

Effective Date: November 4, 2019

**CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY
ORDINANCE NO 2019-20**

**AN ORDINANCE AMENDING ORDINANCE NO. 2001-17
aka Article VI (Security Funds) Section 329-32 et seq
of the Code of the City of Union City, New Jersey**

Whereas, the City of Union City has provided under the above ordinance for the deposit of security funds by the owners of multiple family dwellings to address emergency conditions that arise during their ownership affecting the health safety and welfare of their tenants, and;

Whereas, the City has determined that the requirements of such deposits should be directed to those property owners who have failed in the past or subsequent to the adoption of this ordinance, to promptly remediate emergent conditions in their properties which affect the health safety and welfare of their tenants, and'

Whereas the identification of those property owners who should be subject to the requirements of this ordinance should be made by a Multiple Dwelling Emergency Commission created under this ordinance , and;

Whereas the amount of the required security deposits should be amended as required in this Ordinance;

Now therefore, BE IT ORDAINED THAT THE FOLLOWING SECTIONS OF THE CODE OF THE CITY OF UNION CITY ARE AMENDED AS FOLLOWS:

1. Section 329-32, which defines **Emergency Conditions** is amended to add the following circumstance or condition to the existing circumstances or conditions which would constitute an "emergency condition":

F. Any outstanding health, building or maintenance code violations which would adversely affect the health, safety or welfare of the tenants residing in the multiple dwelling.

2. Section 329-33 (**Depositing of funds**) is amended to read as follows:
There is hereby created under this ordinance a Multiple Dwelling Emergency Commission which shall be a 3 member commission consisting of the Mayor, or his designee, the Construction Official or his designee and the Rent Control Officer or his designee. The Commission shall have the authority to adopt regulations to implement the terms of this ordinance, as amended which shall include the criteria under which they shall be authorized to charge certain property owners a security fund. The criteria shall

include a finding that the property owner over a period of not less than 6 months has failed to promptly remediate emergency conditions identified under the definition of Emergency Conditions in Section 329-32. In addition, the regulations shall include criteria including a history of prompt and effective remediation of emergent conditions, upon which the property owner can seek the return of the security deposited under the terms of this ordinance.

3. The owner of a multiple dwelling, designated by the Multiple Dwelling Emergency Commission shall deposit with the Commission security funds to be used for the repair, maintenance, supply or replacement of those items of structure, equipment or supplies which are necessary to correct, eliminate or alleviate an emergency condition.

A.

The amount of the security funds to be deposited with the Commission shall be computed in the following manner:

- (1) Where the owner owns between four and 25 dwelling units, the owner shall deposit \$300 for each dwelling unit.
- (2) Where the owner owns between 26 and 40 dwelling units, the owner shall deposit \$10,000 for the first 25 units and \$50 for each additional unit.
- (3) Where the owner owns more than 40 dwelling units, the owner shall deposit \$15,000 for the first 40 units and \$50 per unit for each additional dwelling unit.

B.

In no event shall an owner be required to deposit more than \$20,000 in security funds pursuant to this article. All funds required to be deposited under the terms of this article shall be deposited with the Commission by delivering such funds to the office of the Department of Public Safety of the City within 10 days after receipt of notice from the Commission of the amount due. Notice of the amount due may be given by the Commission, or its agent, by personally delivering the same to the owner, or the owner's agent, servant, employee or joint venturer on the owner's premises, or by certified and ordinary mail sent to the owner's last registered address. Upon receipt of such security funds, the Commission shall deposit the same in an interest-bearing account in the name of the Commission in trust for each particular owner. All interest payable on such accounts shall accrue to the particular owner on whose behalf the account is maintained by the Commission.

4. All other sections of Article VI shall remain in full force and effect, more specifically, Sec 329-32 (Definitions, excepting the additional condition defining an emergency condition under this ordinance); Section 329-34 (Replenishing funds; time schedule); Section 329-35 (withdrawal and expenditure of funds); Section 329-36 (Violations and penalties).

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5. 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.
6. 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.
7. 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.
8. This Ordinance shall take effect upon passage and publication as required by law.

SECTION THREE:

9. 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.
10. 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.
11. 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 July 23, 2019 and was further considered and adopted after a Public Hearing held on October 8, 2019.

INTRODUCED: July 23, 2019

ADOPTION: October 8, 2019

ATTEST:


 Erin Knoedler
 City Clerk

October 8, 2019
 DATE