

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

ORDINANCE NO. 21-13

AN ORDINANCE TO SET FORTH PENALTIES FOR VIOLATION OF BUSINESS
LICENSE REQUIREMENTS

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may amend 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 Governor of the State of New Jersey declared a State of Emergency in the State of New Jersey on March 9, 2020 due to the spread of the Coronavirus, a highly contagious and potentially fatal respiratory disease caused by SARS-CoV-2; and

WHEREAS, the State of Emergency is ongoing and local infection rates are increasing due a number of factors including the lifting of restrictions and a variant of the COVID-19 virus; and

WHEREAS, the City has repeatedly experienced civil disturbances and other occurrences detrimental to the public's safety, health and welfare associated with unlicensed entertainment venues; and

WHEREAS, the aforementioned unlicensed venues also present a health hazard to the public as they present an increased risk of exposure to COVID-19 due to the large indoor gatherings; and

WHEREAS, the City seeks to increase the penalties for violations of the business license requirements set forth in Chapter 234 of the Code of the City of Union City, to deter future violations; and

WHEREAS, pursuant to N.J.S.A. 40:74-4 this ordinance will take effect immediately upon introduction as it is necessary to ensure the safety of the public.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey, they being the Governing Body thereof, as follows:

SECTION ONE.

Chapter 234 entitled "Licensing of Businesses and Occupations" shall be revised to read as follows:

§ 234-17

Violations and penalties.

Any person who shall violate any provision of this chapter, shall, upon conviction thereof, be fined in a sum not to exceed \$1,500 for the first occurrence and \$2,000 for each additional occurrence thereafter. Each day the violation continues shall constitute an additional occurrence for purposes of this section. In the discretion of the Municipal Court, a person found in violation of this chapter may be lodged in the county jail for a term not to exceed 90 days, or may, by the Municipal Court, be subjected to both such fine and imprisonment.

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 be held to be invalid or unconstitutional, such decision shall not affect 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 in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

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:

Effective Date of Ordinance.

- a. This Ordinance shall take effect as of the date of introduction as it is necessary for the immediate preservation of the public peace, health and safety of the City given the urgency herein described, if it is passed by a two-thirds vote of the Board of Commissioners on introduction, pursuant to N.J.S.A. 40:74-4.

- b. Furthermore, for purposes of N.J.S.A. 40:41A-101, if this Ordinance is not passed by two-thirds vote of the Board of Commissioners on introduction, it will take effect immediately upon adoption on second reading, as it is necessary to ensure the safety of the public, the Resolution of Emergency Declaration having been adopted by at least two-thirds of the Board of Commissioners.
- c. This Ordinance shall be published as otherwise required.

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 17, 2021 and will be further considered after a Public Hearing held on September 7, 2021.

INTRODUCED: 8-17-21
 ADOPTED: 9-7-21
 ATTEST:



 Corporation Counsel

9-7-21

 DATE