

The Board of Commissioners of the Township of North Bergen in the County of Hudson, DO ORDAIN:

Section 1. That Section 1 of an ordinance entitled as

above, and the supplements and amendments thereto, be amended by adding thereto a line item reading as follows:

1 Deputy Chief of Police

Section 2. This ordinance shall take effect upon adoption

and publication as required by law.

Introduced: June 6th, 1956.

Published: June 23rd, 1956.

Adopted: June 20th, 1956.

ANGELO J. SARUBBI

JOSEPH J. JIALDINI

JAMES P. NOIAN

CHARLES J. WEAVER

JOSEPH KELLY

TOWNSHIP CLERK

ATTEST:

WHEREAS, the Township of North Bergen in the

County of Hudson, has petitioned the Legislature for the

passage of a special law to authorize the adoption of an or-

dinance to provide for the continuation of rent control in

said Township and the said Legislature has granted such peti-

tion by enacting a special law to provide for the continu-

ation of rent control in said Township and has received a

certificate from the clerk of the General Assembly pursuant to

Section 13 of said act, and

WHEREAS, it is the desire of the Township to

adopt said act and to insure that the ordinance heretofore

adopted pertaining to the continuation of rent control after

June 30, 1956 is operative and enforceable,

NOW, THEREFORE, the Board of Commissioners of the

Township of North Bergen, do ordain:

Section 1. That an act of the Legislature

entitled "AN ACT AUTHORIZING CERTAIN MUNICIPALITIES TO ADOPT,

MAKE, AMEND, REPEAL AND ENFORCE ORDINANCES TO PROVIDE FOR THE

REGULATION OF RENTALS AND THE POSSESSION OF HOUSING SPACE,

WITH RESPECT TO CERTAIN PROPERTIES, AND TO MAKE NECESSARY

APPROPRIATIONS: PROVIDING FOR COUNTY RENT CONTROL REVIEW

BOARDS IN CERTAIN CASES, IMPOSING CERTAIN DUTIES UPON THE

SAYED RENT CONTROL DIRECTOR, CONFERRING JURISDICTION ON THE

COUNTY DISTRICT COURTS, IN CERTAIN CASES, AND PROVIDING FOR

THE OPERATION OF THE ACT IN SAID MUNICIPALITIES WHEN ADOPTED

BY ORDINANCES OF THE GOVERNING BODIES OF SAID MUNICIPALITIES"

is hereby adopted.

Section 2. That a certain ordinance entitled "AN

ORDINANCE TO REGULATE AND CONTROL THE RENTAL OF HOUSING ACCOM-

MODATIONS AND THE EVICTION OF TENANTS THEREFROM: DEFINING THE

TERMS EMPLOYED THEREIN: ESTABLISHING MAXIMUM RENTS: PER-

MITTING ADJUSTMENTS IN SUCH MAXIMUM RENTS: PERMITTING THE DE-

CONTROL OF CERTAIN CLASSES OF HOUSING ACCOMMODATIONS: IS-

TABLISHING AND CREATING A TOWN RENT CONTROL OFFICE: CONFERRING

POWERS UPON THE DIRECTOR OF THE TOWN RENT CONTROL OFFICE:

PROHIBITING EVICTIONS EXCEPT ON CERTAIN GROUNDS AND REQUIRING

CERTIFICATES OF EVICTION: MAKING CERTAIN ACTS UNLAWFUL AND

Section 3 of said ordinance shall be amended so as to read as follows:

as to read as follows:

A Rent Control Office of the Township of North Bergen is hereby created within the Department of Revenue and Finance. The Office shall be headed by a Director who shall be appointed by the Director of Revenue and Finance and shall hold office at the pleasure of said Director of Revenue and Finance.

The Director shall hold no other municipal office or position except that with the approval of the Board of Commissioners, where necessary in the interest of economy and administration, he may continue to hold any other municipal office or position held by him upon the enactment of this ordinance. The said Director shall be paid at the rate of \$3500. per annum, or other salary as may be determined by the Board of Commissioners, but not less than \$3000. per annum. However, if said Director presently holds another municipal office or position for which he is receiving a salary or fee, then he shall receive as such Director without compensation.

Provision for the expenses and operation of the Rent Control Office of the Township of North Bergen may be made by emergency appropriations.

Section 4. Sub-division (a) of Section 5 of said ordinance shall be amended so as to read as follows:

(a) He may employ a secretary, who shall not be subject to the provisions of Title II (Civil Service) of the Revised Statutes as amended and supplemented, and

court and be held unconstitutional or invalid, the remaining

or provision of this ordinance shall be questioned in any

Section 6. In the event the validity of any section

December 31, 1957.

This ordinance shall continue in effect until

amended so as to read as follows:

Section 1. Section 17 of said ordinance shall be

and is hereby amended to read:

Article the fact of such increase and all pertinent de-

be required to report to the municipal rent control

June 30, 1956, of 50% as provided in said section, shall

increase of 15% above the rental rent chargeable as of

referred to in section 1 hereof, by ~~adding~~ a rent

provisions of section 17 of the act of the Legislature

(f) Every landlord who has waived himself of the

by adding thereto a sub-section 1 (f), to read as follows:

Section 6. Section 1 of said ordinance is amended

shall be

rental subsequent thereto.

added, before or after or at the end of the last

added, the same shall be read, amended, re-

herebefore last amended prior thereto; and if not so

June 30, 1956, the date on which such provision were

herebefore prior thereto, and for space not rented on

ending June 30, 1956, on the last rental period in-

chargeable on the last rental period for the period

to the last actually and legally charged, received,

this ordinance the rental base rent for housing space

it is hereby declared that the purpose of

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light or sanitary facilities, or due to other conditions rendering such dwellings and other structures unsafe or insanitary, or dangerous or detrimental to the health or safety or otherwise inimical to the welfare of the residents of said Township,

NOW, THEREFORE, the Board of Commissioners of the Township of North Bergen in the County of Hudson do ordain:

Section 1. The Director of the Department of Public Works, hereinafter called the Director, is hereby designated to exercise the powers prescribed by this ordinance.

Section 2. Whenever a petition is filed with the said Director by a public authority or by at least five residents of the Township, charging that any dwelling or other structure is unfit for human habitation or occupancy or whenever it appears to the said Director on his own motion that any dwelling or other structure is unfit for human habitation or occupancy, the said Director shall, as a preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or other structure, a complaint stating the charges in that respect and containing a notice that a hearing will be held before him (or his designated agent) at a place therein fixed not less than ten days after the serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in the courts shall not be controlling in hearings before the Director.

Section 3. If, after such notice and hearing, the Director determines that the dwelling or other structure under consideration is unfit for human habitation or occupancy he shall state, in writing, his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order:

- a. If the repair, alteration and improvement of said building can be made at a reasonable cost in relation to the value of said building (it being hereby determined that 50% of such cost shall be deemed reasonable for such purpose) requiring the owner to the extent and within the time specified in the order to repair, alter and improve the said building to render it fit for human habitation or occupancy or, at the option of the owner, to vacate and close the dwelling or other structure as a human habitation; or
- b. If the repair, alteration, or improvement of said dwelling or other structure cannot be made at a cost less than 50% of the value of the building, the owner may be required to remove or demolish such dwelling or other structure.
- c. If the owner fails to comply with an order to repair, alter, or improve, or, at the option of the owner to vacate and close the dwelling or other structure, the Director may cause such dwelling or other structure to be repaired, altered and improved, or be vacated and closed;
- d. The said Director may cause to be posted on the main entrance of any dwelling or other structure so closed, a placard with the following words: "This building is unfit for human habitation or occupancy; the use or occupation of this building for human habitation is prohibited and unlawful".
- e. If the owner fails to comply with an order to remove or demolish the dwelling or other structure, the said Director may cause such dwelling or other structure to be removed or demolished.

limit in any way the power of the Township to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

Section 4. The Director may determine that a building is unfit for human habitation or occupancy if he finds that conditions exist in such dwelling or other structure which are dangerous or injurious to the health or safety of the occupants of such dwelling or other structure, the occupants of neighboring dwellings or other residents of such municipality; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair, structural defects; uncleanness; such ordinance may provide additional standards to guide the Director, or his agents, in determining the fitness of a dwelling or other structure for human habitation or occupancy.

Section 5. The said Director is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this ordinance, including the following powers in addition to others herein granted:

- a. to investigate the conditions in the Township in order to determine which dwellings or other structures therein are unfit for human habitation or occupancy.
- b. to administer oaths, affirmations, examine witnesses and receive evidence;
- c. to enter upon premises for the purpose of making examinations; provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- d. to appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of the ordinances; and
- e. to delegate any of his functions and powers under the ordinance to such officers and agents as he may designate.

Section 6. Complaints or orders issued by the Director, pursuant to this ordinance, shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the Director in the exercise of reasonable diligence, and the Director shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in a newspaper printed and published in the Township, or, in the absence of such newspaper, in one printed and published in the county and circulating in the Township in which the dwellings or other structures are located. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall be duly recorded or lodged for record with the county recording officer of the county in which the dwelling or other structure is located.

Section 7. The said Director may require the owner or tenants of lands within the limits of North Bergen, where it is necessary and expedient for the preservation of public health, safety, general welfare or to eliminate a fire hazard, to remove from such lands brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris within ten days after notice to remove the same, if the said owner or tenant shall have refused or neglected to remove the same, the same may be removed under the direction of the said Director. Upon such removal, the said Director shall certify the costs thereof to the governing body who shall examine such certificate and if found correct, shall cause the costs thereof as shown thereon to be charged against the said lands. The amount so charged shall forthwith become a lien upon such land and

shall be questioned in any Court and be held unconstitutional or invalid, the remaining provisions and sections of this ordinance, other than those that are held invalid shall not be affected thereby but shall remain in full force and effect.

Section 10. Any ordinance or parts of ordinances inconsistent herewith are repealed as to the inconsistent portions thereof.

Section 11. This ordinance shall take effect after final passage and as required by law.

Introduced: August 1st, 1956.
Published: August 7th & August 17th, 1956.
Adopted: August 15th, 1956.

ATTEST:

TOWNSHIP CLERK

Mayor & President
James F. Gooden
Mayor & President
James F. Gooden
Mayor & President

Section 2. That, as used in this ordinance, unless the context otherwise requires:-

Section 4. That the passage of this ordinance is necessary for the purpose of preventing the consequence hereinabove described and to make effective the policy of the Board of Commissioners of the Township of North Bergen.

NOW, THEREFORE, the Board of Commissioners of the Township of North Bergen, do ordain:

at the present time generally considered by housing experts as normal to avoid injury to the health, safety and welfare of the people of the Township of North Bergen; that the construction of new housing units planned for the coming year will not eliminate the existing housing shortage in rental units; that public housing, for which there is a great backlog of tenant applications, does not offer sufficient relief to the limited income tenants from the pressure of the housing shortage because new construction is merely replacing units necessarily being demolished; that the shortage of habitable housing is accentuated by the program of redevelopment to eliminate blighted areas, which necessitates the demolition of hundreds of blighted and dilapidated housing units and the relocation of hundreds of families living in such areas, and in the absence of regulation of rents and control of evictions, there would thereby ensue excessive rent rises and a sharp increase in evictions which would result in serious injury to the health, safety and welfare of a large segment of the population and in conditions that would substantially hamper and deter the efforts of the Township of North Bergen to effectuate the clearing of blighted areas and the general purpose of municipal planning; that, experience in other municipalities demonstrated that when rent controls have been terminated under similar circumstances rents have risen exorbitantly, many tenants have been evicted without justification, and great hardship, displacement and dislocation generally have resulted therefrom; that to prevent such perils to health, safety and welfare, preventive action by this Board of Commissioners is imperative; that although the controls and regulations hereinafter provided in this ordinance may temporarily disturb the enjoyment of individual rights and property, compensation is provided for such temporary disturbance by all of the people of North Bergen sharing the general benefits which such controls and regulations are intended and articulated to secure; that such regulations and controls are necessary in order to prevent the execution of unjust, unreasonable and oppressive rental agreements, to prevent unjustifiable evictions and to forestall profiteering, speculation and other disruptive practices tending to produce threats to the public health, safety and general welfare and, as a consequence, this ordinance is declared to be necessary and designed to protect the public health, safety and general welfare, and that this ordinance is passed pursuant to the police powers of the Township of North Bergen.

"LANDLORD" shall mean an owner, lessor, sublessor, receiver, trustee, executor, assignee or other person receiving or entitled to receive rent for the use or occupancy of the whole or a part of any housing space.

accommodations.

Provided that if any of the above provisions of the above sub-sections A to K inclusive are declared invalid, then it is hereby declared to be the intention of the Board of Commissioners of the Township of North Bergen that such invalidity shall not impair the validity of the other provisions of this ordinance, which shall remain in full force and effect as if the invalid subsection had not been adopted, and the structures and dwelling units referred to in said invalid subsections be included as housing

(k) Any establishment commonly regarded as a hotel which customarily provides hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service, use and upkeep of furniture and fixtures and bell boy service.

(j) Public housing.

(i) Housing space owned, operated or maintained by the State, any County or any municipality or any agency or instrumentality thereof, on December 1, 1954, even though subsequent thereto such housing space is sold or otherwise transferred.

(h) Motor courts, trailers or trailer space or housing space in tourists homes.

(g) Housing space operated by educational or charitable institutions and used in carrying out their charitable or educational purposes.

(f) Non-housing furnished housing space located in a single dwelling unit not used as a rooming house if such space is not rented to more than two paying tenants and the rest of the unit is occupied by the landlord.

(e) Space used for non-housing purposes exclusively prior to December 1, 1954, and converted to housing space on or after that date.

(d) Additional housing units created by a conversion on and after April 1, 1949, involving structural changes in particular housing space by substantial alterations and remodeling and resulting in self-contained family units.

(c) Housing space constructed, converted, operated, managed and maintained under the Veterans Emergency Housing Act of the State of New Jersey, Ch. 323 of the Laws of 1946, as amended and supplemented.

(b) Housing space constructed on and after December 1, 1954.

housing space created prior to the effective date of this ordinance, and including the services in connection therewith.

"PERSON" shall mean an individual, corporation, partnership, association or any other organized group of individuals or the legal successor or representative of any of the foregoing which shall not be deemed to include any governmental unit, instrumentality, or agency thereof.

"FEDERAL RENT CONTROL" means the operation of any Act of Congress and of any rule or regulation promulgated pursuant to the authority of any Act of Congress and the administration of any such act or rule or regulations by any department, authority, agent, officer, or other administrative agency, or board of the Government of the United States in respect to housing space and the rental thereof in effect and operation in the State of New Jersey or in any part or parts thereof.

"STATE RENT CONTROL" means Rent Control under Public Laws 1953, Chapter 216.

Section 3. That there is hereby established and created the "North Bergen HOUSING RENT COMMISSION" which shall consist of five (5) members, residents of the Township of North Bergen, who shall each be appointed for a term of one (1) year by the Board of Commissioners of the Township of North Bergen. The Board of Commissioners shall appoint one of the members of the Commission as Chairman and another member of the Commission as Vice-Chairman thereof. Insofar as practicable the persons so appointed shall be representative of the affected interests in the Township of North Bergen. A member of the Commission shall hold office until his successor has been appointed and has qualified. A member of the Commission shall receive no compensation for his services but he shall be entitled to the necessary expenses, including travelling expenses incurred in the discharge of his duties. The powers of the North Bergen Housing Rent Commission shall be vested in the members thereof in office from time to time. A majority shall constitute a quorum of the Commission for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the Commission upon a vote of the majority of the members present. The Commission may employ a secretary, technical experts and such other officers, agents and employees as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, the Commission may call upon the chief law officer of the Township of North Bergen or may employ its own counsel and legal staff.

Commissioners may prescribe. No such budget shall be effective unless it is approved by the Board of Commissioners. The Housing Rent Commission shall file with the Board of Commissioners a detailed report of all its transactions, including a statement of all revenues and expenditures, without exception, quarterly.

Section 5. The duties and powers of the Commission shall be as follows:

(a) To make, amend, modify or repeal such reasonable general and uniform rules and regulations as it may deem necessary:

1. To adequately effectuate the provisions of this ordinance;

2. For the exercise by it of the function, powers and duties conferred upon it hereunder; and

3. To regulate rents in the Township of North Bergen consistent with the purposes of this ordinance, as stated in Section 1 and the preamble hereof, economic conditions in the Township of North Bergen and for the protection of the public therein.

No regulation of the Commission or any amendment, modification or repeal thereof shall take effect until five (5) days after it has been approved by a majority of the members of the Commission, and filed with the Clerk of the Township of North Bergen.

(b) To conduct research and study respecting housing space, rental accommodations and economic conditions affecting same within the Township of North Bergen; from time to time to conduct surveys within the Township for the purpose of ascertaining whether the demand for rental housing space therein has been reasonably met to the end that the Commission may formulate plans and policies for the general control of housing space within the Township at the earliest practical time and to report to the Board of Commissioners in connection therewith;

(c) To regulate or prohibit speculative or manipulative practices or renting or leasing practices, including practices relating to the possession or recovery of housing space;

(d) To assure the maintenance of the same living space, essential services, furniture, furnishing and equipment as were provided on the date rent regulation hereunder shall become effective within the Township of North Bergen and to adopt regulations containing such provisions as the Commission may deem necessary to prevent circumvention or evasion thereof.

(e) To conduct hearings, for the purpose of deciding any matter coming before the Commission. When authorized by the Commission, hearings may be conducted by a single member of the Commission.

to housing space occupied by domestic servants, caretakers, janitors, managers or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering service in connection with the premises in which the housing space is a part.

Section 6. For the purpose of this ordinance lawful rentals for housing space payable as of December 1, 1954, for premises then in existence shall be deemed the lawful base rentals for such housing space. For premises first rented after December 1, 1954, the amount of lawful rental of housing space shall be the first rental paid by a tenant, provided such rental is approved by the Commission after review and examination.

Section 7. After the effective date of this ordinance it shall be unlawful regardless of any contract, lease or other obligation heretofore or hereafter entered into, or any notice of increase in rent, or any eviction served upon a tenant, for any person to demand or receive any rent for housing space in excess of the lawful base rent established or fixed for such housing space under this ordinance as adjusted by any rule, regulation or order of the Commission under this ordinance. It shall be unlawful for any landlord to evict, dispossess or institute any action for possession of housing space, except as hereafter provided or to willfully do, or attempt to do, any act in violating of this ordinance or of any regulation or order issued under authority of this ordinance.

Section 8. (1) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing space subject to this act, by action to evict or to recover possession, by exclusion or possession, or otherwise, nor shall any person attempt such removal or exclusion or possession notwithstanding the fact that the tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and notwithstanding any contract, lease agreement or obligation heretofore or hereafter entered into which provides for surrender of possession, or which otherwise provides contrary hereto, unless the landlord has obtained a certificate of eviction pursuant to subdivision (2) of this section;

(2) No such tenant shall be removed or evicted unless on application of the landlord, the Commission shall issue a certificate of eviction in accordance with its rules and regulations, designed to effectuate the purposes of this ordinance, permitting the landlord to pursue his remedies at law. The Commission shall issue an order whenever it finds that;

(a) The tenant is violating a substantial obligation of his tenancy other than the obligation to surrender possession of such housing space and has failed to correct such violation after written notice by the landlord that the violation ceases within ten (10) days; or within the three-month period immediately prior to the commencement of the proceeding the tenant has willfully violated such an obligation, inflicting serious and substantial injury to the landlord;

sons having a legitimate interest therein; provided, however, that such refusal shall not be ground for removal or eviction in such inspection or showing of the space is contrary to the provisions of the tenant's lease or other rental agreement;

(f) The landlord seeks in good faith to recover possession of housing space because of immediate and compelling necessity for his own personal use and occupancy or for the use and occupancy of his immediate family. For the purposes of this sub-section the term "immediate family" includes a son, son-in-law, daughter, daughter-in-law, father, father-in-law, mother, mother-in-law, stepchild and adopted child; or

(g) The landlord seeks in good faith to recover possession of housing space for which the tenant's lease or other rental agreement has expired or otherwise terminated and at the time of termination the occupants of the housing space are sub-tenants or other persons who occupied under a rental agreement with the tenant and no part of the space is used by the tenant as his dwelling; or

(h) The landlord seeks in good faith to recover possession of the housing space for the immediate purpose of substantially altering, remodeling or demolishing, it, provided that the landlord shall have secured such approval therefor as is required by law and the Commission determines that the issuance of order granting the certificate of eviction is not inconsistent with the purposes of this ordinance, and provided also that such alteration or remodeling is not practicable with the tenant in occupancy.

Notwithstanding the preceding provisions of this section, the State, any municipality, or housing authority, may nevertheless recover possession of any housing space operated by it where such action or proceeding is authorized by statute or regulations under which such housing space is administered.

Section 9. The Commission may, upon an application by the landlord, on notice to the tenant, and upon a hearing (if requested in writing) and determination as provided under this ordinance, grant a rent increase upon and to the extent of a showing by the landlord to the satisfaction of the Commission that:

(a) The landlord has not been compensated by leases or rent adjustments for increases in the cost of operating and maintaining the building;

(b) The landlord has made a major improvement to the dwelling unit which is more than ordinary repair and maintenance;

(c) The landlord has increased the services, furniture, furnishings or equipment provided for the dwelling unit;

(4) "annual operating expenses" means all real estate taxes and operating costs necessary (except that a management fee or commission shall not exceed two per cent (2%) of the annual rent, unless a greater management fee or commission is actually paid to a duly licensed real estate broker or attorney-at-law or N.J.), depreciation but excluding mortgage interest

(3) "annual income" means the legal monthly, weekly, or other periodic rent for all units in the building, both residential and commercial (whether registered or not), on the date the petition is filed, computed on an annual basis, together with any other income earned from the operation of the building during the test year. In any case where a rental unit is vacant or is occupied in whole or in part rent free, the full rental value shall be considered the legal rent;

(2) "net operating income" means the amount by which annual income exceeds annual operating expenses;

For the purpose of this ordinance, the term (1) "building" means any structure or group of structures containing housing space having common facilities and operating as a single enterprise;

(e) Other relevant and material facts.

(d) Any increase in the present rental over the rent pertaining to the dwelling unit during the period, if any, when Federal and State control were applicable thereto;

(c) The kind, quality and quantity of the services furnished or withheld by the landlord;

(b) Costs of operation and maintenance of building;

(a) Taxes;

In determining any application for an increase in rent, the Commission shall take into consideration all of the following factors:

Where an adjustment is granted under this section and a subsequent petition is filed thereunder, the test year used in any such subsequent petition shall begin after the end of the test year used in the last previous petition; provided, however, that the Commission may waive this limitation where the building has been affected by a significant increase in operating expenses which apply to all or an important class of housing accommodations in the community.

The adjustment under this subsection shall be in such amount as is necessary to bring the net operating income from the building (expressed as a percentage of annual income after adjustment) to the median net operating income of landlords generally, provided, however, that where it is determined that the building falls within a class which normally experienced considerably lower percentages of net operating income than the median, the amount of adjustment may be determined on a basis which will yield a lower percentage of net operating income than the median and which would be fair and equitable for that class of buildings.

(h) The net operating income from the building is less than a fair net operating income (the net operating income shall not be considered less than fair if it is twenty-five per centum (25%) or more of the annual income in the case of a building containing less than five dwelling units or is twenty per centum (20%) or more in the case of a building containing five or more dwelling units).

(b) After the issuance of any order, any person aggrieved thereby may request a hearing before the Commission. The Commission shall hold such

(a) A landlord's petition or a tenant's application for adjustment of rent or other relief, including a petition for a certificate relating to eviction or other relief, may be filed with the Commission by any landlord or tenant who requests such adjustment or relief. The Commission shall give responding parties at least ten (10) days in which to serve and file a written answer to any petition or application.

Section 13.

Section 12. Every order of the Commission shall specify a date not less than ten (10) days thereafter upon which the order shall become effective, and copies of such orders shall be mailed to each of the parties affected hereby.

(c) In the event of a rent increase in accordance with subsections (a) or (b) of this section, such rent increases shall not furnish a basis for increases on the basis of comparability.

(b) In the event of a voluntary moving of a tenant from housing space subject to the provision of this ordinance, the landlord shall, upon the first re-rental of such housing space, be entitled to a rent increase not to exceed 10% of the maximum legal rent, provided such increase shall be approved by the Commission.

(a) A landlord shall be entitled to a rent increase not to exceed ten per cent (10%) or the maximum legal rent, provided that the landlord and tenant voluntarily enter into a written lease agreement; such lease to be for a period of at least two years and further provided that the landlord maintains all of the services and equipment set forth in the rent registration; in the event of a lease agreement the landlord shall file a duly executed copy of same with the Commission, and such rent increase shall be subject to the approval of the Commission.

Section 14.

(b) The conditions which resulted in the granting of a rent increase to the landlord no longer continue to exist.

(a) Landlord is withholding services, furniture, furnishings or equipment rightfully due the tenant;

Section 10 - The Commission shall have the authority to hear and determine applications for a decrease in rent. Such hearing shall be on notice to the landlord and shall be conducted according to the rules and regulations of the Commission and substantially in the same manner as hearings upon application for rent increases. No order for a rent decrease shall be made except upon a showing to the satisfaction of the Commission by the tenant that:

stitute or will constitute a violation of any provision of this ordinance, the Commission may make application to a court of competent jurisdiction for an order enjoining such acts or practices or for an order enforcing compliance with any regulation, order or adjustment of the Commission or for an order directing the landlord to correct the violation.

Section 16. The provisions of this ordinance are severable and if any provisions, sentence, clause, section or part thereof shall be held illegal, invalid or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not effect or impair any of the remaining provisions, sentences, clauses, sections or parts of the ordinance, or their application to him or to other persons and circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegality, invalid or unconstitutional provisions, sentence, clause, section or part had not been included therein and if the person or circumstances to which the ordinance or any part thereof is inapplicable had been specifically exempted therefrom.

Section 17. Any person (not including a corporation) who violates any provision of this ordinance, or of any regulation, order or requirement thereunder shall, upon conviction thereof, be punishable by a fine not exceeding two hundred dollars (\$200.00) or except as provided below, by imprisonment in the County Jail or in a place provided by the Township of North Bergen, for a term not exceeding ninety (90) days, or both. Any corporation violating any of the provisions of this ordinance, or of any regulation, order or requirement thereunder shall, upon conviction thereof, be punishable by a fine not exceeding two hundred dollars (\$200.00).

Section 18. This ordinance shall take effect when adopted and published according to law.

Introduced: December 15th, 1954.

The Board of Commissioners of the Township of North Bergen in the County of Hudson, State of New Jersey, DO ORDAIN:

Section 1: That so much of schedule marked "D" annexed to ordinance entitled as above and referred to in Section 2 thereof as related to lines "21", "22", and "23" of said schedule and line "26" of Schedule "E" annexed to said ordinance be amended to read as follows:

DEPARTMENT OF PUBLIC AFFAIRS

Schedule B

Number of Offices or Positions	Position	Minimum	Maximum	Class
1	1st Legal Assistant	\$3,000.		U
1	2nd Legal Assistant	3,000.		U
1	3rd Legal Assistant	3,000.		U

DEPARTMENT OF PUBLIC SAFETY

Schedule E

Number of Offices or Positions	Position	Minimum	Maximum	Class
1	Legal Assistant	\$3,000.		U

Section 2: If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance.

Section 3: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed as to the conflicting portions thereof and this ordinance shall take effect upon adoption and publication as required by law.

Introduced: November 13th, 1956.
Published: November 23rd & December 8th, 1956.
Adopted: December 5th, 1956.

ARLEIGH J. SARANT
(Mayor and President)

JOSEPH J. JALBYNY

JAMES P. NOYAN

WILBUR L. ROSS

CHARLES J. WEAVER

JOSEPH KELLY
Township Clerk

ATTEST:

side sewers, cesspools, or other receptacles regulating the practice of plumbing, or dealing with the issuance of licenses to practice plumbing by reference to such rules and regulations, a copy of which is annexed to this ordinance, and made part hereof.

Section 2. Three (3) copies of the said rules and regulations reproduced in book form as a code entitled "Plumbing Code of the Township of North Bergen in the County of Hudson," have been placed on file in the office of the Township Clerk, 4233 Hudson Boulevard, North Bergen, New Jersey, and will remain on file until final action is taken on said ordinance for the use and examination of the public.

Section 3. If for any reason any section or provision of this ordinance shall in any competent court be held to be invalid, no other section or provision of this ordinance shall be affected thereby.

Section 4. Any person, persons, firm, corporation, or other legal entity failing to obey the provisions of this ordinance or of any order issued pursuant thereto, shall be guilty of a violation of this ordinance and upon conviction thereof shall be liable to a fine not exceeding \$100.00 or imprisonment for a term not exceeding 90 days, or both, at the discretion of the magistrate before whom such conviction shall be heard.

Section 5. Nothing in this ordinance contained shall apply to any Public Utility subject to regulation by the Board of Public Utility Commissioners of the State of New Jersey, nor to any of its employees while engaged in the ordinary conduct of its business.

Section 6. This ordinance shall take effect when adopted and published as required by law.

Introduced: December 5th, 1956.
Adopted: December 19th, 1956.
Published: December 8th & 22nd, 1956.

ATTEST:

JOSEPH KELLY
Township Clerk

CHARLES J. WEAVER

WILBUR L. ROSS

JAMES P. NOIAN

JOSEPH J. JALDINI

ANGELO J. SARUBBI

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Section 2. Three (3) copies of the said rules and regulations reproduced in book form as a code entitled "Plumbing Code of the Township of North Bergen in the County of Hudson," have been placed on file in the office of the Township Clerk, 4233 Hudson Boulevard, North Bergen, New Jersey, and will remain on file until final action is taken on said ordinance for the use and examination of the public.

Section 3. If for any reason any section or provision of this ordinance shall in any competent court be held to be invalid, no other section or provision of this ordinance shall be affected thereby.

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ATTEST:

JOSEPH KELLY
Township Clerk

CHARLES J. WEAVER

WILBUR L. ROSS

JAMES P. NOIAN

JOSEPH J. JIALDINI

ANGELO J. SARUBBI

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE
 RELATIVE TO THE REGULATION OF THE BUSINESS OF THE
 CITY OF NEW YORK, IN THE COUNTY OF NEW YORK, AND
 IN THE CITY OF NEW YORK, IN THE COUNTY OF NEW YORK,
 CONCERNING THE REGULATION OF THE BUSINESS OF THE
 CITY OF NEW YORK, IN THE COUNTY OF NEW YORK, AND
 IN THE CITY OF NEW YORK, IN THE COUNTY OF NEW YORK."

The Board of Commissioners of the County of New York, in the County of New York, do hereby:

1. Section I of the ordinance entitled as above is amended to read as follows:

SECTION I.

For the purpose of this ordinance, the Township of North Bergen is divided into five zones or districts as follows and shown on the amended map: District "A", which has been listed for public inspection in the office of the Township Clerk, North Bergen, New Jersey, with the introduction of this amendatory ordinance and made part of the same, and:

- (a) First Residential
- (b) Second Residential
- (c) Business
- (d) Commercial and Light Industrial
- (e) Heavy Industrial

2. Paragraph 1 of Section II of said ordinance is amended by adding thereto a line reading as follows: "The keeping of birds or animals, other than household pets."

3. (a) Paragraph 1 of Section III of said ordinance is amended by adding thereto a line reading as follows: "The keeping of birds or animals, other than household pets." (b) Paragraphs 2 and 3 of Section III of said ordinance are amended to read as follows:

Par. 2. "Carriages of any kind except horse-drawn carriages shall not be kept upon any vacant land in a residential district."

Par. 3. "A private garage, as hereinafter defined, may be permitted upon a lot or part of the lot, and a battery of garages, as hereinafter defined, may be permitted in the rear or under any apartment house or detached structure, upon the same is built upon the rear of the lot or part of the lot upon which it is situated, but no battery of garages shall contain more units than those are permitted within said apartment house. Such private garages, or battery of detached garages, shall be constructed at least 20 feet from any lot line facing a street."

Part 2. Nothing herein contained shall be construed to prevent the manufacture of products such as candy, ice-cream, or bread, which are to be sold at retail on the premises where manufactured.

5. Section A is amended as follows:
(a) By amending sub-division 42 of Paragraph 1 to read as follows:

42. A public garage, or gasoline station, when located within 200 feet of any property used for:

- (a) A public school
- (b) A duly organized school other than a public school conducted for children under 16 years of age and giving regular instruction at least five days a week for eight or more months a year
- (c) A public or private high school
- (d) A hospital or sanitarium
- (e) A church, synagogue, or other building used for worship in accordance with any religious rite.
- (f) A theater containing at least 300 seats
- (g) A public library
- (h) An orphanage

6. Paragraph 1 of Section VI of said ordinance is amended by adding thereto a line reading as follows:
10. A public garage, or gasoline station, when located within 200 feet of any property used for:

- (a) A public school
- (b) A duly organized school other than a public school conducted for children under 16 years of age and giving regular instruction at least five days a week for eight or more months a year
- (c) A public or private high school
- (d) A hospital or sanitarium
- (e) A church, synagogue, or other building used for worship in accordance with any religious rite.
- (f) A theater containing at least 300 seats
- (g) A public library
- (h) An orphanage

Item 8 of Paragraph 1 of Section VI is amended to read as follows:
8. Reduction of license, refuse or dead weight.

6. Section XI of said ordinance is amended to read as follows:

SECTION XI - OFF-STREET PARKING

Sec. 1. Lots intended for multi-family, business, or industrial use, shall be provided with

off-street parking facilities and off-street parking

in the following minimum ratios:

1. Garage space for one car per

dwelling unit and in addition off-street

parking space for not less than one car per

dwelling unit shall be provided in con-

nection with and on the same plot occupied by a

group building.

2. In all districts in which the

type of building and uses specified herein are

permitted by this ordinance, off-street parking

and off-street loading facilities in connection

with such buildings erected after the date this

ordinance becomes effective and in connection

with an extension, addition, or enlargement to

an extent in excess of 25 per cent of the exist-

ing content of a building existing on the date

this ordinance becomes effective shall be pro-

vided in an amount not less than hereinafter

specified provided that nothing in this section

shall prevent the reconstruction, repair or re-

building without enlargement or any non-con-

forming building existing at the effective date

of this ordinance.

3. The amount of required off-street

parking facilities as set forth in this section

shall be determined in accordance with the

following schedule:

(a) For an office building, pro-

cessional building, or studio use, one

parking space for each 400 square foot of

floor area.

(b) For each retail store, shop,

bank, or similar establishment, one parking

space for each 200 square foot of floor

area, and one parking space for each 400

square foot of such area above the first

floor.

(c) For each restaurant or simi-

lar place dispensing food, drink, or re-

freshments, one parking space for each 50

square foot of floor area devoted to

patron use.

4. For any building or premises used for

commercial purposes, indoor or outdoor space for

loading and unloading of goods and materials shall

be provided on the premises, whenever the above-

gate area used for such purposes is 6,000 square

to "Surprising And so notwithstanding the fact that the
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of the fact that the fact that the fact that the fact that the

[illegible]

2. No required open space in an off-
street parking facility shall be encroached upon
by buildings, storage or any other use which
the required number of parking spaces be reduced
except upon approval of the Board of Adjustment
and then only after proof that, by reason of
disturbance in floor area, seating capacity, or
change in other factors controlling the regula-
tion of the number of parking spaces, the im-
posed reduction is reasonable and consistent
with public convenience and safety.

The above information was obtained from a review of the files of the Department of the Interior, Bureau of Land Management, and the Bureau of Reclamation, and is being furnished to you for your information.

dedicated pursuant to the provisions of this section shall be placed, stored, printed, photostated, and maintained by the owner, in accordance with the provisions of the Township and such localities shall be arranged for convenient access and safety of pedestrians and vehicles. In the event of an emergency, such facilities shall have adequate means of access to and egress from a street.

1. The original building location
 2. The original building location
 3. The original building location
 4. The original building location
 5. The original building location
 6. The original building location
 7. The original building location
 8. The original building location
 9. The original building location
 10. The original building location

For the purpose of this Section, one parking space shall mean an area of not less than 200 square feet, exclusive of drives or drives leading to such spaces, for the parking of automobiles; and every loading space shall be not less than 10 feet wide and 25 feet long and shall have a minimum clear height of 10 feet.

(b) 20,000 to 40,000 square feet, two spaces
(c) over 40,000 square feet, three spaces

in which such use is authorized.
foot beyond the boundary line of the district
extending to the center lot, but not more than 25
feet authorized on either portion of such lot to
of the passage of this ordinance to permit a
divides a lot in a single ownership at the time
lot, where a use district boundary line

the more restricted district.
conditions as with other uses, but only under such
more restricted district, but only under such
building or use may include extension into a
a permit for the extension of an existing
building is a part of such establishment. Such
industrial establishment in which additional
passage of this ordinance by a commercial or
building upon a lot occupied at the time of the
or permit the erection of an additional
at the time of the passage of this ordinance,
of upon a lot or plot occupied by such building
existing building and the existing use there-

4. To permit the extension of an
exercised in the following instances, to wit:
Part 3. The powers above granted may be

the article.
conditions and regulations as hereinafter set forth in
but subject to the building ordinance, and subject
finding of industrial activity or undue hardship,
with the provisions of this ordinance, without a
exception use on a particular site, in accordance
governing body that a permit be granted for special
original jurisdiction and power to recommend to the
Part 2. The said Board shall also have

not forth.
changes and pursuant to such standards as hereinafter
statute in connection with variances in such in-
an implementation of those expressly granted by
power herein conferred shall be in addition to and
and decide requests for special exceptions which
Part 1. The Board of adjustment may hear

Section XII-A - Exceptions
Section XII-A entitled "Exceptions", and reading as follows:
12. Said ordinance is amended by adding thereto

township of North Bergen.
the ordinance entitled "The Building Code of the
yard space and side line clearances, provided for by
inspector concerning setbacks, area requirements,
and decide appeals from decisions by the building
Part 2. The Board of adjustment may hear
the extent of said business use.
in depth, then such lot depth shall be deemed to be
1954", are not more than 125 ft., nor less than 15 ft.
shown on Tax Map of North Bergen dated October 1,
form depth of the lot fronting upon said street, as
upon which they front, except that whenever the lot
be deemed to extend 100 ft. from the building line
strip-zoned for business, or 145 ft. industrial, shall

• For every such episode there are about 1000 people who are not affected.

the Board shall make a special finding, supported by evidence produced at a public hearing in the manner provided by law, that such use will not be injurious to the character of the neighborhood.

...and upon which it is stated that the Commission has been authorized to conduct a special investigation of the matter.

1960-1961

The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, regarding the land owned by the United States in the State of Alaska:

the Government of the United States of America, and the Government of the Republic of China, have agreed to the following terms of trade:

to whomsoever is entitled to it

7-20-1940
The following information was received from the
Bureau of the Census, Washington, D. C., on
July 20, 1940:

[illegible][illegible][illegible]

Public safety and to avoid undue congestion.

4. For every such special exception use, the local health department shall determine that there are fully adequate parking areas and off-street truck loading spaces in conformity with this ordinance and all other pertinent ordinances, for the anticipated number of occupants, employees and patrons, and that the layout of the parking spaces, truck loading spaces, and the layout driveway is convenient and conducive to safe operation.

5. No special exception for necessary off-street parking in areas restricted against such use shall be granted for more than one parking space for every 400 square feet of floor area in structures to which the same is necessary.

6. Upon an application for a special

exception, or a permit, pursuant to the provisions of Section XIII-A of said ordinance, the following principles, standards, conditions and suggestions shall not be considered as such with the intent of describing such use, but rather with the purpose of providing in terms of noise levels, odor, smoke, or any other nuisance from a particular site beyond the confines, or in terms of fire or other hazards, whether traffic accident to such use and other concerns of public health and safety, and such regard for aesthetic considerations and general welfare as will conduce to the value of other properties in the vicinity.

7. A special exception use, recommended by the board of adjustment to be granted pursuant to the provisions of this article shall be considered to be a conforming use.

13. Section XII of said ordinance is amended to read as follows:

Sec. 1. The administration and enforcement of this ordinance is hereby vested in the Engineering Department of the Township of North Bergen, including the Building Inspector thereof.

Sec. 2. Every owner, contractor, architect or agent of the owner of any kind of building when any construction, alteration or use is intended to be made shall, before commencing such construction, alteration or use, make application to the Building Inspector for a permit therefor. Such forms shall be necessary to adequately inform the Building Inspector concerning the purpose for and which such application is made in order that he may approve or reject the same, with respect to the erection, alteration, or use of premises.

Sec. 3. Nothing contained in this ordinance shall be construed to exempt the provisions of an ordinance entitled "The Building Code of the Township of North Bergen."

Introduced: November 13, 1956.

ANGELO J. SARUBBI
JOSEPH J. JIALDINI
JAMES P. NOLAN
WILBUR L. ROSS
CHARLES J. WEAVER

ATTEST:
Esther Eisenberg
Deputy Township Clerk

The foregoing ordinance was introduced at an adjourned meeting of the Board of Commissioners of the Township of North Bergen in the County of Hudson held on Tuesday, November 13, 1956 at 11 A.M. and will be further considered for final passage and adoption after public hearing at a meeting of the said Board of Commissioners to be held at the Municipal Building North Bergen on Wednesday, December 5, 1956 at 11 A.M.

Esther Eisenberg
Deputy Township Clerk

1-8633- Nov 23

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- (a) Copies of all reports which are noncriminal - \$2.00;
- (b) Searching fee where a review only of a record is desired - \$2.00;
- (c) Viewing only of accident scene photographs - \$5.00;
- (d) Fingerprints for bartender permits, or other permits where fingerprints are required - \$2.00;
- (e) Permits to purchase a pistol or revolver - \$1.00;
- (f) Photostats - \$2.00 each

Section 2. Reviewing of reports, photostats of reports and viewing of accident photographs will be conducted at the Bureau of Criminal Identification at Police Headquarters, daily, Monday to Friday from 9 A.M. to 3 P.M.

Section 3. No searching fee will be charged if a report is not on file or if formally requested by any local county, state or federal law enforcement agency. The same exception will be made in the case of requests to view photographs of accidents.

Section 4. Canvassing permits: \$3.00 for one person and \$1.00 for each additional person for the same group unit, provided that no such permit shall be issued for more than six persons for the same group unit nor for a longer period than thirty (30) days.

Section 5. A receipt will be issued for all money received by the North Bergen Police Department for the certain services extended and material distributed by the North Bergen Police Department as herein set forth.

Section 6. This ordinance shall take effect immediately upon adoption and publication as required by law.

Introduced: December 5th, 1956.
Adopted: December 19th, 1956.
Published: December 8th & 22nd, 1956.

ATTEST:

TOWNSHIP CLERK

(Mayor and President)

regulating the practice of plumbing, or dealing with the issuance of licenses to practice plumbing by reference to such rules and regulations, a copy of which is annexed to this ordinance, and made part hereof.

Section 2. Three (3) copies of the said rules and regulations reproduced in book form as a code entitled "Plumbing Code of the Township of North Bergen in the County of Hudson," have been placed on file in the office of the Township Clerk, 4233 Hudson Boulevard, North Bergen, New Jersey, and will remain on file until final action is taken on said ordinance for the use and examination of the public.

Section 3. If for any reason any section or provision of this ordinance shall in any competent court be held to be invalid, no other section or provision of this ordinance shall be affected thereby.

Section 4. Any person, persons, firm, corporation, or other legal entity failing to obey the provisions of this ordinance or of any order issued pursuant thereto, shall be guilty of a violation of this ordinance and upon conviction thereof shall be liable to a fine not exceeding \$100.00 or imprisonment for a term not exceeding 90 days, or both, at the discretion of the magistrate before whom such conviction shall be heard.

Section 5. This ordinance shall take effect when adopted and published as required by law.

Introduced: December 5th, 1956.
Adopted: December 19th, 1956.
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ATTEST:

JOSEPH KELLY
TOWNSHIP CLERK

ANGELLO J. SARUBBI
JOSEPH J. JIALDINI
JAMES P. NOIAN
WILBUR L. ROSS
CHARLES J. WEAVER

The Board of Commissioners of the Township of North Bergen
in the County of Hudson DO ORDAIN:

Section 1. That an ordinance entitled as above be and

the same is hereby amended by changing the land known and
designated on the Tax Map of the Township of North Bergen,

dated October 1, 1954 as those portions of Plots 1, 2, 3, 4
and 5 presently laid down and shown on the "Use District Map"
as being in the Second Residential Zone or District be laid
down and shown on said "Use District Map" as being in the

Business Zone or District.

Section 2. That the Township Engineer be and he is hereby
directed to amend the "Use District Map" to conform to the

changes hereinabove set forth.

Section 3. This ordinance shall take effect when adopted

and published as required by law.

Introduced: December 19, 1956

Adopted:

MENT OF THE PROVISIONS HEREIN CONTAINED AND
FIXING PENALTIES FOR THE VIOLATION THEREOF",
ADOPTED MARCH 28, 1934.

WHEREAS there was inadvertently omitted from the
zoning map, as published November 23, 1956, a certain change
contemplated as a part of the revision of said zoning map
pursuant to Section 1 of the amendatory ordinance introduced
on November 13, 1956,

NOW, THEREFORE, the Board of Commissioners of the
Township of North Bergen do ordain:

Section 1. That an ordinance entitled as above
be and the same is hereby amended by changing the land known
and designated on the Tax Map of the Township of North
Bergen, dated October 1, 1954 as those portions of Plots 1,
2, 3, 4 and 5, Block 60 presently laid down and shown on the
"Use District Map" as being in the Second Residential Zone or
District be laid down and shown on said "Use District Map"
as being in the Business Zone or District.

Section 2. That the Township Engineer be and he
is hereby directed to amend the "Use District Map" to
conform to the changes hereinabove set forth.
Section 3. This ordinance shall take effect when
adopted and published as required by law.

Introduced: December 19th, 1956.

Adopted:

Jan 1, 1957
- Res. 1756 -
5/14/57

Smith
Miller
Wright
Wright
Wright