



Legislation Text

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AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AMENDED AND SUPPLEMENTED, TO INCLUDE A NEW SECTION FOR DEVELOPMENT FILING REPRESENTATIVE REGISTRATION.

WHEREAS, the Municipal Council of the City of Newark (the "Council") has determined, that the preservation and maintenance of the integrity of the real estate and development process, requires the identification and qualification in certain instances of agents who seek to expedite the building permit or development or redevelopment process; and

WHEREAS, Development Filing Representatives or Agents thereof, engaged in work in the City of Newark (the "City") shall be required to register with the City and meet certain minimum qualifications as covered herein; and

WHEREAS, Development Filing Representatives are anyone who assists a developer of five (5) or more residential units or any commercial project coordinating the building approval process, ensuring zoning and building code compliance filing or inquiring about approvals and development or redevelopment process in general; and

WHEREAS, it is the purpose of the Ordinance to require adequate disclosure in certain instances in order to make available to the Council, and to the public, information relative to the activities of persons who seek to influence the building permit or development process, including building and sewer and water approvals, and where it is not otherwise apparent or readily ascertainable, the nature of the interest which those persons and groups seek to advance or protect through such activity.

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

Section 1. The Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, are hereby amended to include as follows:

- **Section - Preamble.**

- ◦ ◦ ◦ A. The Administration and the **Municipal** Council affirms that the preservation of responsible government requires that the fullest opportunity be afforded to the people of the City to petition their government for the redress of grievances and to express freely to the Municipal Council, the Mayor, and to other members of the Executive

Branch, their opinions on legislation, various current issues, and on purchases, bids, and various contracts and agreements to be negotiated and entered into by the City.

B. The Administration has determined and the Municipal Council concurs that the preservation and maintenance of the integrity of the real estate and development process, requires the identification and qualification in certain instances of agents who seek to expedite the building permit or development or redevelopment process. Therefore, Development Filing Representatives or Agents thereof, engaged in work in the City shall be required to register with the City and meet certain minimum qualifications as covered herein.

C. It is the purpose of the Ordinance codified in this Section to require adequate disclosure in certain instances in order to make available to the Council, and to the public, information relative to the activities of persons who seek to influence the building permit or development process, including building approvals, sewer and water approvals, engineering approvals and property entitlement process.

• **Section - Exemptions**

The requirements of this Ordinance shall not apply to the following persons:

- Owners of the Property
- Professional Engineers
- Registered Architects
- NJ Licensed Attorneys
- Master Plumbers
- Master Fire Suppression Piping Contractors
- Master Electricians

• **Section - Requirement of written authorization and disclosure of Development Filing Representative status.**

○ ○ ○ ○ A. Any person who, on or after the effective date of the Ordinance codified in this Section is employed, retained or engages himself as a Development Filing Representative shall, prior to any communication with a Municipal Council member, the Mayor, the Mayor's or Municipal Council's staff, or an officer or employee of the City, and in any event within 30 days of the effective date of such employment, retainer or engagement, whichever occurs later, file a signed notice of

Development Filing Representative status with the City's Department of Engineering with copies to the Acting Director of the Department of Economic and Housing Development, identifying himself and persons by whom he is employed or retained, and the persons in whose interests he is working, and the general nature of his proposed services as a Development Filing Representative for such persons, which notice shall contain the following information:

- (1) Name, business address and regular occupation;
- (2) The name, business address and occupation or principal business of the person from whom he receives compensation for acting as a Development Filing Representative;
- (3) The name, business address and occupation or principal business of any person in whose interest he acts as a Development Filing Representative in consideration of the aforesaid compensation, if such person is other than the person from whom said compensation is received;
- (4) Whether the person from whom he receives said compensation employs him solely as a Development Filing Representative, or whether he is a regular employee performing services for his employer in some other capacity;
- (5) The length of time for which he will be receiving compensation from the person aforesaid for acting as a Development Filing Representative, if said length of time can be ascertained at the time of filing; and
- (6) The specific development or redevelopment project, in relation to which he is to act or to promote or oppose as a Development Filing Representative in consideration of the aforesaid compensation, and the nature of the interest which those persons and groups seek to advance or protect through such activity, to which he is to act as Development Filing Representative in consideration of the aforesaid compensation.
- (7) A written authorization from the person or entity being represented expressly authorizing the Filing Representative to represent its interests shall be submitted delineating the scope of the Filing Representatives responsibilities.

B. A separate signed Development Filing Representative form shall be filed with the City's Director of the Department of Engineering with a copy to the Acting Director for Economic and Housing Development for each specific project.

C. Filing Representative must provide the City of Newark, Department of Engineering with 30 days notices of her/his intention to withdraw from their representation for a project. Failure to do so may result in debarment on other projects.

D. The Director of Engineering shall develop and promulgate a

Development Filing Representative filing form in accordance with the terms of this Chapter.

Section - As used in this Chapter: Definitions.

○ ○ ○ ○ A. The term "Agent" means a person or group authorized to act in an official paid capacity on behalf an owner of a property or project whose purpose is primarily to engage with the Department of Engineering, Department of Water and Sewer Utilities, or the Department of Economic and Housing Development or other City Officials, including elected officials to promote otherwise expedite the permit development or redevelopment process.

B. The term "person" includes an individual, sole proprietorship, partnership, committee, association, corporation, and any other organization or group of persons or form of legal organization.

C. The term "Development Filing Representative " means any person who receives or agrees to receive, directly or indirectly, compensation, in money or by anything of value, including reimbursement for expenses for the purpose of coordinating the building permit process, ensuring zoning and building code compliance and filing or inquiring about approvals from the Department of Engineering or Department of Water and Sewer Utilities. Development Filing Representatives is anyone who assists a developer of five (5) or more residential units or any commercial project coordinating the building approval process, ensuring zoning and building code compliance filing or inquiring about approvals and development or redevelopment process in general.

D. The term "communication" means any communication, oral or in writing or by any other medium, addressed, delivered, distributed or disseminated, respectively to a Municipal Council member, to the Mayor, the Mayor's or the Council's staff, or to an officer or member of the Executive Branch, or any Department Director or City official or City employee as distinguished from communication to the general public.

E. The term "Entitlement" shall mean all approvals required by the City in order to commence a project. This shall include but not be limited to rezoning, zoning variances, use permits, utility approvals, tax abatements, government incentives, redevelopment agreements, lease agreements and any other governmental approval required by the City of Newark.

Section - Registration Fee.

All persons required to register hereunder are required to pay an annual registration fee. The fee in the amount of \$1,500.00.00 annually shall be submitted simultaneously with the registration application. No registration shall be deemed complete unless accompanied by the registration fee. This fee is necessary to implement appropriate registration and

enforcement activities. For applicants deemed not to have satisfied the qualifications requirements hereunder such applicant shall be entitled to a \$1,000.00 refund. The balance is to be retained by the City to cover its administrative and processing costs. The registration/license shall expire one year from the date of issuance. The check shall be made out to the City of Newark and be submitted to the City of Newark's Department of Engineering.

Section - Qualifications.

All applicants are required to demonstrate their qualifications and to meet the following minimum requirements:

Education. Associate Degree, certificate or bachelors degree in construction management, urban planning or related field; and

Experience. Proof shall be provided demonstrating applicants work experience in building code enforcement or the construction field for at least five (5) years; and

Goodstanding. No violent felony conviction or other charge reflecting the moral turpitude of the applicant. By submitting an application, the Applicant shall be deemed to consent to a criminal background check.

Section - Violations.

A person or corporation, including an officer, director or employee of a corporation who engages in the business of a Development Filing Representative shall be offered an administrative hearing conducted by a hearing officer appointed by the Law Department, maybe debarred from conducting such services within the City for a period of up to two (2) years. Further, it shall be the obligation of any building permit applicants, developers and redevelopers to insure that its Building Permit Filing Representative, if retained is compliant with this ordinance. No penalty shall be imposed hereunder until after an administrative hearing takes place by a hearing officer appointed by the Law Department.

Section 2. This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This Ordinance amends Revised General Ordinances of the City of Newark to include requirements or Development Filing Representative Registration.