

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

ORDINANCE #23/24

AN ORDINANCE TO AMEND CHAPTER 312-1 TO DEFINE “RENT”

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, it may deem necessary and proper for the 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, Town of West New York (the “Town”) is a municipality as defined by Title 40 of the New Jersey Annotated Statutes; and

WHEREAS, the Town finds that it is in the best interest of the health, safety, and welfare of its residents to amend Chapter 312-1 to provide a definition of “RENT”

WHEREAS, the Town finds that it is in the best interest of the health, safety, and welfare of its residents to define the scope and definition of charges, prices and fees for rental of a housing space.

NOW THEREFORE, BE IT ORDAINED by the Mayor and the Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey hereby authorize Chapter 312, Section 1 to be amended and revised as follows:

SECTION ONE

Chapter 312, Section 1 shall include the definition for “RENT” within its chapter. Chapter 312, Section 1 will be hereby amended to include and define “RENT” as follows:

“RENT “

Any price for the use of a housing space. Price includes any charge, no matter how set forth, paid by the tenant for the use of any service in connection with the housing space. No charges shall be permitted for late rent payments of 15 days late or less, whether termed as a late fee, attorney fee, interest on rent paid late or any fee, returned check fees, or any other similar charges, more than twenty-five dollars (\$25.00). No charges shall be permitted for late rent payments more than 15 days late, whether termed as a late fee, attorney fee, interest on rent paid late or any fee, returned check fees, or any other similar charges, more than fifty dollars (\$50.00). Security deposit and charges for accessories, such as boats and/or automobiles, not used in connection with the housing space shall not be construed as rent.

The term “RENT” shall be placed in Chapter 312-1. “RENT” will be placed in “Definitions.” and below the term “PRICE INDEX” and above the term “RENTAL STATEMENT”.

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

Codification. The Town Clerk and/or Corporation Counsel shall have this Ordinance incorporated in the official copies of the Code of the Town of West New York. The Town Clerk and/or the Corporation Counsel be and are hereby authorized and directed to correct any typographical error in this Ordinance and change any heading, chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those headings and numbers and existing provisions of the Code of the Town, or as they may otherwise deem appropriate, even if the headings, chapter numbers, article numbers and section numbers thus modified are otherwise provided for in this Ordinance.

SECTION SIX

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

SUMMARY OF ORDINANCE

This Ordinance amends Chapter 312-1 to provide a definition for “RENT” and to set a cap on late fees associated with “RENT”.

Introduced: June 26, 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 **June 26, 2024** and ordered published, for consideration before final passage at a public hearing on **August 7, 2024 at 12:00 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.