

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

**ORDINANCE #12/24**

**ORDINANCE TO AMEND CHAPTER 352 OF THE CODE  
TO EXPAND OUTDOOR DINING**

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal and enforce ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

**WHEREAS**, the Town of West New York (the “Town”), is a municipality as defined by Title 40 of the New Jersey Statutes; and

**WHEREAS**, by Ordinance #5/22, the Town previously adopted regulations to expand outdoor dining accommodations and licensing of outdoor cafes for restaurants and food establishments located in business, residential, commercial, and industrial zones throughout the Town of West New York; and

**WHEREAS**, businesses and members of the community have expressed an interest in expanded outdoor dining for an additional season; and

**WHEREAS**, the Town seeks to amend its outdoor dining regulations to expand the use of outdoor dining.

**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, that the Code of the Town of West New York is hereby amended as follows:

**SECTION ONE:**

§352-60 of the Code of the Town of West New York entitled “Seasonal operation; duration of license” shall be amended to read:

“Outdoor cafes shall be permitted to operate during two seasonal cycles. The first cycle shall be May 1 through October 20, and the second cycle shall be December 1 through April 1. The license, when issued, shall be valid for the calendar year in which it is issued.”

**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: May 1, 2024**

**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 **May 1, 2024** and ordered published, for consideration before final passage at a public hearing on **June 5, 2024 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.