

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

**ORDINANCE 2018-11**

**ORDINANCE AMENDING CHAPTER 311, "BUILDING REQUIREMENTS AND  
MAINTENANCE"**

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal and enforce ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for 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**, the City of Union City (the "City") is a municipality as defined by Title 40 of the New Jersey Statutes; and

**WHEREAS**, certain sun-screening materials severely restrict the ability of the City's emergency services to ensure the public health, safety and welfare of the City's inhabitants; and

**WHEREAS**, the City finds that it is in the best interest of the health, safety, and welfare of its residents to amend Chapter 311, Sections 10 and 12 to restrict the sun-screening materials and products allowed on the ground floor of the City's Buildings; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey that the Code of the City of Union City is hereby amended and revised as follows:

**SECTION ONE:**

**Chapter 311-10, "Definitions" is hereby amended to include the following definitions:**

"Clear film" means a material that, when applied over factory-installed glazing, has a neutral gray appearance.

"Reflectance" means the percentage of visible light reflected by the sun-screening material or product.

"Transmittance" means the percentage of visible light and/or UV radiation that passes through a sun-screening material or product and the factory-installed glazing to which it is attached.

"Visible light" means that portion of the electromagnetic spectrum that is directly observable, having wavelengths that range from 400 nanometers to 760 nanometers with a corresponding appearance of violet to red in color.

Chapter 311, Section 12, "Lighting, ventilation and cleanliness is hereby amended to read as follows:

§ 311-12 **Lighting, ventilation and cleanliness.**

- A. No owner or lessee of any building or any part thereof shall lease or let or hire out the same or any portion thereof to be occupied by any person or allow the same to be occupied as a place in which or for anyone to dwell or lodge, except when such building or such part thereof is sufficiently lighted and ventilated and is in all respects in that condition of cleanliness and wholesomeness required by this code, any ordinance of the City of Union City or any law of this state or in which they require such premises to be kept.
- B. Sun-screening materials and products which reduce the transmittance of normally incident visible light below 70 percent shall not be installed or applied to the windows on the ground floor of any commercial building.
- C. The visible light reflectance of sun-screening materials and products installed or applied to the windows on the ground floor of any commercial building shall not exceed eight percent.
- D. Sun-screening materials or products that are installed or applied to the windows of the ground floor of any commercial building shall be a clear film.
- E. Sun-screening materials or products that are installed or applied to the windows of the ground floor of any commercial building shall not have a metallic or mirrored appearance.
- F. Owners or lessees of the ground floor of commercial building subject to this section shall have six months from the effective date of this Ordinance to remedy noncompliance with (B) through (E), above.

**SECTION TWO:**

**Severability.** If any term or provision of this Ordinance is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, in whole or in part, such determination shall not affect the validity of the remaining terms and provisions of this Ordinance.

**SECTION THREE:**

**Repealer.** To the extent that any provision of the Code of the City of Union City is found to conflict with this Ordinance, in whole or in part, this Ordinance shall control.

**SECTION FOUR:**

In order to avoid accidental repeal of existing provisions, the City Clerk and the Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

**SECTION FIVE:**

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

Commissioners	Yea	Nay	Abstain/Present	Absent
Lucio P. Fernandez				
Tilo E. Rivas				
Celin J. Valdivia				
Maryury A. Martinetti				
Mayor Brian P. Stack				

**I HEREBY CERTIFY** this to be a true and correct Ordinance of the City of Union City Board of Commissioners, introduced on March 13, 2018 and will be further considered after a Public Hearing held on March 27, 2018 at the William V. Musto Cultural Center, 420-15<sup>th</sup> Street, Union City, New Jersey.

INTRODUCED:        March 13, 2018  
 ADOPTED:            March 27, 2018  
 ATTEST:

\_\_\_\_\_  
 Erin Knoedler  
 City Clerk

\_\_\_\_\_  
 DATE

**SUMMARY OF ORDINANCE**

This Ordinance restricts the sun-screening materials and products allowed on the ground floor of the City's Buildings.

1 CITY CLERK: Mayor Stack?

2 MAYOR STACK: Yes.

3 CITY CLERK: May I have a motion to adopt  
4 the Ordinance?

5 MAYOR STACK: Motion.

6 CITY CLERK: Motion by Mayor Stack.

7 COMMISSIONER MARTINETTI: Second.

8 CITY CLERK: Second by Commissioner  
9 Martinetti.

10 Commissioner Fernandez?

11 COMMISSIONER FERNANDEZ: Yes.

12 CITY CLERK: Commissioner Rivas?

13 COMMISSIONER RIVAS: Yes.

14 CITY CLERK: Commissioner Valdivia?

15 COMMISSIONER VALDIVIA: Yes.

16 CITY CLERK: Commissioner Martinetti?

17 COMMISSIONER MARTINETTI: Yes.

18 CITY CLERK: Mayor Stack?

19 MAYOR STACK: Yes.

20  
21 (Whereupon, the Board discussed and took

22 action on the following item:

23 **ORDINANCES FOR HEARING AND ADOPTION**

24 **CONSIDERATION:**

25 2. ORDINANCE AMENDING CHAPTER 311, "BUILDING

1 REQUIREMENTS AND MAINTENANCE" (WINDOW TINTING).)

2  
3 CITY CLERK: The second Ordinance on this  
4 evening for Adoption is an Ordinance Amending  
5 Chapter 311, Building Requirements and  
6 Maintenance regarding window tinting and  
7 commercial properties.

8 MAYOR STACK: What exactly does this  
9 Ordinance do, Angelo?

10 Just if you could explain for the public.

11 MR. AUTERI: Sure. Absolutely, Mayor.

12 So this Ordinance, basically, is going to  
13 restrict sun screening materials on the ground  
14 floors of the City's buildings.

15 In the Ordinance you'll find specific  
16 materials that are still permitted, which is  
17 anything above 70 percent allowing the light come  
18 through. And the reason why we're doing this,  
19 Mayor, is it's a public safety concern.

20 In fact, Lieutenant Loaces is here today.  
21 He can expound a little bit more on the public  
22 safety aspect.

23 A little bit of window tint is okay because  
24 it reduces glare. So we're not restricting it  
25 completely. But what is permitted in the

1 language of the Ordinance now is the same as  
2 what's permitted in motor vehicles in the State  
3 of New Jersey.

4           MAYOR STACK: Again, just to repeat, it's a  
5 safety measure so that the public and the -- and  
6 the Police Department, more importantly, can see  
7 into an establishment just to make sure if  
8 anything is happening in the establishment.

9           It's also for the safety of the  
10 establishment.

11           Anyone wishing to comment on this Ordinance  
12 at this time, please step forward.

13           Seeing none.

14           CITY CLERK: May I have a motion --

15           MAYOR STACK: I'll make a motion.

16           CITY CLERK: Motion by Mayor Stack to close  
17 public comment?

18           Second?

19           COMMISSIONER FERNANDEZ: Second.

20           CITY CLERK: Second by Commissioner  
21 Fernandez.

22           Commissioner Fernandez?

23           COMMISSIONER FERNANDEZ: Yes.

24           CITY CLERK: Commissioner Rivas?

25           COMMISSIONER RIVAS: Yes.

1 CITY CLERK: Commissioner Valdivia?  
 2 COMMISSIONER VALDIVIA: Yes.  
 3 CITY CLERK: Commissioner Martinetti?  
 4 COMMISSIONER MARTINETTI: Yes.  
 5 CITY CLERK: Mayor Stack?  
 6 MAYOR STACK: Yes.  
 7 CITY CLERK: May I have a motion to adopt?  
 8 COMMISSIONER FERNANDEZ: Motion.  
 9 CITY CLERK: Motion by --  
 10 COMMISSIONER MARTINETTI: Second.  
 11 CITY CLERK: -- Commissioner Fernandez.  
 12 Second by Commissioner Martinetti.  
 13 Commissioner Fernandez?  
 14 COMMISSIONER FERNANDEZ: Yes.  
 15 CITY CLERK: Commissioner Rivas?  
 16 COMMISSIONER RIVAS: Yes.  
 17 CITY CLERK: Commissioner Valdivia?  
 18 COMMISSIONER VALDIVIA: Yes.  
 19 CITY CLERK: Commissioner Martinetti?  
 20 COMMISSIONER MARTINETTI: Yes.  
 21 CITY CLERK: Mayor Stack?  
 22 MAYOR STACK: Yes.  
 23 CITY CLERK: Thank you.  
 24  
 25 (Whereupon, the Board discussed and took