

**CITY OF UNION CITY  
COUNTY OF HUDSON  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)  
ORDINANCE NO. 2017-24**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Board of Commissioners of the City of Union City in the County of Hudson finds it advisable and necessary to increase its SFY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Board of Commissioners hereby determines that a 2.0 % increase in the budget for said year, amounting to \$1,674,947 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Board of Commissioners of the City of Union City hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Board of Commissioners of the City of Union City, in the County of Hudson, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the SFY 2018 budget year, the final appropriations of the City of Union City shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 2.0 %, amounting to \$1,674,947, and that the SFY 2018 municipal budget for the City of Union City be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**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 is held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections,

subsections, sentences, clauses and phrases of this Ordinance, but shall remain 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	✓			
Tilo E. Rivas	✓			
Celin J. Valdivia	✓			
Maryury A. Martinetti	✓			
Mayor Brian P. Stack	✓			

**I HEREBY CERTIFY** this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on September 26, 2017 and was further considered and adopted after a Public Hearing held on October 10, 2017 at 7:00 PM at Bella Vista Apartments, 522 22<sup>nd</sup> Street, Union City, New Jersey

INTRODUCED: September 26, 2017

ADOPTED: October 10, 2017

ATTEST:

  
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 Erin Knoedler  
 Deputy City Clerk

October 10, 2017  
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 DATE