

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

**ORDINANCE 2020-3**

**ORDINANCE SETTING FORTH CLOSING REQUIREMENTS  
FOR FOOD OR BEVERAGE ESTABLISHMENTS**

**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**, the Governor of the State of New Jersey declared a Public Health Emergency and State of Emergency in the State of New Jersey on March 9, 2020 due to the spread of the Coronavirus, a highly contagious and potentially fatal respiratory disease caused by SARS-CoV-2; and

**WHEREAS**, outbreaks of the Coronavirus in the United States and in other countries across the world are being addressed through a combination of quarantining, medical monitoring, and community engagement; and

**WHEREAS**, the City of Union City (the “City”) is one of the most densely populated cities in the United States; and

**WHEREAS**, the City is home to many bars and restaurants that attract large gatherings of people; and

**WHEREAS**, these venues are most frequented by patrons during the night hours; and

**WHEREAS**, the high number of patrons coupled with the consumption of alcohol as these venues can often create an unrestrained setting; and

**WHEREAS**, an unrestrained situation can seriously burden the City’s emergency response resources and is more likely to contribute to the spread of the Virus to more persons because it can prevent businesses and the City from identifying individuals potentially exposed to the Virus from spreading the infection to other patrons, thereby hindering the City’s ability to adequately notify others of potential exposures; and

**WHEREAS**, in an effort to prevent or reduce the likelihood of an outbreak of the Virus within the City, it is necessary to implement precautionary measures to limit unrestrained environments in various venues throughout the City and to reduce large gatherings of people; and

**WHEREAS**, the Governor of the State of New Jersey issued Executive Order No. 195 which authorized the municipalities to impose restrictions, in response to COVID-19, on the hours of operation of certain businesses; and

**WHEREAS**, the Governor further issued Executive Order No. 219 which clarified that municipalities maintain the authority to impose closing restrictions to food or beverage establishments through the adoption of a municipal ordinance; and

**WHEREAS**, on March 13, 2020, Mayor Brian P. Stack issued Executive Order No. 2020-3, which required that all business establishments that possess liquor licenses to sell alcohol within the City of Union City must close by 10:00PM each day until further notice; and

**WHEREAS**, the Mayor and Board of Commissioners now seek to adopt this requirement via municipal ordinance in accordance with Executive Order No. 219; and

**WHEREAS**, pursuant to N.J.S.A. 40:41A-101 this ordinance will take effect immediately upon adoption as it is necessary to ensure the safety of the public.

**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:**

All business establishments that possess liquor licenses to sell alcohol within the City of Union City are required to close by 12:00 AM each day.

**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.** 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.


Commissioners	Yea	Nay	Abstain/Present	Absent
Lucio P. Fernandez	x			
Wendy A. Grullon	x			
Celin J. Valdivia	x			
Maryury A. Martinetti	x			
Mayor Brian P. Stack	x			

**I HEREBY CERTIFY** this to be a true and correct Ordinance of the City of Union City Board of Commissioners, introduced on February 23, 2021 and will be further considered after a Public Hearing held on March 9, 2021 at 7 PM at the Bruce D. Walter Recreation Center, 507 West Street, Union City, New Jersey .

INTRODUCED: February 23, 2021

ADOPTED: March 9, 2021

ATTEST:

  
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 Erin Knoedler  
 City Clerk