

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

**ORDINANCE 2018-20**

**ORDINANCE AMENDING CHAPTER 366, ARTICLE VII TO INCLUDE SECTION 38  
WHICH ESTABLISHES SPECIFICATIONS FOR THE REMOVAL OF  
UNDERGROUND FUEL TANKS**

**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 City finds that it is in the best interest of the health, safety, and welfare of its residents to amend Chapter 366, Article VII to include Section 38 to establish specifications for the removal of underground fuel tanks; 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 366, Article VII is hereby amended to include Section 38, entitled “Specifications.” Section 38 shall read as follows:

A. All materials and work shall be in accordance with City specifications on file in the office of the Department of Public Works.

B. Any sidewalk, driveway apron, curb or gutter which is removed shall be promptly replaced in accordance with City specifications. Following the removal of the underground storage tank, the sidewalk must be repaired within 24 hours to eliminate any potential pedestrian hazard. Specifically, the excavated tank area shall be completely backfilled with dense-graded aggregate (DGA) and temporarily capped with a two-inch (2”) thick concrete (Class ‘B’) sidewalk. Once all of the soil and/or groundwater has been sampled, and the NJDEP requires no further work in the sidewalk area, the property owner shall install a six-inch (6”) thick concrete (Class ‘B’) sidewalk over a minimum of six-inches (6”) of DGA.

Any sidewalk which needs to be removed must be sawcut at the expansion joints. The Contractor is solely responsible to remove and properly dispose of any and all soil, debris, spoils, and excess materials.

C. No concrete sidewalk shall be replaced or covered with blacktop.

D. Whenever a curb cut or driveway depression is required, the entire section or sections of curb or curb and gutter shall be removed and replaced. The breaking and recapping of curbing is specifically prohibited.

**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				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 June 19, 2018 and was further considered after a Public Hearing held on July 10, 2018 at the Bruce D. Walter Recreation Center, 507 West Street, Union City, New Jersey.

INTRODUCED: June 19, 2018

ADOPTED: July 10, 2018

ATTEST:

  
Erin Knoedler  
City Clerk

July 10, 2018  
DATE

## **SUMMARY OF ORDINANCE**

This Ordinance establishes specifications for the removal of underground oil tanks.