

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

ORDINANCE #2/17

**AN ORDINANCE AMENDING CHAPTER 218 OF THE TOWN OF WEST NEW YORK
MUNICIPAL CODE**

WHEREAS, Chapter 218 of the Town of West New York (Town) Municipal Code governs the Heating requirements within the Town; and

WHEREAS, the Town is desirous of amending Chapter 218.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York that:

SECTION ONE

Chapter 218-4 and 218-5 are deleted in their entirety and replaced as follows:

§ 218- 4 Violations.

Any person, firm or entity who violates any provision of this chapter or any order promulgated under this chapter shall, upon conviction thereof, during the heating season for a heating violation from October 1 to May 1, shall be liable for a penalty of Five Hundred (\$500.00) Dollars per day, for each violation. Each day that a particular violation continues shall constitute a separate offense. Each dwelling unit with a particular violation for a day or any part of a day shall constitute a separate violation.

§ 218-5 Repeated violations.

In the event that any person, firm or entity is convicted by the applicable court of engaging in a pattern or practice of violations of this chapter continuing over a period of 48 consecutive hours or longer, or upon conviction of a person, firm or entity for more than three separate offenses or more than three separate dates during the same heating season of October 1 to May 1, that person, firm or entity shall be subject to a mandatory penalty of imprisonment for a period of 10 days plus a mandatory fine of no less than \$1000.00 for each offense. If the landlord or owner of the building who is subjected to this penalty thereafter during the same heating season period of October 1 to May 1 shall repeat this conduct or fail to provide the required heat after completion of the above incarceration, then he shall, in the discretion of the court, be subjected to further incarceration for a period of not less than 30 days and not more than six months plus the maximum monetary fine for each separate offense, as permitted by law.

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 parts 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 part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FOUR

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

SUMMARY OF ORDINANCE

This Ordinance governs obligations of owners and landlords to supply heat in the Town.

Introduced: 1/19/2017

Adopted: 2/16/2017

Statement

The foregoing ordinance having been previously adopted for first reading and published was further considered by the Mayor and Board of Commissioners of the Town of West New York on **February 16, 2017** and at said date was duly and finally adopted after public hearing thereon.

Carmela Riccio, RMC
Town Clerk

Commissioner Cosmo A. Cirillo

Commissioner Susan M. Colacurcio

Commissioner Margarita Guzman

Commissioner Gabriel Rodriguez

Mayor Felix E. Roque
BOARD OF COMMISSIONERS

Attest: _____
Carmela Riccio, RMC
Town Clerk