

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

**ORDINANCE #29/17**

**AN ORDINANCE OF THE CODE OF THE TOWN OF WEST NEW YORK  
AMENDING CHAPTER 312 ENTITLED “RENT CONTROL”**

**WHEREAS**, the Town of West New York (“Town”) has enacted a rent control ordinance in order to regulate the rental of certain housing space within the Town; and

**WHEREAS**, certain amendments to the ordinance are necessary in order to permit the Town the ability to continue to protect the health, safety and welfare of the citizens of the community consistent with the legislative intent of the ordinance as described in the Preamble of Chapter 312 as originally enacted on July 21, 1982.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Commissioners of the Town of West New York that the Town Code, Section 23 of Chapter 312, shall be deleted and replaced with the following language:

**SECTION ONE**

A violation of any provisions of this chapter, including but not limited to the filing with the Rent Control Board or Board of Commissioners of any material misstatement of fact, shall be punishable by a fine of not more than \$500 or by imprisonment for not more than 30 days, or both. A violation affecting more than one leasehold or tenancy shall be considered a separate violation as to each leasehold or tenancy.

The Secretary of the Rent Control Board shall have the authority to file a complaint with the Municipal Court, which shall be by way of Summons for any alleged violation of any of the provisions of this chapter. The Municipal Court shall have jurisdiction to preside over any Summons issued pursuant to this section.

In the event that any landlord is found by the Municipal Court to have violated any of the provisions of this chapter, the Court, in addition to assessing those penalties cited above, shall assess against the landlord, reasonable court costs, and the reimbursement of any attorney’s fees incurred by the Town of West New York, including but not limited to those attorney fees charged to the Town by either the Rent Control Board Attorney or the Tenant Advocate for the matter or matters concerning the violation found by the Court. Such attorney’s fees shall not be limited to the attorney’s fees incurred for the time of any Municipal Court appearance associated with the violation but may include all such fees incurred by the Town, as related to the found violation.

## 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 Amended Ordinance authorizes the Secretary of the Rent Control Board to file a complaint with the Municipal Court against a landlord. In addition to already established penalties against the landlord, reasonable court costs and the reimbursement of any attorney's fees incurred by the Town may be ordered to be paid. Such attorney's fees shall not be limited to the attorney's fees incurred for the time of any Municipal Court appearance associated with the violation but may include all such fees incurred by the Town.

**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

