

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

ORDINANCE AMENDING CHAPTER 366 ENTITLED "STREETS AND SIDEWALKS"

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, over the course of the last ten (10) years the City has spent millions of dollars to repave its City streets, roads and sidewalks; and

WHEREAS, the City receives numerous applications yearly for street and sidewalk excavation and opening permits; and

WHEREAS, after completion of the work authorized by street and sidewalk excavation and opening permits, the City often finds the work performed to repave and otherwise restore the streets and sidewalks is substandard and not in the best interest of the health, safety, and welfare of its resident.

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 366-21 is deleted in its entirety and replaced as follows:

366-21 Roads, Streets and Sidewalks Less than 10 Years Old.

A. Once a year the Construction Code Official shall notify public utility providers and municipalities of planned work on City roads, streets and sidewalks. Any work to be done on these roads, streets and sidewalks will have to be done before paving is started. Such notice shall state that no road, street or sidewalk opening permit shall be issued for openings, cuts or excavations in such City road, street or sidewalk for a period of 10 years after the date of paving. The notice shall also notify such permittee that applications for road, street and sidewalk opening permits, for work to be done prior to such paving shall be submitted promptly in order that the work covered by the permit may be completed before paving.

B. During such 10 year period, no permit shall be issued to open, cut or excavate in such City road, street or sidewalk unless, in the judgment of the Construction Code Official, an

emergency or other condition exists which makes it absolutely essential that the road or street opening permit be issued.

C. Upon application for a permit involving street, road and/or sidewalks that have been repaved or otherwise restored in the preceding 10 years, the City Engineer, in conjunction with the City's Construction Official, shall determine the cost to repave, or otherwise restore, the sidewalk, road or street (from curb-to-curb and including restoration of signage, pavement marking and all other appurtenances) where the street opening will occur ("Repavement Fee"). The City Engineer will convey the amount of the Repavement Fee to the Applicant and prior to issuance of the permit, the Applicant will provide payment by cash, certified check or bank draft to the City Treasurer in that complete amount. The Repavement Fee will be deposited in an escrow account.

D. In the event of an emergency pursuant to 366-12, an initial estimated Repavement Fee of \$30,000 will be assessed. This initial estimated fee may increase – or decrease – upon final assessment of the application. If the Repavement Fee is assessed in an amount above the estimate, Applicant will be required to immediately pay the difference. All payments shall be by cash, certified check or bank draft to the City Treasurer in that complete amount. In the event the Repavement Fee is calculated at an amount less than \$30,000, the difference shall be returned to the Applicant.

E. In lieu of the Permittee restoring or repaving the road, street and/or sidewalk, the City will ensure same is accomplished by hiring a contractor to perform the work in compliance with the requirements of the Local Public Contract Law. In the event the Repavement Fee is calculated at an amount that is more than the cost to the City to have performed the resurfacing or repavement, the difference shall be returned to the Applicant.

SECTION TWO:

Section 366-22B is deleted in its entirety and replaced as follows:

B. All driveways and/or sidewalks at any intersection impacted by work done under a road opening permit must be restored with six-inch thick Class B concrete with wire mesh reinforcement. All regular sidewalks, when being restored or replaced as part of a road opening permit, must have four-inch thick Class B concrete. The acceptance of all work done under the aforesaid specifications shall be under the jurisdiction of the Construction Code Official.

SECTION THREE:

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 FOUR:

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 FIVE:

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 SIX:

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 August 8, 2018 and will be further considered after a Public Hearing held on September 4, 2018 at 7:00 PM at the Union City Welcome Center, 303 – 47th Street, Union City, New Jersey.

INTRODUCED: August 8, 2018

ATTEST:

Erin Knoedler
City Clerk

SUMMARY OF ORDINANCE

Chapter 366 is amended to require Applicants for excavation and opening permits involving streets, roads or sidewalks that have been paved or otherwise restored in the preceding 10 year period shall provide a Repavement Fee to the City and the City shall perform the repavement or restoration through a contractor hired pursuant to the requirements of the Local Public Contract Law.