

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

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 311
OF THE CODE OF THE CITY OF UNION CITY
ENTITLED "PROPERTY MAINTENANCE" AND CHAPTER 1 "GENERAL
PROVISIONS"

WHEREAS, Chapter 311 of the Code of the City of Union City (the "Code") entitled "Property Maintenance" and Chapter 1 entitled "General Provisions" set forth the penalty provisions concerning the ordinances governing heating code violations within the City of Union City ("City"); and

WHEREAS, the Board of Commissioners ("Board") believes there is a need to amend both of these Chapters of the Code in order to increase the penalties for repeated violations of the requirements to provide a minimum amount of heat in all residential units; 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, currently the penalty for violation of the requirements to provide a minimum amount of heat is \$250 per violation, but that penalty should be increased for repeat violations within one year in order to provide additional consequences for failing to provide the necessary heat; and

WHEREAS, the Mayor and Commissioners believe that increased fines will provide additional incentive for landlords to maintain the required heat within the residential units for the health, safety and welfare of the residents of the City of Union 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

Chapter 311-6 entitled "Violation of heat requirement" of the Code of the City of Union City is hereby amended and revised to delete paragraph "B" in its entirety and substitute the following:

- B. Any person, corporation or entity who violates any provisions of the heat requirements of the Property Maintenance Code shall be subject to a fine of

\$250 per dwelling unit for the first offense. For the second offense within one year, the fine shall be \$500 per dwelling unit, third offense shall be \$750 per dwelling unit and fourth offense shall be \$1,000 per dwelling unit. A court appearance shall be required after the first offense.

SECTION TWO

- 1) Section 1-31 entitled "Penalties for offenses not requiring court appearance" shall be amended to delete the following:

Heating requirements complaint, per dwelling unit*	\$250
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The following shall be substituted therefor:

Heating requirements complaint, per dwelling unit*	
First Offense	\$250
Second Offense	\$500
Third Offense	\$750
Fourth Offense	\$1,000

*Court appearance required, after the first offense, for all subsequent violations.

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:

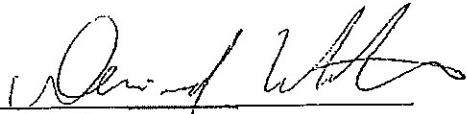
This Ordinance shall take effect upon passage and publication as required by law.

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 adds increased penalties for second, third and fourth violations of the requirements to provide heat in residential units.