survivors of domestic violence.

*CARE ADDRESS* shall mean the authorized use of an address by a Town agency, hospital, private or public shelter, non-profit organization or religious institution in West New York serving homeless individuals or survivors of domestic violence.

*CARE ADDRESS LETTER* shall mean a letter from a Town agency, hospital, non-profit organization, private or public shelter, non-profit organization, or religious institution in West New York, New Jersey authorizing the use of address. The letter must indicate the applicant has received services from the entity for the past fifteen (15) days and may use the entity’s address for mailing purposes (dated within fifteen (15) days). The address on the WNYID card will be “Care Of” the organization.

## **Section 3. Issuance of West New York Identification Cards; Display; Term; Fee.**

- A. The Town of West New York Identification Card shall be available to any resident of the Town of West New York regardless of his or her race, color, creed, age, national origin, alienage, or citizenship status, gender, sexual orientation, disability, marital status, partnership status, any lawful source of income, housing status, status as a victim of domestic violence or status as a victim of sex offenses or stalking, or conviction or arrest record, provided that such resident is able to provide the requirements for establishing his or her identity and residency as set forth in this chapter and of any applicable policies and procedures established by the Administering Department.
- B. The West New York Identification Card shall display at minimum the applicant’s full name, photograph, address, date of birth, signature, card issuance and expiration dates.

- (1) The Administering Department shall, through policy and procedure established as required by this chapter, create guidelines to protect the address of victims of domestic violence or alternate requirements for applicants who lack a permanent address. Such card shall also, at the cardholder's option; display the cardholder's self-designated gender.
  - (2) Such identification card shall be designed in a manner to deter fraud which may include: bar codes, serial numbers, watermarks, Town Seal, and other security measures to deter fraud.
- C. The Town of West New York Identification Card is valid for two (2) years from date of issuance. Residents age fourteen (14) or over may apply for a card. Relocation out of the Town invalidates the Town of West New York Identification Card and should relocation occur, the cardholder shall return the card to the Town for destruction.
- D. The fee for the issuance of the Town of West New York Identification Card shall be \$10.00 for adults (18 years of age and older) and \$7.00 for children (14 to 17 years of age), veterans, the disabled and senior citizens. Renewal of card shall be \$10.00 and change of information shall be \$7.00. The Administering Department may adopt rules and permit residents who cannot afford to pay such fee(s) to make a hardship application and to be granted a full or partial waiver of the fee.
- (1) The Administering Department may, in full or in part, waive the fee for the Town of West New York Identification Card, if an applicant can establish a hardship exemption. Applicants may file for a hardship exception waiver during the application's intake process. In order for an applicant to be granted a hardship waiver, the applicant must demonstrate and have proof of one of the following circumstances:
    - (a) Applicant is currently homeless; or
    - (b) Applicant has proof of eviction within the last three (3) months; or
    - (c) Applicant has recently reported domestic violence; or
    - (d) Applicant has proof of substantial debt caused by medical expenses within the last twelve (12) months; or
    - (e) Applicant is currently unemployed; or
    - (f) Applicant has filed for bankruptcy within the last six (6) months; or
    - (g) Applicant currently receives one of the following:

Supplemental Nutrition Assistance Program, or SSI, or TANF, or Food Stamps. The applicant should provide proof in the form of a letter, notice or other official document containing the name of the agency granting the benefit, the name of the recipient of the benefit and the name of the benefit received.

- (h) Applicant's current household income is at or below 15% of the federal poverty level.

#### **Section 4. Proof of Identity and Residency; Acceptance.**

In order to obtain a Town of West New York Identification Card an applicant must establish the identity and residency within the Town of West New York as follows:

- A. **Proof of Identity.** The Town of West New York Identification Card Program will use a point system to determine if applicants are able to prove identity and residency in West New York, New Jersey. In order to establish identity, an applicant shall be required to produce one or more of the following documents: an unexpired U.S. or foreign passport; an unexpired U.S. driver's license; unexpired U.S. boater's license; a voter registration card; a valid U.S. state corrections identification card; a formerly incarcerated release form; an unexpired U.S. state identification card; a U.S. permanent resident card; a consular identification card; a photo identification card with name, address, date of birth, and expiration date issued by another country to its citizens or nationals as an alternative to a passport for reentry to the issuing country; a certified copy of U.S. or foreign birth certificate; Social Security card; a national identification card with photo, name, address, date of birth, and expiration date; a valid foreign driver's license; a U.S. or foreign military identification card; a current visa issued by a government agency; a current U.S. work permit; a U.S. Individual Taxpayer Identification Number ("ITIN") authorization letter; an Electronic Benefit Transfer (EBT) card; or any other documentation that the Administering Department deems acceptable. If the individual is a minor, proof must be furnished on behalf of said minor by the individual's parents or legal guardian or by a court of competent jurisdiction. The Administering Department shall, through the policy and procedure it establishes, create a point system to ensure uniformity and non-biased requirements by which individuals may establish identity and residency. The Administering Department through its policies and procedures shall determine the weight to be given to each type of document provided in this paragraph, and require that at a minimum an applicant produce more than one document to establish identity.
- B. **Proof of Residency.** In order to establish residency, an applicant must present one or more of the following items showing both the applicant's name and residential address located within the Town: a utility bill, a local property tax statement or mortgage payment receipt; a bank account statement, proof that the applicant has a minor child currently enrolled in a school located within the Town; an employment pay stub; a jury summons or court order issued by a State or Federal court; a Federal

or State income tax or refund statement; an insurance bill (homeowner's, health, life or automobile insurance); Care Address Letter confirming residency; and any other document the Administering Department determines is acceptable which shall be set forth in the policies and procedures it promulgates. The Administering Department shall create, through its policies and procedures, alternative methods to establish residency, notwithstanding the lack of fixed address. The Administering Department may consider a care address acceptable for the homeless and domestic violence applicants.

- C. All Town of West New York departments shall accept the West New York Municipal Identification Card as proof of identity and residence for access to Town services and benefits unless such acceptance is prohibited by Federal or State law or unless the department or authority has reason to suspect fraud by the purported cardholder. The Town of West New York shall take reasonable efforts to promote the acceptance of the card by banks and other public and private institutions and publicize the benefits associated with the Town of West New York Identification Cards.

#### **Section 5. Confidentiality.**

The records relating to the application and issuance of the Town of West New York identification cards shall be maintained in accordance with law.

- A. The Town of West New York shall make best efforts to protect the confidentiality of all municipal card applicants to the maximum extent allowable by federal and state law. The Town of West New York shall not disclose personal information obtained from an applicant for a Town of West New York Municipal Identification card to any individual, public, or private entity, unless required by a court of competent jurisdiction, or authorized in writing by the individual to whom such information pertains, or when such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian; when so ordered by a court of competent jurisdiction; to a requesting Town department for the limited purpose of administering the program or determining or facilitating the applicant's eligibility for additional benefits or services or care and provided that such disclosure is made in accordance with all applicable Federal and State privacy laws and regulations.
- B. The Administering Department shall not retain original or copies of documents provided by an applicant to prove identity or residency when applying for a West New York Identification Card.

#### **Section 6. Disclaimer.**

- A. The Town of West New York is providing the West New York Identification Card for identification and access to services provided by the Town of West New York. The Town does not act as guarantor or warrantor either of the information provided by the

applicant for the West New York Identification Card or against any acts, criminal or otherwise committed by the individual(s) while possessing or using the West New York Identification Card. The Town does not waive any of its protections afforded under Federal, State or Local laws, including, but not limited to, the immunities under the New Jersey Torts' Claims Act N.J.S.A. 59:1-1 et seq. by processing or issuing the West New York Identification Card.

- B. The Administering Department shall submit a report to the Mayor and the Town of West New York Board of Commissioners on the status of the Town Identification Card Program on a yearly basis or at the request of the Mayor and/or Board of Commissioners.

### **Section 7.     Violations and Penalties.**

- A. Altering or intentionally damaging the West New York Municipal Identification Card, using another person's West New York Municipal Identification Card, or allowing the cardholder's West New York Municipal Card to be used by another person may result in confiscation of the card and is in violation of N.J.S.A. 2C:28-7.
- B. Submission of false documents to obtain a West New York Municipal Identification Card is a violation of N.J.S.A. 2C:2-2.1(c).
- C. Making false statements to obtain a West New York Municipal Identification Card is a violation of N.J.S.A. 2C:21-4 and is punishable by law.
- D. Except as otherwise expressly provided for in this section, any person who violates any provisions of this chapter shall, upon conviction thereof, be punished by one or more of the following penalties: (1) a fine not exceeding one thousand dollars (\$1,000.00); (2) imprisonment for any term not exceeding ninety (90) days; or (3) a period of community services not exceeding ninety (90) days. Separate offenses shall be deemed committed on each day during or on which a violation occurs or continues.

### **Section 8.     Reporting Requirement.**

The Administering Department shall report monthly to the Municipal Administrator and the Board of Commissioners data outlining how many West New York Identification Cards have been dispensed by the Town. The report shall only include information pertinent to determine the effectiveness of the overall program.

## **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 effect 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 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 FOUR**

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

### **SUMMARY OF ORDINANCE**

This Ordinance establishes the Town of West New York Identification Card Program. The West New York Identification Card is available to all Town residents, provided they meet the program criteria.

**Introduced: 6/22/2016**

### **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 **June 22, 2016** and ordered published, and will be further considered before final passage at a public hearing on **July 21, 2016 at 12:00 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 Riccie, RMC  
Town Clerk