

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

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 359 OF THE CODE OF THE CITY OF UNION CITY
ENTITLED "SOLID WASTE" AND
ARTICLE II ENTITLED "RECYCLING"**

WHEREAS, Chapter 359 of the Code of the City of Union City ("Code") entitled "Solid Waste" and Article II entitled "Recycling," was enacted to advise owners, occupants and tenants to separate designated recyclable materials from all solid waste within the City of Union City ("City"); and

WHEREAS, currently the violation and penalties section of 359-14, entitled "Violations and Penalties" is not consistent with the General Provisions section of the Code; and

WHEREAS, the Mayor and Commissioners believe that the fines and penalties should be consistent throughout the Code and wish to amend the Violations and Penalties section of Chapter 359 to be consistent with the other sections of the Code.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey that Chapter 359 entitled "Solid Waste" and Article II entitled "Recycling" of the Code of the City of Union City shall amend Section 359-14, which is entitled "Violations and penalties" to read as follows:

SECTION ONE

Section 359-14 entitled "Violations and penalties" shall be amended to delete the following:

Any person, corporation, occupant or other entity that violates or fails to comply with any provision of this article or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine of no less than \$250 nor more than \$2,500. Each day for which a violation of this Article occurs shall be considered a separate offense.

The following shall be substituted therefor:

Any person, corporation, occupant or other entity that violates or fails to comply with any provision of this article or any of the rules and regulations promulgated hereunder shall be subject to a fine of \$150.00* each day a violation of this Article occurs, shall be considered a separate offense.

*** Court appearance required**

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.

Commissioners	Yea	Nay	Abstain/Present	Absent
Lucio P. Fernandez	X			
Tilo E. Rivas	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 May 16, 2017 and was further considered after a Public Hearing held on June 7, 2017 at the Colin Powell Elementary School, 1500 New York Avenue, Union City, NJ at 7PM.

INTRODUCED: May 16, 2017

ADOPTED: June 7, 2017

ATTEST:


Erin Knoedler, Deputy City Clerk

June 7, 2017
DATE

Summary of Ordinance

This purpose of this ordinance is to amend Chapter 359, Article II, Section 359-14 entitled "Violations and Penalties" so that the penalties are consistent with the Chapter 1, Article IV, Section 1-31 of the Code.