

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 296
OF THE CODE OF THE CITY OF UNION CITY
ENTITLED "PEACE AND GOOD ORDER"**

WHEREAS, Chapter 296 of the Code of the City of Union City (the "Code") entitled "Peace and Good Order" sets forth the governing standards of conduct within the City; and

WHEREAS, Chapter 296-13 entitled "Short Term Vacation Rentals in Residential Properties – Prohibited," was adopted by the City of Union City ("City") on December 15, 2015 to prohibit the short term rentals of residential properties; and

WHEREAS, it has been determined that the definition of "Vacation Rental" established for this ordinance does not appropriately capture the targeted transactions; and

WHEREAS, the Board of Commissioners of the City of Union City finds it to be in the best interest of the City and its citizens to amend the ordinance to provide clarification of the definition "Vacation Rental" and certain terms used within that definition to better identify the transactions subject to the ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey as follows:

Chapter 296 **Section 296-13** entitled "**Short Term Vacation Rentals in Residential Properties - Prohibited**" be amended as follows:

SECTION ONE

Section One of the ordinance entitled "Definitions" section (b). which reads as follows shall be deleted:

b. Vacation Rental. Rental of any dwelling unit, in whole or in part, within the City of Union City, to any person(s) for exclusive transient use of thirty (30) consecutive days or less, whereby the unit is only approved for permanent residential occupancy and not approved for transient occupancy by this Chapter. Rental of units within City approved hotels, motels and bed and breakfasts shall not be considered Vacation Rental.

The following shall be substituted therefore:

(b). Vacation Rental. Rental of: (i) any dwelling unit, accessory building or structure, garage, attic, or basement, in whole or in part; or (ii) any furniture within any dwelling unit, accessory building or structure, garage, attic, or basement, within the City of Union City, to any person(s) for exclusive transient use of thirty (30) consecutive days or less, regardless of whether

one of the dwelling unit's Permanent Residents is on-site, in the dwelling unit, throughout the visitors' stay, and whereby the unit is only approved for permanent residential occupancy and not approved for transient occupancy by this Chapter. Rental of units within City approved hotels, motels and bed and breakfasts shall not be considered Vacation Rental.

Section One of the Ordinance entitled "Definitions" shall add Section (c). which shall read as follows:

(c). Permanent Residents. A person who occupies a dwelling unit or accessory building or structure, for at least sixty (60) consecutive days with intent to establish that unit as his or her primary resident and may be an owner or a lessee.

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 effect 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.

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on **February 16, 2016** and will be further considered after a Public Hearing held on **March 1, 2016 at the Housing Authority Hillside Pavilion, 3911 Kennedy Blvd, Union City NJ at 7:00 P.M.**

~~INTRODUCED: February 16, 2016~~

ADOPTED: 3-1-2016

ATTEST:



Dominick Cantatore
Acting City Clerk

DATE

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

**AN ORDINANCE AMENDING CHAPTER 366 OF THE CODE OF THE
CITY OF UNION CITY ENTITLED "STREETS AND SIDEWALKS"**

WHEREAS, the City of Union City ("City") has adopted an ordinance which sets forth certain requirements for excavation and openings of streets and sidewalks; and

WHEREAS, the City seeks to amend its Ordinance; and

WHEREAS, the Board, as the governing body of the City is statutorily permitted to, among other things, make, amend, repeal and enforce ordinances "as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants," pursuant to N.J.S.A. 40:48-2; and

WHEREAS, the City has experienced more frequent periods of severe weather between the months of November and March, which has created more circumstances where properties within the City experience unsafe and hazardous conditions; and

WHEREAS, in furtherance of and in reliance upon the aforementioned statutes, the Board has determined to amend Section 366 of the Code to prohibit any person from constructing or removing, or causing to be constructed or removed, any sidewalk, driveway apron, curb or gutter or any part thereof between the months of November and March as set forth below.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey as follows:

SECTION ONE

- 1) Section 366-23 "Permit Required," shall be amended to format the current language to Subsection (A) and add a Subsection (B). The new Section 366-23 shall read as follows:

A. It shall be unlawful for any person to construct or remove, or cause to be constructed or removed, any sidewalk, driveway apron, curb or gutter or any part thereof within any public right-of-way in the City other than pursuant to this article without first having obtained a permit to do so from the Director of Public Safety.

- B. Notwithstanding anything to the contrary contained in subparagraph A. above, no permit shall be issued to any persons between November 1st and March 1st of each calendar year, subject to the articulated exceptions found in § 366-28.

SECTION TWO:

- 2) Section 366-28 "Exception," shall be amended to add Subsection (C) Emergencies. The new Subsection (C) shall read as follows:

C. Emergencies. Under emergency conditions resulting from natural forces or human activities beyond the control of the applicant, or which poses an imminent or existing threat to the safety and security of persons or property, or both, or which requires immediate action to prevent bodily harm or substantial property damage from occurring, the provisions of § 366-23 through 29 of this Article shall not apply when an applicant undertakes any action in response to such an emergency, provided that the applicant notifies the Director of Public Safety of the City at the earliest reasonable opportunity and that all reasonable efforts are taken by the applicant to comply with § 366-23 through 29 of this Article after responding to the emergency.

The remainder of Section 366-28 shall remain the same.

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 effect 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.

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on _____ 2016 and will be further considered after a Public Hearing held on _____ at the _____ at _____ m.

INTRODUCED: 1-19-2016
ADOPTED:
ATTEST:



Dominick Cantatore
Acting City Clerk

DATE

Summary of Ordinance

This ordinance amends the requirements currently in place for openings, cuts or excavation of any City sidewalk by prohibiting sidewalk opening, cuts or excavation during the winter months of November through March, except in the event of an emergency.

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 155-12
OF THE CODE OF THE CITY OF UNION CITY
ENTITLED "UNIFORM CONSTRUCTION CODE FEES"**

WHEREAS, Chapter 155-12 of the Code of the City of Union City (the "Code") entitled "Uniform Construction Code Fees" which among other things governs the fees for construction related items such as permits, fines, and violations within the City of Union City ("City"); and

WHEREAS, the Board, as the governing body of the City is statutorily permitted to, among other things, make, amend, repeal and enforce ordinances "as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants," pursuant to N.J.S.A. 40:48-2; and

WHEREAS, the Board, as the governing body of the City is statutorily permitted to, among other things, "make, amend, repeal and enforce ordinances to, among other things, manage, regulate and control the finances of the municipality and to regulate and control the construction, erection, alteration and repair of buildings and structures of every kind within the municipality," pursuant to N.J.S.A. 40:48-1; and

WHEREAS, the Board of Commissioners ("Board") believes there is a need to amend this Chapter of the Code in order to update and revise the current fees associated with construction within the City.

NOW THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey as follows:

SECTION ONE

That the Code of the City of Union City, Chapter 155-12, Uniform Construction Code Fees, be amended and supplemented as follows:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE CITY OF UNION CITY; CHAPTER 155-12, UNIFORM CONSTRUCTION CODE FEES:

See "**ATTACHMENT A**" which outlines all amended Uniform Construction Code Fees.

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 effect 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.

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on _____ 2016 and will be further considered after a Public Hearing held on _____ at the at ____ m.

INTRODUCED: *MARCH 4, 2016*
ADOPTED:
ATTEST:

Dominick Cantatore
Acting City Clerk

DATE

Summary of Ordinance

This ordinance amends the current Uniform Construction Code fees for construction within the City as provided in **Attachment A**.

ATTACHMENT A

Building Sub-Code Fees:

- a. Minimum fee for building permits.....\$100.00
- Change of contractor fee per Sub-Code.....\$25.00

b. New construction and additions:

- All buildings per cubic ft. of construction.....\$.050
- Minimum fee for new construction.....\$150.00
- Plan review fee:.....20% of permit fee
- Parking Spaces For New Construction Exterior & Enclosed\$200.00 per space

c. Renovations, alterations, repair and minor work:

- Minimum fee.....\$100.00 (without plans)..... \$110.00 (with plans)
- Per \$1,000.00:
- Up to \$50,000.00 of job cost.....\$35.00
- \$50,001.00 to \$100,000.00 of job cost.....\$25.00
- Over \$100,000.00 and above job cost.....\$20.00

d. Mechanical systems/equipment (Ducts Etc. For H.V.A.C. Equip. Not Including Mechanical Unit): shall be calculated at 10% of Building permit fee.

e. Retaining walls:

- Up to 550 Sq. Ft.....\$125.00
- Over 550 Sq. Ft.....\$ 250.00

f. Demolition Per Lot:

- All structures per lot.....\$300.00
- Note: Sewer capping permit must accompany a demolition permit if structure is serviced by a sewer.

g. Signs:

- Minimum fee:.....\$85.00
- One side only per. Sq. ft. of surface area.....\$5.00

h. Fence installation:

- First 50 ft. of installation.....\$60.00
- Each additional 25' or portion thereof shall be.....\$20.00

i. Swimming pools:

- Residential above ground.....\$65.00

Residential in ground.....	\$150.00
Commercial above ground.....	\$150.00
Commercial/multi-family in ground.....	\$500.00

j. Tents.....\$200.00

k. Zoning Determination:

Existing Structures/Businesses.....	\$20.00
New Construction: Up To And Including 5 Units.....	\$75.00
New Construction: 5-10 Units.....	\$150.00
New Construction: Over 10 Units.....	\$200.00

l. Code variation Request (Per Sub-Code/Per Variation)..... \$100.00

3-6.2

Electrical Sub-Code Fees:

a. Minimum fee for electrical permits\$100.00

b. Switches, fixtures, receptacles:

1-50.....	\$85.00
Each additional 25	\$40.00

c. Electrical devices, generators, transformers:

1 KW – 9 KW, each.....	\$45.00
10 KW – 44 KW, each.....	\$95.00
45 KW – 112.5 KW, each.....	\$215.00
From 112.5 KW – 500 KW, each.....	\$450.00
Over 500.00 KW, each.....	\$700.00

c. Motors:

Kitchen/Bathroom exhausts/hoods (Residential Type).....	\$65.00
½ HP – 1 HP, each.....	\$25.00
1 HP – 9 HP, each.....	\$40.00
10 HP – 49 HP, each.....	\$85.00
50 HP - 99 HP, each.....	\$200.00
100 HP and over, each.....	\$750.00

Capacitors: one unit...\$40.00.....any additional units, each.....\$20.00

Note: no charge if motors are equipped at time of installation

e. Service panels, service entrance, sub-panels:

Up to 100 AMPS, each.....	\$75.00
101 AMPS – 200 AMPS, each.....	\$125.00
201 AMPS – 300 AMPS, each.....	\$180.00
301 AMPS – 400 AMPS, each.....	\$250.00
401 AMPS – 500 AMPS, each.....	\$300.00
501 AMPS – 600 AMPS, each.....	\$350.00
601 AMPS – 700 AMPS, each.....	\$400.00
701 AMPS – 800 AMPS, each.....	\$450.00
801 AMPS – 900 AMPS, each.....	\$500.00
901 AMPS – 1000 AMPS, each.....	\$570.00
Over 1000 AMPS, each..	\$675.00 add \$50.00 for every 100 AMPS above 1000 AMPS

f. Additional Electric Meters ea.....\$75.00

g. Line item fees, as per technical section:

Air conditioning units, by HP (same as motors)..... listed above
Burglar alarm, intercom systems.....\$100.00

Dishwasher, KW.....as listed above
Dryer, by HP.....as listed above
Electrical Sub-Code fees continued:

Garbage disposal by HP.....as listed above
Heat pumps, by HP.....as listed above
Motor control center, sub-panels, AMP.....as listed above
All other, HP.....as listed above
Electrical Devices Not Included Above.....\$65.00 Per Device
Pool bonding.....\$100.00 Per Year

Pool/Spa motor:.....size as listed above
Pool lights.....include in fixture total

h. Cellular Equipment:

Cellular Antennas and Equipment cabinets ea.....\$150.00

3-6.3

Plumbing Sub-Code Fees,

a. Minimum fee for plumbing permits	\$100.00
Each fixture, device.....	\$35.00
Air conditioners, H.V.A.C, (Individual units) ea.....	\$90.00
All floor drains, ea.....	\$35.00
Back water valves, ea.....	\$35.00
Basins ea.....	\$35.00
Bathtubs, ea.....	\$35.00
Boilers, ea up to 200,000 B.T.U's...\$100.00...over 200,000 B.T.U's	
Add \$10.00 for every additional 10,000 BTU's over 200,000	
Boiler conversion burner.....	\$60.00
Heating backflow device, ea.....	\$35.00
Water heater, ea.....	\$40.00
Catch basin, ea.....	\$85.00
Dishwasher, ea.....	\$35.00
Drinking fountain ea.....	\$35.00
Furnaces, H.V.A.C., PAC & similar type of device.....	\$100.00
Garbage disposal ea.....	\$35.00
Gas appliance, ea.....	\$35.00
Gas lines, ea.....	\$40.00
Gas riser, ea.....	\$35.00
Grease trap, ea... up to 50lbs...\$85.00 ... 50 - 100lbs. and up..	\$125.00
House drain, ea.....	\$35.00
Indirect connection, ea.....	\$35.00
Interceptor, ea.....	\$90.00
Lead bend, ea.....	\$35.00
Manholes, ea.....	\$125.00
Oil separators ea.....	\$90.00
Pumps, ea.....	\$80.00
Re-piping apartment, ea.....	\$40.00
Roof drain/scuppers ea.....	\$25.00
Septic/Storm Water Detention Tanks or similar ea.....	\$100.00
Sewer backflow device, ea.....	\$80.00
Sewer ejector, ea.....	\$90.00
Sewer utility, ea..... 4"ea...\$100.00...5"ea...\$150.00....6"ea. \$300.00	
over 6"ea.....\$400.00 plus.....\$50.00 per 2" increase in size over 6"	
Showers, ea.....	\$35.00
Sinks, ea.....	\$35.00
Soil stack, ea.....	\$35.00
Sump pump, ea.....	\$90.00
Tankless heater, ea.....	\$35.00
Urinals, ea.....	\$35.00
Vent stack, ea.....	\$35.00
Wash trays, ea.....	\$35.00
Washington machines, ea.....	\$35.00
Waste stack, ea.....	\$35.00

Water closet/slop sink, ea.....	\$35.00
Water riser, ea.....	\$35.00
Water separator, ea.....	\$35.00
Water utility connection up to 2"ea.....	\$100.00 over 2".....\$175.00
Yard drains, ea.....	\$35.00
Repiping (Per-Unit).....	\$50.00

3-6.4

Uniform Fire Safety Act:

a. Minimum fee for fire safety permits\$100.00

b. Storage Tank Installation

Gallons:

275, ea.....	\$125.00
550, ea.....	\$150.00
551-1,000, ea.....	\$175.00
1,001-2,000, ea.....	\$225.00
2,001-5,000, ea.....	\$275.00
5,001-10,000, ea.....	\$375.00
10,001-20,000, ea.....	\$500.00
Tanks over 20,000 ea.....	\$800.00

c. Tank removal / Abandonment:

Gallons:

Up to and including 550gal. ea.....	\$200.00
Over 550gal.- 2,000gal. ea.....	\$400.00
<hr/>	
Over 2,000 ea increase fee by \$25.00 for every 100 gallons or portion thereof	

Above Subject To Sidewalk Opening Fee Where Applicable.

Uniform Fire Safety Act Continued:

c. Sprinkler System or Special Suppression System Fees:

Heads:

1-20.....\$90.00
21 and over.....\$150

For each additional 10 heads or portion thereof increase fee by..\$50.00

d. Standpipe Fees:

Each standpipe installed ea.....\$400.00

e. Smoke Detector Fees:

Detectors:

1-25.....\$90.00
26-50.....\$150.00

For each additional 10 over 50 or portion thereof increase fee by..... \$50.00

d. Pull Stations:

Stations:

1-5..... \$90.00
6-10.....\$150.00

Each additional 5 or portion thereof over 10 increase fee by.....\$50.00

f. Emergency Lights / Exit Signs

Fixtures:

1-5.....\$100.00
6-10.....\$150.00

Each additional 5 or portion thereof over 10 increase fee b.....\$50.00

g. Related Fire Protection equipment:

Smoke barriers /magnetic release doors.....\$300.00
Central control stations/FACP panels ea.....\$280.00
Manual fire alarm ea.....\$80.00
Elevator recall system ea.....\$250.00
Automatic fire alarm station ea.....\$375.00
Cooking suppression system (dry/wet chemical) ea.....\$200.00

h. Uniform Fire Safety Act Continued:

Gasoline pumps, per nozzle.....	\$100.00
Refrigeration system ea.....	\$200.00
Pressure vessels ea.....	\$250.00
Smoke control system ea.....	\$100.00
High pressure boilers ea.....	\$250.00
Hooded ventilation ea.....	\$65.00

3-6.5

Street and Sidewalks:

a. Street opening permit:

Each opening	\$250.00
Trench Cuts.....	\$250.00 for first/each opening plus \$20.00 per. Ft.

b. Sidewalk opening permit:

Each opening	\$75.00
Curb cut per ft.....	\$20.00
Driveway dimensions as per zoning requirements ea.....	\$250.00 plus cost of work and \$15.00 per ft. of curb cut
Installation of fire hydrants.....	\$250.00
Blasting permit.....	\$500.00

3-6.6

Certificate of Occupancy / Continued Occupancy:

a) Residential Structures (per tenant space).....	\$200.00
b) Interior/exterior parking accessory to residential structure (per space)	\$150.00

c) Retail/Mercantile (per space).....	\$200.00
d) Business or Professional Offices (per tenant space).....	\$200.00
e) Wholesale Business.....	\$350.00
f) Storage Distribution.....	\$350.00
g) Shopping Centers (shell only).....	\$500.00
h) Movie Theaters.....	\$500.00 plus \$150.00 per screen
i) Laundromats.....	\$500.00
j) Mechanic Shops.....up to 4 bays.....	\$500.00.....additional bays ea.....\$150.00
k) Auto Body Shops.....	\$500.00 plus\$350.00 per spray booth
l) New Car Dealers.....	\$500.00
m) Used Car Dealers.....	\$500.00
n) Parking Lots.....	\$150.00 per space
o) Hospitals, Nursing Homes, Emergency Medical Centers... bed and or exam rooms	\$500.00 plus \$200.00 per
p) Pain Management Centers.....	\$500.00...plus \$200.00 per exam/procedure room
q) Imaging Centers.....	\$500.00 plus \$200.00 per exam/procedure room
r) Day Care Centers.....	\$750.00
t) Temporary Employment Agencies.....	\$750.00
s) Bars Night Clubs and Similar Assembly Spaces.....	\$800.00
u) Certificates of Continued Occupancy shall be 50% of above stated fees	
Note: All Temporary Certificates Of Occupancy Shall Be Charged At The Same Amount As Listed Above.	

3-6.7

Letters and Zoning Determinations:

Existing Structures/Businesses.....	\$20.00
New Construction: Up To and Including 5 Units.....	\$75.00
New Construction: Above 5 Units.....	\$150.00
Certificate of Occupancy letter.....	\$50.00
Zoning rebuild letter.....	\$75.00
All other letters.....	\$50.00
Code variation Request (Per Sub-Code/Per Variation).....	\$100.00

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 122
OF THE CODE OF THE CITY OF UNION CITY
ENTITLED "CONSTRUCTION CODES, UNIFORM"**

WHEREAS, Chapter 122 of the Code of the City of Union City (the "Code") entitled "Construction Codes, Uniform," which among other things governs the requirements for construction permits, fees, violations and waivers of fees within the City of Union City ("City"); and

WHEREAS, the Board, as the governing body of the City is statutorily permitted to, among other things, make, amend, repeal and enforce ordinances "as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants," pursuant to N.J.S.A. 40:48-2; and

WHEREAS, the Board of Commissioners ("Board") believes there is a need to amend this Chapter of the Code in order to waive the permit fees for any buildings constructed after 2002 with ceramic tiles on the exterior.

NOW THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey as follows:

SECTION ONE

That the Code of the City of Union City, Chapter 122, Construction Code, Uniform be amended and supplemented as follows:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE CITY OF UNION CITY; CHAPTER 122, CONSTRUCTION CODE, UNIFORM; SECTION 122-7, PERMIT FEES – OTHER WAIVERS.

SECTION TWO

PURPOSE AND INTENT.

The City of Union City (the "City") seeks to assist with the construction efforts and relieve a portion of the financial burden associated with improvements to any buildings constructed after 2002 with exterior ceramic tiles; and

The City seeks to encourage the construction of improvements to these buildings with exterior ceramic tiles and relieve a portion of the financial burden associated therewith; and

N.J.S.A. 40:48-1 permits the governing body of a municipality to make, amend, repeal and enforce ordinances to, among other things, manage, regulate and control the finances of the municipality and to regulate and control the construction, erection, alteration and repair of buildings and structures of every kind within the municipality; and

N.J.S.A. 40:48-2 permits a municipality to make, amend, repeal and enforce such other ordinances as it may deem necessary and proper for good government, among other things; and

The City shall waive all building construction permit fees for any buildings constructed after 2002 currently utilizing exterior ceramic tiles; and

Waiver of building construction permitting fees for promoting improvements to any buildings constructed after 2002, which currently utilize exterior ceramic tiles. No person shall be charged a building construction permitting fee for any construction, reconstruction, alteration, or improvement designed and undertaken solely to promote the construction efforts and relieve a portion of the financial burden undertaken with such buildings.

SECTION THREE

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 effect 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 FOUR

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 FIVE

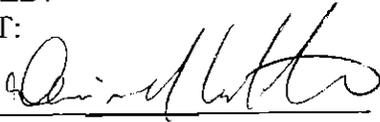
This Ordinance shall take effect upon passage and publication as required by law.

I **HEREBY CERTIFY** this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on February 2, 2016 and will be further considered after a Public Hearing held on February 16, 2016 at the Union Hill Middle School at 7:00 p.m.

INTRODUCED: **February 2, 2016**

ADOPTED: *2-16-16*

ATTEST:



Dominick Cantatore
Acting City Clerk

2-16-16
DATE

Summary of Ordinance

This ordinance institutes a waiver of all building construction permit fees for buildings constructed after 2002 with ceramic tiles on the exterior.

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 223 "LAND DEVELOPMENT",
SECTION 12 OF THE CODE OF THE CITY OF UNION CITY
ENTITLED "CONSTRUCTION REQUIREMENTS"**

WHEREAS, Chapter 223 Section 12 entitled "Construction Requirements" of the Code of the City of Union City establishes the requirements for construction and other development within the City; and

WHEREAS, N.J.S.A. 40:48-1.13 permits the governing body of every municipality to make, amend, repeal and enforce ordinances to regulate and control the construction, erection, alteration and repair of buildings and structures of every kind within the municipality; and to prohibit, within certain limits, the construction, erection or alteration of buildings or structures of wood or other combustible material; and

WHEREAS, the Board of Commissioners of the City of Union City wishes to amend this Chapter to prohibit the use of certain construction materials for construction related to or for the purpose of renovation of pre-existing building facades and other street frontage; and

WHEREAS, it is necessary to prohibit the use of these materials as they are creating hazardous and other life safety conditions for the inhabitants of these buildings and other residents of the City of Union City.

NOW THEREFORE, BE IT ORDAINED that the Mayor and Commissioners of the City of Union City, County of Hudson, State of New Jersey do hereby amend the ordinance as follows:

SECTION ONE

Chapter 223, Section 12, "Construction Requirements," is hereby amended to add Subsection L entitled "Prohibited Materials – Renovation," which shall state as follows:

- (1) The following construction materials, and any other similar or like materials, are specifically prohibited for all construction related to or for the purpose of renovating a pre-existing building facade or other street frontage:
 - (a) Tile.
- (2) For avoidance of doubt, this subsection is applicable to renovation of pre-existing buildings only.

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 effect 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 not withstanding 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.

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, introduced on September 20, 2016 and will be further considered after a Public Hearing held on October 4, 2016 at the Emerson Middle School, 318 18th Street at 7 PM.

INTRODUCED: September 20, 2016

ADOPTED:

ATTEST:

Erin Knoedler, Deputy City Clerk

Date: _____

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 234
OF THE CODE OF THE CITY OF UNION CITY
ENTITLED "LICENSING OF BUSINESSES AND OCCUPATIONS"**

WHEREAS, Chapter 234 of the Code of the City of Union City (the "Code") entitled "Licensing of Businesses and Occupations governing the requirement for the licensing of various businesses and occupations within the City of Union City ("City"); and

WHEREAS, the Board, as the governing body of the City is statutorily permitted to, among other things, make, amend, repeal and enforce ordinances "as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants," pursuant to N.J.S.A. 40:48-2; and

WHEREAS, the Board of Commissioners ("Board") believes there is a need to amend these Chapters of the Code in order to assist law enforcement officials and victims of crime in recovering stolen previous metals and other secondhand goods by requiring minimum identification, reporting, maintenance, and distribution criteria for licensed dealers in these goods.

NOW THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey as follows:

SECTION ONE

That the Code of the City of Union City, Chapter 234, Licensing of Business and Occupations be amended and supplemented as follows:

~~AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE CITY OF UNION CITY; CHAPTER 234, LICENSING, REGISTRATION AND BUSINESS REGULATIONS, SECTION 234-18, ELECTRONIC REPORTING SYSTEM FOR DEALERS IN PRECIOUS METALS AND OTHER SECONDHAND GOODS.~~

SECTION TWO

PURPOSE AND INTENT.

The purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering stolen precious metals and other secondhand goods by requiring minimum identification, reporting, maintenance, and distribution criteria for licensed dealers in these goods.

No person shall use, exercise, or carry on the business, trade, or occupation of the buying, selling, or pawning of precious metals or other secondhand goods without complying with the requirements of this chapter in the exact number described herein.

SECTION THREE

DEFINITIONS.

As used in this section:

“Acceptable Definition” means a current valid New Jersey Driver’s License or Identification Card, a current valid photo driver’s license issued by another U.S. state, a valid United States Passport, or other verifiable U.S. Government issued identification, which shall be recorded on the receipt retained by the dealer and subsequently forwarded to the local police department on request.

“City Clerk” means the statutory officer whose duties are defined in N.J.S.A. 40A:9-135 and may refer to the duty appointed clerk of the city. (1972 Code Sect 7-20.2).

“Chief of Police” means the Chief of the Union City Police Department or his/her designee.

“Dealer” means any person, partnership, Limited Liability Corporation, corporation, or other entity who either wholly or in part, engages in or operates any of the following trades or businesses: the buying for purposes of resale of precious metals, jewelry, or other secondhand good as defined herein: itinerant business as defined herein. For the purposes of this ordinance, transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.

“Itinerant Business” means a dealer who conducts business intermittently within the municipality or at varying locations.

“Pawnbroker” means any person, partnership, association or corporation: lending money on deposit or pledge of personal property, other than choses in action, securities, or printed evidence of indebtedness; purchasing, personal property on condition of selling it back at a stipulated price; or doing business as a furniture storage warehousemen and lending money on good, wares or merchandise pledged or deposited as collateral security.

“Precious metals” means gold, silver, platinum, palladium, and their alloys as defined in N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq.

“Public” means individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

“Reportable Transaction” means every transaction conducted between a dealer and a member of the public in which precious metals, jewelry, or any other secondhand goods as defined herein are purchased or pawned.

“Secondhand Goods” means used goods such as antiques, gold, silver, platinum, or other precious metals, jewelry, coins, gemstones, gift cards, any tools, cellular telephones, smart phones, GPS devices, computers, mobile computers, computer hardware and software, television (except cathode ray tube type), radios, record or stereo sets, electronic devices, musical instruments, sporting goods, automotive equipment, collectibles, video game systems, game cartridges, DVD’s, CD’s, and other electronically recorded material, firearms, cameras and camera equipment, video equipment, and other valuable articles. For the purposes of this ordinance, secondhand goods shall not include goods transacted in the following manner: i) judicial sales or sales by executors or administrators; ii) occasional or auction sales of household goods sold from private homes; iii) auctions of real estate; iv) the occasional sale, purchase, or exchange of coins or stamps by a person at his permanent residence or in any municipally owned building who is engaged in the hobby of collecting coins or stamps and who does not solicit the sale. Purchase, or exchange of such coins or stamps to or from the general public by billboard, sign, handbill, newspaper, magazine, radio, television, or other form of printed or electronic advertising.

“Seller” means a member of the public who sells or pawns goods such as precious metal, jewelry, or other secondhand goods to a dealer.

“Transient Buyer” means a dealer, as defined herein, who has not been in a registered retail business continuously for at least six (6) months at any address in the municipality where the Dealer is required to register or intends to close out or discontinue all retail business within six (6) months.

SECTION FOUR

LICENSE REQUIREMENT FOR DEALERS.

- A. No person, partnership, Limited Liability Company, corporation, or other entity shall engage in the business of buying, selling, or pawning of precious metals or other secondhand goods, as defined above, within the municipality, without ~~having first obtained a license therefore from the City Clerk, which license shall~~ bear a number issued by the City Clerk.
- B. The application for a license to the City Clerk shall set forth the name, date of birth and address of the dealer, whether or not he/she is a citizen of the United States, and whether or not he/she has ever been convicted of any crime(s), disorderly persons offense(s), or municipal ordinance violation(s), and the dates, thereof.

- C. Advertising in any print or electronic media or by sign that any of those articles or secondhand goods referred to in §2 above are being bought in any location within the municipality shall constitute engaging in business as a dealer of secondhand goods for the purpose of this Chapter. No person, partnership, Limited Liability Company, corporation or other entity shall place or cause to be placed any advertisement for purchase of such articles or goods without stating in the advertising the license number issued to a person or entity by the municipality. In any print advertisement, the license number shall be visibly or audibly stated. Failure to state or indicate the license number shall be in violation of this chapter and shall be subject to penalties established in §§9.
- D. Licenses may not operate at any location other than the site specified in the license. Licenses operating at multiple locations must have each location separately licensed. Each location must be permanent. Itinerant business and transient buyers, as defined in §4-24.2 above, are not eligible for licensure and are prohibited from operating in the City.

SECTION FIVE

APPLICATION PROCESS FOR DEALERS; APPROVAL OR DENIAL

- A. Upon receipt of an application the City Clerk shall refer such application to the Chief of Police who shall make an investigation of the prospective licensee within thirty (30) days for the purpose of determining the suitability of the applicant for licensing. Such investigation shall include, but shall not be limited to the following:
- (1) The experience of the applicant in the business of purchase and sale of those articles or goods referred to in §2 above, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience;
 - (2) The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license;
 - (3) Any criminal record of the applicant including any past convictions for any crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police may, as part of the application process, require fingerprint criminal background check through the Federal Bureau of Investigation, Criminal Justice Information Services Division, which may require an additional fee from the applicant.

- (4) The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of precious metals or other secondhand goods and other factors bearing on whether the licensed business will be of a fixed and permanent nature. This section shall not be construed to require denial of any license solely on the grounds that the business is not from a fixed location or that the applicant is a transient buyer or itinerant business, however, applicants who fall under the category of a transient buyer or itinerant business must state with specificity on the license application the business address where transaction records required by §6(D) of this chapter will be stored as well as the location where purchased goods will be retained during the mandatory inspection period required under §6(A).
- (B) The Chief of Police shall complete any investigation pursuant to this chapter within thirty (30) days of the submission of the application to the City Clerk, fully completed by the applicant. If a criminal record check has been requested within the thirty (30) day period and has not been received from the Chief of Police within that period, the Chief may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding the criminal record.
- (C) The Chief of Police, upon completion of the investigation, shall recommend in writing to grant or deny the requested license to the City Clerk, who shall grant or deny the license according to the recommendation. In the case of recommending denial, the Chief of Police shall state fully and specifically the reasons for the recommendation. If the Chief of Police recommends denial of any license, the City Clerk shall notify the applicant within ten (10) days of such denial, and forward to the applicant a statement of the reason or reasons for such denial.
- (D) Grounds for recommending denial of license may include reliable information indicating that the applicant has in the past engaged in fraudulent or deceptive business practices in a business identical to or similar to a dealer in secondhand goods. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers or employees of any crime(s), disorderly persons offense(s) in which deceit or misrepresentation is an element; or any conviction of any crime(s) disorderly persons offense(s) involving theft or the receiving of stolen goods, regardless of whether the applicant was a principal, accessory before the fact, after the fact, or a co-conspirator; or any prior municipal ordinance violation(s) by the applicant of any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the electronic reporting requirements specified in §5, the retention and inspection requirements of §6, or any other portion of this chapter. Upon receipt of the recommendation of the Chief of Police, the city Clerk shall issue or deny the

license accordingly, contingent upon the receipt of a bond as required by §8 of this chapter.

- (E) Whenever any application for permit is denied, the applicant shall be entitled to a hearing before a three-person panel appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as maybe deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of denial of a license to act as a dealer of secondhand goods.
- (F) No license shall be assignable by the dealer.

SECTION SIX

IDENTIFICATION OF SELLER, RECORDKEEPING REQUIREMENTS FOR DEALERS.

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

- (A) Require of each person selling or pawning precious metals or other secondhand goods acceptable identification as defined above in §2.
- (B) Require each seller to execute a "Declaration of Ownership," which shall contain the following certification: "My signature confirms that I am the sole legal owner of and am legally authorized to sell the goods being sold. By signing below I certify that I did not obtain and do not possess the identified goods through unlawful means. I am the full age of eighteen years and the identification presented is valid and correct.
- (C) Record and issue to each person selling or pawning such goods on a sequentially numbered receipt:
 - (1) A complete and detailed description of the items and the manufacturer and model of the item(s) if known; in the case of jewelry, the descriptions must include style, length, color, design, and stones, if any: any identifying marks, including numbers, dates, sizes, shapes, initials, names, monograms, social security number engraved thereon, serial numbers, series number, or any other information appearing calculated to set apart the particular object sold from others of like kind;
 - (2) If precious metals, the net weight in terms of pounds troy, pennyweight (Troy) or kilograms/grams; fineness in terms of karats for good, and

sterling or coin for silver, in accordance with N.J.S.A. 51:5-1, N.J.S.A. 51:6-1 et seq.;

- (3) The date and time of the transaction;
- (4) The price paid for the purchase or pawn of the item(s);
- (5) The name, address and telephone number of the purchaser, including the clerk or employee of the licensee making the transaction;
- (6) The permanent business address and license number of the dealer;
- (7) The name, address, date of birth, and telephone number of the seller or sellers;
- (8) A photographed recording of the seller in a format acceptable to the Chief of Police, along with a physical description of the seller, including height and weight (approximate), hair color, eye color, facial hair, if any, etc.;
- (9) A photographed recording of the seller's acceptable identification, as set forth in §3, in a format acceptable by the Chief of Police;
- (10) A photographed recoding of all items sold in a format acceptable the Chief of Police. When photographing, all items must be positioned in a manner that makes them readily and easily identifiable. Items should not be grouped together when photographing or imaging. Each item should have its own photograph;
- (11) The receipt number.

These records shall be subject to inspection by any representative of the Union City Police Department duly authorized for this purpose by the Chief of Police.

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- D. The information outlined in subsection (C) above, must additionally be electronically documented through the use of an electronic database system authorized by the Chief of Police. Installation and training in this software will be made mandatory as of the effective date of this chapter and licensing will be conditional upon compliance with proper use of the system as described herein. These records shall be subject to the inspection of any authorized police officer of

any sworn law enforcement officer acting in the performance of their duty as set forth in subsection (F) below. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all reportable transactions into the electronic database by the end of the close of business on the same date as the purchase or receipt of property for pawn or consignment. The information entered must contain all pertinent information in subsection (C) above.

- E. In the event of a database failure, or dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police within twenty-four (24) hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in subsection (C) above into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this chapter and subsequently being subject to the penalties for doing so including revocation of the dealer's license as described in §7.
- F. It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours any member of the police department to examine any database, book, ledger, or any other record on the premises relating to the reportable transaction of precious metals or other secondhand goods, as well as the articles purchased or received, and where necessary, relinquish custody of those articles as provided in §7. Itinerant business and transient buyers will be responsible for notifying the Chief of Police of the address where these records and articles will be stored.

SECTION SEVEN

RETENTION; REVOCATION; OTHER RESTRICTIONS

- A. All precious metals and other secondhand goods purchased, received for pawn, or received for consignment as described above, are to be made available for inspection by the Chief of Police or designee thereof at the designated business address for a period of at least ten (10) calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in §5. Jewelry also must be maintained for at least ten (10) business day, the statutory period provided in N.J.S.A. 2C:21-36(d). All precious metal or other secondhand goods subject to inspection must remain in the same condition as when purchased or received for pawn and shall not be sold, disposed of, changed, modified, or melted by the dealer until the ten-day retention period

has expired. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the location where the purchased items(s) are being held.

- B. Upon probable cause that goods held by a dealer are stolen, and providing that the seller signed the mandatory statement required by §6(B) upon the sale of those goods, a law enforcement officer with jurisdiction should charge the seller with theft by deception under N.J.S.A. 2C:20-4 on behalf of the dealer, who shall be considered the "victim" of the offense for the purposes of N.J.S.A. 2C:43-3. The officer shall seize the goods, provide the dealer with a receipt and issue a criminal complaint against the seller for theft by deception and any other criminal charges for which the officer has probable cause that the seller has committed. If convicted of theft by deception and if so found by an order of a court of valid jurisdiction, the seller will be responsible for providing restitution to the dealer under N.J.S.A. 2C:44-2 for the amount paid by the dealer to the seller for the stolen goods.
- C. If market conditions would create a hardship on the dealer by holding precious metals or other secondhand goods for such period, the dealer may present the property to the Chief of Police in order that it may be photographed and, if deemed necessary by the Chief of Police, an investigation may be implemented. The Chief of Police shall have the authority to grant the dealer a waiver of the requirement under this section.
- D. In addition to all other reporting requirements, every dealer shall maintain for at least five years, a written record of all purchases of precious metals and other secondhand good in the form prescribed in §6(C).
- E. No dealer shall purchase any item covered by this chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Chief of Police or business designee identifying the individual from whom such purchase is to be made and the item to be purchased.
- F. Suspension. The Chief of Police or a designee thereof is hereby empowered to temporarily suspend for cause any dealer's license and rights to operate thereunder. The penalty shall be in addition to any fines and penalties the dealer may incur pursuant to §10 of this Chapter.
 - (1) Grounds for suspension. The following shall constitute grounds for suspension: violation of any provisions of this chapter, including failure to comply with any training or fees associated with the electronic database software system in use by the municipality; violation of any other statute,

regulation, or local ordinance; or any other illegal, improper, or fraudulent activity.

- (2) Procedure for suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Chief of Police or a designee thereof shall issue a written notice of suspension of license to the offending dealer and to the City Clerk, which shall set forth the grounds for the suspension and notify the dealer of his or her right to appeal pursuant to subsection (H). A temporary suspension shall issue immediately, pending the outcome of any appeal taken. Suspended dealers must immediately cease engaging in the business of purchasing for resale, receiving for pawn, and/or selling of precious metals and/or other secondhand goods in the municipality until reinstatement.
- (3) Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Chief of Police or the Chief's designee, been cured, corrected, or appropriately rectified; or if reinstatement is deemed appropriate by the three-person panel appointed by the Chief of Police, upon the timely filing of an appeal as provided in subsection (H).

G. Revocation. A license issued under this chapter may be revoked by the City Clerk upon written recommendation from the Chief of Police or the Chief's designee that the dealer is no longer qualified, capable or competent to comply with the requirements of this chapter. This penalty shall be in addition to any fines and penalties the dealer may incur under §10.

1. Grounds for revocation. The following shall constitute grounds for revocation: a third violation under this chapter; a second violation under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal offense within this or any jurisdiction, or multiple violations of any other regulations or local ordinances within this or any jurisdiction.
2. Procedure for revocation. Upon a determination that appropriate grounds exist and that a revocation is warranted, the Chief of Police or the Chief's designee shall so report to the City Clerk in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the charge. A three-person panel appointed by the Chief of Police, shall review the stated ground for revocation and the panel shall issue an appropriate disposition of suspension, revocation, or reinstatement. If the panel determines that revocation is the appropriate disposition, it shall set forth the grounds for the same in writing in the form of a notice of revocation, which shall be provided to the dealer. The notice shall advise the dealer to the right appeal. If the panel determines that suspension is the appropriate disposition, it shall provide the dealer with a notice of suspension that shall advise the dealer of the right to appeal. Following revocation, the

dealer must relinquish his or her license and must immediately and indefinitely cease operating as a dealer of precious metals or other secondhand goods within the municipality.

- H. Appeal. Any applicant wishing to appeal an issuance of a suspension or revocation shall be entitled to a hearing before a three-person panel, appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such suspension or revocation. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of revocation or suspension of license.
- I. A dealer shall have the right to change the location of the licensed business provided that he or she notifies the City Clerk, in writing, of the street address of said new location.

SECTION EIGHT

BOND REQUIREMENT.

Each dealer covered under this chapter shall deliver a bond to the City Clerk executed by the applicant as principal and executed by a surety company authorized to do business under the laws of the State of New Jersey as surety. The bond, to be approved by the City Attorney, as defined in N.J.S.A. 40A:9-139, shall in the penal sum of ten thousand (\$10,000) dollars conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the municipality in force or which may be adopted respecting the conduct of this business and conditioned also that the bond shall be and remain for the benefit of any person or persons who shall have received judgment against the dealer licensed under this chapter, which damage shall be established by a judgment or a court of proper jurisdiction. This bond shall contain the following language: "The obligation of this bond shall, in addition to the City of Union City, be and remain for the benefit of any person who shall obtain a judgment against the obligor as a result of damage sustained in operation pursuant to any license granted under this chapter." (1972 Code Sect. 7-20.6) Said bond shall be kept for a minimum of one year from the date of issuance of license and must be renewed annually along with the license.

SECTION NINE

FEES; PERIOD OF LICENSE VALIDITY.

A nonrefundable fee for initial application and license for a pawnbroker or a dealer in precious metals or other secondhand goods, as covered under this chapter, is \$300. The annual renewal fee for a license is \$250. These fees are separate from and in addition to any fees the dealer must pay in relation to the mandatory electronic database system designated by the Chief of Police, as provided by §5(D) of this chapter. Payments are to be made in the manner directed by the City Clerk. A license is valid for a one-year period from the date of its issuance.

SECTION TEN

VIOLATIONS AND PENALTIES.

Violation of any provision of this chapter by an dealer shall, upon conviction thereof, be punished by a fine not in excess of the limitations of N.J.S.A. 40:49-5 or by a term of imprisonment or a period of community service not exceeding ninety (90) days in addition to a suspension or revocation of operating license as provided in §6(F) and §6(G) above. Each and every violation shall be considered a separate violation. Each violation shall result in an additional suspension period. Any person who is found guilty of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender and, in addition, may be subject to revocation proceedings as provided in §6(G). The additional line imposed as a repeat offender shall not be less than the minimum or exceed the maximum line provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

SECTION ELEVEN

TIME LIMIT FOR CONFORMANCE; REPEALER; SEVERABILITY

- A. Any person, partnership, Limited Liability Company, corporation, or other entity engaging in the business of a pawnbroker, or a dealer in precious metals or other secondhand goods shall conform to the provisions of this chapter within ninety (90) days following the effective date of this chapter.
- B. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
- C. Nothing contained in this chapter is intended to replace any pre-existing statutory requirements governing pawnbrokers, as in N.J.S.A. 45:22-1, et seq., the sale of precious metals as in N.J.S.A. 51:6A-1 et seq., the sale of secondhand jewelry as in N.J.S.A. 2C:31-36 et seq., of any other statutory provision regarding any subject matter discussed herein.
- D. If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION TWELVE

EXEMPTIONS

- A. Sales conducted by governmental, civic, patriotic, fraternal, educational, religious or benevolent organizations which have been in active and continuous existence for at least

one year prior to the holding of the sale or which are incorporated as a not-for-profit corporation by the state

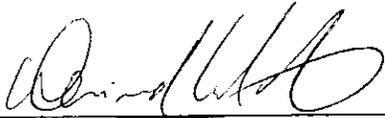
- B. Sales or purchases which are regulated by the licensing laws of the State, including automobile dealers, used parts dealers and automotive parts recyclers.

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on February 2, 2016 and will be further considered after a Public Hearing held on February 16, 2016 at the Union Hill Middle School at 7:00 p.m.

INTRODUCED: February 2, 2016

ADOPTED: 2-16-16

ATTEST:



Dominick Cantatore
Acting City Clerk

2-16-16

DATE

Summary of Ordinance

This ordinance creates additional requirements for dealers in precious metals and other secondhand goods (commonly known as pawnshops), specifically implementation of an electronic reporting system.

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 366 OF THE
CODE OF THE CITY OF UNION CITY ENTITLED "STREETS AND SIDEWALKS"**

WHEREAS, pursuant to N.J.S.A. 40:48-1 et seq. the City of Union City ("City") can regulate damage caused to sidewalks since it affects the health, safety and welfare of the people in Union City; and

WHEREAS, the City has undertaken great effort and expense to install new sidewalks and/or replace existing sidewalks throughout many areas in the City; and

WHEREAS, the City has adopted an ordinance to require property owners and tenants to remove oil, garbage stains and other soiling substances from the sidewalks; and

WHEREAS, the City believes that it is necessary to specifically delineate the cleaning requirements for sidewalks along businesses that are known to generate grease and oil which can stain sidewalks.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey as follows:

SECTION ONE

Chapter 366 entitled "Sidewalks" shall be amended to add the following new section:

Section 366-1.3 Power Washing Requirements for Certain Businesses

- A. The following businesses shall be required to power wash their adjoining sidewalks twice per month between the months of April 1 to November 1:
- 1) Mechanics shops
 - 2) Body shops
 - 3) Supermarkets
 - 4) Meat Markets
 - 5) Poultry markets
 - 6) Car Washes
- B. The businesses set forth in paragraph A shall have their adjoining sidewalks power washed by a professional service and proof of the power washing shall be forwarded to the Union City Health Department each month. The proofs shall be forwarded within 10 days of the end of each month from the end of April to the end of October.

C. Failure to submit the proofs as required shall subject the property owner/occupant/tenant to the fines and penalties set forth in Section 1-30 of the Code of the City of Union City.

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 effect 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.

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on _____ 2016 and will be further considered after a Public Hearing held on _____ at the _____ at _____ m.

INTRODUCED:

ADOPTED:

ATTEST:

Dominick Cantatore
Acting City Clerk

DATE

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 366 OF THE
CODE OF THE CITY OF UNION CITY ENTITLED "STREETS AND SIDEWALKS"**

WHEREAS, pursuant to N.J.S.A. 40:48-1 et seq. the City of Union City ("City") can regulate damage caused to sidewalks since it affects the health, safety and welfare of the people in Union City; and

WHEREAS, the City has undertaken great effort and expense to install new sidewalk and/or replace existing sidewalk throughout many areas in the City; and

WHEREAS, the City has adopted an ordinance to require property owners and tenants to repair and replace sidewalks, which have deteriorated due to placement of rock salt on the sidewalks and other areas. The City seeks to also require property owners, tenants and occupants to clean oil and other substances that have been allowed to discolor the surfaces of their adjacent sidewalks; and

WHEREAS, the City believes that it is necessary to encourage people to remove oil and other discoloring and damaging substances from the sidewalks adjoining their property by imposing an escalating scale of fines for failure to keep the sidewalks clean.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey as follows:

SECTION ONE

Chapter 366 entitled "Streets and Sidewalks" Article 1 "Snow and Ice Removal" is hereby amended to change the title to "Sidewalks" and the following shall be added to Section 366-1:

C. The owner, occupant or tenant of premises used by the public or business invitees shall remove all oil, garbage stains and other soiling substances from the sidewalks, streets, rights-of-way, and parking areas used by the public in the transaction of business there at within 10 days of discovering same.

SECTION TWO

The following new Section shall be added:

Section 366-1.2 **Stains on Sidewalks**

A. The owner, tenant, or occupant of a premises who has been found to have allowed a sidewalk, adjacent to his property, to become stained with oil, garbage stains or other soiling substances shall power-wash, or use another equivalent process, to clean the sidewalk within 10 days of the staining of the sidewalk. If it is not cleaned then the City will issue the owner, tenant or occupant a notice to power-wash the sidewalk to remove the stain. If the owner, tenant or occupant fails to do so within 10 days of the notice from the City and the City cleans the sidewalk, then the cost of the City's work shall become a lien on the subject property. Failure of the property owner, tenant or occupant to clean the sidewalk as required, will result in the payment of fines as set forth in Section 366-1.1 of the Code.

SECTION THREE

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 effect 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 FOUR

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 FIVE

This Ordinance shall take effect upon passage and publication as required by law and installation of the regulatory signs.

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on _____ 2016 and will be further considered after a Public Hearing held on _____ at the _____ at _____ m.

INTRODUCED:

ADOPTED:

ATTEST:

Dominick Cantatore
Acting City Clerk

DATE

CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 334 OF THE CODE OF THE CITY OF
UNION CITY ENTITLED "RENT STABILIZATION"

BE IT ORDAINED by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey, that Chapter 334 shall be amended, as follows:

SECTION ONE:

Section 334-2(B)2 shall be amended by replacing same with the following:

Units in four-, five- and six-family buildings that are owner-occupied. Owners of four-, five- and six-family buildings, as part of their registration, must file an affidavit, stating that they reside in the building and comply with the regulations established by the Rent Stabilization Board, which regulations shall set forth criteria to establish proof of residency. The affidavit shall be in a form provided by the office of the Rent Board Administrator. The burden remains on the owner to demonstrate residency.

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.

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on **February 16, 2016** and will be further considered after a Public Hearing held on **March 1, 2016 at 7:00 p.m.** at the Housing Authority Hillside Pavilion, 3911 Kennedy Blvd, Union City, New Jersey.

INTRODUCED: February 16, 2016

ADOPTED: 3-1-16

ATTEST:



Dominick Cantatore
Acting City Clerk

DATE

Summary of Ordinance

Units in four-, five- and six-family buildings that are owner-occupied. Owners of four-, five- and six-family buildings, as part of their registration, must file an affidavit, stating that they reside in the building *and comply with the regulations established by the Rent Stabilization Board, which regulations shall set forth criteria to establish proof of residency. The affidavit shall be in a form provided by the office of the Rent Board Administrator.* The burden remains on the owner to demonstrate residency.

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 223 OF THE
CODE OF THE CITY OF UNION CITY ENTITLED "LAND DEVELOPMENT"**

WHEREAS, pursuant to N.J.S.A. 40:55D-23.1 et seq. the City of Union City ("City") can provide for up to four alternate members on the Union City Planning Board; and

WHEREAS, the City currently has two alternate members on the Union City Planning Board, pursuant to Section 223-28A(1) of the Union City Code, but the Mayor and Board of Commissioners seek to expand the Planning Board to have four alternate members in order to insure that there are always sufficient members of the Planning Board to hear all applications.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey as follows:

SECTION ONE

Chapter 223-28 entitled "Planning Board Procedures" is hereby amended to delete the following:

A.(1) A Planning Board is hereby established pursuant to N.J.S.A. 40:55D-23 et seq., consisting of nine regular members and two alternate members consisting of the following four classes:

The following shall be substituted therefore:

A.(1) A Planning Board is hereby established pursuant to N.J.S.A. 40:55D-23 et seq., consisting of nine regular members and four alternate members consisting of the following four classes:

SECTION TWO

Section 223-28 "Planning Board Procedures" is hereby amended to delete the following:

A.(4) Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2"

The following shall be substituted therefore:

A.(4) Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1, Alternate No. 2, Alternate No. 3 and Alternate No. 4".

SECTION THREE

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 effect 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 not withstanding the invalidity of any part.

SECTION FOUR

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 FIVE

This Ordinance shall take effect upon passage and publication as required by law and installation of the regulatory signs.

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on May 5, 2016 and will be further considered after a Public Hearing to be held on June 8, 2016 at the Colin Powell Elementary School, Located at 1500 New York Avenue, Union City New Jersey at 7:00 p.m.

INTRODUCED: May 5, 2016

ADOPTED:

ATTEST:

Dominick Cantatore
Acting City Clerk

DATE

Summary of Ordinance

This ordinance establishes two additional alternate members of the Union City Planning Board.

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 109
OF THE CODE OF THE CITY OF UNION CITY
ENTITLED "BUSINESS HOURS OF OPERATION"**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the City of Union City may, by ordinance, make, amend, repeal and enforce ordinances "as it may deem necessary and proper for the good government, 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, Chapter 109 of the Code of the City of Union City (the "Code") entitled "Business Hours of Operation" sets forth the governing standards of the hours of operation for businesses and commercial establishments within the City; and

WHEREAS, the Mayor and Board of Commissioners believe it is in the best interests of the health, safety and welfare of the residents of this City, as well as the employees and patrons of such businesses and establishments, that the businesses and establishments regulated by this Section cease the conduct of their business, operations and activities at a reasonable hour.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey as follows:

SECTION ONE

Chapter 109 entitled "Business Hours of Operation" of the Code of the City of Union City is hereby amended and revised as follows:

No business or commercial establishment, which is adjacent to one or more residential dwelling units including any outdoor area under the control of the establishment, to which the public is invited, defined either as a "permitted use," "accessory use," or "conditional use," within the C-C Center City Core Districts, C-G Gateway Commercial Districts, C-N Neighborhood Commercial Districts, or MU Multiple Use Districts set forth in the City's Zoning Ordinance, as amended, or as may hereafter be amended or supplemented, or any non-conforming use or variance permitting such use, located within such districts, or in any other zoning district, shall be opened to the public or conduct any such business, operations or activities in any manner before 5 a.m. on any day and after midnight on the same day on Mondays through Sundays and legal holidays.

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 effect 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.

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, introduced on September 20, 2016 and will be further considered after a Public Hearing held on October 4, 2016 at the Emerson Middle School, 318 18th Street, Union City, New Jersey at 7:00 PM.

INTRODUCED: September 20, 2016

ADOPTED:

ATTEST:

Erin Knoedler
Deputy City Clerk

DATE

Summary of Ordinance

This ordinance regulates the hours of operation of business and commercial establishments within the City and clarifies applicability of the current ordinance.

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 334 "RENT STABILIZATION"

BE IT ORDAINED by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey, that Chapter 334 shall be amended, as follows:

SECTION ONE

Section 334-2(A) shall be amended by replacing same with the following:

Applicability. The terms of this chapter apply to individual dwelling units within a building, including condominium or cooperative units in the process of being converted, or having been converted, rather than to an individual tenant occupying a dwelling unit. An agreement for occupancy of the dwelling unit shall not circumvent the application of this ordinance by titling the agreement as other than a lease, such as, but not limited to a "use and occupancy agreement".

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.

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on December 15, 2015 and will be further considered after a

Public Hearing held on January 5, 2016 at the Jefferson Elementary School, 3400 Palisade Avenue at 7:00 p.m.

INTRODUCED: **December 15, 2015**

ADOPTED: *JAN. 5, 2016*

ATTEST:



DOMINICK CANTATORE, Acting City Clerk

Date: _____

SUMMARY OF ORDINANCE

This ordinance adds to existing ordinance that an agreement for occupancy of the dwelling unit shall not circumvent the application of this ordinance by titling the agreement as other than a lease, such as, but not limited to a "use and occupancy agreement".

**AN ORDINANCE AMENDING CHAPTER 223 "LAND DEVELOPMENT"
OF THE CODE OF THE CITY OF UNION CITY**

WHEREAS, Chapter 223 of the Code of the City of Union City (the "Code") sets forth the land development ordinances governing development within the City of Union City (the "City"); and

WHEREAS, Section 223-5 of the Code sets forth the definitions for development within all districts within the City; and

WHEREAS, the Board of Commissioners believe there is a need to amend Section 223-5 in order to clarify the STORY, HALF definition.

NOW THEREFORE, BE IT ORDAINED that the Mayor and Commissioners of the City of Union City, County of Hudson, State of New Jersey do hereby amend the ordinance as follows:

SECTION ONE

Chapter 223, Section 5, "Definitions" is hereby amended as to the definition of "STORY, HALF" to state as follows:

STORY, HALF -- Any space partially within the roof framing where the possible floor area with headroom of five feet or greater occupies less than 75% of the story directly beneath.

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 effect 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 not withstanding 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.

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on December 15, 2015 and will be further considered after a Public Hearing held on January 5, 2016 at the Jefferson Elementary School, 3400 Palisade Avenue at 7:00 p.m.

INTRODUCED: **December 15, 2015**

ADOPTED: *JAN 5, 2016*

ATTEST:



DOMINICK CANTATORE, Acting City Clerk

Date: 1-5-16

SUMMARY OF ORDINANCE

This ordinance amends Section 223-5 as to the definition of "STORY, HALF" of the Code of the City of Union City to be defined as any space partially within the roof framing where the possible floor area with headroom of five feet or greater occupies less than 75% of the story directly beneath.

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 87
OF THE CODE OF THE CITY OF UNION CITY
REGULATING THE PRESERVATION OF TREES**

WHEREAS, the City of Union City ("City") is committed to preserving and maintaining healthy trees in the community; and

WHEREAS, the Board, as the governing body of the City is statutorily permitted to, among other things, make, amend, repeal and enforce ordinances "as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants", pursuant to N.J.S.A. 40:48-2; and

WHEREAS, the Board of Commissioners (the "Board") believes there is a need to amend Chapter 87 of the Code in order to regulate the preservation of trees throughout the City.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey as follows:

Chapter 87 entitled "Brush, Grass and Weeds" of the Code of the City of Union City is hereby amended and revised to read, "Brush, Grass, Weeds and Trees" and revised to add new **Article III** entitled "Preservation of Trees" to read as follows:

Section §87 entitled "Brush, Grass, and Weeds" shall be amended to read, "**BRUSH, GRASS, WEEDS AND TREES**" and a new **ARTICLE III** added entitled "**PRESERVATION OF TREES.**"

SECTION ONE

- 1) Section 87-10 shall be created and entitled "PURPOSE AND INTENT" and shall read as follows:

PURPOSE AND INTENT.

- a. Indiscriminate, uncontrolled and excess destruction, removal and cutting of trees upon lots and tracts of land within Union City will cause increased drainage control costs, increased soil erosion and sedimentation, decreased fertility of the soil, degradation of water resources, decreased groundwater recharge, increased buildup of atmospheric carbon dioxide, the establishment of a heat island effect and increased dust and pollution. The singular or cumulative effect of any of the foregoing could adversely impact the character of Union City, decrease property

values, render the land unfit and unsuitable for its most appropriate use, and negatively affect the health, safety and general welfare of Union City's residents. Thus, the City governing body desires to regulate and control indiscriminate and excessive cutting of trees within the City and to require appropriate tree replacement.

- b. It is recognized that there is a strong interrelationship between the integrity of the City's water resources, development on steep slopes, tree removal, soil disturbance, stormwater management and the general use of the land resources. Fewer trees throughout the City also correlates with increased air pollution. Therefore, the governing body finds that the appropriate management of these resources is an important health, safety and general welfare concern. It is the intention of the City of Union City to control the cutting, removal and destruction of trees within the City, thereby preserving the maximum number of trees for the purposes stated herein.

SECTION TWO

- 2) Section 87-11 shall be created and entitled "DEFINITIONS" and shall read as follows:

DEFINITIONS.

The terms below as used in this chapter shall have the meanings established by the International Society of Arboriculture, as supplemented below:

Caliper: ANSI Z60 for Nursery Stock: "Caliper" is a type of diameter measurement used in the nursery industry. The height measurement shall be taken from ground level for field-grown stock and from the soil line for container-grown stock, which should be at or near the top of the root flare. Caliper measurement of the trunk shall be taken six inches above the top of root flare up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper should be measured at 12 inches above the top of root flare. Seldom are tree trunks perfectly round. The most accurate measurement will result from the use of a diameter tape. Caliper measurements taken with manual or electronic slot or pincer type caliper tools should be the average of the smallest and largest measurements.

Diameter Breast Height (DBH) shall mean the diameter of a tree measured 4 ½ feet above the uphill/highest side.

Drip Line shall mean the line formed by water dripping from the outermost branches of a tree.

Emergency shall mean any event or condition which has damaged or destroyed a tree, such that the continued presence of such damaged or destroyed tree imminently threatens harm to life or property in proximity thereto.

Owner shall mean any person having title or lawful possession of any lot, plot or parcel

of land within the City.

Private Tree shall mean any tree located on private land within the City.

Protective Barrier shall mean a barrier constructed to protect the root system or trunk of a tree from damage.

Public Area shall mean trees within City right of way.

Public Tree shall mean any tree located on lands owned, or leased by the City of Union City or any of the public entities or subdivisions created by the City of Union City including, but not limited to, the Parking Authority and Housing Authority.

Root System shall mean tree roots within the Drip Line perimeter.

Shade Tree Committee shall mean the advisory body established pursuant to City of Union City municipal ordinance § 4-93.

Tree shall mean the following:

- a. Any living deciduous tree having a DBH greater than two (2) inches diameter. A deciduous tree is a tree which shades foliage at the end of the growing season, or some other specific stage of the growing season.
- b. Any living coniferous tree having a DBH greater than four (4) inches diameter. A coniferous tree is a cone bearing tree (for example, an evergreen is a coniferous tree).
- c. Any living dogwood (*cornus florida*) or American Holly (*ilex opaca*) having a DBH of one (1) inch or greater diameter.

Tree Escrow Fund shall mean a fund established by the governing body for the administration and promotion of tree and shrubbery resource sustainability projects and practices which may be consistent with the Community Stewardship Incentive Program as outlined within the New Jersey Shade Tree and Community Forestry Assistance Act, N.J.S.A. § 13:1L-17.1 et seq.

~~*Tree Removal Permit* shall mean the permit issued by the Shade Tree Committee or its designee to remove or destroy a tree or trees.~~

Tree Specialist/ shall mean the following:

- a. The Mayor shall appoint a Tree Specialist. This individual shall be responsible for the inspection of sites for which application(s) are filed under this chapter. This individual will be responsible for the administration and protection requirements of this chapter and enforcement of the chapter as directed by the Shade Tree Commission.

b. A Tree Specialist is either of the following:

1. A forester who shall have a bachelor's degree in forestry or arboriculture from a college or university, shall be certified as a certified tree expert by the State of New Jersey and shall have a minimum of three years' experience in planting, care and maintenance of trees. The forester shall have the responsibility of reviewing an approved forest management plan and inspecting the forested site for plan compliance if requested by the Tax Assessor.
 - i. A conservation officer who shall be certified as a certified tree expert by the State of New Jersey and shall have a minimum of three years' experience in planting, care and maintenance of trees.
2. The Tree Specialist shall be paid from the Tree Escrow Fund, which is established herein, and shall be paid in accordance with a fee schedule established by contract with the municipality.

SECTION THREE

3) Section 87-12 shall be created and entitled "ACTS PROHIBITED UNLESS A PERMIT IS OBTAINED; EXCEPTIONS" and shall read as follows:

ACTS PROHIBITED UNLESS A PERMIT IS OBTAINED; EXCEPTIONS.

- a. No person shall remove, destroy, or cause or allow any living tree to be removed or destroyed without first obtaining a permit.
- b. No person shall with intent to cause injury to any living tree: 1) girdle any living tree; 2) place salt, brine oil, chemicals or other substances injurious to plant growth within the Drip Line, or in any other place or manner, with intent to injure any living tree growing thereon or nearby.
- c. No person shall alter the existing grade surrounding any tree by more than six (6) inches without constructing an appropriate masonry well or wall to provide retention of the original grade around the tree. Such masonry structure shall encircle the tree at a distance of at least three (3) feet. Specifications for the construction of the masonry well or wall shall be established by the City Construction Department and permit and Certificate of Approval shall be obtained relative thereto.
- d. Exceptions. The provisions of this chapter shall not apply to the following:
 1. Any tree of less than six (6) inches DBH.
 2. Any tree or trees planted and grown for commercial purposes on property used as a commercial nursery, tree farm, garden center, Christmas tree plantation or tree orchard.

3. Any tree growing in a utility right-of-way or fire trail subject to the approval of the Department of Public Works.
4. Any private trees located in the rear yard or backyard of any private land located in the City.

SECTION FOUR

- 4) Section 87-13 shall be created and entitled "APPLICATION FOR PERMIT; APPLICATION FEES; EXCEPTIONS" and shall read as follows:

APPLICATION FOR PERMIT; APPLICATION FEES; EXCEPTIONS.

- a. Prior to removal or destruction of any living tree preserved by this ordinance, any person desiring such removal or destruction must obtain a permit for said action by filing an application with the Department of Public Works on a form prescribed by the Department of Public Works. However, if a tree must be removed or destroyed due to an emergency as defined herein, then the Department of Public Works shall be notified of the removal in writing within five (5) working days of removal.
- b. The application for a permit shall identify the lot or tract of land upon which the living tree(s) are located, and shall disclose:
 1. The name and address of the owner and/or the tenant or duly authorized agent of the owner;
 2. Indication of whether or not the applicant is a public utility;
 3. The lot and block of the property;
 4. The shape and dimensions of the lot or parcel, including the location of all existing and proposed easements;
 5. The actual location, species and diameter of the trees to be removed or destroyed;
 6. The location of any existing buildings or construction; and
 7. The reason for the requested removal.
- c. The Department of Public Works shall charge any person a ten (\$10.00) dollar fee upon the filing of a completed application. However, no fee shall be charged to obtain a permit for the removal or destruction of a diseased tree, or a tree that must be removed due to an emergency, as defined herein. If a tree must be removed or destroyed due to an emergency as defined herein, then the Department of Public Works shall be notified of the removal in writing within five (5) business days of

removal.

SECTION FIVE

- 5) Section 87-14 shall be created and entitled "PROCEDURES AND STANDARD FOR REVIEW OF APPLICATION" and shall read as follows:

PROCEDURES AND STANDARDS FOR REVIEW OF APPLICATION.

- a. Upon the filing of a complete application with the Department of Public Works, the Tree Supervisor/Tree Specialist shall within 30 days:
 1. Examine the premises and physical condition of the land in the vicinity of the premises;
 2. Inspect the tree(s) referred to in the application, and the physical conditions of the lands in the vicinity thereof.
 3. Take pictures of the tree(s) that are sought to be removed
- b. After completing the inspection, the Tree Supervisor/Tree Specialist shall determine whether or not the permit should be granted in accordance with the following standards.
 1. A living tree may be removed from the following areas, or under the following circumstances:
 - i. The tree is in an area to be occupied by a building, driveway, street, utility easement, or other improvement to a property (i.e. swimming pool, deck or patio) or the tree is within a distance of ten (10) feet of such area;
 - ii. The tree is so diseased or invested as to be a danger to other trees in the community as determined by the Tree Supervisor/Tree Specialist;
 - iii. The presence of the tree is the cause of hardship or danger to the property owner or the general public, as determined by the Tree Supervisor/Tree Specialist.
- c. The Tree Supervisor/Tree Specialist shall approve or deny the tree removal permit within 10 business days after completion of the inspection. The application shall be returned to the Department of Public Works, which shall issue or deny the permit based upon the determination of the Tree Supervisor/Tree Specialist. The Department of Public Works shall notify the applicant in writing of the factual basis and criteria for any denial within one (1) week of receipt of the Tree Supervisor/Tree Specialist's determination.

- d. Any applicant for a permit may appeal an adverse permit determination. The appeal shall be made by filing written notice with the City Clerk within ten (10) days after receipt of notification by the Department of Public Works. The Commissioners, upon notice to the applicant hear the appeal. The Commissioners may affirm, reverse or modify the permit determination. The decision of the Commissioners shall constitute the final administrative determination of the application.
- e. Applications for removal of trees on County roads or streets are subject to the provisions of this Chapter, except that the County must be notified of any proposed removal of a tree on a County road and the County may require that it approve any such tree removal and/or accomplish such removal.

SECTION SIX

- 6) Section 87-15 shall be created and entitled "FEES" and shall read as follows:

FEES

a. Application

- 1. The applicant, at time of filing the application with the Department of Public Works, shall pay the application fee of ten dollars (\$10.00) for each new or existing lot. Not application shall be considered without the payment of the required fees. No fee shall be charged to obtain a permit for a tree removed due to an emergency as defined herein.
- 2. The replacement fee will be in accordance with §87-16 below.

b. Tree Escrow Fund

- i. A Tree Escrow Fund shall be established and maintained by the City to receive and disburse replacement tree contributions. Appropriations from the Tree Fund shall be authorized by the Board of Commissioners.
- ii. The primary purpose of said fund is to provide for the planting and maintenance of trees and shrubs on public property. The fund will also cover administrative costs to implement the provisions of this chapter, including but not limited to site inspections, processing of permits and supervision of tree replacements. Administrative costs imposed in accordance with this chapter shall not exceed thirty percent (30%) of the fund, as determined on an annual basis.

SECTION SEVEN

- 7) Section 87-16 shall be created and entitled "REPLACEMENT OF TREES; PENALTY FOR FAILING TO REPLACE" and shall read as follows:

REPLACEMENT OF TREES; PENALTY FOR FAILING TO REPLACE

- a. Any person who has received a permit to remove a tree pursuant to this chapter, or caused the removal or destruction of a tree preserved by this chapter, from a parcel of land in the City shall replant a tree on that same parcel. Such tree shall have 2 inches to 2.5 inches caliper and shall be a minimum of twelve (12) feet tall. Replanting shall be carried out in accordance with the New Jersey Department of Environmental Protection, Division of Parks and Forestry, Forestry Services practices regarding Urban Forestry.
- b. If any person does not replace a removed or destroyed tree as mandated by this subsection within sixty (60) days of receipt of the tree removal permit noted in Section 6(a) above, such person shall pay a fee of one thousand dollars (\$1,000.00) to the City of Union City to be deposited in a Tree Escrow Fund.
- c. If a tree is replanted in accordance with the mandates of this chapter, and the tree dies within one (1) growing season (typically one (1) year of planting), no additional permit fee shall be charged. Notwithstanding same, any tree that dies within one (1) growing season must be replaced within sixty (60) days.

SECTION EIGHT

- 8) Section 87-17 shall be created and entitled "REMOVAL OF DANGEROUS PRIVATE TREES; COSTS CHARGED" and shall read as follows:

REMOVAL OF DANGEROUS PRIVATE TREES; COSTS CHARGED

- a. If a tree, or any part of a tree, along any street becomes dangerous or hazardous to public safety, the owner of the property upon which the tree stands shall remove the tree, or part of the tree, at the owner's expense, upon receipt of written notification from the City.
- b. If the owner fails to remove the tree or portion thereof within ten (10) days of receipt of written notice to do so, the work shall be performed by the City under the supervision of the Department of Public Works, who shall certify the cost to the Board of Commissioners.
- c. Upon receipt of the certified costs, the Board of Commissioners shall examine them and, if found to be correct, shall cause the costs to be charged against the lands. If the Board of Commissioners finds the costs to be excessive, it shall cause reasonable costs to be charged against the lands. The amount so charged shall become a lien upon the lands and shall be added to and become part of the taxes next to be assessed and levied upon the lands. Same shall bear interest as other taxes and be collected and enforced by the Tax Collector in the same manner as taxes.

SECTION NINE

- 9) Section 87-18 shall be created and entitled "REGULATIONS WITH RESPECT TO

PUBLIC TREES; PENALTIES FOR DAMAGE OR DESTRUCTION TO PUBLIC TREES” and shall read as follows:

REGULATIONS WITH RESPECT TO PUBLIC TREES; PENALTIES FOR DAMAGE OR DESTRUCTION TO PUBLIC TREES.

- a. It shall be unlawful to commit any of the following acts against any public tree without prior written permission from the public entity responsible for the public tree:
 1. Cut, prune, break, injure, alter or remove any public tree; or cut, unduly disturb, or interfere in any way with any root of a public tree.
 2. Spray any public tree with a chemical.
 3. Fasten any rope, wire, sign or other device to a public tree or to any guard about the public tree.
 4. Remove or injure any guard or devise placed to protect any public tree.
 5. Close or obstruct any open spaces found about the base of a public tree which permits the base or roots of a public tree access to air, water and/or fertilizer.
 6. String any wires or lines through a public park.
 7. Any public utility required to prune any public trees so that it can obtain required line clearances for overhead utility wires may file annually for a permit to perform pruning. In addition, the public utility must notify the City when pruning activities will take place by way of a writing describing the proposed pruning activities and the location of same served upon the Tree Specialist at least 30 days prior to the proposed pruning activity. The proposed pruning activity shall only take place upon approval by the Tree Specialist. The fee for the annual permit shall be one hundred dollars (\$100.00).

SECTION TEN

10) Section 87-19 shall be created and entitled “ENFORCEMENT; PENALTIES AND CIVIL REMEDIES” and shall read as follows:

ENFORCEMENT; PENALTIES AND CIVIL REMEDIES

- a. The requirements of this chapter shall be enforced by the Tree Supervisor/Tree Specialist of the Department of Public Works or his designee, the Construction Official or his designee, the Health Officer or his designee, or members of the Union City Police Department, who shall seek penalties as provided by this chapter.

- b. Any enforcing agent may issue a stop work order for any tree work or other activity (except those on an emergency basis) which he believes is undertaken in violation of any provision of this chapter. The order shall be issued verbally and followed up in writing as soon as practicable to any person engaged in such tree work or such activity in violation of this chapter. If no such person is present upon the property, then the stop work order shall be made to the owner of the property. No tree work or other activity may be resumed until a permit is obtained.
- c. Any person violating the provision of §87-10 shall, upon conviction, be liable for the penalty as stated in §1-30 of this Code, in addition to the amount required in §87-16.
- d. It shall not be a defense for any person charged with violating this chapter to state that he or she believed that a permit had been obtained. In the case of unauthorized removal or destruction of a tree, such person shall replace each tree destroyed or removed in violation of this chapter, with another tree of like or superior species, as determined by the Tree Specialist, with a DBH of at least 4.5 and shall be a minimum of twelve feet tall.
- e. Each tree or part thereof destroyed or removed in violation of this chapter shall be considered a separate offense.
- f. Any person who damages any public tree(s) shall be responsible for the cost of repair or replacement of the public tree(s). In addition to the penalties set forth herein, any person who damages any public tree shall pay the City the cost of repair or replacement within thirty (30) days of presentment of an itemized bill for the costs. Failure to pay the repair or replacement cost within thirty (30) days of presentment shall subject the person to the penalties described above. In addition, the City may pursue any available civil remedy to collect the bill for damages to any public tree.

SECTION ELEVEN

11) Section 87-20 shall be created and entitled "REPORTS" and shall read as follows:

REPORTS.

- a. The Tree Supervisor/Tree Specialist shall report to the Board of Commissioners on an annual basis the number of permits granted and refused in each calendar year pursuant to this chapter. Such report shall be supplied by March 31st annually for the preceding year.

SECTION TWELVE:

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 effect 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 THIRTEEN:

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 FOURTEEN:

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

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on _____ 2016 and will be further considered after a Public Hearing held on _____ at the _____ at _____ m.

INTRODUCED: 1-19-2016
ADOPTED:
ATTEST:



Dominick Cantatore
Acting City Clerk

DATE

Summary of Ordinance

This ordinance creates a requirement for people to obtain a permit to cut down a tree and requires replacement of the tree that is removed. It established a fee for the improper removal of a tree.

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 397
OF THE CODE OF THE CITY OF UNION CITY
ENTITLED "TOWING"**

WHEREAS, pursuant to N.J.S.A. 40:48-2.49, the City of Union City may, by ordinance, regulate the removal and storage of motor vehicles within the town; and

WHEREAS, Chapter 397 of the Code of the City of Union City (the "Code") entitled "Towing" sets forth the provisions governing towing and the fees that can be charged for these services; and

WHEREAS, the Mayor and Board of Commissioners believe that it is vital that City vehicles that become disabled on City streets be repaired or towed as expeditiously as possible so that the City can continue to provide essential services to City residents and that those minor repairs and towing within Hudson County should not be charged to the City as it is providing essential government services to City residents at tax payer expense.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey as follows:

SECTION ONE

Chapter 397 entitled "Towing" of the Code of the City of Union City is hereby amended and revised to add the following Section:

Section 397-29 Police and other municipal vehicles

All licensees shall be obligated to tow and to make minor roadside service repairs to vehicles owned by the City of Union City, in the event that they become disabled, without charge to the City if towed within the County of Hudson.

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 effect 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.

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on _____ 2016 and will be further considered after a Public Hearing held on _____ at the _____ at _____ m.

INTRODUCED:

ADOPTED:

ATTEST:

Dominick Cantatore
Acting City Clerk

DATE

Summary of Ordinance

This ordinance requires towing operators to tow and to make minor roadside repairs to disabled City vehicles without charge if towed within Hudson County.

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 397
OF THE CODE OF THE CITY OF UNION CITY
ENTITLED "TOWING"**

WHEREAS, pursuant to N.J.S.A. 40:48-2.49, the City of Union City may, by ordinance, regulate the removal and storage of motor vehicles within the town; and

WHEREAS, Chapter 397 of the Code of the City of Union City (the "Code") entitled "Towing" sets forth the provisions governing towing and storage for these vehicles; and

WHEREAS, the Mayor and Board of Commissioners believe that it is vital that vehicles that are towed from City streets be returned as expeditiously as possible to City residents so that those residents do not experience undue hardship for longer than is necessary.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey as follows:

SECTION ONE

Chapter 397-14 entitled "Rules and regulations for towing and storage" of the Code of the City of Union City is hereby amended and revised to reflect the following in Subsection N:

Section 397-14 Rules and regulations for towing and storage.

N. The licensee shall make the necessary provisions to release a vehicle to the owner twenty-four (24) hours a day, seven (7) days a week.

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 effect 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.

I, ERIN KNOEDLER, HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, introduced on December 20, 2016 and will be further considered after a Public Hearing held on at the 3rd of January, 2017 at Jefferson Elementary School, 3400 Palisade Avenue at 7 PM.

INTRODUCED: December 20, 2016

ADOPTED: January 3, 2017

ATTEST:

Erin Knoedler
Deputy City Clerk

DATE

Summary of Ordinance

This ordinance requires towing licensees to release a vehicle to the owner twenty-four (24) hours a day, seven (7) days a week.

CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 155-12
OF THE CODE OF THE CITY OF UNION CITY
ENTITLED "UNIFORM CONSTRUCTION CODE FEES"

WHEREAS, Chapter 155-12 of the Code of the City of Union City (the "Code") entitled "Uniform Construction Code Fees" which among other things governs the fees for construction related items such as permits, fines, and violations within the City of Union City ("City"); and

WHEREAS, the Board, as the governing body of the City is statutorily permitted to, among other things, make, amend, repeal and enforce ordinances "as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants," pursuant to N.J.S.A. 40:48-2; and

WHEREAS, the Board, as the governing body of the City is statutorily permitted to, among other things, "make, amend, repeal and enforce ordinances to, among other things, manage, regulate and control the finances of the municipality and to regulate and control the construction, erection, alteration and repair of buildings and structures of every kind within the municipality," pursuant to N.J.S.A. 40:48-1; and

WHEREAS, the Board of Commissioners ("Board") believes there is a need to amend this Chapter of the Code in order to update and revise the current fees associated with construction within the City.

NOW THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey as follows:

SECTION ONE

That the Code of the City of Union City, Chapter 155-12, Uniform Construction Code Fees, be amended and supplemented as follows:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE CITY OF UNION CITY; CHAPTER 155-12, UNIFORM CONSTRUCTION CODE FEES:

See "ATTACHMENT A" which outlines all amended Uniform Construction Code Fees.

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 effect 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

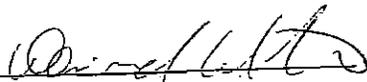
This Ordinance shall take effect upon passage and publication as required by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on March 15, 2016 and will be further considered after a Public Hearing to be held on April 5, 2016 at the Early Childhood Education Center, 2200 Kennedy Boulevard at 7:00 P.M.

INTRODUCED: March 15, 2016

ADOPTED: APRIL 5, 2016

ATTEST:



Dominick Cantatore
Acting City Clerk

DATE

Summary of Ordinance

This ordinance amends the current Uniform Construction Code fees for construction within the City as provided in **Attachment A**.

ATTACHMENT A

Attachment A

Building Sub-Code Fees:

- a. Minimum fee for building permits.....\$100.00
- Change of contractor fee per Sub-Code.....\$25.00
- b. New construction and additions:
 - All buildings per cubic ft. of construction.....\$.050
 - Minimum fee for new construction.....\$150.00
 - Plan review fee:.....20% of permit fee
 - Parking Spaces For New Construction Exterior & Enclosed\$200.00 per space
- c. Renovations, Alterations, Repair and Minor Work:
 - Minimum fee.....\$100.00 (without plans)..... \$110.00 (with plans)
 - Per \$1,000.00:
 - Up to \$50,000.00 of job cost.....\$35.00
 - \$50,001.00 to \$100,000.00 of job cost.....\$25.00
 - Over \$100,000.00 and above job cost.....\$20.00
- d. Mechanical systems/equipment (Ducts Etc. For H.V.A.C. Equip. Not Including Mechanical Unit): shall be calculated at 10% of Building permit fee.
- e. Retaining walls:
 - Up to 550 Sq. Ft.....\$125.00
 - Over 550 Sq. Ft.....\$ 250.00
- f. Demolition Per Lot:
 - All structures per lot.....\$300.00
 - Note: Sewer capping permit must accompany a demolition permit if structure is serviced by a sewer.
- g. Signs/Awnings:
 - Minimum fee: per side/sig.....\$100.00
 - Billboards/Wall Mounted Signs (per side).....\$250.00
- h. Fence installation:
 - Fee based on cost of work

3-6.6

Certificate of Occupancy / Continued Occupancy:

a) Residential Structures (per tenant space).....	\$200.00
b) Interior/exterior parking accessory to existing structure (per space)....	\$150.00
c) Retail/Mercantile (per space).....	\$200.00
d) Business or Professional Offices (per tenant space).....	\$200.00
e) Wholesale Business.....	\$350.00
f) Storage Distribution.....	\$350.00
g) Shopping Centers (shell only).....	\$500.00
h) Movie Theaters.....	\$500.00 plus \$150.00 per screen
i) Laundromats.....	\$500.00
j) Mechanic Shops.....up to 4 bays.....\$500.00.....additional bays ea.....	\$150.00
k) Auto Body Shops.....\$500.00 plus	\$350.00 per spray booth
l) New Car Dealers.....	\$750.00
m) Used Car Dealers.....	\$500.00
n) Parking Lots.....	\$150.00 per space
o) Hospitals, Nursing Homes, Emergency Medical Centers... bed and or exam rooms	\$500.00 plus \$200.00 per
p) Pain Management Centers.....\$500.00...plus \$200.00 per exam/procedure room	
q) Imaging Centers.....\$500.00 plus \$200.00 per exam/procedure room	
r) Day Care Centers.....	\$750.00
t) Temporary Employment Agencies.....	\$750.00
s) Bars Night Clubs and Similar Assembly Spaces.....	\$800.00
u) Certificates of Continued Occupancy shall be 50% of above stated fees	

Note: All Temporary Certificates Of Occupancy Shall Be Charged At The Same Amount As Listed Above.

3-6.7

Letters/Dumpster Permits:

Certificate of Occupancy letter.....	\$50.00
Zoning rebuild letter.....	\$75.00
All other letters.....	\$50.00
Code variation Request (Per Sub-Code/Per Variation).....	\$100.00
Daycare Letters.....	\$100.00
Dumpster Permit.....	\$75.00

i. Swimming pools:

Residential above ground.....	\$65.00
Residential in ground.....	\$150.00
Commercial above ground.....	\$250.00
Commercial/multi-family in ground.....	\$500.00

j. Tents.....\$250.00

k. Zoning Determination:

Existing Structures/Driveways/Businesses	\$20.00
New Construction: From 1-5 Units.....	\$50.00
New Construction: Over 5-10 Units.....	\$100.00
New Construction: Over 10-15 Units.....	\$150.00
New Construction: Over 15-20 Units.....	\$200.00
New Construction: Over 20-25 Units.....	\$250.00
New Construction: Over 25-50 Units.....	\$350.00
New Construction: Over 50-75 Units.....	\$500.00
New Construction: Over 75-100 Units.....	\$750.00
New Construction: Over 100 Units.....	\$1000.00
Plus \$10.00 Each Additional Unit Over 100 Units	

Modifications To Existing Or Previously Approved Variances For
Parking spaces (per space).....\$20.00

3-6.2

Electrical Sub-Code Fees:

a. Minimum fee for electrical permits

	\$100.00
--	----------

b. Switches, fixtures, receptacles:

1-50.....	\$85.00
Each additional 25	\$40.00

c. Electrical devices, generators, transformers:

1 KW - 9 KW, each.....\$45.00

10 KW - 44 KW, each.....	\$95.00
45 KW - 112.5 KW, each.....	\$215.00
From 112.5 KW - 500 KW, each.....	\$450.00
Over 500.00 KW, each.....	\$700.00

d. Motors:

Kitchen/Bathroom exhausts/hoods (Residential Type).....	\$50.00
½ HP - 1 HP, each.....	\$25.00
1 HP - 9 HP, each.....	\$40.00
10 HP - 49 HP, each.....	\$85.00
50 HP - 99 HP, each.....	\$200.00
100 HP and over, each.....	\$750.00
Capacitors: one unit.....\$40.00.....any additional units, each.....	\$20.00

Note: no charge if motors are equipped at time of installation

e. Service panels, service entrance, sub-panels:

Up to 100 AMPS, each.....	\$75.00
101 AMPS - 200 AMPS, each.....	\$125.00
201 AMPS - 300 AMPS, each.....	\$180.00
301 AMPS - 400 AMPS, each.....	\$250.00
401 AMPS - 500 AMPS, each.....	\$300.00
501 AMPS - 600 AMPS, each.....	\$350.00
601 AMPS - 700 AMPS, each.....	\$400.00
701 AMPS - 800 AMPS, each.....	\$450.00
801 AMPS - 900 AMPS, each.....	\$500.00
901 AMPS - 1000 AMPS, each.....	\$570.00
Over 1000 AMPS, each..\$675.00 add \$50.00 for every 100 AMPS above 1000 AMPS	

f. Additional Electric Meters ea.....\$75.00

g. Line item fees, as per technical section:

Commercial Air conditioning units (per ton).....	\$100.00
Burglar alarm, intercom systems.....	\$100.00

Dishwasher, KW.....as listed above
 Dryer, by HP.....as listed above
 Electrical Sub-Code fees continued:

Garbage disposal by HP.....	as listed above
Heat pumps, by HP.....	as listed above
Motor control center, sub-panels, AMP.....	as listed above
All other, HP.....	as listed above
Electrical Devices Not Included Above.....	\$65.00 Per Device
Pool bonding.....	\$100.00 Per Year

Pool/Spa motor:.....size as listed above
 Pool lights.....include in fixture total

h. Cellular Equipment:

Cellular Antennas and Equipment cabinets ea.....\$150.00

3-6.3

Plumbing Sub-Code Fees,

a. Minimum fee for plumbing permits\$100.00

Each fixture, device not listed below.....\$35.00
 Air conditioners, H.V.A.C, (Individual units) ea.....\$100.00
 All floor drains, ea.....\$35.00
 Back water valves, ea.....\$35.00
 Basins ea.....\$35.00
 Bathtubs, ea.....\$35.00
 Boilers, ea up to 200,000 B.T.U's...\$100.00...over 200,000 B.T.U's
 Add \$10.00 for every additional 10,000 BTU's over 200,000
 Boiler conversion burner.....\$60.00
 Heating backflow device, ea.....\$35.00
 Water heater, ea.....\$40.00
 Catch basin, ea.....\$85.00
 Dishwasher, ea.....\$35.00
 Drinking fountain ea.....\$35.00
 Furnaces, H.V.A.C., PAC & similar type of device ea.....\$100.00
 Garbage disposal ea.....\$35.00
 Gas appliance, ea.....\$35.00
 Gas lines, ea.....\$40.00
 Gas riser, ea.....\$35.00
 Grease trap, ea... up to 50lbs...\$85.00 ... 50 - 100lbs. and up... \$125.00
 House drain, ea.....\$35.00
 Indirect connection, ea.....\$35.00
 Interceptor, ea.....\$90.00
 Lead bend, ea.....\$35.00
 Manholes, ea.....\$125.00
 Oil separators ea.....\$90.00
 Pumps, ea.....\$80.00
 Re-piping apartment, ea.....\$40.00
 Roof drain/scuppers ea.....\$25.00
 Repiping (Per-Unit).....\$50.00
 Septic/Storm Water Detention Tanks or similar ea.....\$100.00
 Sewer backflow device, ea.....\$80.00

Sewer ejector, ea.....	\$90.00
Sewer utility, ea..... 4"ea. \$100.00...5"ea. \$150.00....6"ea. \$300.00	
over 6"ea.....\$400.00 plus.....\$50.00 per 2" increase in size over 6"	
Showers, ea.....	\$35.00
Sinks, ea.....	\$35.00
Slop sink, ea.....	\$35.00
Soil stack, ea.....	\$90.00
Sump pump, ea.....	\$35.00
Tankless heater, ea.....	\$35.00
Urinals, ea.....	\$35.00
Vent stack, ea.....	\$35.00
Wash trays, ea.....	\$35.00
Washington machines, ea.....	\$35.00
Waste stack, ea.....	\$35.00
Water closet ea.....	\$35.00
Water riser, ea.....	\$35.00
Water separator, ea.....	\$35.00
Water utility connection up to 2"ea.....\$100.00 over 2".....	\$175.00
Yard drains, ea.....	\$35.00

3-6.4

Uniform Fire Safety Act:

a. Minimum fee for fire safety permits\$100.00

b. Storage Tank Installation

Gallons:	
275, ea.....	\$125.00
550, ea.....	\$150.00
551-1,000, ea.....	\$175.00
1,001-2,000, ea.....	\$225.00
2,001-5,000, ea.....	\$275.00
5,001-10,000, ea.....	\$375.00
10,001-20,000, ea.....	\$500.00
Tanks over 20,000 ea.....	\$800.00

c. Tank removal / Abandonment:

Gallons:	
Up to and including 550gal. ea.....	\$200.00
Over 550gal.- 2,000gal. ea.....	\$400.00

Over 2,000 ea increase fee by \$25.00 for every 100 gallons or portion thereof

Above Subject to Sidewalk Opening Fee Where Applicable . .

Uniform Fire Safety Act Continued:

c. Sprinkler System or Special Suppression System Fees:

Heads:
1-20.....\$100.00
21 and over.....\$150.00
For each additional 10 heads or portion thereof increase fee by..\$50.00

d. Standpipe Fees:

Each standpipe installed ea.....\$400.00

e. Smoke Detector Fees:

Detectors:
1-25.....\$100.00
26-50.....\$150.00
For each additional 10 over 50 or portion thereof increase fee by..... \$50.00

c. Pull Stations:

Stations:
1-5.....\$100.00
6-10.....\$150.00
Each additional 5 or portion thereof over 10 increase fee by.....\$50.00

f. Emergency Lights / Exit Signs

Fixtures:
1-5.....\$100.00
6-10.....\$150.00

Each additional 5 or portion thereof over 10 increase fee by.....\$50.00

g. Related Fire Protection equipment:

Smoke barriers /magnetic release doors.....	\$300.00
Central control stations/FACP panels ea.....	\$280.00
Manual fire alarm ea.....	\$80.00
Elevator recall system ea.....	\$250.00
Automatic fire alarm station ea.....	\$375.00
Cooking suppression system (dry/wet chemical) ea.....	\$200.00

h. Uniform Fire Safety Act Continued:

Gasoline pumps, per nozzle.....	\$100.00
Refrigeration system ea.....	\$200.00
Pressure vessels ea.....	\$250.00
Smoke control system ea.....	\$100.00
High pressure boilers ea.....	\$250.00
Hooded ventilation ea.....	\$65.00

3-6.5

Street and Sidewalks:

a. Street opening permit:

Each opening	\$250.00
Trench Cuts.....	\$250.00 for first/each opening plus \$20.00 per. Ft.

b. Sidewalk opening permit:

Each opening	\$75.00
Curb cut per ft.....	\$20.00
Driveway dimensions as per zoning requirements ea.....	\$250.00 per space plus cost of work and \$15.00 per ft. of curb cut
Installation of fire hydrants.....	\$250.00
Blasting permit.....	\$500.00

CITY OF UNION CITY, NEW JERSEY

ORDINANCE NO. 040516

ORDINANCE OF THE CITY OF UNION CITY, COUNTY OF HUDSON, NEW JERSEY, CANCELLING CERTAIN FUNDED APPROPRIATION BALANCES HERETOFORE PROVIDED FOR LEGGERIO MUSIC PARK IMPROVEMENTS

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Union City, County of Hudson, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The following appropriation remaining as a balance in the Bond Ordinance set forth below ("Bond Ordinance") is hereby cancelled:

<u>Ordinance</u>	<u>Amount of Funded Appropriation to be Cancelled</u>	<u>Amount of Unfunded Appropriation to be Cancelled</u>
10-2013, Section 7(A)	<u>\$310,886.00</u>	<u>\$0.00</u>

Section 2. The remaining funded or unfunded appropriation balances as authorized by the Bond Ordinances shall be unaffected by this ordinance and shall remain available for the uses set forth therein.

Section 3. The Capital Budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the City Clerk and available for inspection.

Section 4. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: April 5, 2016

Date of Final Adoption: _____

Statement to be Published with Ordinance After Introduction.

The bond ordinance published herewith was introduced and passed upon first reading at a meeting of the Board of Commissioners of the City of Union City, in the County of Hudson, State of New Jersey, on April 5, 2016. It will be further considered for final passage, after public hearing thereon, at a meeting of the Board of Commissioners to be held at City Hall, 3715 Palisade Avenue, Union City, New Jersey 07087 on _____, 2016 at 7:00 P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the City Clerk's office for the members of the general public who shall request the same.

DOMINICK CANTATORE,
Acting City Clerk

Statement to be Published with Ordinance After Final Adoption.

STATEMENT

The ordinance published herewith has been finally adopted on _____, 2016 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement.

DOMINICK CANTATORE,
Acting City Clerk

CITY OF UNION CITY, NEW JERSEY

ORDINANCE NO. ____

ORDINANCE OF THE CITY OF UNION CITY, COUNTY OF HUDSON, NEW JERSEY, CANCELLING CERTAIN UNFUNDED APPROPRIATION BALANCES HERETOFORE PROVIDED FOR VARIOUS CAPITAL PROJECTS

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Union City, County of Hudson, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The following appropriations remaining as balances in the Bond Ordinances set forth below are hereby cancelled:

<u>Ordinance</u>	<u>Amount of Funded Appropriation to be Cancelled</u>	<u>Amount of Unfunded Appropriation to be Cancelled</u>
40-2006, Section 3(E)	\$0	\$37,506.50
14-2011, Section 7(A)	0	265,810.28
14-2011, Section 7(F)	0	113,626.16
14-2011, Section 7(G)	0	68,281.95
Total	\$0	\$485,224.99

Section 2. The remaining funded or unfunded appropriation balances as authorized by the Bond Ordinances shall be unaffected by this ordinance and shall remain available for the uses set forth therein.

Section 3. The Capital Budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the City Clerk and available for inspection.

Section 4. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: March 1, 2016

Date of Final Adoption: _____

Statement to be Published with Ordinance After Introduction.

The bond ordinance published herewith was introduced and passed upon first reading at a meeting of the Board of Commissioners of the City of Union City, in the County of Hudson, State of New Jersey, on March 1, 2016. It will be further considered for final passage, after public hearing thereon, at a meeting of the Board of Commissioners to be held at City Hall, 3715 Palisade Avenue, Union City, New Jersey 07087 on _____, 2016 at 7:00 P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the City Clerk's office for the members of the general public who shall request the same.

DOMINICK CANTATORE,
Acting City Clerk

Statement to be Published with Ordinance After Final Adoption.

STATEMENT

The ordinance published herewith has been finally adopted on _____, 2016 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement.

DOMINICK CANTATORE,
Acting City Clerk

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 109
OF THE CODE OF THE CITY OF UNION CITY
ENTITLED "BUSINESS HOURS OF OPERATION"**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the City of Union City may, by ordinance, make, amend, repeal and enforce ordinances "as it may deem necessary and proper for the good government, 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, Chapter 109 of the Code of the City of Union City (the "Code") entitled "Business Hours of Operation" sets forth the governing standards of the hours of operation for businesses and commercial establishments within the City; and

WHEREAS, the Mayor and Board of Commissioners believe it is in the best interests of the health, safety and welfare of the residents of this City, as well as the employees and patrons of such businesses and establishments, that the businesses and establishments regulated by this Section cease the conduct of their business, operations and activities at a reasonable hour.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey as follows:

SECTION ONE

Chapter 109 entitled "Business Hours of Operation" of the Code of the City of Union City is hereby amended and revised as follows:

Subsection (vi) under Section B titled "Exclusions" is hereby deleted in its entirety and replaced with the following language:

- (vi) Movies and other theatrical performances provided that the final performance or featured film on any given date commences at or before 12 a.m. on that date.

Section B titled "Exclusions" is hereby amended to add subsection (ix):

- (ix) Fast food and quick service restaurants serving food to customers in a packaged form for on premises consumption, take-out/take-away and traditionally distinguished by their preheated or precooked ingredients and the ability to serve food via a drive-through.

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 effect 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.

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on September 6, 2016 and will be further considered after a Public Hearing held on October 4, 2016 at the Emerson Middle School, 318 – 18th Street, Union City, New Jersey 07087 at 7:00 PM.

INTRODUCED: September 6, 2016
ADOPTED:
ATTEST:

Erin Knoedler
Deputy City Clerk

DATE

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 366
OF THE CODE OF THE CITY OF UNION CITY
ENTITLED "STREETS AND SIDEWALKS"**

WHEREAS, Chapter 366 of the Code of the City of Union City (the "Code") entitled "Streets and Sidewalks" sets forth the ordinances governing construction of streets and sidewalks within the City of Union City (the "City"); and

WHEREAS, the Board of Commissioners (the "Board") believes there is a need to amend Chapter 366 of the Code in order to prohibit the removal of underground fuel storage tanks; and

WHEREAS, the Board, as the governing body of the City is statutorily permitted to, among other things, make, amend, repeal and enforce ordinances "as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants", pursuant to N.J.S.A. 40:48-2; and

WHEREAS, the City has experienced more frequent periods of severe weather between the months of November and March, which has created more circumstances where properties within the City experience unsafe and hazardous conditions; and

WHEREAS, the City wishes to prohibit the removal of underground fuel storage tanks; subject to appropriate regulations governing the use of same, including all requirements imposed by the Uniform Commercial Code adopted in New Jersey and the Code of the City; and

WHEREAS, the Board of Commissioners of the City of Union City finds it to be in the best interest of the City and its citizens to adopt an ordinance that prohibits the removal of underground fuel storage tanks to ensure community welfare and quality of life within the City; and

WHEREAS, in furtherance of and in reliance upon the aforementioned statutes, the Board has determined to amend Section 366 of the Code to prohibit the removal of underground fuel storage tanks as set forth below.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey as follows:

Chapter 366 entitled "Streets and Sidewalks" of the Code of the City of Union City is hereby amended and revised to add new **Article VII** entitled "**Underground Fuel Tanks**" to read as follows:

SECTION ONE

- 1) Section 366-35 shall be created and entitled "Permit Required," and shall read as follows:
 - A. It shall be unlawful for any person to remove, or cause to be removed, any underground fuel storage tank without first having obtained a permit to do so from the Director of Public Safety.
 - B. Notwithstanding anything to the contrary contained in subparagraph A. above, no permit shall be issued to any persons between November 1st and March 1st of each calendar year, subject to the articulated exceptions found in § 366-36.

SECTION TWO

- 2) Section 366-36 shall be created and entitled "Exceptions," and shall read as follows:

This Article shall not apply to removal of underground storage tanks under emergency conditions resulting from natural forces or human activities beyond the control of the applicant, or which poses an imminent or existing threat to the safety and security of persons or property, or both, or which requires immediate action to prevent bodily harm or substantial property damage from occurring, the provisions of § 366-35 of this Article shall not apply when an applicant undertakes any action in response to such an emergency, provided that the applicant notifies the Director of Public Safety of the City at the earliest reasonable opportunity.

SECTION THREE:

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 effect 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 FOUR:

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 FIVE:

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

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on _____ 2016 and will be further considered after a Public Hearing held on _____ at the _____ at _____ m.

INTRODUCED: 1-19-2016

ADOPTED:

ATTEST:



Dominick Cantatore
Acting City Clerk

DATE

Summary of Ordinance

This ordinance adds to the requirements currently in place for openings, cuts or excavation of any City sidewalk by prohibiting the removal of underground fuel tanks during the winter months of November through March except when removal is necessary under emergency conditions.

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 296
OF THE CODE OF THE CITY OF UNION CITY
ENTITLED "PEACE AND GOOD ORDER"**

WHEREAS, Chapter 296 of the Code of the City of Union City (the "Code") entitled "Peace and Good Order" sets forth the governing standards of conduct within the City; and

WHEREAS, Chapter 296-13 entitled "Short Term Vacation Rentals in Residential Properties – Prohibited," was adopted by the City of Union City ("City") on December 15, 2015 to prohibit the short term rentals of residential properties; and

WHEREAS, it has been determined that the definition of "Vacation Rental" established for this ordinance does not appropriately capture the targeted transactions; and

WHEREAS, the Board of Commissioners of the City of Union City finds it to be in the best interest of the City and its citizens to amend the ordinance to provide clarification of the definition "Vacation Rental" and certain terms used within that definition to better identify the transactions subject to the ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey as follows:

Chapter 296 Section 296-13 entitled "**Short Term Vacation Rentals in Residential Properties - Prohibited**" be amended as follows:

SECTION ONE

Section One of the ordinance entitled "Definitions" section (b). which reads as follows shall be deleted:

b. Vacation Rental. Rental of any dwelling unit, in whole or in part, within the City of Union City, to any person(s) for exclusive transient use of thirty (30) consecutive days or less, whereby the unit is only approved for permanent residential occupancy and not approved for transient occupancy by this Chapter. Rental of units within City approved hotels, motels and bed and breakfasts shall not be considered Vacation Rental.

The following shall be substituted therefore:

(b). Vacation Rental. Rental of: (i) any dwelling unit, accessory building or structure, garage, attic, or basement, in whole or in part; or (ii) any furniture within any dwelling unit, accessory building or structure, garage, attic, or basement, within the City of Union City, to any person(s) for exclusive transient use of thirty (30) consecutive days or less, regardless of whether

one of the dwelling unit's Permanent Residents is on-site, in the dwelling unit, throughout the visitors' stay, and whereby the unit is only approved for permanent residential occupancy and not approved for transient occupancy by this Chapter. Rental of units within City approved hotels, motels and bed and breakfasts shall not be considered Vacation Rental.

Section One of the Ordinance entitled "Definitions" shall add Section (c). which shall read as follows:

(c). Permanent Residents. A person who occupies a dwelling unit or accessory building or structure, for at least sixty (60) consecutive days with intent to establish that unit as his or her primary resident and may be an owner or a lessee.

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 effect 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.

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on 2-16- 2016 and will be further considered after a Public Hearing held on _____ at the _____ m.

INTRODUCED:

ADOPTED:

ATTEST:

Dominick Cantatore
Acting City Clerk

DATE