



Legislation Text

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AN ORDINANCE AMENDING TITLE VII, STATE UNIFORM CONSTRUCTION CODE ENFORCING AGENCY, CHAPTER 5 ENFORCEMENT; VIOLATIONS; PENALTIES; EMERGENCIES, SECTION 4, PENALTIES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, TO INCREASE FINES AND PENALTIES FOR THOSE IN VIOLATION OF STOP WORK ORDERS.

Sponsor(s): Council Member, Patrick O. Council

WHEREAS, the Municipal Council on behalf of the City of Newark wishes to increase fines and penalties for those who are in violation of stop work orders; and

WHEREAS, the City realizes the need to amend existing fines and penalties to ensure a reduction in violating stop work orders; and

WHEREAS, the Municipal Council finds and declares the following amendments to the Revised General Ordinances of the City of Newark, New Jersey, 2000, are deemed necessary for the enforcement of stop work orders.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

Note: Additions are shown in Bold and Underlined. Deletions are shown in ~~Strikeouts~~.

SECTION 1. Title VII, State Uniform Construction Code Enforcing Agency, Chapter 5, Enforcement; Violations; Penalties; Emergencies, Section 4, Penalties, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, to increase fines and penalties for those in violation to stop work orders as follows:

CHAPTER 5, Enforcement; Violations; Penalties; Emergencies

§ 12:5-4 PENALTIES.

Any person or corporation including any officer, director, or employee of a corporation, who:

- a. Violates any of the provisions of the act or the Code shall be subject to a penalty of ~~\$100~~ **\$500.00** for each such violation after expiration of the time period delineated in the notice and order to terminate, and shall be subject to a further penalty of ~~\$500~~ **\$1,000.00** for each week in which he fails to comply with such order. The time period for such weekly penalty assessment shall begin to run from the day after the date set for compliance in the notice and orders to abate. Though all violations may for purposes of administration be sent in one form of notice and orders, each shall be considered a separate order and shall be computed as such for purposes of this section.
- b. Fails to comply with a stop construction order, shall be subject to a penalty of ~~\$500~~ **\$1,000.00** for each day in which he/she fails to comply.
- c. Constructs a structure or building in violation of a condition of the construction permit, shall be subject to a

penalty of ~~\$250~~ **\$500.00** for each violation. Any further violation of the construction permit occurring after receipt of the notice and orders to terminate the original violations of the construction permit shall subject the violator to a penalty of ~~\$500~~ **\$1,000.00** per violation.

- d. Makes a false or misleading written statement, or omits any required information or statement in any application or request for approval to an Enforcing Agency of the Department, shall be subject to a penalty of ~~\$500~~ **\$1,500.00** for each such false or misleading statement or omission unless the Construction Official shall determine in writing and as part of the permanent file, that such were of no consequence, or the result of inadvertence.
- e. Any person or corporation including any officer, director, or employee of a corporation, who ~~Anyone who~~ knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, building, or structure pursuant to this Title, or who unreasonably interferes with such inspection shall be subject to a fine of ~~\$250~~ **\$1,000.00.**

SECTION 2. All City ordinances or portions of ordinances inconsistent herewith are hereby repealed to the extent of their inconsistency only.

SECTION 3. Severability. If any provision of this amendment shall be deemed unenforceable by a Court of competent jurisdiction, the remainder of the amendment shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

SECTION 5. Codification. This Ordinance shall be a part of the Code of the City of Newark as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code. The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Newark in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

STATEMENT

This Ordinance amends Title VII, State Uniform Construction Code Enforcing Agency, Chapter 5, Enforcement; Violations; Penalties; Emergencies, Section 4, Penalties, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, to increase fines and penalties for those in violation to stop work orders.