

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

**ORDINANCE #9/19**

**AN ORDINANCE THE TOWN OF WEST NEW YORK, IN THE  
COUNTY OF HUDSON, STATE OF NEW JERSEY, CREATING A  
PARKING UTILITY**

WHEREAS, the Board of Commissioners of the Town of West New York, in the County of Hudson, State of New Jersey, (the "Town"), has determined that it is in the best interests of the residents of the Town to dissolve the Parking Authority of the Town of West New York (the "WNYPA") and merge the duties and responsibilities thereof into a newly formulated municipal parking utility; and

WHEREAS, pursuant to statute, a municipality is permitted to operate municipal utilities;  
and

WHEREAS, pursuant to N.J.S.A. 40A:1-1, a municipal public utility is defined as any enterprise from which a municipality anticipates it will receive fees, rents or other charges; and

WHEREAS, a municipal utility is required for accounting and budgetary purposes, to be treated as a separate and distinct entity pursuant to N.J.S.A. 40A:4-62; and

WHEREAS, in light of the dissolution of the WNYPA, the Town wishes to create a municipal utility encompassing its parking operations to accurately and properly budget and account for the expenses and revenues relating thereto in a manner which is permitted by statute and which is separate and distinct from the usual operations of municipal government.

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

Section 1. Establishment. There is hereby created under the terms of this ordinance a public utility for the purpose of managing its parking operations within the Town of West New York, County of Hudson, State of New Jersey. For budgetary and accounting purposes, this utility shall be a separate entity, having its own separate accounts and its own separate property, whether it be real, personal or mixed.

Section 2. Official Name. The name by which the Utility shall be known is WNY Parking utility ordinance:2526030\_1

"The West New York Parking Utility", and hereinafter the "Utility".

Section 3. Functions. It shall be the function of the Utility to budget and account for the parking operations undertaken by the Town; to preserve, care for, lay out, construct, maintain improve and operate lands, buildings, and facilities used for the provision of public parking and the enforcement of the Town's laws and regulations concerning parking; to construct, reconstruct, alter, provide, renew and maintain buildings or other structures and equipment and provide for the care, custody and control thereof in the operation of the Utility; to raise money necessary to pay for the lands, rights or interest therein acquired for parking

activities, and for improving and equipping the same; to pay or make provision for the payment of the reasonable expenses in each fiscal year of the Utility; to pay to those persons entitled thereto the interest and principal on notes and bonds of the Utility, and to deposit and accumulate reserve funds or reserves.

Section 4. Governing Regulations. The Utility shall be governed by the ordinances, the Administrative. Code, and the resolutions adopted by the Board of Commissioners and by administrative directives.

Section 5. Financial Affairs. The financial affairs of the Utility shall be governed in accordance with the statutes applying to the financial affairs of the municipality and utilities in general.

Section 6. Acquisition of Property. The Utility may, from time to time, acquire such real property as maybe authorized by the Board of Commissioners by duly adopted ordinances according to the laws of the State of New Jersey.

Section 7. Appointment of Certain Employees, Salaries and Compensation. The Director of the Department of Public Safety shall have the full authority to appoint and employ all necessary employees for the Utility. Salaries of the employees will be in accordance with classification and salary ordinances duly adopted by the Town Board of Commissioners. Portions of salaries of existing employees may be pro-rated based on the amount of time spent on parking operations compared to the employees' full time Town responsibilities.

Section 8. Utility Charges. The Utility shall have authority to charge and collect monies for the use of the utilities facilities whether they be user charges, rental fees, or lease payments, and to use these monies to defray the cost of acquisition of lands, buildings and facilities, rights and interests therein, to equip the facilities, to pay the Utility's current expenses and to pay the interest and principal on notes and bonds all in accordance with such duly adopted ordinances and/or resolutions of the Board of Commissioners. The initial rates and fees shall be as currently on file with the WNYPA.

Section 9. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

Section 10. Repeal of All Inconsistent Ordinances. If any section, subsection, WNY Parking utility ordinance:2526030\_1

sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

Section 11. Effective Date. This ordinance shall take effect as of the dissolution of the WNYPA.

**Introduced: 7/10/2019**

NOTICE OF PENDING ORDINANCE AND STATEMENT OF PURPOSE

PUBLIC NOTICE IS HEREBY GIVEN that the ordinance published herewith was duly introduced and passed upon first reading at a regular meeting of the Mayor and Board of Commissioners of the Town of West New York, in the County of Hudson, New Jersey (the "Town"), held on July 10, 2019, and a public hearing was held thereon on August 7, 2019. The purpose of the ordinance is to provide for the creation of The West New York Parking Utility as a utility of the Town for budgetary and accounting purposes. Further notice is hereby given that a further public hearing will be held on said ordinance at a meeting of said Mayor and Board of Commissioners to be held at the Municipal Building, 428 60th Street, West New York, New Jersey on September 4, 2019 at 6:30 o'clock p.m., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Town Clerk's office to the members of the general public who shall request the same, and thereafter said ordinance will be considered for final passage and adoption.

Carmela Riccio, RMC  
Town Clerk