

TOWN OF WEST NEW YORK COUNTY OF HUDSON

ORDINANCE #1/15

AN ORDINANCE AMENDING CHAPTER 135 "BUILDING CONSTRUCTION STANDARDS", ARTICLE IV "LIMITATION ON CONSTRUCTION HOURS", § 135-4 "CONSTRUCTION PROHIBITED" OF THE TOWN OF WEST NEW YORK MUNICIPAL CODE

WHEREAS, Chapter 135, Article IV, § 135-4 of the Municipal Code (the "Code") of the Town of West New York (the "Town") outlines the hours during which construction is prohibited within the Town, specifically from 6:00 p.m. to 7:00 am, daily; and

WHEREAS, according to N.J.S. 40:48-1, the Town is permitted to, among other things, adopt ordinances in order to maintain order, regulate noises, regulate and control the construction and repair of buildings and structures and do all things necessary and proper for the good government, order and protection of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Town is desirous of further expanding the prohibited hours of construction for the benefit of its residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York that Section 135-4 "Construction Prohibited: shall be amended to delete this section and substitute the following:

SECTION ONE

135-4 Construction Permitted

- A.** A person, firm or entity may only engage in construction between the hours of 7:00 A.M. and 6:00 P.M. on Monday through Friday and Saturday between 7:00 A.M. and 4:00 P.M.. Construction shall be prohibited at all times on Sunday.
- B.** Notwithstanding the provisions of subsection A above, the Commissioner of the Department of Public Works, or his designee, shall have the discretion to grant permission and/or approval to engage in construction on weekdays, Saturdays and Sundays at times differing than that set forth therein. However in no event shall such permission be granted for any operation to begin earlier than 7:00 A.M. on weekdays and weekends.

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, which shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any portion thereof.

SECTION THREE

Repealer. All Ordinances or portions 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 portions of ordinances now existing or in effect shall remain in effect unless they are in conflict or inconsistent with any provision of this Ordinance.

SECTION FOUR

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

SUMMARY OF ORDINANCE

This Ordinance amends Chapter 135, Article IV, § 135-4 of the Code to further restrict the hours of construction on Saturday from 7 a.m. to 4 p.m. and to prohibit construction on Sunday.

Introduced: 1/21/15

Re-introduced: 2/18/15

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 **January 21, 2015** and ordered published, for consideration before final passage at a public hearing on **February 18, 2015** at **7:00 p.m.**; **and it was reintroduced on February 18, 2015 and carried until March 25, 2015** for consideration before final passage at a public hearing 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