

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

ORDINANCE 2019-6

ORDINANCE AMENDING CHAPTER 370

WHEREAS, N.J.S.A. 40:55D-37 et seq. empowers a municipality to adopt an ordinance governing (1) the approval of subdivision plats and (2) the approval of site plans as a condition for the issuance of a permit for any development except that subdivision or individual lot applications for detached one or two dwelling-unit buildings shall be exempt from such site plan review and approval; and

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

WHEREAS, N.J.S.A. 40:55D-53, the Municipal Law Use Law, ("MLUL") also empowers a municipality to adopt an ordinance which requires performance or maintenance guarantees "as a condition of final site plan approval;" and

WHEREAS, N.J.S.A. 40:55D-53.3 allows a municipality to require that 10% of performance bonds be in cash; and

WHEREAS, the Code of the City of Union City, Chapter 370, Section 13 requires submission of a performance guarantee as part of the procedure for filing a final site plan; and

WHEREAS, the City has determined that it is in the best interest of its residents to impose performance bonds on private construction projects, in order to ensure public safety; 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 370, Section 13 of the Code of the City of Union City is hereby amended to include the following subsection:

(E) Pursuant to N.J.S.A. 40:55D-53.3, a minimum of 10% of all performance guarantees required under this section must be in cash. Additionally, a developer may provide more than 10% of a performance guarantee in cash.

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 February 19, 2019 and was further considered and adopted after a Public Hearing held on March 5, 2019.

INTRODUCED: February 19, 2019

ADOPTED: March 5, 2019

ATTEST:


Erin Knoedler
City Clerk

March 5, 2019
DATE

* Effective: April 1, 2019