

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

ORDINANCE NO. 2022-11

**ORDINANCE AMENDING CHAPTER 107 ENTITLED “BUILDINGS, UNFIT” OF THE
CITY OF UNION CITY MUNICIPAL CODE**

WHEREAS, pursuant to N.J.S.A. §40:48-2.5, the governing body of a municipality is authorized to adopt an ordinance relating to buildings within such municipality which are unfit for human habitation or occupancy or use; and

WHEREAS, the City of Union City (the “City”) is a municipality as defined by Title 40 of the New Jersey Statutes; and

WHEREAS, Chapter 107 of the City of Union City Municipal Code of Ordinances is entitled “Buildings, Unfit,” defines, establishes and sets forth provisions related to buildings within the City of Union City which are unfit for human habitation, occupancy or use due to dilapidation defects or other conditions rendering such buildings unsafe, unsanitary, dangerous or detrimental to the health and safety of the residents of the City; and

WHEREAS, the Mayor and the Board of Commissioners of the City of Union City have determined that Chapter 107, Section 7 of the Union City Municipal Code of Ordinances entitled “Issuance of complaint; hearing” must be amended to update the requirements for petitions filed by a public authority or by at least five residents of the City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey that Chapter 107 of the Union City Municipal Code of Ordinances is hereby amended and revised as set forth below and a copy of same will be available for examination in the Office of the City Clerk.

SECTION ONE:

Chapter 107, Section 7 entitled “Issuance of complaint; hearing” is hereby replaced to read as follows:

- A. Whenever a petition is filed with the Construction Official by a public authority, as defined in N.J.S.A. 40:48-2.4, or by at least five residents of the City charging that any building is unfit for human habitation, as herein defined, or whenever it shall appear to the Construction Official, on his/her own motion, that any building is unfit for human habitation, as herein defined, (s)he shall, if his/her preliminary investigation discloses a basis for such charge, issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges in that respect, and containing a notice that:

1. A hearing shall be held before the Construction Code Official, or his/her designated agent, at a place therein fixed not less than 10 days nor more than 30 days after the serving of such complaint.
 2. The owner and parties' interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the time and place fixed in the complaints.
 3. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Construction Code Official.
- B. If an actual and immediate danger to life is posed by the threatened collapse of any fire-damaged or other structurally deficient or structurally unsafe building(s), the Construction Official may, after taking such measures as may be necessary to make such building(s) temporarily safe and secure, forward the matter to counsel to seek a judgment in a summary proceeding in Superior Court for the demolition thereof.
- C. Nothing in this Section shall be construed to impair, limit, or infringe in any way upon the power of the City of Union City to define and declare nuisances and to cause their removal or abatement, by a summary proceeding in Superior Court or otherwise, nor shall this Section in any way limit the authority of the Union City Building Department or the Construction Code Official pursuant to the State Uniform Construction Code Act or any provisions adopted thereunder.

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.

STATEMENT

Ordinance Amending Chapter 107 Entitled "Buildings, Unfit" Of The City Of Union City
Municipal Code

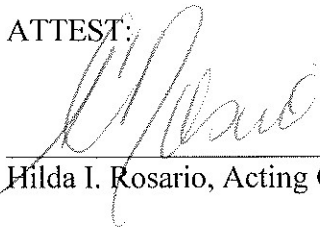
Commissioners	Yea	Nay	Abstain/Present	Absent
Lucio P. Fernandez	x			
Wendy A. Grullon	x			
Celin J. Valdivia	x			
Maryury A. Martinetti	x			
Mayor Brian P. Stack	x			

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners introduced on August 30, 2022, , and was further considered and adopted after a Public Hearing held on September 20, 2022 at 7:00 p.m.at the Washington School , 3905 New York Avenue, Union City, New Jersey 07087.

INTRODUCED: August 30, 2022

ADOPTED: September 20, 2022

ATTEST:



Hilda I. Rosario, Acting City Clerk

9/20/22

Date