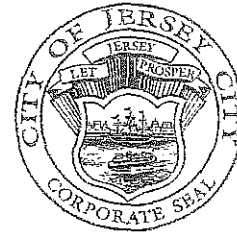


City Clerk File No. Ord. 18-075
Agenda No. 3.F 1st Reading
Agenda No. 4.F 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 18-075

TITLE:

**ORDINANCE AMENDING CHAPTER 134 OF THE JERSEY CITY CODE (CONTRACTORS)
(AMENDED AS CONTRACTORS AND PERMIT PROCESSORS) REQUIRING THAT PERMIT
PROCESSORS ACTING ON BEHALF OF OWNERS ALSO REGISTER WITH THE CITY AND
AMENDING CHAPTER 134 TO REMOVE CERTAIN LANGUAGE REGARDING THE
CONSTRUCTION BOARD OF APPEALS**

CHAPTER 134

CONTRACTORS AND PERMIT PROCESSORS

§134-1.-

Findings; purpose.

The Municipal Council finds that there are persons and companies engaged in the building contracting business in the City of Jersey City who lack the resources, skill, equipment and integrity to competently perform the work for which they are engaged. The purpose of this chapter is to ~~[provide reasonable standards and guidelines for the supervision and regulation of building contractors]~~ collect the necessary information for those engaging the services of a contractor or permit processor and to require those processing building and construction permits to register with the City to assure that only ~~[honest and qualified]~~ registered persons are allowed to perform building contracting services and permit processing services in the City of Jersey City. The consumer utilizing these services should be made aware that the people that they are hiring are properly registered with the City.

§134-2.-

Definitions and word usage.

- A. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the definitions given in this section. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular number and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.
- B. As used in this chapter, the following terms shall have the meanings indicated:

AGENT – a person authorized to act in a legal capacity on behalf of an owner.

~~[BOARD – Construction Board of Appeals.]~~

BUILDING CONTRACTOR or CONTRACTOR - Any person engaged in the constructing, erecting, reconstructing, altering, converting, demolishing, removing or repairing a building or structure of any kind or installing any improvement of any kind upon such a building or structure. The term "building contractor" or "contractor" also includes any person engaged in the business of excavating, paving, altering, grading, landscaping the land or installing any facility or appurtenance in, on or above the ground.

BUSINESS - Every occupation, profession, establishment and every other activity together with all the devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly on any premises in this city.

CITY - The City of Jersey City.

CONSTRUCTION OFFICIAL - The official of the City of Jersey City authorized to enforce the New Jersey Uniform Construction Code.

LICENCED PROFESSIONAL - Persons licensed and regulated by the State of New Jersey.

PERSON - Any individual person, partnership, joint venture, association or corporation.

PERMIT PROCESSOR - Any person not listed on the Construction Permit Application (CP-1) as an owner, Contractor, Licensed Professional or Agent, who is engaged in the business of submitting, completing, processing, and/or filing of any construction, renovation or demolition permit application on behalf of an Owner or Contractor. A Permit Processor may not own, lease, sublease or otherwise hold an interest in any property or contracting company that the Permit Processor has been retained to work on or with, nor may a Permit Processor represent any Owner or Contractor in a legal capacity as an Agent, unless the Permit Processor has submitted a Power of Attorney giving his/her such authority and placed such Power of Attorney on file with the City.

OWNER - the owner in fee of the lot, piece or parcel of land, and any building thereon, located within the City of Jersey City, which is the subject of business before the City.

§134-3.-

Registration required.

- A. No person shall engage in the business of a ~~[building]~~ e[C]ontractor or work as a Permit Processor in the City of Jersey City without first having registered with the Construction Official as provided in this chapter. Registration shall not constitute an endorsement of the competence, financial ability or business practices of the e[C]ontractor or Permit Processor.
- B. A registered ~~[building]~~ e[C]ontractor or Permit Processor may not delegate or assign to any other person or entity the right to conduct business in the City of Jersey City.
- C. A single act or transaction shall constitute engaging in the business of building contracting within the meaning of this chapter.
- D. ~~[Persons licensed and regulated by the State of New Jersey such as electrical, plumbing and home repair contractors]~~ Licensed Professionals are exempted from the requirements of this chapter; provided, however, that such state licensees shall provide the Construction Official with their applicable license number and proof of a valid New Jersey license.

§134-4.-

Registration application.

- A. Every ~~[building]~~ e[C]ontractor and Permit Processor required to register under this chapter shall provide the following information in writing, under oath, to the Construction Official:
 - (1) Name and address.
 - (2) If the e[C]ontractor or Permit Processor is a partnership or business association, the name and address of every member.
 - (3) If a corporation, the names and addresses of each officer and director.
 - (4) The address from which business is to be conducted.
- B. If the e[C]ontractor or Permit Processor is a natural person, the registration form shall be signed and sworn to by the e[C]ontractor or Permit Processor; if a partnership or other business association, it shall be signed and sworn to

by all natural persons comprising such partnership or business association; if the e[C]ontractor or Permit Processor is a corporation, the registration form shall be signed and sworn to by the president and secretary.

§134-5.- Registration fee; expiration.

- A. Each [building] e[C]ontractor and Permit Processor shall pay to the Construction Official a registration fee as provided in Chapter 160, Fees and Charges, at the time of registration and annually thereafter upon renewal of registration.
- B. All registrations shall expire one year from the date of issuance [~~on December 31st of each year. No abatement in the amount of the registration fee shall be made for a period of less than one (1) year.~~]

§134-6.- Permit Processor Disclosure & Authorization Form.

In addition to Registration under this Chapter, Permit Processors shall be required to submit a Disclosure & Authorization Form, promulgated by the Office of the Construction Code Official, and executed by the Owner or Contractor who has retained the Permit Processor, to all Departments, offices and or agencies of the City with whom the Permit Processor conducts business. The Form shall include the name, address, telephone number, and pertinent professional licensure information (if any), and shall be completed for each project for which the Permit Processor has been retained.

~~§134-6.- Building Contractors, Bond required.~~

- ~~A. In addition to the registration fee required under § 134-5, each bBuilding eContractor shall, as a condition of doing business, enter into a surety bond in favor of the city or the city and all persons with whom the eContractor shall do business within the city. The surety bond shall be conditioned on the faithful performance of the provisions of this chapter. The surety bond shall be executed by a surety company authorized to do business in the State of New Jersey. The term of the bond shall be coextensive with the term of the registration and shall be renewed annually. The bond shall be filed with the Construction Official before a bBuilding eContractor does business in Jersey City.~~
- ~~B. The amount of the surety bond which shall be furnished shall be fifteen thousand dollars (\$15,000.) for all those persons required to register under § 134-3 of this chapter.~~
- ~~C. Any person aggrieved or damaged through the failure of an obligor/bBuilding eContractor to perform the duties prescribed for bBuilding eContractor by this chapter or by the laws of the State of New Jersey may file a claim and/or institute a lawsuit against the surety bond required by this chapter. If the bond is written in favor of the city only, the person aggrieved or damaged shall have the right to file a claim and/or institute a lawsuit against the surety bond required by this chapter pursuant to the doctrine of subrogation upon a finding by the Board that the eContractor violated one (1) or more of the grounds listed in § 134-8A(1) through (9) below. Such finding shall have been made by the Board after hearing conducted pursuant to § 134-7.]~~

~~§134-7.- Charges; hearings.~~

- ~~A. The Construction Official or any aggrieved person may prefer charges against any building contractor. The charges shall be in writing and shall be sworn to by the person making such charges. Said charges shall be filed with the Board within one (1) year of the act or omission giving rise to such grievance.~~
- ~~B. All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board.~~
- ~~C. Notice of the hearing and a statement of the charges shall be served upon the contractor no less than ten (10) days prior to the date of the hearing. Notice shall be served by registered or certified mail sent to the contractor to the address indicated on the registration of the contractor.~~

- D. ~~The contractor shall have the right to appear personally and by counsel to cross examine witnesses appearing against him or her and to present evidence and witnesses in his or her own defense.]~~

~~[§134-8. Grounds for debarment.~~

- A. ~~The Construction Board of Appeals may debar any building contractor from doing business in the City of Jersey City if it finds that the contractor has:~~

- ~~(1) Demonstrated a lack of competence manifestly inconsistent with retention of a building contractor's registration.~~
- ~~(2) Engaged in fraudulent business activities or in misleading advertising practices.~~
- ~~(3) Committed an act of gross negligence or condoned such an act by an employee of a registrant.~~
- ~~(4) Failed to adequately and properly supervise employees in compliance with recognized safety standards.~~
- ~~(5) Failed to secure inspection of construction by a Construction Official or Subcode Official or their designees.~~
- ~~(6) Willfully failed to comply with any valid order of the Construction Official or of any Subcode Official.~~
- ~~(7) Committed three (3) or more violations of the State Uniform Construction Code, which resulted in convictions in a court of competent jurisdiction.~~
- ~~(8) Breached any contract entered into with any person in this city pursuant to the registrant's business.~~
- ~~(9) Failed to complete any contract in this city or failed to do the work pursuant to such a contract in a workmanlike manner.~~

- B. ~~The period of debarment shall be determined by the Construction Board of Appeals. No building contractor who has been debarred from doing business shall be permitted to do business until the contractor has demonstrated that the grounds for debarment are no longer applicable.]~~

~~[§134-9. Right to hearing.~~

~~No building contractor may be debarred from doing business in the City of Jersey City for any period without a hearing before the Construction Board of Appeals.]~~

~~[§134-10. Power of attorney.~~

~~All building contractor shall execute and deliver to the Construction Official a power of attorney whereby the Construction Official shall be appointed the lawful attorney in fact of the contractor for the purpose of receiving and acknowledging service of any process out of a court of competent jurisdiction to be served upon said contractor in connection with any business authorized by this chapter. The power of attorney shall contain the name and address of the person authorized by the contractor to receive, on behalf of the contractor, any such process from the Construction Official. The liability of the Construction Official as to notification to the contractor of any process service upon that office shall be limited to forwarding the documents to the address furnished by the contractor.]~~

~~[§134-11. Amended bond.~~

~~Presently registered building contractors shall have sixty (60) days from the effective date of this amendment to obtain a new or amended surety bond which complies with this chapter.]~~

§134-[12]Z. Changes of address.

All registered ~~[building]~~ e[C]ontractors and Permit Processors shall promptly notify the Construction Official of any change of address by completing a new registration form. ~~[required in §§ 134-4 and 134-10.]~~

§134-13.8.- Violations and penalties.

A person or corporation, including an officer, director or employee of a corporation who engages in the business of a ~~building~~ e[C]ontractor or a Permit Processor, or solicits or attempts to solicit business as a ~~building~~ e[C]ontractor or a Permit Processor without first having registered ~~or while such registration is revoked or suspended; or engages in the business of a home repair contractor or solicits or attempts to solicit business as a home repair contractor without first having registered with the Construction Official.]~~ shall be liable to a penalty as provided in Chapter 1, General Provisions, § 1-25, and shall be guilty of a separate offense for each day that he or she engages in any act in violation of this section.

§134-14.9.- Compliance with other provisions.

The possession of a registration under this chapter shall not exempt a ~~building~~ e[C]ontractor or a Permit Processor from any state or local law regulating, or pertaining to, building construction.

§134-15.10.- (Reserved)

§134-11.- Pre-application conference.

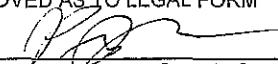
Contractors and Permit Processors may request to meet with the Construction Code Official or his or her representative(s) prior to any permit application. Attendees at the pre-application conferences shall complete attendance forms as required by the City and attendance shall be limited to City staff and the Contractor(s) and/or Permit Processor(s) who requested the conference. Representatives from the Office of the Construction Code Official reserve the right to require a subsequent conference to discuss matters related to a permit at any time.

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; words in ~~[brackets]~~ are omitted.
For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

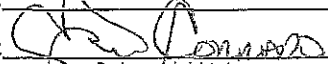
BD/mmq/kn
06/19/18

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED:



Business Administrator

Certification Required ☐
Not Required ☐

RESOLUTION FACT SHEET - NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE AMENDING CHAPTER 134 OF THE JERSEY CITY CODE (CONTRACTORS) (AMENDED AS CONTRACTORS AND PERMIT PROCESSORS) REQUIRING THAT PERMIT PROCESSORS ACTING ON BEHALF OF OWNERS ALSO REGISTER WITH THE CITY AND AMENDING CHAPTER 134 TO REMOVE CERTAIN LANGUAGE REGARDING THE CONSTRUCTION BOARD OF APPEALS

Initiator

Department/Division	Housing Economic Development & Commerce	
Name/Title	Raymond Meyer	Construction Code Official
Phone/email	(201) 547-4988	RaymondM@icnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

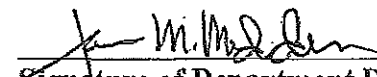
Resolution Purpose

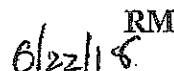
Due to the requirements of the State of NJ to license home improvement contractors the revision to this ordinance removes items such as bonding and the Board of Appeals as a means to recoup monies that may have been lost by the Homeowner, but still requires registering if not licensed.

The other added feature to the Ordinance is the registering of Permit Processors, with the projects that are being brought in many contractors or developers are schooled on the NYC way of doing things which is believed to be handled by a Permit Expediter.

This part of the Ordinance offers protections to the Consumer to ensure the person they are doing business with are registered with the City, and allows agencies dealing with individuals or companies the person has been approved by the owner or contractor to do so.

I certify that all the facts presented herein are accurate.


Signature of Department Director

^{RM}
Date 6/22/18

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 18-075

TITLE: 3.F JUN 27 2018 4.F

JUL 18 2018

Ordinance amending Chapter 134 of the Jersey City Code (Contractors) (Amended as Contractors and Permit Processors) requiring that permit processors acting on behalf of owners also register with the City and amending Chapter 134 to remove certain language regarding the Construction Board of Appeals.

RECORD OF COUNCIL VOTE ON INTRODUCTION JUN 27 2018 3-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	ABSENT			ROBINSON	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JUL 18 2018 9-0											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>LAVARRO</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

CARRIE CRAFT
DANIEL SICARDI
MIKE KULOWSKI

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY				YUN				RIVERA			
PRINZ-AREY				SOLOMON				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JUL 18 2018 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JUN 27 2018
Adopted on second and final reading after hearing on JUL 18 2018

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUL 18 2018

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date JUL 18 2018

APPROVED:

Steven M. Fulop, Mayor
JUL 23 2018

Date

Date to Mayor JUL 19 2018