City Clerk File No. Ord. 19-063

Agenda No. 3.1 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 19-063

TITLE:

CALENDAR YEAR 2019
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

COUNCIL

offered and moved adoption

of the following Ordinance:

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Municipal Council of the City of Jersey City in the County of Hudson finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Municipal Council hereby determines that a 1.0% increase in the budget for said year, amounting to $4,770,075 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and a prudent fiscal measure; and,

WHEREAS, the Municipal Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Municipal Council of the City of Jersey City, in the County of Hudson, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the City of Jersey City shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to $16,695,262 and that the CY 2019 municipal budget for the City of Jersey City be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

APPROVED AS TO LEGAL FORM

_____
Corporation Counsel

APPROVED:_____

APPROVED:_____
Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE 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

CALENDAR YEAR 2019
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

Initiator

Department/Division	Administration	Management & Budget
Name/Title	John Metro	
Phone/email	201-547-5042	JMetro@jcnj.org

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

Ordinance Purpose

An annual COLA is authorized under the original 1977 budget cap law, currently reflected as N.J.S.A. 40a:45-45.1a. Pursuant to N.J.S.A. 40A:4-45.2, "municipalities and counties shall be prohibited from increasing their final budget by more than 2.5% or the cost-of-living adjustment, **whichever is less....**" unless action is taken by the governing body to increase their final appropriations subject to the cap to the statutorily permitted 3.5%.

A municipality may by ordinance increase the COLA percentage up to 3.5% or bank (for up to two years) the difference between its final appropriation subject to the cap and 3.5%. CAP banking is not automatic. A single ordinance can be used to accomplish both activities: increasing appropriations cap and banking any unappropriated balance. Cap bank balances from 2017 and 2018 are available for use in 2019.

I certify that all the facts presented herein are accurate.

Signature of Department Director **Date** 5/14/2019

City Clerk File No. Ord. 19-064

Agenda No. 3.2 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 19-064

TITLE: **AN ORDINANCE SUPPLEMENTING CHAPTER 332(VEHICLES AND TRAFFIC) ARTICLE II (TRAFFIC REGULATIONS) SECTION 332-9 (STOP INTERSECTIONS) OF THE JERSEY CITY CODE DESIGNATING MONMOUTH STREET & FIFTH STREET; PAVONIA AVENUE & W HAMILTON PLACE; TENTH STREET & MONMOUTH STREET AND WARREN STREET & SECOND STREET AS ALL-WAY STOP INTERSECTIONS**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

1. Chapter 332 (Vehicles and Traffic) Article II (Traffic Regulations) of the Jersey City Code is hereby supplemented as follows:

Section 332-9 **SCHEDULE**

STOP INTERSECTION

The intersections listed below are hereby designated as a stop intersection. Stop signs shall be installed as provided therein.

Street 1 (Stop Sign On)	**Direction of Travel**	**Street 2 (At Intersection)**
Fifth St	East	Monmouth St - Multi
Monmouth St	North	Fifth St - Multi
Monmouth St	North	Tenth St - Multi
Pavonia Av	East	W Hamilton Pl- Multi
Second St	West	Warren St - Multi
Tenth St	East and West	Monmouth St - Multi
W Hamilton Pl	North	Pavonia Av - Multi
Warren St	North	Second St - Multi

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
3. 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.
4. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.

NOTE: All new material to be inserted is underscored.

AV:pcl
(05.21.19)

APPROVED: _____
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

_____
Corporation Counsel

APPROVED: _____
Municipal Engineer

APPROVED: _____
Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE FACT SHEET – NON-CONTRACTUAL

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

Full Title of Ordinance

AN ORDINANCE SUPPLEMENTING CHAPTER 332(VEHICLES AND TRAFFIC) ARTICLE II (TRAFFIC REGULATIONS) SECTION 332-9 (STOP INTERSECTIONS) OF THE JERSEY CITY CODE DESIGNATING MONMOUTH STREET & FIFTH STREET; PAVONIA AVENUE & W. HAMILTON PLACE; TENTH STREET & MONMOUTH STREET AND WARREN STREET & SECOND STREET AS ALL-WAY STOP INTERSECTIONS

Initiator

Department/Division	Administration	Engineering, Traffic and Transportation
Name/Title	Andrew Vischio, P.E.	Director of Traffic & Transportation
Phone/email	201.547.4419	AVischio@jcnj.org

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

Ordinance Purpose

The purpose of this Ordinance is to designate the following intersections as an all-way stop control:

Monmouth Street and Fifth Street
Pavonia Avenue and W. Hamilton Place
Tenth Street and Monmouth Street
Warren Street and Second Street

Designating these intersections as an all-way stop control will improve traffic safety and operational characteristics at the intersection based on a detailed review of traffic conditions and guidance outlined within the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration.

Designating Pavonia Avenue and W. Hamilton Place as an all-way stop will increase pedestrian safety as this intersection has a high pedestrian crossing volume. Designating an all-way stop at Monmouth Street and Fifth Street; at Warren Street and Second Street and at Tenth Street and Monmouth Street will provide a clearer traffic control and safer conditions for approaching motorists at each intersection.

I certify that all the facts presented herein are accurate.

Director of Traffic & Transportation — **Date** 5/22/19

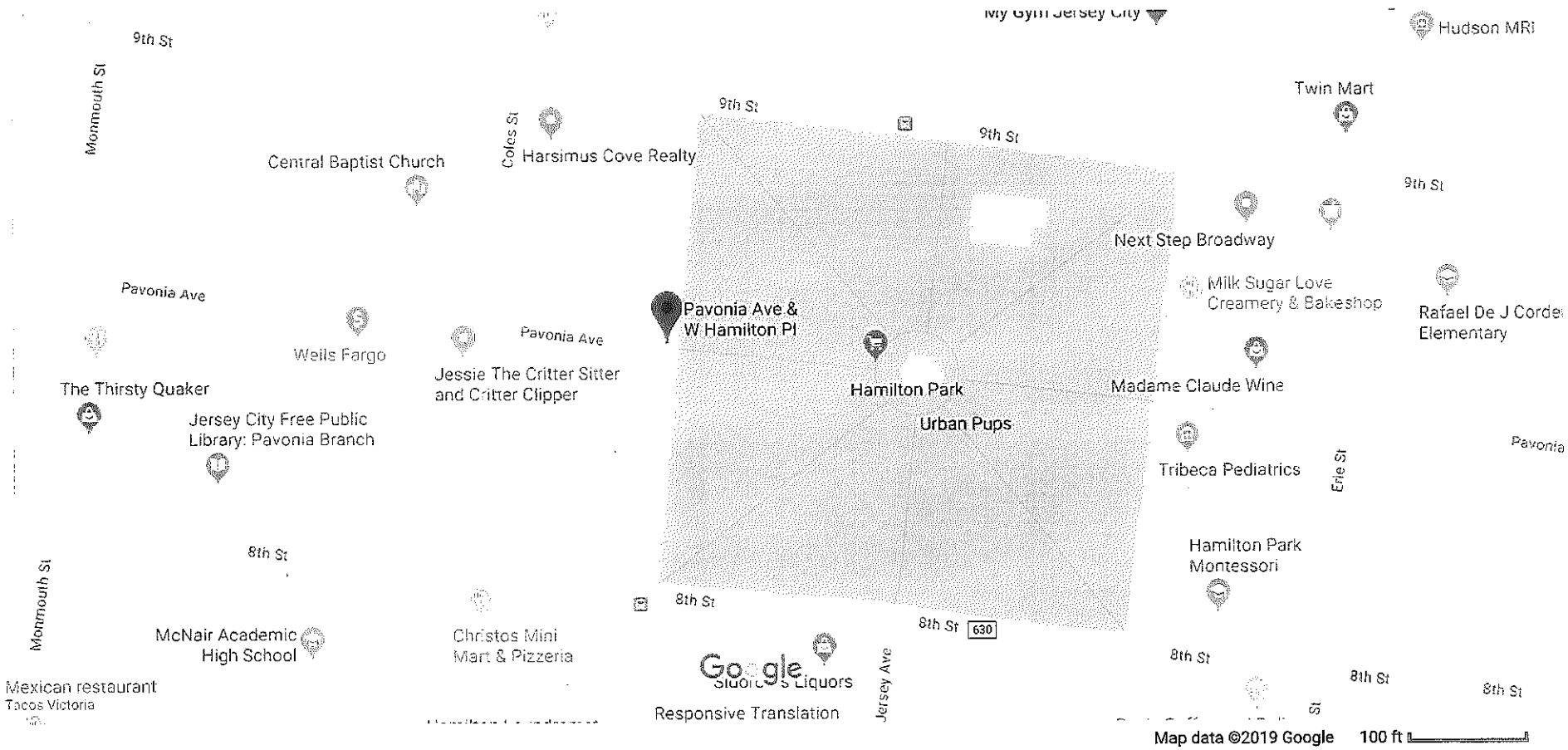
Signature of Department Director — **Date** 6/4/19

Google Maps Warren St & 2nd St

Monmouth St & 5th St

Google Maps 10th St & Monmouth St

Pavonia Ave & W Hamilton Pl



City Clerk File No. Ord. 19-065

Agenda No. 3.3 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE
OF
JERSEY CITY, N.J.

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

CITY ORDINANCE 19-065

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO § 3-51 OF THE MUNICIPAL CODE TO REQUIRE ALL CONTRACTORS AND SUB CONTRACTORS ON CONSTRUCTION AND INFRASTRUCTURE CONTRACTS TO PARTICIPATE IN AN APPRENTICESHIP TRAINING PROGRAM

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City (the "City") desires to ensure that construction and infrastructure related contracts that are subject to the New Jersey Prevailing Wage Act provide workers with an optimal and beneficial experience that will enable future career opportunities; and

WHEREAS, requiring contractors and subcontractors to participate in an appropriate apprenticeship training program shall afford workers with the opportunity to further enhance their skills and certifications, which is a benefit for society at large.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that § 3-51 - Purchasing; Division of Purchasing *and Central Services,* of the Municipal Code of the City of Jersey City be and is hereby amended as follows (Material indicated by strikethrough ~~like this~~ is existing material that is intended to be deleted. Material indicated by bold and underline **like this** is new material that is intended to be enacted):

Amendment to § 3-51. - Purchasing; Division of Purchasing and Central Services.

J. Apprenticeship Requirements for Construction and Infrastructure Contracts. For contract awards for construction and infrastructure projects that are subject to the New Jersey Prevailing Wage Act, the contractor, and any subcontractors, shall also participate in an apprenticeship training program which is registered with and approved by the United States Department of Labor and which provides each trainee with combined classroom and on-the-job training in an occupation recognized as an apprenticeable trade and meets the program standards of enrollment and graduation under 29 C.F.R. s.29.6.

BE IT FURTHER ORDAINED THAT:

I. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

II. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

III. This ordinance shall take effect at the time and in the manner as provided by law.

IV. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repeaters 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.*

JMcK/mma
06/05/19

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE FACT SHEET

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

Full Title of Ordinance/Resolution

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO § 3-51 OF THE MUNICIPAL CODE TO REQUIRE ALL CONTRACTORS AND SUB CONTRACTORS ON CONSTRUCTION AND INFRASTRUCTURE CONTRACTS TO PARTICIPATE IN AN APPRENTICESHIP TRAINING PROGRAM

Initiator

Department/Division	Council member	
Name/Title	Mira Prinz-Arey	Councilwoman
Phone/email	201-547-5092	MPrinz-Arey@jcnj.org

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

Ordinance Purpose

The purpose of this ordinance is to adopt amendments to section 3-51 of the Municipal Code to require all contractors and sub-contractors on construction and infrastructure contracts to participate in an apprenticeship-training program.

I certify that all the facts presented herein are accurate.

_____ _____

Council member **Date**
Mira Prinz-Arey

City Clerk File No. Ord. 19-066

Agenda No. 3.4 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 19-066

TITLE: **ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 27 (DEFENSE AND INDEMNIFICATION) LIMITING THE CITY'S OBLIGATION TO DEFEND AND INDEMNIFY CITY EMPLOYEES IN CASES OF CRIMINAL CONDUCT, DISCRIMINATION, RETALIATION, HARASSMENT AND INTENTIONAL TORTS**

THE MUNICPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDIAN:

I. Chapter 27 (Defense and Indemnification) is hereby amended as follows:

Chapter 27

DEFENSE AND INDEMNIFICATION

GENERAL REFERENCES

Administration of government — See Ch. 3.	Personnel policies — See Ch. 53.
Ethics — See Ch. 33.	

§ 227-1. - Purpose; prior practices superseded.

It has been the practice of the City of Jersey City to defend lawsuits against employees which arise out of the good faith performance of official duties and to pay any judgment against an employee which he or she incurs in the good faith performance of official duties. The purpose of this chapter is to define clearly the circumstances under which the Corporation Counsel will defend lawsuits against employees and the terms on which the city will indemnify employees against any judgments arising out of official duties. The duty to defend and indemnify employees, as defined in this chapter, supersedes all prior customs and practices regarding the defense and indemnification of employees.

§ 227-2. - Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

EMPLOYEE - Any officer or employee of the City of Jersey City, whether elected or appointed, except employees of the Department of Public Safety ~~[entitled]~~ entitled to a legal defense under N.J.S.A. 40A:14-28 and 40A:14-155.

LEGAL ACTION or ACTION - Includes any civil action against an employee before any court or administrative body of competent jurisdiction, either state or federal, whether brought by way of complaint, cross-claim or counterclaim. The term "legal action" does not include criminal or quasi-criminal actions, whether brought by complaint or indictment.

§ 227-3. - Corporation Counsel's duty to defend city employees.

Except as provided in § 27-4, the Corporation Counsel shall provide for the defense of any legal action against an employee arising out of an act or omission within the scope of employment, provided that the employee:

A. Requests a legal defense in writing.

B. Cooperates with the Corporation Counsel in his or her defense.

§ 227-4. - Grounds for refusal to provide defense.

A. The Corporation Counsel may refuse to provide for the defense of a legal action against an employee if he or she determines that:

(1) The act or omission was not within the scope of employment;

(2) The act or omission was one of fraud, actual malice, ~~[or]~~ willful misconduct or one that would constitute a crime or offense under N.J.S.A. 2C, federal criminal law or an act committed in another state that would constitute a crime or offense under N.J.S.A. 2C.

(3) Legal defense by the Corporation Counsel would create a conflict of interest between the city and the employee;

(4) The employee has failed to cooperate fully with the Corporation Counsel in his or her defense;

(5) The employee failed to request a legal defense; or

(6) The action was brought by the city against the employee.

B. Under circumstances where the factual predicate for a legal action against an employee cannot be ascertained with certainty, the Corporation Counsel may, in the exercise of his or her discretion, provide for the defense of a legal action against an employee under a reservation of rights. If the Corporation Counsel later determines that the employee is not entitled to a legal defense at the city's expense, he or she shall so notify the employee in writing and the city's obligation to provide a defense for the employee shall cease.

§ 227-5. - Methods of providing defense.

A. The Corporation Counsel may at his or her option provide for legal defense of an employee by:

(1) Assigning the defense to an attorney on his or her staff;

(2) Engaging an independent attorney selected by the Corporation Counsel; or

(3) Asserting the city's right to a defense under any appropriate insurance policy which requires the insurer to provide the defense.

B. No employee shall be reimbursed for the expenses of a legal defense unless the Corporation Counsel has agreed in writing to the amount of reimbursement before the employee incurs any expenses in his or her defense.

§ 227-6. - Corporation Counsel to assume control of defense.

Whenever the Corporation Counsel provides for the defense of an employee, he or she may assume exclusive control over the employee's defense, and the employee shall cooperate fully with the Corporation Counsel's defense.

§ 227-7. - Indemnification of employee; punitive damages.

A. Whenever the Corporation Counsel is required to provide for the defense of any action against an employee, the city shall pay or reimburse the employee for:

(1) Any bona fide settlement of the action approved by the Corporation Counsel and the City Council.

(2) Any judgment against the employee.

B. Subject to Subsections [~~C~~]C and D, in any legal action in which the defense of an employee is provided under a policy of liability insurance, the city shall indemnify the employee against any judgment or settlement to the extent not provided by such insurance.

C. Notwithstanding any other provision of this Chapter, the city will not indemnify, pay or reimburse an employee for any judgment entered against them in a legal action if it is determined that the basis for such judgment was an unlawful exercise of the employee's official duties, including, but not limited to conduct that constitutes discrimination, harassment, retaliation or any intentional tort. This prohibition on indemnification also includes conspiracy to and/or aiding and abetting of an unlawful exercise of another employee's official duties as described above. The city may, however, indemnify, pay or reimburse an employee for a judgment entered against them in such a legal action if, in the opinion of the Corporation Counsel, the act or omission upon which the judgment was entered was not an unlawful exercise of the employee's official duties as described above.

[~~C~~]D. Nothing in this section shall authorize the city to pay punitive or exemplary damages assessed against an employee or any damages resulting from the commission of a crime, actual malice, actual fraud or willful misconduct.

II. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

III. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

IV. This ordinance shall take effect at the time and in the manner provided by law.

V. The City Clerk and the Corporation Counsel are hereby authorized and directed to change any chapter numbers, article numbers, and section numbers in the event that the codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible repeals of existing provisions.

NOTE: All new material to be inserted is underscored and material in [brackets] and *italicized* is omitted.

SWC/mma
06/03/19

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE FACT SHEET

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

Full Title of Ordinance/Resolution

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 27 (DEFENSE AND INDEMNIFICATION) LIMITING THE CITY'S OBLIGATION TO DEFEND AND INDEMNIFY CITY EMPLOYEES IN CASES OF CRIMINAL CONDUCT, DISCRIMINATION, RETALIATION, HARASSMENT AND INTENTIONAL TORTS.

Initiator

Department/Division	Department of Law	
Name/Title	Peter Baker	Corporation Counsel
Phone/email	201-547-4701	PBaker@jcnj.org

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

Ordinance Purpose

The purpose of this Ordinance is to amend and supplement chapter 27 (Defense and Indemnification) to limit City's obligation to defend and indemnify City employees in cases of criminal conduct, discrimination, retaliation, harassment and intentional torts.

I certify that all the facts presented herein are accurate.

Signature of Department Director 6/4/19 **Date**

City Clerk File No. Ord. 19-067

Agenda No. 3.5 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE
OF
JERSEY CITY, N.J.

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

CITY ORDINANCE 19-067

TITLE: **ORDINANCE AMENDING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE XIV (DEPARTMENT OF LAW) OF THE JERSEY CITY MUNICIPAL CODE**

WHEREAS, the Corporation Counsel or the First Assistant Corporation Counsel is currently authorized to settle liability claims up to $7,500 without first presenting the matter to the Municipal Council; and

WHEREAS, similarly situated municipalities throughout the State have much higher authorized settlement amounts than Jersey City; and

WHEREAS, Jersey City's current settlement authorization amount was approved by the Municipal Council in Ordinance number McC-1130 on September 12, 1990; and

WHEREAS, in the twenty-nine (29) years that have passed from the time the settlement authorization amount was approved, the legal landscape has significantly changed and cases are settling for much higher amounts; and

WHEREAS, the current settlement authorization creates additional obstacles in difficult settlement negotiations; and

WHEREAS, an increase in the settlement authorization amount will allow for expeditious resolution of litigation that might otherwise require copious amounts of City time and resources; and

WHEREAS, an increase in the settlement authorization amount will also allow for flexibility in settlement negotiations that will allow the Law Department to achieve favorable results for the City.

THE MUNICIPAL COUNCIL OF JERSEY CITY DOES ORDAIN:

I. The following amendments to Chapter 3 (Administration of Government) Article XIV (Department of Law) of the Jersey City Code are hereby adopted.

CHAPTER 3
ADMINISTRATION OF GOVERNMENT

Article XIV

Department of Law

§ 3-116. - Settlement of proceedings; special counsel; accounting for debts collected.

A. The Corporation Counsel may, with the consent of the Council, compromise, settle and adjust any action, proceeding or other legal matter in which the city or any officer or

employee is a party, or adjust any claim or causes of action in favor of or against the city or any officer or employee or accept an offer of judgment in favor of the city, provided that:

(1) A liability claim with a value of up to $1,000 can be settled by the Risk Manager with the approval of the Insurance Fund Commission.

(2) A liability claim with a value of $1,001 to [~~$7,500~~] $40,000 can be settled only by the Corporation Counsel or First Assistant Corporation Counsel with the approval of the Insurance Fund Commission.

(3) This subsection shall not limit the discretion of the Corporation Counsel in conducting the trial of any legal proceeding nor deprive him or her of the powers or relieve him or her of the duties exercised by counsel representing private clients.

B. through C. (no change)

II. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

III. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

IV. This ordinance shall take effect at the time and in the manner provided by law.

V. The City Clerk and the Corporation Counsel are hereby authorized and directed to change any chapter numbers, article numbers, and section numbers in the event that the codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible repeals of existing provisions.

NOTE: All new material to be inserted is underscored and material to be repealed is in [~~brackets~~].

HCB/mma
05/28/19

APPROVED AS TO LEGAL FORM

APPROVED:

Corporation Counsel

APPROVED:

Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE FACT SHEET

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

Full Title of Ordinance/Resolution

ORDINANCE AMENDING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE XIV (DEPARTMENT OF LAW) OF THE JERSEY CITY MUNICIPAL CODE.

Initiator

Department/Division	Law	
Name/Title	Peter Baker	Corporation Counsel
Phone/email	201-547-4667	PBaker@jcnj.org

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

Ordinance Purpose

The purpose of this ordinance is to increase the liability claim settlement amount that the Corporation Counsel or the First Assistant Corporation Counsel may approve without first presenting the matter to the Municipal Council.

I certify that all the facts presented herein are accurate.

Signature of Department Director

Date 6/4/19

City Clerk File No. Ord. 19-068

Agenda No. 3.6 1st Reading

Agenda No. 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 19-068

TITLE: **AN ORDINANCE AMENDING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT), ARTICLE XI (DEPARTMENT OF PUBLIC SAFETY) OF THE JERSEY CITY MUNICIPAL CODE TO (1) CLARIFY THE QUALIFICATIONS FOR THE POSITIONS OF DIRECTOR & ASSISTANT DIRECTOR OF PUBLIC SAFETY, (2) CLARIFY THE RESPONSIBILITIES OF THE POSITIONS OF DIRECTOR & ASSISTANT DIRECTOR OF PUBLIC SAFETY AND (3) CREATE A TABLE OF ORGANIZATION FOR THE DIVISION OF POLICE PURSUANT TO N.J.S.A. 40A:14-118**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, N.J.S.A. 40A:14-118 states that the governing body of a municipality, may, by ordinance, create a police force, and that any such ordinance creating such a force shall provide for a line of authority relating to the police function; and

WHEREAS, the line of authority relating to the police function is commonly known as a Table of Organization; and

WHEREAS, Jersey City's current Table of Organization exists within a Directive of the Director of Public Safety and is not part of the Ordinance which created the Division of Police; and

WHEREAS, the State's Civil Service Commission recently notified the City that it must make the City's Table of Organization part of the Ordinance which created the Division of Police.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that Chapter 3, (Administration of Government) Article XI (Department of Public Safety) be amended as follows:

CHAPTER 3

ADMINISTRATION OF GOVERNMENT

ARTICLE I ***through*** **ARTICLE X**

NO CHANGE.

ARTICLE XI

Department of Public Safety

§ 3-83. - Department created; head; divisions.

There is hereby established the Department of Public Safety, the head of which shall be the Director of Public Safety. The Department of Public Safety shall consist of the Division of Police, the Division of Fire and Emergency Services, ~~and~~ the Division of Communication and Technology and the Division of Parking Enforcement.

§ 3-84. - Director of Public Safety.

A. The Director of Public Safety shall be qualified by training and experience for the duties of the position ~~and shall have the following qualifications, unless said qualifications are waived by affirmative vote of at least two-thirds of the entire Council: a minimum of ten (10) years experience as a member of a police department, fire department or other law enforcement agency, five years of which shall have been in a supervisory and administrative capacity~~.

~~B.~~ The Director of Public Safety shall be responsible for the administration, regulation and discipline of the Division of Police, the Division of Fire and Emergency Services, the Division of Communications and Technology, and the Division of Parking Enforcement.

~~C.~~ The Director of the Department of Public Safety can appoint an Assistant Director and assign ~~such person~~ the Assistant Director duties as desired. ~~The person appointed as Assistant Director of Public Safety shall be qualified by training and experience for the duties of the position. The person shall not be appointed unless he or she meets the following minimum qualifications, unless said qualifications are waived by affirmative vote of at least two-thirds of the entire Council: a minimum of ten (10) years experience as a member of a police department, fire department or other law enforcement agency, five years of which shall have been in a supervisory and administrative capacity.~~

~~If the experience of the Director is as a member of a police department, then the experience of the Assistant Director shall be as a member of a fire department. If the experience of the Director is as a member of a fire department, then the experience of the Assistant Director shall be as a member of a police department.~~

~~D.~~ The Director of Public Safety shall report to the Mayor regularly with recommendations related to conditions of the Department and its improvements and needs.

~~E.~~B.The Director may employ special law-enforcement officers in accordance with N.J.S.A. 40A: 14-146.8 et. seq., "Special Law Enforcement Act;"

~~F.~~C. The Director of Public Safety shall also:

(1) Keep abreast of the public safety requirements of the City and formulate policies, plans and procedures to determine needs;

(2) Develop organization, manpower and resource recommendations and, upon approval of same, effect their implementation;

(3) Establish performance criteria for the Department as a whole as well as its individual members and conduct periodic evaluations to assure compliance with those criteria;

(4) Establish and maintain relations with school, civil and private organizations to assure a full understanding of the public safety effort;

(5) Conduct public relations and public information programs on behalf of the Department in order to maintain the required relationship between the department and the citizens of the City of Jersey City;

(6) Promote a close liaison with the various agencies of the City of Jersey City, and to attend meetings of the City Council to better coordinate the functioning of the ~~Division of Police, Division of Fire, and Division of Communications and Technology~~ Department of Public Safety with the work of all municipal agencies.

(7) Regularly review the ordinances of the City of Jersey City dealing with public safety.

SUB-ARTICLE I
Division of Police

§ 3-85. - Creation of the Division of Police; Police Chief in charge; Table of Organization.

There shall be a Division of Police, the head of which shall be the Chief of Police.

A. Pursuant to N.J.S.A. 40:69A-60.7 the Mayor may appoint a Chief of Police who shall have served as a superior police officer and possess at least five years' administrative and supervisory police experience.

B. Under the direction of the Director of Public Safety, the Chief of Police shall:

(1) Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel.

(2) Have, exercise and discharge the functions, powers and duties of the division.

(3) Prescribe the duties and assignments of all subordinates and other personnel.

(4) Delegate such authority as necessary for the efficient operation of the division.

(5) Report at least monthly to the Director of Public Safety in such form as shall be prescribed by the Director on the operation of the division during the preceding month, and make such other reports as may be requested.

C. Within the Division of Police and subordinate to the Chief of Police, there shall be the following ranks in descending order of command: Deputy Chief of Police, Captain, Lieutenant, Sergeant and Police Officer. The maximum number within each rank shall be as follows:

Rank	Maximum Number of Each Rank
Chief of Police	1
Deputy Chief of Police	24
Captain	35
Lieutenant	80
Sergeant	145
Police Officer	915
Total number of sworn officers	**1,200**

C. The Division of Police may also include such civilian employees as may, from time to time, be appointed and approved by the Director of Public Safety.

§ 3-85.1 - Off-duty employment.

NO CHANGE.

§ 3-87. - Special law enforcement officers.

NO CHANGE.

§ 3-87.1. - Registry of private outdoor video surveillance cameras.

NO CHANGE.

SUB-ARTICLE II

Division of Fire and Emergency Services

§ 3-88. *through* § 3-90.

NO CHANGE.

SUB-ARTICLE III
Division of Parking Enforcement

§ 3-91. - Division of Parking Enforcement.

NO CHANGE.

SUB-ARTICLE IV

Division of Municipal Emergency Management and Homeland Security

§ 3-92. - Division of Municipal Emergency Management and Homeland Security.

NO CHANGE.

§§ 3-93—3-98. - Reserved.

NO CHANGE.

ARTICLE XII *through* ARTICLE XVIII

NO CHANGE.

I. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

II. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.

III. This Ordinance shall take effect twenty (20) days after enactment.

IV. The City Clerk and the Corporation Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

NOTE: All new material is underlined; words ~~struck through~~ are omitted. For purposes of advertising only, new matter is **boldface** and repealed by *italics.*

JJH/mma
6/4/19

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE FACT SHEET

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

Full Title of Ordinance

AN ORDINANCE AMENDING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT), ARTICLE XI (DEPARTMENT OF PUBLIC SAFETY) OF THE JERSEY CITY MUNICIPAL CODE TO (1) CLARIFY THE QUALIFICATIONS FOR THE POSITIONS OF DIRECTOR & ASSISTANT DIRECTOR OF PUBLIC SAFETY, (2) CLARIFY THE RESPONSIBILITIES OF THE POSITIONS OF DIRECTOR & ASSISTANT DIRECTOR OF PUBLIC SAFETY AND (3) CREATE A TABLE OF ORGANIZATION FOR THE DIVISION OF POLICE PURSUANT TO N.J.S.A. 40A:14-118

Initiator

Department/Division	Public Safety	Office of the Director
Name/Title	James Shea	Director of Public Safety
Phone/email	201-547-5298	jshea@njjcps.org

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

Ordinance Purpose

This Ordinance clarifies the qualifications for the positions of Director and Assistant Director of Public Safety, the responsibilities of the positions of Director and Assistant Director of Public Safety and would create a Table of Organization for the Division of Police pursuant to N.J.S.A. 40A:14-118.

I certify that all the facts presented herein are accurate.

James Shea

James Shea
Director of Public Safety

June 4, 2019

Date

City Clerk File No. Ord. 19-069

Agenda No. 3.7 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE
OF
JERSEY CITY, N.J.

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

CITY ORDINANCE 19-069

TITLE:

ORDINANCE ELECTING TO RELEASE RESTRICTED AFFORDABLE HOUSING UNITS THROUGHOUT THE CITY OF JERSEY CITY FROM THE APPLICABLE AFFORDABILITY CONTROLS OF THE UNIFORM HOUSING AFFORDABILITY CONTROLS

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

WHEREAS, the City of Jersey City has a long history of developing affordable housing pursuant to the State of New Jersey Fair Housing Act, also known as the "Mount Laurel Doctrine" (the "Act"); and

WHEREAS, the State of New Jersey adopted the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC") on December 20, 2004 to further the goals of the Act by assuring that low- and moderate-income units created under the Act are occupied by low- and moderate-income households for an appropriate period of time; and

WHEREAS, the UHAC establishes the rules for the administration of affordability controls on various "restricted units" (as defined by N.J.A.C. 5:80-26.2), and mandates the use of certain legal instruments to ensure the long term affordability of these restricted units; and

WHEREAS, N.J.A.C. 5:80-26.5(g)(3) states that, after the expiration of the applicable minimum control period, municipalities may elect to release restricted units from the requirements of the UHAC by adopting an ordinance stating same; and

WHEREAS, the Jersey City Division of Community Development is recommending that the City adopt an ordinance electing to release restricted units from their individual affordability controls at the expiration of the applicable minimum control period specified under UHAC.
NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the:

1. The City of Jersey City hereby adopts the within Ordinance at its election to release restricted units from the affordability controls at the expiration of the applicable minimum control period, subject to payment of the recapture lien at the first market rate sale, and as permitted by the UHAC throughout the entire City of Jersey City; and
2. The Director of the Department of Housing, Economic, Development and Commerce or the Director's designee is hereby vested with the authority, to be used in his/her discretion, to release restricted units throughout the entire City of Jersey City from affordability controls at the expiration of each unit's respective applicable minimum control period, subject to payment of the recapture lien at the first market rate sale, and as permitted by the UHAC; and

3. The City Clerk is hereby directed to publish this Ordinance as required by applicable law.

AF/mma
05/20/19

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE FACT SHEET

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 ELECTING TO RELEASE RESTRICTED AFFORDABLE HOUSING UNITS THROUGHOUT THE CITY OF JERSEY CITY FROM THE APPLICABLE AFFORDIBILITY CONTROLS OF THE UNIFORM HOUSING AFFORDIBILITY CONTROLS.

Initiator

Department/Division	HEDC	Community Development
Name/Title	Priti Vakharia	Compliance Legal Officer
Phone/email	pvakharia@jcnj.org	201 547-6563

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

Resolution Purpose

N.J.A.C. 5:80-26.5(g)(3) states that, after the expiration of the applicable minimum control period, municipalities may elect to release restricted units from the requirements of the UHAC by adopting an ordinance stating same; and The Jersey City Division of Community Development is recommending that the City adopt an ordinance electing to release the restrictions on affordable units pursuant to the UHAC.

I certify that all the facts presented herein are accurate.

Signature of Department Director — **Date** 4/18/15

Signature of Division Director — **Date** 4.22.9

City Clerk File No. Ord. 19-070

Agenda No. 3.8 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 19-070

TITLE: **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY CHANGING THE DESIGNATION OF THE REDEVELOPMENT ENTITY RESPONSIBLE FOR CARRYING OUT THE CONSTRUCTION OF THE COUNTY COURTHOUSE COMPLEX PURSUANT TO THE JOURNAL SQUARE 2060 REDEVELOPMENT PLAN FROM THE JERSEY CITY REDELOPMENT AGENCY TO THE HUDSON COUNTY IMPROVEMENT AUTHORITY**

WHEREAS, the Municipal Council of the City of Jersey City ("City") has designated an "area in need of redevelopment" ("Redevelopment Area") and adopted the Journal Square 2060 Redevelopment Plan on August 25, 2010 ("Redevelopment Plan"), all pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("Redevelopment Law"); and

WHEREAS, the County of Hudson ("County") owns certain properties, namely Block 8101, Lots 12-17, 19.01, 22-27, Block 8102, Lots 1-8, 9.01, 13-19, 24-27, Block 6702, Lot 1 and Block 8002, part of Lot 1 as indicated by the green and yellow designations on the plan attached hereto as Exhibit "A" ("Project Site") that are part of that Redevelopment Area and the County proposes to construct thereon a new Courthouse Complex, including a courthouse, parking, county administrative offices and related amenities, to demolish the existing Administration Building, to create a County park and to make part of its land available for development, all consistent with the Redevelopment Plan ("County Courthouse Project") on the Project Site; and

WHEREAS, the Jersey City Redevelopment Agency ("Agency") is the designated redevelopment entity for the Redevelopment Area; and

WHEREAS, the Hudson County Improvement Authority ("HCIA") is an autonomous agency established and created by the County pursuant to N.J.S.A. 40:37A-44 et seq. and as such it is one of the public bodies that are empowered by N.J.S.A. 40A:12A-4 to exercise the statutory powers of a redevelopment entity; and it is specifically authorized by N.J.S.A. 40:37A-55 to undertake a variety of actions including contracting with redevelopers for the undertaking of any project or redevelopment work; and

WHEREAS, the City is empowered under N.J.S.A. 40A:20-4(c) to determine the redevelopment entity for redevelopment projects, and under the Redevelopment Law, there may be only one redevelopment entity; and

WHEREAS, no obligations have been entered into by the Agency with respect to the portion of the Redevelopment Plan area that constitutes the Project Site, thus the City by Ordinance may now proceed to change the designated redevelopment entity responsible for implementing a redevelopment plan to allow the HCIA to serve as redevelopment entity to undertake the County Courthouse Project on the Project Site; and

WHEREAS, the City desires to de-designate the Agency as the redevelopment entity for the County Courthouse Project, and designate the HCIA as the redevelopment entity for that project.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

1. The Agency is hereby de-designated as the redevelopment entity for the County Courthouse Project pursuant to the Redevelopment Law; and

2. The HCIA is hereby designated as the redevelopment entity for the County Courthouse Project pursuant to the Redevelopment Law.

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: New matter is underlined.

For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

RR
6-4-19

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE FACT SHEET

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

Full Title of Ordinance

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY CHANGING THE DESIGNATION OF THE REDEVELOPMENT ENTITY RESPONSIBLE FOR CARRYING OUT THE CONSTRUCTION OF THE COUNTY COURTHOUSE COMPLEX PURSUANT TO THE JOURNAL SQUARE 2060 REDEVELOPMENT PLAN FROM THE JERSEY CITY REDELOPMENT AGENCY TO THE HUDSON COUNTY IMPROVEMENT AUTHORITY

Initiator

Department/Division	HEDC	
Name/Title	Annisia Cialone	Director
Phone/email	547-5606	ACialone@jcnj.org

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

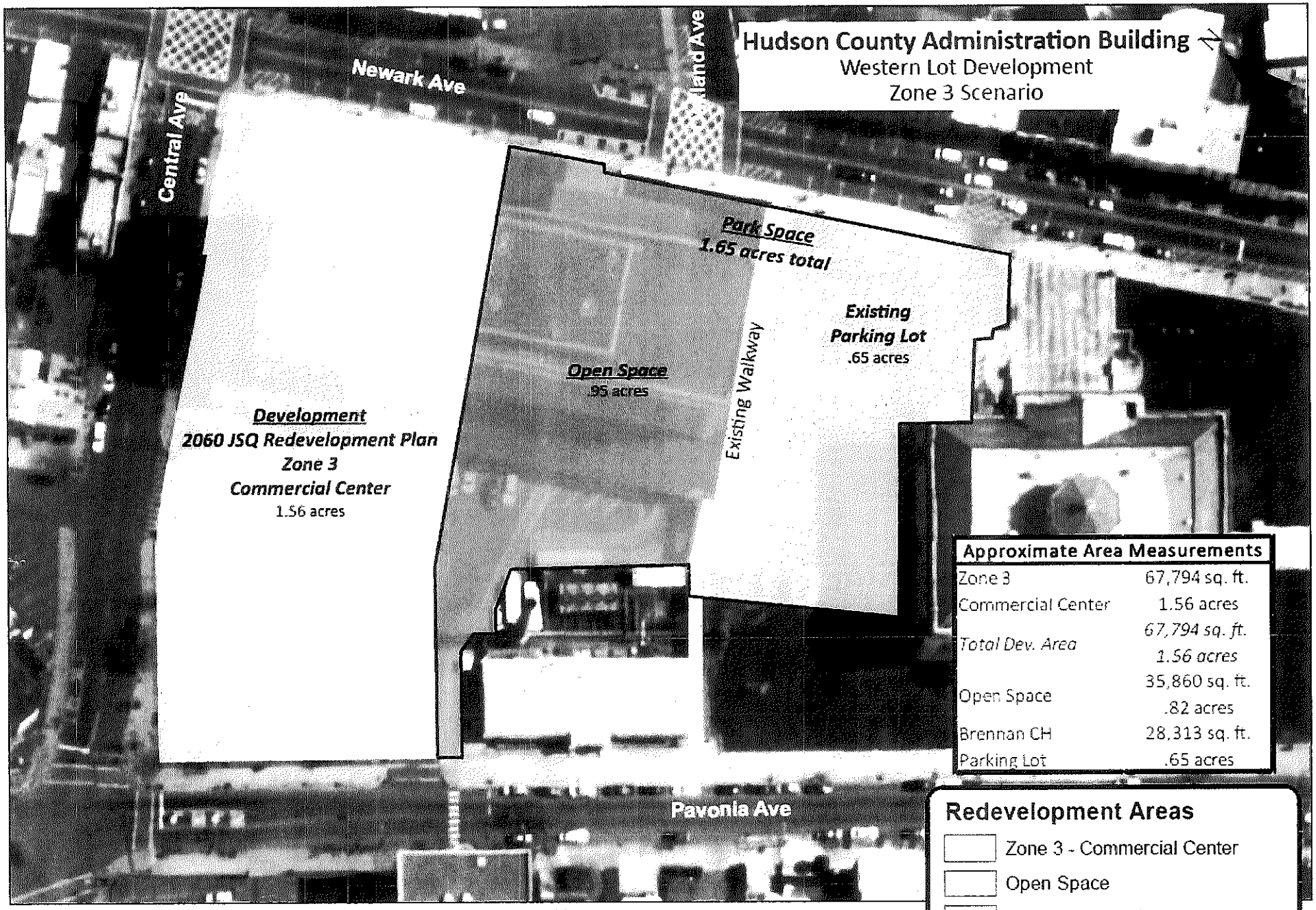
Ordinance Purpose

The City adopted the Journal Square 2060 Redevelopment Plan on August 25, 2010. The County owns certain properties that are part of the Journal Square Redevelopment Area and the County proposes to construct a new Courthouse Complex, including a courthouse, parking, county administrative offices and related amenities, to demolish the existing Administration Building, to create a County park and to make part of its land available for development, all consistent with the Redevelopment Plan. The Jersey City Redevelopment Agency ("JCRA") is the designated redevelopment entity for the Redevelopment Area. The Hudson County Improvement Authority ("HCIA") is an autonomous County agency and may exercise the statutory powers of a redevelopment entity. The City desires to de-designate the JCRA as the redevelopment entity for the County Courthouse Project, and designate the HCIA as the redevelopment entity for the project.

I certify that all the facts presented herein are accurate.

Signature of Department Director **Date**

EXHIBIT A



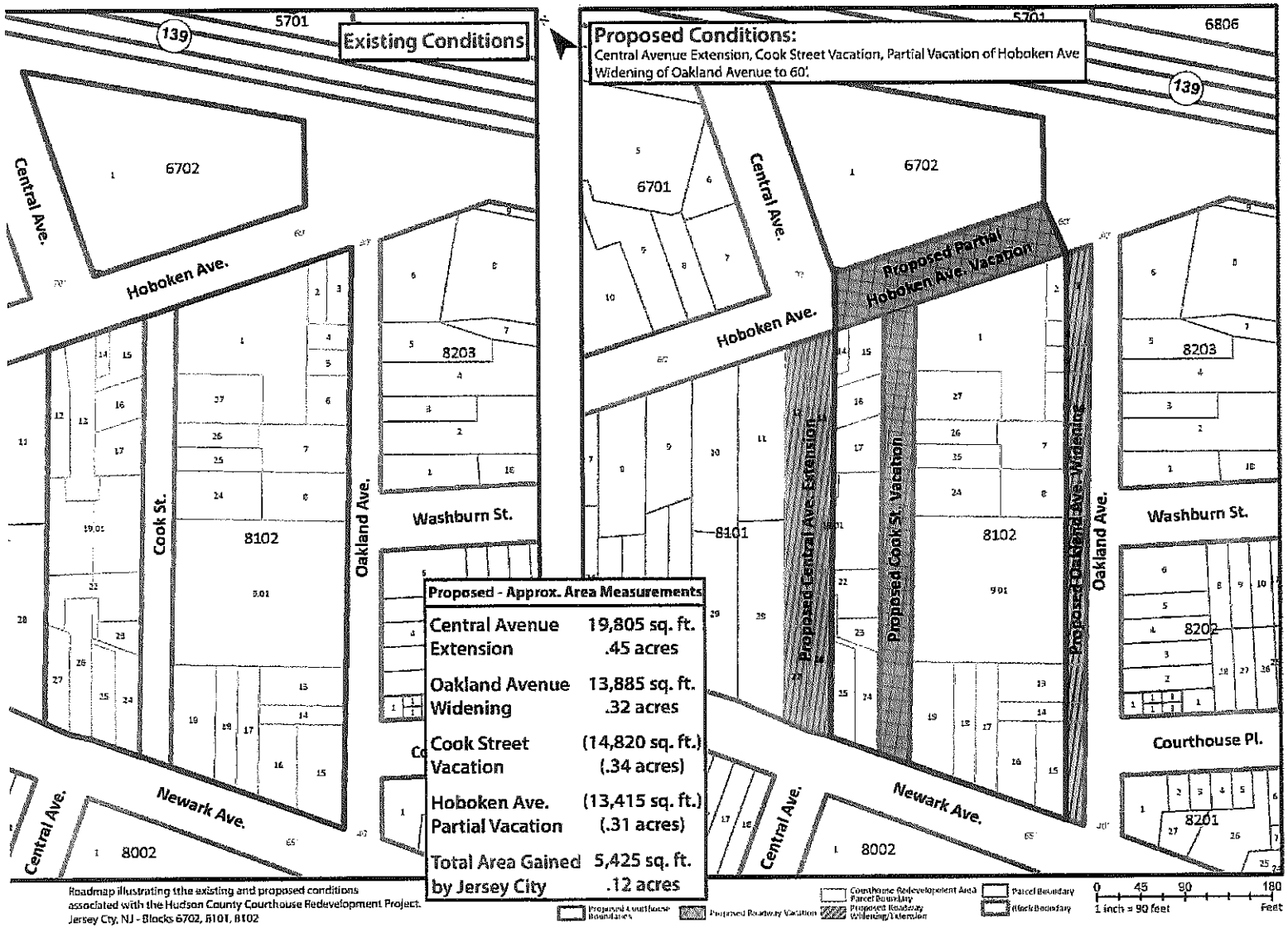
Approximate Area Measurements	
Zone 3	67,794 sq. ft.
Commercial Center	1.56 acres
Total Dev. Area	*67,794 sq. ft.*
	1.56 acres
Open Space	35,860 sq. ft.
	.82 acres
Brennan CH	28,313 sq. ft.
Parking Lot	.65 acres

0 37.5 75 150
Feet

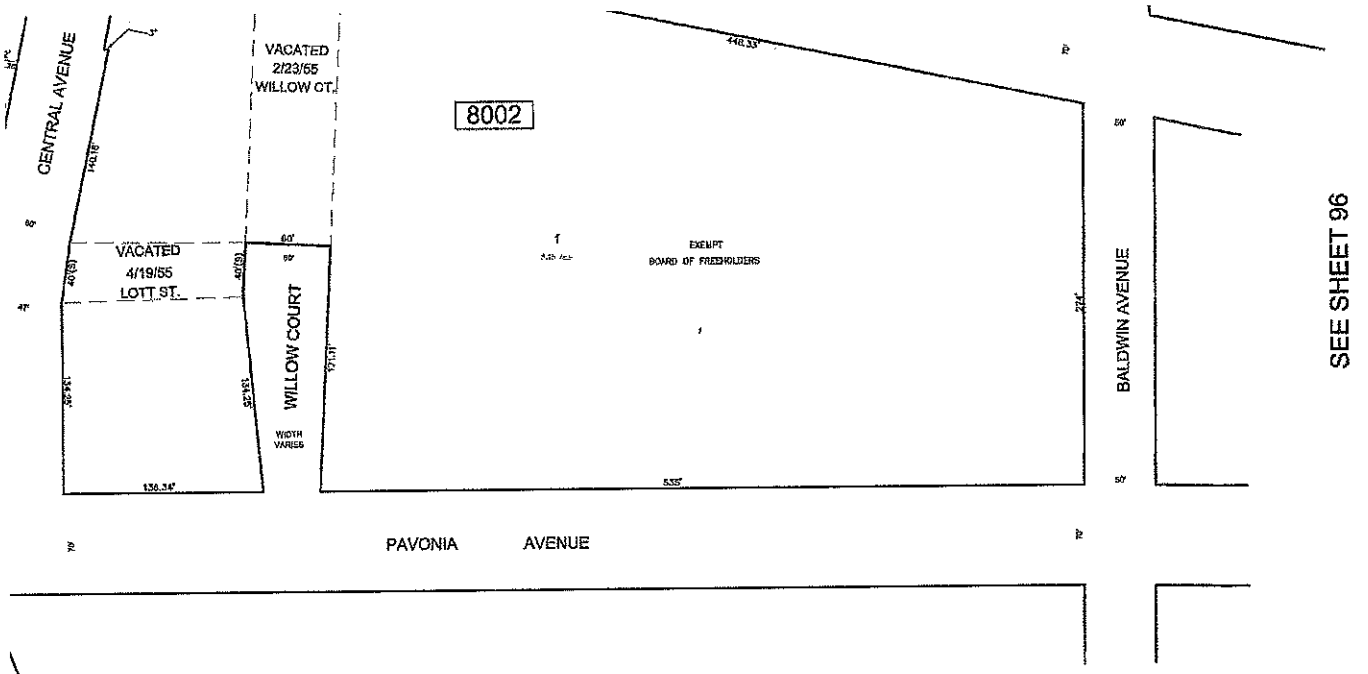
Hudson County
Division of Planning

Aerial map of the H.C. Administration Building. Scenario depicted includes development along the western edge of the lot. Development as illustrated would shows the developable portion of the lot as Zone 3 according to the Journal Square 2060 Plan.

Please note that measurements are approximate and may change based upon minimum sidewalk width requirements as defined in the JSQ 2060 Plan.



Roadmap illustrating the existing and proposed conditions associated with the Hudson County Courthouse Redevelopment Project.
Jersey City, NJ - Blocks 6702, 8101, 8102



THIS MAP HAS BEEN DRAWN USING COMPUTER AIDED DRAFTING/DESIGN (CAD/D) AND COORDINATE GEOMETRY.

THIS MAP HAS BEEN GIVEN A FORMAL CERTIFICATION BY THE DIVISION OF TAXATION ON MAY, 2009, SIGNED BY SANTO C. DiDONATO, CTA AND ASSIGNED SERIAL NUMBER 959

TAX MAP

CITY OF JERSEY CITY

HUDSON COUNTY, NEW JERSEY

SCALE: 1"= 50' AUGUST, 2009

RICHARD A. MORALLE, P.E., P.L.S.

T & M ASSOCIATES
11 TINDALL ROAD, MIDDLETOWN TOWNSHIP
NEW JERSEY, 07748

TO SHOW CONDITIONS AS OF JUNE 2010

SEE SHEET 96

ARH – CDN#24SN27373300

City Clerk File No. Ord.19-071

Agenda No. 3.9 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE
OF
JERSEY CITY, N.J.

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

CITY ORDINANCE 19-071

TITLE:

ORDINANCE RELEASING THE REVERTER IN THE DECEMBER 28, 2006 DEED CONVEYING LAND IN SECAUCUS, NEW JERSEY, KNOWN AS BLOCK 1 LOT 3, TO HUDSON COUNTY

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

WHEREAS, on October 12, 2005 the Municipal Council of the City of Jersey City authorized the sale of a parcel of land in Secaucus, New Jersey, known as Block 1 Lot 3, (the "Parcel") to the County of Hudson, New Jersey ("Grantee") in Ordinance number 05-145; and

WHEREAS, the City of Jersey City ("Grantor") conveyed the Parcel to the Grantee by a deed dated December 28, 2006 (the "Deed"); and

WHEREAS, the Parcel is subject to the jurisdiction of the New Jersey Department of Environmental Protection Green Acres Program ("Green Acres Program"); and

WHEREAS, the Deed contains the following restriction provision ("Restriction"):

> To have and to Hold, all and singular the above described land and premises, with the appurtenances, unto the said party of the second part, its heirs, successors, and assigns only for the provision of educational or recreational services to the general public, including residents of Hudson County, not for use by any political, partisan, sectarian, denominational or religious organization.

WHEREAS, the Deed contains the following reverter provision ("Reverter"):

> Title shall automatically revert to the City of Jersey City if (1) the part of the 2nd part, its heirs, successors or assigns is a prohibited organization; (2) the property is used for other than the provision of educational or recreational services or (3) the property is used for a commercial business, trade, or manufacture purposes.

WHEREAS, the Reverter and Restriction are in conflict with the Green Acres Program and its funding restrictions; and

WHEREAS, further the Grantee wishes to enter into an agreement with New Jersey Transit ("NJ Transit") to use a portion of the Parcel for the Portal Bridge replacement project; and

WHEREAS, the use of the Parcel for the Portal Bridge replacement project will require the approval of the Green Acres Program as a diversion and/or disposal of Green Acres encumbered parkland; and

WHEREAS, the Portal Bridge replacement project will provide beneficial infrastructure improvements that will resonate throughout Hudson County; and

WHEREAS, the City of Jersey City wishes to work cooperatively with Hudson County, NJ Transit, and the Green Acres Program to facilitate the completion of the Portal Bridge replacement project.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Jersey City that:

1. The City finds and declares that the Portal Bridge replacement project is an essential infrastructure project that will benefit thousands of Jersey City residents and countless other individuals traveling through Hudson County; and

2. The City hereby releases the Reverter contained in the Deed; and

3. The Mayor or Business Administrator is authorized to execute such additional documents, which include but are not limited to such documents as a "Corrective Deed", as may be necessary or appropriate to effectuate the release authorized herein and to ensure that the Restriction accurately reflects the funding restrictions of the Green Acres Program.

HCB/mma
05/21/19

APPROVED AS TO LEGAL FORM

_____
Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE FACT SHEET

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

Full Title of Ordinance/Resolution

ORDINANCE RELEASING THE REVERTER IN THE DECEMBER 28, 2006 DEED CONVEYING LAND IN SECAUCUS, NEW JERSEY, KNOWN AS BLOCK 1 LOT 3, TO HUDSON COUNTY.

Initiator

Department/Division	Administration	
Name/Title	Brian Platt	Business Administrator
Phone/email	201-547-4513	BPlatt@jcnj.org

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

Ordinance Purpose

The purpose of this ordinance is correct a deed dated December 28, 2006 so that it accurately reflects Green Acres requirements.

I certify that all the facts presented herein are accurate.

Signature of Department Director **Date** 6/5/19

City Clerk File No. Ord. 19-072

Agenda No. 3.10 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 19-072

TITLE:

ORDINANCE AUTHORIZING THE CONVEYANCE OF BLOCK 17905, LOTS 18, 19, 20, 21 & 22, MORE COMMONLY KNOWN BY THE STREET ADDRESSES OF 612-616 COMMUNIPAW AVENUE AND 91-93 HARRISON AVENUE TO THE JERSEY CITY REDEVELOPMENT AGENCY

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City is the owner of certain property located within Block 17905, Lots 18, 19, 20, 21 & 22, more commonly known by the street addresses of 612-616 Communipaw Avenue and 91-93 Harrison Avenue [Property]; and

WHEREAS, it has been determined that the Property is not needed for any municipal public purpose or use; and

WHEREAS, the Jersey City Redevelopment Agency desires to acquire the Property from the City of Jersey City for the purpose of accomplishing the objectives of the Jackson Hill Redevelopment Plan within which boundaries the Property is located; and

WHEREAS, the Jersey City Redevelopment Agency has agreed to pay the City approximately $1.00 (one dollar) for the Property, based on currently proposed plans; and

WHEREAS, the Jersey City Redevelopment Agency shall further share future revenue with the City as consideration for the initial sale of such Property for nominal consideration; and

WHEREAS, in addition to compensating the City of Jersey City reasonable consideration for the conveyance to the Jersey City Redevelopment Agency, the conveyance will also effectuate the redevelopment of the Property in accordance with the terms of the Jackson Hill Redevelopment Plan and its return to the real estate tax rolls of the City of Jersey City; and

WHEREAS, the Jersey City Redevelopment Agency is authorized to acquire the Property from the City of Jersey City, pursuant to N.J.S.A. 40A:12A-8 and 22; and

WHEREAS, the City of Jersey City is authorized to transfer Property to the Jersey City Redevelopment Agency with or without consideration pursuant to N.J.S.A. 40A:12A-39(a) and N.J.S.A. 40A:12-13(b)(1).

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

ORDINANCE AUTHORIZING THE CONVEYANCE OF BLOCK 17905, LOTS 18, 19, 20, 21 & 22, MORE COMMONLY KNOWN BY THE STREET ADDRESSES OF 612-616 COMMUNIPAW AVENUE AND 91-93 HARRISON AVENUE TO THE JERSEY CITY REDEVELOPMENT AGENCY

1. The conveyance to the Jersey City Redevelopment Agency of certain lands and buildings designated on Jersey City's Official Tax Assessment Map as Block Block 17905, Lots 18, 19, 20, 21 & 22 and more commonly known by the street addresses of 612-616 Communipaw Avenue and 91-93 Harrison Avenue, for the purpose of accomplishing the objectives of the Jackson Hill Redevelopment Plan, based upon currently proposed plans for approximately $1.00 (one dollar), is hereby approved.

2. The Mayor or Business Administrator is directed to execute a Deed and any other documents that are deemed legally necessary or appropriate by the Corporation Counsel to effectuate the transfer of the Property to the Jersey City Redevelopment Agency in accordance with the above terms.

A. All Ordinances and parts of Ordinances inconsistent herewith, are hereby repealed.

B. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. 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 be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore, underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic.*

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE 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

ORDINANCE AUTHORIZING THE CONVEYANCE OF BLOCK 17905, LOTS 18, 19, 20, 21 & 22, MORE COMMONLY KNOWN BY THE STREET ADDRESSES OF 612-616 COMMUNIPAW AVENUE AND 91-93 HARRISON AVENUE TO THE JERSEY CITY REDEVELOPMENT AGENCY

Initiator

Department/Division	Administration	Administration
Name/Title	Brian D. Platt	Business Administrator
Phone/email	(201) 547-5147	BPlatt@jcnj.org

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

Ordinance Purpose

The Jersey City Redevelopment Agency (JCRA) desires to acquire the Property from the City of Jersey City for the purpose of accomplishing the objectives of the Jackson Hill Redevelopment Plan within which boundaries the Property is located.

The JCRA shall further share future revenue with the City as consideration for the initial sale of such Property for nominal consideration

I certify that all the facts presented herein are accurate.

Signature of Department Director **Date**

ITY OWNED PROPERTIES
ACKSON HILL RDP / COMMUNIPAW AVE

Numbered map: 826

N

City Owned Parcels

ıckson Hill RDP Zones

Neighborhood Mixed Use (1)

Historic Neighborhood Mixed Use (2)

1 inch = 100 fee

0 50 100 200 Fee

City Clerk File No. Ord. 19-073

Agenda No. 3.11 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE
OF
JERSEY CITY, N.J.

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

CITY ORDINANCE 19-073

TITLE: **AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND VERIZON NEW JERSEY INC. FOR PROPERTY LOCATED AT 71 MADISON AVENUE, JERSEY CITY, NEW JERSEY.**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City has a need for parking spaces for the Police West District; and

WHEREAS, Verizon New Jersey Inc. is willing to lease premises at 71 Madison Avenue, jersey City, Block 18601, Lot 21 consisting of 18,787 square feet of space for a total rental fee of $_____ per year or $_____ per month; and

WHEREAS, the lease will be for a term of five (5) years effective July 1, 2019 and terminating June 30, 2019; and

WHEREAS, the City shall have the right to terminate the lease without cause by providing thirty (30) days notice to the effective date of termination; and

WHEREAS, the sum of $_____ is available in Account # _____; and

WHEREAS, the balance of the lease funds will be made available in the 2019 permanent budget and in subsequent Calendar Year budgets; and

WHEREAS, N.J.S.A. 40A:12-5 provides that a municipality may by ordinance authorize the leasing of real property or personal property; and

WHEREAS, this agreement is in the best interest of the City of Jersey City.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City that:

1. Subject to such modifications as may be deemed necessary or appropriate by Corporation Counsel, the Mayor or Business Administrator is authorized to execute the Lease Agreement attached hereto with Verizon New Jersey Inc. for 18,787 sq. ft. of space at 71 Madison Avenue, Jersey City.

2. The term of this lease shall be five (5) years and shall take effect as of July 1, 2019 and end of June 30, 2024.

3. The City shall have the right to terminate without cause by providing thirty (30) days notice prior to the effective date of termination.

4. The rent for the 18,787 sq. ft. of space shall be $_____ per month or $_____ yearly.

5. Funds in the amount of $_____ are available in Account # _____. The balance of the lease funds will be made available in the 2019 permanent budget and in subsequent Calendar Year budgets.

A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

B. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. 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 provided by law.

D. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore underlining has been omitted.
For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JJ
6/5/19

APPROVED AS TO LEGAL FORM

_____
Corporation Counsel

APPROVED:_____

APPROVED:_____
Business Administrator

Certification Required ☐
Not Required ☐

RESOLUTION FACT SHEET - CONTRACT AWARD

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

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND VERIZON NEW JERSEY INC. FOR PROPERTY LOCATED AT 71 MADISON AVENUE, JERSEY CITY, NEW JERSEY.

Project Manager

Department/Division	Administration	Real Estate
Name/Title	Brian Platt	Business Manager
Phone/email	(201) 547-4513	BPlatt@jcnj.org

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

Contract Purpose

To extend and existing lease to provide continued parking for West District Police.

Cost (Identify all sources and amounts)

Either $14,000 or $14,400 (*real estate is working to resolve a discrepancy ahead of Caucus*)

Contract term (include all proposed renewals)

5 years

Type of award Lease

If "Other Exception", enter type

Additional Information

I certify that all the facts presented herein are accurate.

Signature of Department Director **Date** 8/5/19

FOURTH AMENDMENT OF LEASE

THIS FOURTH AMENDMENT OF LEASE (the "Fourth Amendment"), made as of the _____ day of June, 2019, but deemed effective as of July 1, 2019 (the "Effective Date"), between **VERIZON NEW JERSEY INC.**, a New Jersey corporation, having an office at Verizon Global Real Estate, Attn: Lease Administration, 7701 Telecom Parkway, Mail Code: FLTDSB1W, Temple Terrace, FL 33637 ("Lessor") and the **CITY OF JERSEY CITY**, a municipal corporation of the State of New Jersey, having an office at 280 Grove Street, Jersey City, New Jersey 07302 ("Lessee").

RECITALS

A. Lessor and Lessee are parties to a lease dated July 1, 1999 (the "Lease"), pursuant to which Landlord leased to Lessee and Lessor hired from Lessor an approximately 18,787 square foot paved parking lot known as "Parking Area #2", located at 71 Madison Street, City of Jersey City, Hudson County, New Jersey, as is more particularly described on Schedule A attached hereto (the "Premises").

B. The Lease was previously amended by First Amendment to Lease dated May 25, 2004 (the "First Amendment"), by Second Amendment to Lease dated August 18, 2009 (the "Second Amendment"), and Third Amendment to Lease dated November 26, 2016 (the "Third Amendment"); (the First Amendment, Second Amendment and the Third Amendment shall be deemed included in all references herein to the Lease).

C. The parties desire to further amend the Lease in the manner hereinafter set forth.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The term of the Lease is hereby extended for an additional extension term beginning on July 1, 2019, and ending on the date that is the earlier of (a) June 30, 2024, or (b) the date that is thirty (30) days following written notice of termination by either party to the other (as may be applicable, the "Forth Amendment Extension Term"), upon all of the terms, covenants and conditions of the Lease except as expressly provided in this Amendment. If the Lease is terminated in accordance with Section 1(b) above, rent shall be paid through the date that is the later of the date of termination or the date to Lessee's actual vacating of the Premises, including without limitation on a per diem basis if the date of termination or vacancy, as applicable, is not the last day of a calendar month. The Fourth Amendment Extension Term is not subject to further renewal.

2. Annual rent during the Fourth Amendment Extension Term shall be _____ and 00/100 dollars ($_____), payable in equal monthly installments in advance of _____ ($_____) Dollars on the first day of each calendar month; such rent shall be paid on and as of the Effective Date regardless of when this Fourth Amendment is signed, it being acknowledged by Lessee that it will be in possession of the Premises on the Effective Date.

3. Lessor and Lessee represent and warrant to each other that they have not negotiated with any broker in connection with this Amendment. Lessor and Lessee agree that should any claim be made against the other for a broker's commission, finder's fee or similar compensation by reason of the acts of such party, the party upon whose acts such claim is predicated shall indemnify and hold the other party harmless from all losses, costs, damages, claims, liabilities and expenses in connection therewith (including, but not limited to, reasonable legal fees and the cost of enforcing this indemnity).

4. Each of the parties hereto represents and warrants to the other that the person executing this Amendment on behalf of such party has the full right, power and authority to enter into and execute this Amendment on such party's behalf and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this Amendment.

5. All prior understandings and agreements between the parties with respect to the subject matter of this Amendment are merged with this Amendment, which alone fully and completely sets forth the understanding of the parties with respect thereto. This Amendment may not be changed or modified nor may any of its provisions be waived orally or in any manner other than a writing signed by the party against whom the enforcement of the change, modification or waiver is sought.

6. Except as provided herein, the Lease and all of its terms, covenants and conditions remain in full force and effect.

7. The terms, covenants and conditions contained herein are binding upon and inure to the benefit of the parties hereto and their heirs, executors, administrators, successors and assigns.

(SIGNATURES ON FOLLOWING PAGE)

IN WITNESS WHEREOF, the parties have duly executed this Amendment as of the date first above written.

LESSOR

VERISON NEW JERSEY INC.

BY: _____
NAME: _____
TITLE: _____

LESSEE

CITY OF JERSEY CITY

BY: _____
NAME: _____
TITLE: _____

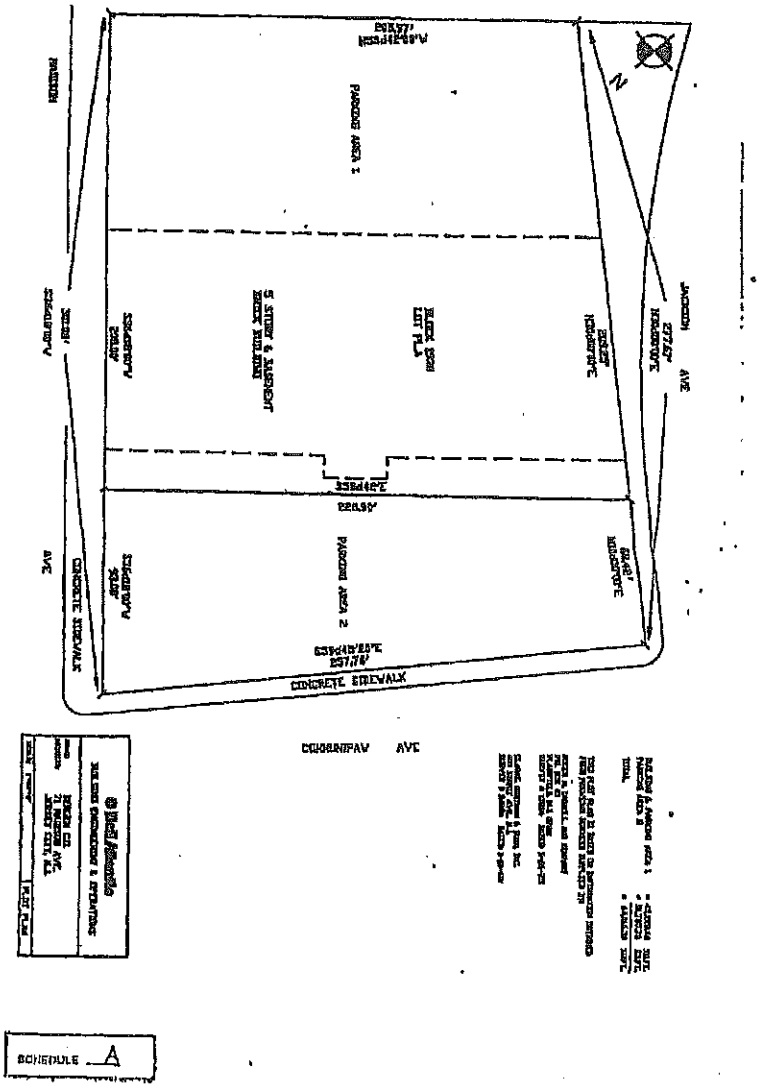
ATTEST

BY: _____
NAME: _____
TITLE: _____

SCHEDULE A

PREMISES

"PARKING AREA 2"



CLAC 2580941.1
8/6/14

#10571415.1

City Clerk File No. Ord. 19-074

Agenda No. 3.12 1st Reading

Agenda No. 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 19-074

TITLE:

AN ORDINANCE AMENDING CHAPTER 332 (VEHICLES AND TRAFFIC), ARTICLE VII (METERED PARKING), SECTION 57 (ON STREET PERMIT PARKING ZONE) TO (1) REMOVE YORK STREET FROM THE ITINERANT FOOD VENDOR PARKING ZONE, (2) TO CREATE NEW ITINERANT FOOD VENDOR PARKING ZONES FOR PORTIONS OF JERSEY AVENUE, JOHN F. KENNEDY BOULEVARD AND BERGEN AVENUE, AND (3) CHANGING THE HOURS FOR ITINERANT FOOD VENDOR PARKING WITHIN THE ITINERANT FOOD VENDOR PARKING ZONES TO 5:00 A.M. UNTIL 9:00 P.M.

THE MUNICIPAL COUNCIL OF THE CITY JERSEY CITY DOES ORDAIN:

I. Chapter 332 (Vehicles and Traffic) Article III (Parking, Standing and Stopping) of the Jersey City Code is hereby supplemented as follows:

§332-57- On street permit parking zones.

Pursuant to Chapter 175 (Food Handling Establishments) Article II (Itinerant Eating and Drinking Establishments), Section 175-8 (Itinerant Establishments), Section 175-9.3 (Operation Requirements for all Devices, Push Carts and Trucks) (C), and Section 175-15 (Parking Permit Exemption - Itinerant Food Trucks) (C), the permit parking zones issued for use by Itinerant Vendor Trucks will be in effect from ~~6:00~~ 5:00 a.m. to ~~10:00~~ 9:00 p.m., Monday through Sunday, for the following streets:

Name of Street	Limits
Grand Street (both sides)	Hudson Street to the Waterfront
Sussex Street (both sides)	Hudson Street to the Waterfront
~~York Street (both sides)~~	~~Hudson Street to the Waterfront~~
Jersey Avenue (west side)	Grand Street to Regent Street
John F. Kennedy Boulevard (west side)	Culver Avenue to Audubon Avenue
Bergen Avenue (east side)	Sip Avenue to J.F.K. Boulevard

The spaces reserved for Itinerant Food Truck parking along the aforementioned portions of Grand Street and Sussex Street shall be designated as "Itinerant Food Truck Parking - Zone 1."

The spaces reserved for Itinerant Food Truck parking along the aforementioned portion of Jersey Avenue shall be designated as "Itinerant Food Truck Parking - Zone 2."

The spaces reserved for Itinerant Food Truck parking along the aforementioned portion of John F. Kennedy Boulevard shall be designated as "Itinerant Food Truck Parking - Zone 3."

The spaces reserved for Itinerant Food Truck parking along the aforementioned portion of Bergen Avenue shall be designated as "Itinerant Food Truck Parking - Zone 4."

Any Itinerant Food Trucks or other vehicles parked in those spaces specifically designed for Itinerant Food Trucks within these zones between 9:01 p.m. and 4:59 a.m. shall be subject to a fine and impounded.

No other vehicle except an Itinerant Food Truck licensed to operate within Jersey City shall be permitted to park in a space specifically designed for Itinerant Food Trucks. Any other type of vehicle parked in such a space shall be subject to a fine and impounded.

II. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

III. This Ordinance shall be a part of the Jersey City Municipal Code as though codified and incorporated in the official copies of the Jersey City Municipal Code.

IV. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if condition 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.

V. This Ordinance shall take effect at the time and in the manner as provided by law.

NOTE: All new material is underlined; words ~~struck through~~ are repealed. For purposes of advertising only, new matter is in **boldface** type **and** words which are repealed are in *italics.*

JJH/mma
06/05/19

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE FACT SHEET

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

Full Title of Ordinance

AN ORDINANCE AMENDING CHAPTER 332 (VEHICLES AND TRAFFIC), ARTICLE VII (METERED PARKING), SECTION 57 (ON STREET PERMIT PARKING ZONE) TO (1) REMOVE YORK STREET FROM THE ITINERANT FOOD VENDOR PARKING ZONE, (2) TO CREATE NEW ITINERANT FOOD VENDOR PARKING ZONES FOR PORTIONS OF JERSEY AVENUE, JOHN F. KENNEDY BOULEVARD AND BERGEN AVENUE, AND (3) CHANGING THE HOURS FOR ITINERANT FOOD VENDOR PARKING WITHIN THE ITINERANT FOOD VENDOR PARKING ZONES TO 5:00 A.M. UNTIL 9:00 P.M.

Initiator

Department/Division	Public Safety	Parking Enforcement
Name/Title	Mary Paretti	Director
Phone/email	201-547-5538	mparetti@jcnj.org

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

Ordinance Purpose

This Ordinance will remove York Street from the Itinerant Food Vendor Truck Zone at the downtown waterfront, create new Itinerant Food Vendor Truck Zones featuring portions of Jersey Avenue, JFK Blvd and Bergen Avenue, and changing the hours for Mobile Food Vendor Truck parking within the Zone to 5:00 a.m. until 9:00 p.m. (it is currently 6:00 a.m. until 10:00 p.m.).

In addition, this Ordinance clarifies that those Food Trucks found to be in violation of this Ordinance shall be subject to both ticketing and impoundment.

I certify that all the facts presented herein are accurate.

_____ June 5, 2019

Mary Paretti **Date**
Division of Parking Enforcement

City Clerk File No. Ord. 19-075

Agenda No. 3.13 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 19-075

TITLE: **ORDINANCE AMENDING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE VI (DEPARTMENT OF ADMINISTRATION); AND ARTICLE XVIII (DEPARTMENT OF HUMAN RESOURCES) AND CHAPTER 304 (TAXATION) TO RESTRUCTURE THE DEPARTMENT OF ADMINISTRATION AND THE DEPARTMENT OF HUMAN RESOURCES**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

I. Chapter 3 (Administration of Government) Article VI (Department of Administration) and Article XVIII (Department of Human Resources) are hereby amended as follows:

CHAPTER 3

ADMINISTRATION OF GOVERNMENT

ARTICLE VI

Department of Administration

§ 3-41. - Powers and duties of Business Administrator.

A. The Business Administrator shall be the chief administrative officer of the city and shall exercise the powers and duties of the Department of Administration.

B. The Business Administrator shall under the direction and supervision of the Mayor:

(1) Assist in the preparation of the budget.

(2) Administer a purchasing and general service system.

(3) Supervise the activities of those divisions and offices within the Department of Administration.

(4) Perform such other duties as the Mayor may prescribe.

C. The Business Administrator shall also, subject to the direction of the Mayor, supervise the administration of each of the departments established by this Administrative Code. For this purpose, he or she shall have the power to investigate the organization and operation of all departments, to prescribe standards and rules of administrative practice and procedure and to consult with the heads of the departments under his or her jurisdiction, provided that, with respect to the Department of Law and the [*Division*] Office of Accounts and Control, the authority of the Business Administrator shall extend only to matters of budgeting, personnel and purchasing.

D. Certification. Each year the Mayor or Business Administrator shall certify to the Municipal Council and the Tax Assessor that each financial agreement with each urban renewal entity has been entered into and is in effect pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq.

E. Consistent with N.J.S.A. 40A:11-14, the Business Administrator is empowered to execute license agreements with all private property owners willing to permit the Fire Division of the Public Safety Department exclusive use of their buildings for fire training

purposes. The Business Administrator shall execute the form agreement on file in the office of the City Clerk.

§ 3-42. - Organization of Department.

The Department of Administration shall consist of the following divisions and offices:

A. [*Division of Management and Budget*] Division of Finance

B. Division of Real Estate.

C. Division of Architecture.

D. Division of Engineering, Traffic and Transportation.

E. Office of Municipal Public Defender.

F. Division of Communications.

G. Reserved.

H. Reserved.

I. Division of Purchasing and Central Services.

J. Office of Sustainability.

K. Division of Information Technology.

L. Office of Diversity and Inclusion; Heads.

M. Office of Utility Management.

N. Bureau of Innovation.

O. Reserved.

P. Reserved.

Q. Reserved.

R. Division of Economic Opportunity.

S. [*Office of Risk Management*]. Reserved

T. [*Division of Collections.*] Reserved.

U. [*Division of Treasury and Debt Management.*] Reserved.

W. [*Division of Accounts and Control*] Reserved.

X. Division of Internal Audit.

Y. [*Office of Tax Abatement]* Office of Affordable Housing.

§ 3-43. – [*Division of Management and Budget.*] Division of Finance

A. Within the Department of Administration, there shall be a Division of Finance, the head of which shall be the Director of Finance. The Director of Finance shall oversee the Offices contained therein.

B. Within the Division of Finance shall be the Offices of Management and Budget, Collections, Treasury and Debt Management, Accounts and Control, and Payroll. Each office within the Division of Finance shall be supervised by a Director and shall comply with all applicable laws. Each Officer Director shall be appointed by the Director of Finance.

[A. Creation of the Division of Management and Budget; Budget Officer in charge; qualifications. Within the Department of Administration there shall be a Division of Management and Budget, the head of which shall be the Budget Officer. The Budget Officer shall, prior to his or her appointment, be qualified by training or experience in the administration of governmental or large corporate budgets, in management policies, in the analysis of budgetary costs, and in the administration and enforcement of grants.]

C. [*Division of Management and Budget; functions*] The Director of the Office of Management and Budget shall, prior to his or her appointment, be qualified by training

in the administration of governmental or large corporate budgets, in management policies, in the analysis of budgetary costs, and in the administration and enforcement of grants, and shall have the following functions:

(1) Prepare and prescribe uniform forms and procedures for budget preparation for all departments and other spending agencies.

(2) Assist the Business Administrator in the review and analysis of budget requests.

(3) Develop and install records and procedures to enable each department to evaluate work load and performance reports.

(4) Assist in the preparation of the budget document and related appropriation statements.

(5) Evaluate from a budgetary viewpoint various municipal programs and administer budgetary considerations as to all grants received by the city.

(6) Supervise management services, studies and programs.

(7) Conduct continuing studies for determining quality of work and devising improvements in efficiency and economy.

(8) Preparation of recommended budget.

(i) The city budget shall be prepared by the Mayor with the assistance of the Business Administrator and the Budget Officer. During the month of November, the Mayor shall require all Department Directors to submit requests for appropriations for the ensuing budget year and to appear before the Mayor or the Business Administrator at public hearings, which shall be held during that month, on the various requests. On or before January 15, the Mayor shall submit to the Council his or her recommended budget, together with such explanatory comment or statement as he or she may deem desirable.

(ii) The budget document shall be prepared in such form as is required by law for municipal budgets. There shall be appended to the budget a detailed analysis of all items of expenditure and revenue as far as practicable. Such analysis shall include a comparison of the total number of positions of each class and grade to be authorized by the budget with the actual number thereof employed at the beginning of the preceding budget period. So far as practicable, such analysis shall include appropriate statements of the cost of performance of functional programs and activities stated in terms of quantitative, countable units of work for operating and capital expenditures. The Business Administrator, with the assistance of the Budget Officer, shall prepare an estimate of non-property-tax revenues anticipated for the support of each annual budget.

(9) Supervision of administration of the budget by Business Administrator.

(i) The Business Administrator shall supervise the administration of each annual budget. In consultation with Department Directors, he or she shall establish quarterly or such other periodic allotments or appropriations as he or she may deem necessary. Each department shall plan and administer its expenditure program within the limits of such allotments.

(ii) If at any time during the budget year the Business Administrator shall ascertain that the city government is faced with the probability of incurring a cash deficit for the current year, he or she shall reconsider the work programs and allotments of the several departments. Upon such reconsideration and with the approval of the Mayor, he or she may revise budget allotments so as to forestall, as far as possible, the making of commitments and expenditures in excess of the revenues to be realized during the fiscal year.

[C. Grants; functions]

(10) Grants; functions

(i) Identify potential new grant sources for municipal projects, programs and departments;

(ii) Manage and assist the preparation of all City grant applications to the federal and state government;

(iii) Manage, coordinate and monitor all states of the City grant process, including the proper execution and implementation of all grant agreements and contracts and programs once grants are awarded; and

(iv) Implement appropriate audit and other controls on all City grant programs to maintain compliance with grant terms and conditions and maintain comprehensive records on all grant programs.

C. The Office of Collections shall be headed by the City Tax Collector, who shall be a certified tax collector, and shall perform the duties assigned to him or her by the Business Administrator and state law and shall be subject to the following:

I. Supervise the following responsibilities of his/her office relating to the collection of real estate taxes, assessments and other municipal charges:

(i) Administer all ordinances and state statutes necessary for the billing, collection and enforcement of other municipal charges that he/she is responsible for.

(ii) Maintain the necessary records and periodically report upon his/her activities in order to keep municipal governing officials and citizens aware of the state of municipal finances.

(iii) Impose interest and other penalties for the nonpayment of real estate taxes, assessments and other municipal charges.

(iv) Ensure that all taxpayers are treated fairly and honestly and that there is no discrimination in his/her performance.

(v) Assign by private sale municipally owned tax sale certificates pursuant to N.J.S.A. 54:5-113; except that no municipally owned tax sale certificate shall be assigned to any employee of the City of Jersey City.

(vi) Post payments to account records and produce delinquent notices as is required.

(vii) Monitor and ensure the payment of land taxes.

(viii) Hire and monitor as is necessary external auditing firms to ensure compliance as is required by the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1 et seq.

II. Supervise the following responsibilities of his/her office relating to tax abatement compliance:

(i) Maintain in one place and ensure the security of all of the records, papers and submissions that pertain to all tax abatement and exemption financial agreements.

(ii) Monitor and ensure compliance with the terms of all tax abatement and exemption financial agreements following approval by the Municipal Council.

(iii) Insure the timely submission and payment of quarterly service charge bills with applicable arrearages and interest and insure full compliance with the terms and conditions contained within the city's tax abatement and exemption financial agreements by conducting periodic audits.

(iv) Make recommendations, in conjunction with the Corporation Counsel and the Business Administrator, to standardize certain financial agreement terminology and provisions and to propose any needed changes in State legislation.

(v) Coordinate and liaison, as needed, with the Mayor, the Municipal Council, the Corporation Counsel and all city departments, in the tax abatement and exemption process.

(vi) Act as a liaison with the Business Administrator and the City Council to review and analyze the financial ramifications of each tax abatement and exemption financial agreement.

(vii) Supervise a staff of internal auditors, accountants, and other employees to achieve all of the above functions.

(i) Fees

(i) The City Tax Collector shall impose the service charges as provided in Chapter 160, Fees and Charges, to be added to any account owing to the City of Jersey City.

(ii) If the payment for which a check or other written instrument has been returned for insufficient funds is for a tax or special assessment, the service charge as provided in Chapter 160, Fees and Charges, shall be included on any list of delinquent accounts prepared for the enforcement of liens.

(iii) Any service charge authorized by Subsection C(1) dealing with checks returned for insufficient funds shall be collected in the same manner prescribed by law for the collection of the account for which the check or other written instrument was tendered in cash or by certified or cashier's check.

(iv) Persons aged sixty-five (65) and older shall be exempt from the fees specified under Subsection C(1) dealing with redemption statements, issuance of duplicate tax bills or responses to inquiries regarding tax payments.

D. The Director of the Office of Treasury and Debt Management shall be the City Treasurer and shall:

(1) Receive funds entrusted to or under the control of any department, administrative unit or statutory agency and deposit all funds received by him or her in depositories authorized by the Council by resolution.

(2) Have custody of all investments and invested funds of the city or in possession of the city in fiduciary capacity, except as otherwise provided by law.

(3) Have the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration or exchange.

(4) Receive, account for separately and safely keep and disburse all moneys raised and received for the public schools, provided that no money shall be paid out of the public school funds by the Treasurer except on warrant signed by the President and Clerk of the Board of Education pursuant to an order or resolution passed at a stated meeting of the Board of Education and entered in its minutes.

(5) Make disbursements of the city funds upon warrant of the Business Administrator by an individual warrant check for each bill, claim wage and salary payment, provided that the person entitled to receive the same shall specify the purpose for which it is drawn and the account or appropriation to which it is chargeable, and shall bear such signatures as are required by the Administrative Code.

(6) Keep a full account of all cash receipts and disbursements by the Division according to the system of accounts approved by the Business Administrator and, at least once a month and more often if the Council requires, furnish the Business Administrator with a statement of all money received and expended by him, including school moneys.

E. The Director of the Office of Accounts and Control shall be the Comptroller and shall be assisted by the Assistant Comptroller. Under the direction of the Comptroller, the Assistant Comptroller shall be responsible for the following functions:

(1) Develop, maintain and enforce a uniform system of accounts for all departments and agencies of the city and all federal and state grants and subsidized programs.

(2) Maintain and operate the city's central bookkeeping and accounting records to sound principles, including such records and reports as may be prescribed or approved by the business Administrator for the determination of the cost of performance of each functional program or activity in such work units as may be appropriate thereto.

(3) Certify searches for tax, water and other liens on real property as may be authorized by law after such information has been received from the respective departments; and charge for the use of the city the fee required pursuant to law for any such search, and the Division may appoint or designate one of its employees as Official Tax Searcher to perform these functions.

(4) Preaudit all bills, claims and demands against the city, including payrolls, and require each department head to certify that the materials, supplies or equipment have been received and accepted as specified and that the services have been duly rendered.

(5) Audit receipts and disbursements of each department and require reports thereon to be made daily or at such intervals as will most efficiently protect the public interest.

(6) Control all expenditures to assure that budget appropriations are not exceeded and maintain such books and records as may be required for the proper exercise of such budgetary control, including an encumbrance system of budget operations.

(7) Review each proposed expenditure and commitment to be made on behalf of any city department for conformity with the Charter and applicable provisions of the Jersey City Code and authorize only such expenditures and commitments as conform with the requirements of the Code.

F. The Director of the Office of Payroll shall, before his or her appointment be qualified by training or experience in the administration of governmental or large corporate payroll operations and shall have the following functions:

(1) Administer payroll operations for all municipal employees.

(2) Administer a centralized timekeeping system for City employees.

(3) Provide for the use and installation of a central payroll system.

§ 3-60.4. – *[Division of Collections.]* Reserved

[A. Creation of the Division of Collections; City Tax Collector in charge; qualifications. There shall be a Division of Collections, which shall be headed by the City Tax Collector, who shall be a certified tax collector.

B. City Tax Collector; functions. The City Tax Collector shall perform the duties assigned to him or her by the Business Administrator and state law and shall supervise the following responsibilities of his/her division relating to the collection of real estate taxes, assessments and other municipal charges:

(1) Administer all ordinances and state statutes necessary for the billing, collection and enforcement of other municipal charges that he/she is responsible for.

(2) Maintain the necessary records and periodically report upon his/her activities in order to keep municipal governing officials and citizens aware of the state of municipal finances.

(3) Impose interest and other penalties for the nonpayment of real estate taxes, assessments and other municipal charges.

(4) Ensure that all taxpayers are treated fairly and honestly and that there is no discrimination in his/her performance.

(5) Assign by private sale municipally owned tax sale certificates pursuant to N.J.S.A. 54:5-113; except that no municipally owned tax sale certificate shall be assigned to any employee of the City of Jersey City.

(6) Post payments to account records and produce delinquent notices as is required.

(7) Monitor and ensure the payment of land taxes.

(8) Hire and monitor as is necessary external auditing firms to ensure compliance as is required by the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1 et seq.

C. Fees.

(1) The City Tax Collector shall impose the service charges as provided in Chapter 160, Fees and Charges, to be added to any account owing to the City of Jersey City.

(2) If the payment for which a check or other written instrument has been returned for insufficient funds is for a tax or special assessment, the service charge as provided in Chapter 160, Fees and Charges, shall be included on any list of delinquent accounts prepared for the enforcement of liens.

(3) Any service charge authorized by Subsection C(1) dealing with checks returned for insufficient funds shall be collected in the same manner prescribed by law for the collection of the account for which the check or other written instrument was tendered in cash or by certified or cashier's check.

(4) Persons aged sixty-five (65) and older shall be exempt from the fees specified under Subsection C(1) dealing with redemption statements, issuance of duplicate tax bills or responses to inquiries regarding tax payments.]

§ 3-60.5. – *[Division of Treasury and Debt Management.]* Reserved

[A. Creation of the Division of Treasury and Debt Management; City Treasurer in charge. There is hereby created within the Department of Administration, the Division of Treasury and Debt Management, the head of which shall be the City Treasurer. He or she shall be assisted in the operation of the Division by such personnel as he or she shall select with the approval of the Business Administrator.

B. Division of Treasury and Debt Management functions.

(1) Receive funds entrusted to or under the control of any department, administrative unit or statutory agency and deposit all funds received by him or her in depositories authorized by the Council by resolution.

(2) Have custody of all investments and invested funds of the city or in possession of the city in fiduciary capacity, except as otherwise provided by law.

(3) Have the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration or exchange.

(4) Receive, account for separately and safely keep and disburse all moneys raised and received for the public schools, provided that no money shall be paid out of the public school funds by the Treasurer except on warrant signed by the President and Clerk of the Board of Education pursuant to an order or resolution passed at a stated meeting of the Board of Education and entered in its minutes.

(5) Make disbursements of the city funds upon warrant of the Business Administrator by an individual warrant check for each bill, claim wage and salary payment, provided that the person entitled to receive the same shall specify the purpose for which it is drawn and the account or appropriation to which it is chargeable, and shall bear such signatures as are required by the Administrative Code.

(6) Keep a full account of all cash receipts and disbursements by the Division according to the system of accounts approved by the Business Administrator and, at least once a month and more often if the Council requires, furnish the Business Administrator with a statement of all money received and expended by him, including school moneys.]

§ 3-60.6. –*[Division of Accounts and Control].* Reserved

[A. Creation; officer in charge; assistance. There is hereby created in the Department of Administration, the Division of Accounts and Control, the head of which shall be the Comptroller. The Comptroller shall be assisted in the operation of the Division by the Chief Accountant.

B. *Functions. Under the direction of the Comptroller, the Chief Accountant shall be responsible for the following functions:*

(1) *Develop, maintain and enforce a uniform system of accounts for all departments and agencies of the city and all federal and state grants and subsidized programs.*

(2) *Maintain and operate the city's central bookkeeping and accounting records to sound principles, including such records and reports as may be prescribed or approved by the business Administrator for the determination of the cost of performance of each functional program or activity in such work units as may be appropriate thereto.*

(3) *Certify searches for tax, water and other liens on real property as may be authorized by law after such information has been received from the respective departments; and charge for the use of the city the fee required pursuant to law for any such search, and the Division may appoint or designate one of its employees as Official Tax Searcher to perform these functions.*

(4) *Preaudit all bills, claims and demands against the city, including payrolls, and require each department head to certify that the materials, supplies or equipment have been received and accepted as specified and that the services have been duly rendered.*

(5) *Audit receipts and disbursements of each department and require reports thereon to be made daily or at such intervals as will most efficiently protect the public interest.*

(6) *Control all expenditures to assure that budget appropriations are not exceeded and maintain such books and records as may be required for the proper exercise of such budgetary control, including an encumbrance system of budget operations.*

(7) *Review each proposed expenditure and commitment to be made on behalf of any city department for conformity with the Charter and applicable provisions of the Jersey City Code and authorize only such expenditures and commitments as conform with the requirements of the Code.]*

§ 3-60.10. – [Office of Tax *[Abatement Management]* Affordable Housing

There is hereby established under the Department of Administration the Office of [*Tax Abatement Management*] Affordable Housing, the head of which shall be the Director of [*Tax Abatement Management]* Affordable Housing.

§ 3-60.11. - Office of [*Tax Abatement Management]* Affordable Housing functions.

A. *[Maintain in one place and ensure the security of all of the records, papers and submissions that pertain to all tax abatement and exemption financial agreements.*

B. *Monitor and ensure compliance with the terms of all tax abatement and exemption financial agreements following approval by the Municipal Council.*

C. *Insure the timely submission and payment of quarterly service charge bills with applicable arrearages and interest and insure full compliance with the terms and conditions contained within the city's tax abatement and exemption financial agreements by conducting periodic audits.*

D. *Make recommendations, in conjunction with the Corporation Counsel and the Business Administrator, to standardize certain financial agreement terminology and provisions and to propose any needed changes in State legislation.*

E. *Coordinate and liaison, as needed, with the Mayor, the Municipal Council, the Corporation Counsel and all city departments, in the tax abatement and exemption process.*

F. *Act as a liaison with the Business Administrator and the City Council to review and analyze the financial ramifications of each tax abatement and exemption financial agreement.*

G. *Supervise a staff of internal auditors, accountants, and other employees to achieve all of the above functions.]*

A. Promulgation of the Affordable Housing Manual. The Office of Affordable Housing shall promulgate a manual entitled "The Regulations Governing Municipally-Mandated Affordable Housing" (the "Manual") which shall include the forms and documents required for all affordable housing applications. The Office shall update the Manual on a

regular basis. The manual shall be available to the public and shall be on file in the Office of the City Clerk.

B. Recordkeeping. The Office of Affordable Housing shall maintain a comprehensive recordkeeping system of each development that contains affordable housing units including the size of each unit, improvements, if any, the names of occupants and any other such information as required by the Manual. The Office of Affordable Housing has the right to review all records and files kept by any developer related to affordable housing.

C. Reviewing Affirmative Marketing Plans and Annual Reports. The Office of Affordable Housing shall review each developer's affirmative marketing plan and any reports or submissions required of developers by the manual.

D. Conduct Determination Appeals. The Office of Affordable Housing is empowered to hear appeals of applications regarding their eligibility in accordance with procedures set forth in the Manual.

E. The Office of Affordable Housing shall take the steps necessary, in accordance with applicable laws, to ensure compliance with all Affordable Housing Regulations.

F. The Office of Affordable shall be responsible to communicate to residents all affordable housing issues.

G. The Office of Affordable Housing shall serve as a single point of contact for affordable housing questions and concerns.

ARTICLE XVIII

DEPARTMENT OF HUMAN RESOURCES

§ 3-135. - Organization of Department.

A. Within the Department of Human Resources there shall be the following divisions and offices:

(1) Division of Workforce Management.

(2) Office of Affirmative Action.

(3) Division of Health Benefits.

(4) Division of Pension.

(5) [*Division of Payroll.*] Reserved.

§ 3-140. – *[Division of Payroll; duties.]* Reserved.

[A *Creation of the Division of Payroll; Supervisor in charge; qualifications. There is hereby created within the Department of Human Resources a Division of Payroll, the head of which shall be the Supervisor of the Division of Payroll. The Supervisor of the Division of Payroll shall, prior to his or her appointment, be qualified by training or experience in the administration of governmental or large corporate payroll operations, which shall be under the direct supervision of the Director of the Department of Human Resources and which shall have the following duties:*

(1) Administer payroll operations for all municipal employees.

(2) Administer a centralized timekeeping system for City employees.

(3) Provide for the use and installation of a central payroll system.]

ARTICLE XVIII

Department of Human Resources

§ 3-134. - Department of Human Resources; created; head; divisions.

There shall be a Department of Human Resources. the head of which shall be the Director of Human Resources[.] (the "Department Director"). The Department shall be responsible for the proper and efficient administration of all human resources functions including the

administration of employee records, and the administration of all federal, state, county and local public employment programs unless otherwise provided by law, and shall provide technical advice and service to other departments as needed.

The Department Director shall, prior to his or her appointment, be qualified by training and experience in personnel management. [*In addition to the duties specified in this section, the Department of Human Resources shall be responsible for the proper and efficient administration of all human resources functions. In that capacity, t*]The [*d*]Department Director shall appoint each of the Office Directors identified herein and oversee the Department's functions. The Department Director shall appoint a Deputy Human Resources Director to assist in Department oversight. [*each division under this section, shall be responsible for the proper administration of employee records, and the administration of all federal, state, county and local public employment programs unless otherwise provided by law, and shall provide technical advice and service to other departments as needed.*]

§ 3-135. - Organization of Department.

A. Within the Department of Human Resources there shall be the following Offices [*divisions and offices*]:

(1) [*Division of Workforce Management*] Office of Employee Relations.

(2) [*Office of Affirmative Action*] Employee Benefits.

(3) [*Division of Health Benefits*] Office of Risk Management.

[*(4) [Division of Pension].* Reserved

(5) [Division of Payroll.] Reserved.

§ 3-136. – [Division of Workforce Management] Office of Employee Relations; duties.

A. Creation of the Office of Employee Relations [*Division of Workforce Management*]; Director of the Office of Employee Relations [*Division of Workforce Management*] in charge; qualifications. Within the Department of Human Resources there shall be an Office of Employee Relations [*Division of Workforce Management*], the head of which shall be the Director of the Office of Employee Relations [*Division of Workforce Management*]. The Director of the Office of Employee Relations [*Division of Workforce Management*] shall, prior to his or her appointment, be qualified by training or experience in the administration of governmental or large corporate personnel management, which shall be under the direct supervision of the Director of the Department of Human Resources.

In addition to the duties specified in the section, the Office of Employee Relations [*Division of Workforce Management*] shall be responsible for employee records and the administration of all federal, state, county and local public employment programs, unless otherwise provided by law.

The Office of Employee Relations [*Division of Workforce Management*] shall have the following duties:

(1) Design programs for the recruitment, selection and development of employment.

(2) Maintain liaison with state authorities engaged in enforcing personnel laws and regulations (Civil Service Department).

(3) Establish and maintain contact with City officials and Department Directors.

(4) Participate actively in developing employment opportunities and operating policies.

(5) Coordinate recruitment announcements to optimize awareness of employment opportunities.

(6) Recommend review of job structures, employee evaluations, training and experience qualifications to improve entry and promotional opportunities.

(7) Keep abreast of developments and legislation regarding personnel policy and practices and ensure enforcement.

(8) Prepare and implement a comprehensive Personnel Policy and Procedure Manual.

(9) Oversee the offices created hereunder and perform such other duties as may be assigned from time to time.

[§ 3-137. - Office of Affirmative Action; duties.

A] B. [*Creation of Affirmative Action Compliance Office; duties.*] Within the Office of Employee Relations [*Division of Workforce Management*] there shall be an Affirmative Action Group [*Office*] that, under the Office [*Division*] Director, shall perform the following duties:

(1) Establish an affirmative action liaison in each department.

(2) Coordinate and establish affirmative action goals in each department.

(3) Evaluate and prepare the City's Affirmative Action Plan.

(4) Investigate and resolve complaints of discrimination from employees and applicants using state regulations concerning employment with the City.

(5) Maintain liaison with federal and state authorities engaged in the enforcement of equal employment opportunity laws and regulations.

(6) Maintain statistical data on the composition of the work force in compliance with the Civil Rights Act of 1964 and other mandated legislation, i.e., Equal Pay Act of 1963, Age Discrimination Act of 1978, Vietnam Veterans and Handicapped Acts.

(7) Coordinate activities with the Workforce Management Division concerning employment, training and development programs which will tend to equalize employment opportunities for women and minorities.

(8) Maintain a working liaison with equal employment opportunity program representatives of federal and state agencies to ensure compliance with the law.

(9) Prepare clear, technically sound, accurate and detailed reports containing findings, conclusions and recommendations.

§ 3-137[*8*]. – [*Division of Health Benefits*] Office of Employee Benefits; duties.

A. Creation of the Office of Employee Benefits [*Division of Health Benefits*]; Director [*Supervisor*] in charge; qualifications. There shall be created within the Department of Human Resources an Office of Employee Benefits [*Division of Health Benefits*] the head of which shall be the Director [*Supervisor*] of the Office of Employee Benefits [*Division of Health Benefits*]. The Director [*Supervisor*] of the Office of Employee Benefits [*Division of Health Benefits*] shall, prior to his or her appointment, be qualified by training or experience in the administration of governmental or large corporate health benefits plans, which shall be under the direct supervision of the Director of the Department of Human Resources and which shall have the following duties:

(1) Design programs for the selection and development of health benefits plan.

(2) Maintain liaison with state authorities engaged in enforcing health benefits laws and regulations (Civil Service Department).

(3) Establish and maintain contact with City officials and Department Directors.

(4) Participate actively in developing operating policies.

(5) Coordinate announcements to optimize awareness of health benefits.

(6) Coordinate the implementation of an active employee medical health benefits plan and a retiree medical and health benefits plan.

(7) Keep abreast of developments and legislation regarding health benefits policy and practices and ensure enforcement.

(8) Prepare and implement a comprehensive Health Benefits Policy and Procedure Manual.

(9) Perform such other duties as may be assigned from time to time.

[§ 3-139. - Division of Pension; duties.

A. *Creation of the Division of Pension; Supervisor in charge; qualifications. There is hereby created within the Department of Human Resources a Division of Pension, the head of which shall be the Supervisor of the Division of Pension. The Supervisor of the Division of Pension shall, prior to his or her appointment, be qualified by training or experience in the administration of governmental or large corporate employee pension plans, which shall be under the direct supervision of the Director of the Department of Human Resources and which shall have the following duties:*]

(10) Administer operations for all municipal employees.

(11[*2*]) Supervise the administration, but not the investment, of all pension funds of the city and retirements with respect thereto, including the Police and Fire Departments.

(12[*3*]) Application and execution of pension payments to retired employees, in accordance with the Noncontribution Pension Act, N.J.S.A. 43:8B-1 et seq., and all other pension programs within his or her jurisdiction, in addition to assisting and advising applicants in filing retirement applications.

(13[*4*]) Review retirement applications and personnel action forms prior to making recommendations to their respective Directors and pension supervisors as to the pension category in which the individual shall be placed.

(14[*5*]) Compile semimonthly pension payrolls for the municipal employees' pension fund and other statutory pension payments except for the police and fire fighter's pensions which shall be the responsibility of the Police and Fire Departments' fiscal officers.

(15[*6*]) Be the liaison between the City and the Public Employees' Retirement System (PERS) and the various pension funds, and compile data for enrollment into PERS in cases complying with established rules of that fund.

(16[*7*]) Establish acceptable and workable records of all pension assessment collections with the approval of the Division of Accounts and Control; accept all moneys deducted from salaries of municipal employees who are members of all pension funds and deposit the same; and prepare monthly financial reports and transmittals to the New Jersey PERS, together with a quarterly financial report.

(17[*8*]) Arrange for physical examinations in accordance with the various pension acts; receive medical reports from physicians; and in certain cases establish and maintain a record for the purpose of reducing pension payments in certain cases where social security integration is part of their pension.

(18[*9*]) Prepare annual budgets for the semimonthly pension payments to all pensioners whose names are carried on the rolls of the City; prepare salary budget and budget for the office supplies for proper maintenance of the Office of Employee Benefits [*Division of Pension*], together with all duties pertinent to the enrollment and retirement of all employees of the City with exception of uniform police and firemen.

(19[*0*]) Advise and make recommendations for retirements and act as the certifying agent for the Social Security Administration.

B. The Pension Commission of the Employees' Retirement System of the City is continued within the Department of Administration and shall be constituted and have the functions, powers and duties as provided by law (N.J.S.A. 43:13-22.50 et seq.).

§ 3-138. – Office of Risk Management; duties.

There is hereby created within the Department of Human Resources, the Office of Risk Management, the head of which shall be the Risk Manager. Under the supervision of the Director of the Department of Human Resources, the Risk Manager shall:

A. In coordination with the Corporation Counsel, supervise the administration and payment of workers' compensation, benefits and claims for City employees.

B. Administer the City's self-insurance and general insurance programs.

C. Review all contracts and agreements to recommend risk transfer of liability to other parties, including vendors, contractors, licensees and franchises.

D. Administer the Risk Management program for the City of Jersey City to include self-insurance administration, implementation of loss prevention and loss reduction programs, and investigation of property damage liability claims.

E. Advise all City departments on miscellaneous risk management issues.

F. Assist in the preparation of the monthly agenda for the Insurance Fund Commission.

G. Assist in the coordination of Insurance Fund Commission activities and in the investment of insurance funds.

[§ 3-140. - Division of Payroll; duties.

A. Creation of the Division of Payroll; Supervisor in charge; qualifications. There is hereby created within the Department of Human Resources a Division of Payroll, the head of which shall be the Supervisor of the Division of Payroll. The Supervisor of the Division of Payroll shall, prior to his or her appointment, be qualified by training or experience in the administration of governmental or large corporate payroll operations, which shall be under the direct supervision of the Director of the Department of Human Resources and which shall have the following duties:

(1) Administer payroll operations for all municipal employees.

(2) Administer a centralized timekeeping system for City employees.

(3) Provide for the use and installation of a central payroll system.]

II. Chapter 304 (Taxation) is hereby amended as follows:

CHAPTER 304

TAXATION

ARTICLE VII

Construction Project Labor Agreements

§ 304-34. - Project labor agreements required; general terms.

7. A requirement that developers and labor organizations complete the following pre-construction actions:

A. INITIAL MEETING. Prior to a financial agreement being executed between the City and the developer, and prior to a project labor agreement being executed between the developer and the labor organizations, the developer, the general contractor, and a representative from the labor organizations must all meet with the *[Office of Tax Abatement & Compliance]* The Office of Collections to (1) assess the general contractor's respective workforce needs, (2) discuss the general contractor's construction and procurement schedule, and (3) for the [*Office of Tax Abatement & Compliance*] The Office of Collections to specify any and all procedures necessary and proper in carrying out the enlisted requirements within this article.

B. PRE-CONSTRUCTION MEETING. Prior to the commencement of construction, the developer, the general contractor, and a representative from the labor organizations must all meet with the *[Office of Tax Abatement & Compliance]* The Office of Collections to present workforce needs, which will include the job description of the positions to be filled and the duration of the project. In addition, the developer and/or the general contractor must provide the *[Office of Tax Abatement & Compliance]* The Office of Collections their construction and

procurement schedules. The labor organizations must present the developer and the City with the names, addresses, and trades of all eligible apprentices who are available to work on the project. Additionally, the *[Office of Tax Abatement & Compliance]* The Office of Collections shall specify any and all procedures necessary and proper in carrying out the enlisted requirements within this article.

C. ADVERTISEMENT. Not more than 60 days after the initial meeting, each labor organization must advertise for prospective apprentices within their respective trade. These advertisements from each labor organization must do the following: (1) solicit apprenticeship applications for their respective apprenticeship program, (2) describe the basic requirements for admission into their respective apprenticeship program, (3) describe the job training associated with their apprenticeship program, (4) state the date or dates for their respective apprenticeship tests, and (5) set forth the range of salaries. All apprenticeship applications and advertisements must meet the following requirements:

Application requirements:

3. Applications must be able to be downloaded and printed and applications must be made available to be picked up and submitted in person at a physical location during reasonable business hours (9:00 a.m. to 5:00 p.m., Mondays through Fridays).

Advertising requirements:

8. All proposed advertisements, regardless of whether they are in digital or in print format, must be approved by the *[Office of Tax Abatement & Compliance]* The Office of Collections 14 days in advance of publication.

At the conclusion of the application period, the results of the labor organization's advertising campaign (including, but not limited to, the total number of page views, clicks, number of application submissions, etc.) must be submitted to the Director of [*Tax Abatement & Compliance*] The Office of Collections on forms issued by the *[Office of Tax Abatement & Compliance]* The Office of Collections.

§ 304-36. - Reports and records.

D. The project labor agreement shall require the submission of the following reports to the *[Office of Tax Abatement & Compliance]* The Office of Collections on the fifteenth day of each month for the previous month in a format provided by the *[Office of Tax Abatement & Compliance]* The Office of Collections, for each year of construction until project completion:

4. APPRENTICESHIP REPORT. This report from all of the labor organizations, which must be provided to the *[Office of Tax Abatement & Compliance]* The Office of Collections each month, shall list all of the names, addresses, and contact information of all persons who were accepted into each labor organization's apprenticeship program. The report shall also list the names, addresses, and contact information of all City residents who were rejected for admission into each labor organization's apprenticeship program with the reasons for their rejection. For those City residents who failed to finish the program, the report must provide the reasons why they failed to complete the program.

5. MEMBERSHIP REPORT. Every month, each labor organization shall provide to the [*Office of Tax Abatement & Compliance]* The Office of Collections an accurate up-to-date number of its current membership throughout the State and a list of all of their current members, journeymen and apprentices who live in Jersey City, along with each member/journeymen/apprentice's name, address, and contact information.

6. OTHER REPORTS. The developer and/or labor organizations shall furnish to the City and/or the *[Office of Tax Abatement & Compliance]* The Office of Collections any

and all reports or other documents to the City as the City may reasonably request from time to time in order to carry out the purposes of this article.

§ 304-38. - Enforcement.

1. [*The Office of Tax Abatement & Compliance*] The Office of Collections shall be the primary office authorized to implement and enforce this article, under the supervision of the Department of Business Administration, including (1) documentation and recordkeeping requirements, (2) monitoring and compliance activities, (3) project and/or contract coverage determinations, (4) designated referral sources, (5) bid and contract documents implementing the article, and (6) other matters related to implementation of this article.
2. The [*Office of Tax Abatement & Compliance*] The Office of Collections assesses compliance monthly during construction and for all ongoing obligations post-construction.
3. If the [*Office of Tax Abatement & Compliance*] The Office of Collections determines that a project is not compliant, then the Office will issue a recommendation for appropriate corrective action.

III. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

IV. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

V. This ordinance shall take effect at the time and in the manner provided by law.

VI. The City Clerk and the Corporation Counsel are hereby authorized and directed to change any chapter numbers, article numbers, and section numbers in the event that the codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible repeals of existing provisions.

NOTE: All new material to be inserted is underscored and material in [brackets] and *italicized* is omitted.

AF/mma
06/03/19

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE FACT SHEET

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 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE VI (DEPARTMENT OF ADMINISTRATION); AND ARTICLE XVIII (DEPARTMENT OF HUMAN RESOURCES) AND CHAPTER 304 (TAXATION).

Initiator

Department/Division	Administration	
Name/Title	Brian Platt	Business Administrator
Phone/email	201-547-4513	BPlatt@jcnj.org

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

Ordinance Purpose

The purpose of this ordinance is reorganize the Department of Administration to create a Division of Finance and to restructure the Department of Human Resources.

I certify that all the facts presented herein are accurate.

6/4/19

Signature of Department Director **Date**

City Clerk File No. Ord. 19-076

Agenda No. 10.14 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE
OF
JERSEY CITY, N.J.

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

CITY ORDINANCE 19-076

TITLE: AN ORDINANCE AMENDING CHAPTER 160, (FEES AND CHARGES) SECTION SS (CHAPTER 332, VEHICLES AND TRAFFIC) TO ESTABLISH FEES FOR ITINERANT FOOD VENDOR PARKING WITHIN THE ITINERANT FOOD VENDOR PARKING ZONES

THE MUNICIPAL COUNCIL OF THE CITY JERSEY CITY DOES ORDAIN:

I. Chapter 160, (Fees and Charges) Section SS, (Chapter 332, Vehicles and Traffic) of the Jersey City Code is hereby amended to read as follows:

CHAPTER 160
FEES AND CHARGES

§160-1. - Fee schedule established.

A. *through* **RR.**

NO CHANGE.

SS. Chapter 332, Vehicles and Traffic.

(1) through (13)

NO CHANGE.

(14) Parking fee for Itinerant Food Vendor Parking: Parking or standing a vehicle in a designated space within the Itinerant Food Vendor Truck Parking Zone as set forth in § 332-57 shall be lawful upon payment of the following:

Itinerant Food Truck Parking - Zone 1: two hundred dollars ($200.00) per day
Itinerant Food Truck Parking - Zone 2: forty dollars ($40.00) per day
Itinerant Food Truck Parking - Zone 3: forty dollars ($40.00) per day
Itinerant Food Truck Parking - Zone 4: forty dollars ($40.00) per day

TT. *through* **UU.**

NO CHANGE.

I. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

II. This Ordinance shall be a part of the Jersey City Municipal Code as though codified and incorporated in the official copies of the Jersey City Municipal Code.

III. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if condition 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.

IV. This Ordinance shall take effect at the time and in the manner as provided by law.

NOTE: All new material is underlined; words ~~struck through~~ are repealed. For purposes of advertising only, new matter is in **boldface** type **and** words which are repealed are in *italics*.

JJH/mma
06/05/19

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE FACT SHEET

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

Full Title of Ordinance

AN ORDINANCE AMENDING CHAPTER 160, (FEES AND CHARGES) SECTION SS (CHAPTER 332, VEHICLES AND TRAFFIC) TO ESTABLISH FEES FOR ITINERANT FOOD VENDOR PARKING WITHIN ITINERANT FOOD VENDOR PARKING ZONES

Initiator

Department/Division	Public Safety	Parking Enforcement
Name/Title	Mary Paretti	Director
Phone/email	201-547-5538	mparetti@jcnj.org

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

Ordinance Purpose

This Ordinance will establish fees for parking within Itinerant Food Vendor Truck Zones.

I certify that all the facts presented herein are accurate.

_____ June 5, 2019

Mary Paretti **Date**
Division of Parking Enforcement

City Clerk File No. Ord. 19-077

Agenda No. 3.15 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE
OF
JERSEY CITY, N.J.

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

CITY ORDINANCE 19-077

TITLE:

AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO CHAPTER 3 (ADMINISTRATION OF GOVERNMENT), ARTICLE X (DEPARTMENT OF HOUSING, ECONOMIC DEVELOPMENT AND COMMERCE), SECTION 78 (DIVISION OF HOUSING PRESERVATION) AND CHAPTER 345 (ZONING) ARTICLE I (GENERAL PROVISIONS) SECTION 6 (DEFINITIONS) AND ARTICLE V (ZONING & DESIGN STANDARDS) SECTION 60(Z) (SUPPLEMENTARY ZONING REGULATIONS) AND ADOPTING CHAPTER 255 (SHORT-TERM RENTALS).

WHEREAS, the Municipal Council of the City of Jersey City (the "Council") seeks to permit transient accommodation or short-term rental use of certain legally permitted dwelling units throughout the City of Jersey City (also referenced as the "City" or "Jersey City") in order to facilitate the booking of reservations for such uses through third party booking platforms, and promote tourism and economic vitality in the City; and

WHEREAS, the short-term rental of dwellings and dwelling units can provide a flexible housing stock that allows travelers a safe accommodation while contributing to the local economy, promoting travel and tourism and supporting the local tourism industry and business community; and

WHEREAS, the short-term rental of dwellings and dwelling units can provide homeowners with an opportunity to maintain ownership of property in difficult economic circumstances; and

WHEREAS, the needs of long-term residents should be balanced with the allowance of short-term rentals; and

WHEREAS, the Council recognizes that unregulated short-term rentals can create disproportionate impacts related to their size, excessive occupancy, and lack of proper facilities; and

WHEREAS, the presence of short-term rentals of residential dwelling units in established residential neighborhoods can create negative compatibility impacts and nuisance violations, which include, but are not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety; and

WHEREAS, long-term rental housing vacancy rates in the City are at low levels, making it increasingly difficult for people to obtain permanent housing in Jersey City; and

WHEREAS, removal of residential units from the long-term housing market for short-term rental use contributes to low vacancy rates; and

WHEREAS, the conversion of long-term housing units to short-term rentals will result in the loss of long-term housing for Jersey City residents; and

WHEREAS, it is in the public interest that short-term rental uses be regulated in order to help preserve housing for long-term tenants and to minimize any potential deleterious effects of short-term rental properties on other properties in the surrounding neighborhoods in which they are located; and

WHEREAS, the Council finds that there is a substantial interest in furthering the public health, safety and welfare by controlling density, by protecting the residential character of areas designated for residential use, by establishing and enforcing minimum life safety standards, and by preserving the long-term rental housing market located within the City.

NOW, THEREFORE, BE IT ORDAINED, BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY THAT Chapter 3 (Administration Of Government), Article X (Department Of Housing, Economic Development And Commerce), Section 78 (Division Of Housing Preservation) and Chapter 345 (Zoning) Article I (General Provisions) Section 6 (Definitions) and Article V (Zoning & Design Standards) Section 60(Z) (Supplementary Zoning Regulations) be amended to read:

§ 3-78. – Division of Housing Preservation.

A. Creation of the Division of Housing Preservation; Director of Housing Preservation in charge. There is hereby created within the Department of Housing, Economic Development and Commerce the Division of Housing Preservation, the head of which shall be the Director of Housing Preservation.

B. Division of Housing Preservation; functions. Under the supervision of the Director of Housing Preservation the Division of Housing Preservation shall administer the following:

(1) Through the Office of Housing Code Enforcement, administer and enforce the Property Maintenance Code Chapter 254, the Short-Term Rental Requirements of Chapter 255, and ordinances which relate to housing and neighborhoods as may be assigned to it for administration.

(2) Through the Office of Landlord/Tenant Relations, administer and enforce the Rent Control Ordinance Chapter 260: provide education, information and referrals to city residents in connection with Landlord/Tenant related issues; provide appropriate personnel to attend all meetings of the Rent Leveling Board and assist the Rent Leveling Board in its duties.

§ 345-6. - Definitions.

SHORT TERM RENTAL — the accessory use of a dwelling unit for occupancy by someone other than the unit's owner or permanent resident for a period of [~~less than thirty~~] twenty-eight ([~~30~~]28) or fewer consecutive days.

§ 345-60. - Supplementary zoning regulations.

A. General through **Y. Art Gallery**

NO CHANGE.

Z. Short Term Rental.

Short term rentals are permitted as an accessory use to a permitted principal residential use in all zoning districts and redevelopment plan areas where residential uses are permitted.

[~~i. The person offering a dwelling unit for short-term rental use must be the owner or lessee of the residence in which the short-term rental activity occurs. Short-term rental activity may occur in a habitable accessory building located on the same premises as the residence.~~

~~ii. No person offering a dwelling unit for short-term rental use shall be required to obtain any license for such use, including but not limited to licenses that would otherwise be required by Section 188 or Section 254-82, unless such person offers more than five (5) separate dwelling units for short-term rental use in the City. Any person offering more than five (5) separate dwelling units for short-term rental use in the City must:~~

~~1. Obtain a license pursuant to Section 254-82 to offer each dwelling unit for short-term rental. The City shall have discretion to accept and reject such licenses.~~

~~2. Ensure that the short-term rental use is clearly incidental to the principal residential uses permitted in the zone where each such dwelling unit is located.~~

~~iii. There shall be no sign identifying the short-term rental use, and there shall be no identification of such short-term rental use upon any mailbox.~~

~~iv. The short-term rental use shall be conducted in a manner that does not materially disrupt the residential character of the neighborhood.~~

~~v. No equipment or process shall be used in such short-term rental which creates glare, fumes, odors, or other nuisance factors detectable to the human senses outside the lot on which the short-term rental is conducted.~~]

Chapter 255 (Short-Term Rentals) is hereby adopted as follows:

CHAPTER 255

(SHORT-TERM RENTALS)

§ 255-1. - Definitions.

The following terms shall have the meanings indicated below:

"Dangerous Condition" shall mean a condition that creates a substantial risk of injury to life and/or property.

"Owner" shall mean any person alone or jointly or severally with others:

a. Who has legal or equitable title to any premises, with or without accompanying actual possession thereof;
b. Who has equitable title and is either in actual possession or collects rents therefrom;
c. Who, as executor, executrix, trustee, guardian or receiver of an estate or as mortgagee or as vendee in possession, either by virtue of a court order or by agreement or voluntary surrender of the premises by the person holding the legal title, or as collector of rents, shall have charge, care or control of any dwelling, boardinghouse or lodging house; or any such person thus representing the person holding the equitable or legal title, all of whom under this chapter shall be bound to comply with the provisions hereof and any rules and regulations adopted pursuant thereto to the same extent as if they were the persons holding the legal or equitable title.

"Owner-Occupied" shall mean the owner of the property or a Responsible Party as defined in this Section, resides in the short term rental property, or in the principal residential unit with which the short term rental property is associated on the same lot, and identifies same as his or her principal residence as that term is defined in this Section. For purposes of this Section, if the owner of the property is an entity other than an individual or individuals, then at least one principal or member of the owner entity must reside in the short term rental property, or in the principal residential unit with which the short term rental property is associated on the same lot, and identify same as his or her principal residence as that term is defined in this Section.

"Principal Residence" shall mean the address: (1) where at least one of the property owners spends the majority of his or her non-working time; (2) which is most clearly the center of his or her domestic life; and (3) which is identified on his or her driver's license or State Identification Card as being his or her legal address. All the above requirements must be met in order for an address to constitute a principal residence for purposes of this Section.

"Property" shall mean a parcel of real property located within the boundaries of the City of Jersey City, Hudson County, New Jersey.

"Responsible Party" shall mean the short-term rental property owner or a person (property manager) designated by the owner to be called upon and be responsible at all times during the period of a short-term rental and to answer for the maintenance of the property, or the conduct and acts of occupants of the short-term rental property, and, in the case of the property manager, to accept service of legal process on behalf of the owner of the short-term rental property.

"Short-Term Rental" (hereinafter "STR") shall mean the accessory use of a dwelling unit as defined in this Section for occupancy by someone other than the unit's owner or permanent resident for a period of twenty-eight (28) or fewer consecutive days, which dwelling unit is regularly used and kept open as such for the lodging of guests, and which is advertised or held out to the public as a place regularly rented to transient occupants as defined in this Section.

"Short-Term Rental Property" (hereinafter "STRP") shall mean a residential dwelling unit as defined in this Section, that is used and/or advertised for rent as a short-term rental for transient occupants as guests, as those terms are defined in this Section.

"Short-Term Rental Property Agent" shall mean any New Jersey licensed real estate agent or other person designated and charged by the owner of a short-term rental property, with the responsibility for making the short-term rental application to the City on behalf of the owner, and fulfilling all of the obligations in connection with completion of the short-term rental property permit application process on behalf of the owner. Such person shall be available for and responsive to contact on behalf of the owner at all times.

"Substantiated Complaint" shall mean a civil or criminal complaint, summons, or notice of violations that resulted in a conviction.

"Transient Occupant" shall mean any person or a guest or invitee of such person, who, in exchange for compensation, occupies or is in actual or apparent control or possession of residential property, which is either: (1) registered as a short-term rental property, or (2) satisfies the definition of a short-term rental property, as such term is defined in this Section. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the short-term rental is a transient occupant.

§ 255-2. - Regulations Pertaining to Short-Term Rentals

a. It shall be unlawful for any owner of any property within the geographic bounds of the City of Jersey City, Hudson County, New Jersey, to rent, operate, or advertise a short-term rental in a manner that is contrary to the procedures and regulations established in this Section or applicable State Law.

b. Short-term rentals shall only be permitted to be conducted in the following classifications of property in the City of Jersey City:

   i. Dwelling units located in a condominium association, homeowners association, or cooperative association, where the association's Bylaws, Master Deed, or other relevant governing document permits short-term

rentals and where the owner of the unit legally identifies an address within the association as his or her principal residence; and

ii. Individually or collectively owner-occupied single-family residences; and

iii. Two dwelling units within a two-family residential dwelling, where one unit is owner-occupied as that term is defined in this Section; and

iv. Two dwelling units in a multiple dwelling provided that: (1) the multiple dwelling is not located in a condominium association, homeowner association, or cooperative association; (2) the multiple dwelling contains three (3) or fewer separate dwelling units; and (3) another dwelling unit in the multiple dwelling is owner-occupied; and

v. Two dwelling units in a multiple dwelling provided that: (1) the multiple dwelling is not located in a condominium association, homeowner association, or cooperative association; (2) the multiple dwelling contains four (4) separate dwelling units; and (3) another dwelling unit in the multiple dwelling is owner-occupied; and

vi. No more than three rooms within a single-family residential dwelling unit operating as a bed and breakfast as defined in this Chapter, and the remainder of the single-family dwelling unit is owner-occupied and is identified by the owner as his or her principal residence, as that term is defined in this Section, except that no room shall be occupied by any more than two (2) adults and their minor children at any time.

c. Short Term Rentals shall not be permitted in a multiple dwelling in which rent is: set by HUD, set by a State agency, set by an agreement with the owner/developer, or governed by Chapter 260 of this Code.

d. The following shall not be permitted to operate as short term rentals pursuant to this Section: hotel, motel, studio hotel, rooming house, dormitory, public or private club, convalescent home, rest home, home for aged people, adult family care homes, assisted living facilities, community residences for developmentally disabled persons, community shelters for victims of domestic violence, senior housing, nursing homes, foster home, halfway house, transitional housing facility, or other similar facility operated for the care, treatment, or reintegration into society of human beings; any housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees with or without their families, any housing operated or used exclusively for religious, charitable or educational purposes, or any housing owned by a governmental agency and used to house its employees or for governmental purposes.

e. Rentals of any dwelling unit where the owner/operator of the short-term rental property is not present shall be conducted no more than sixty (60) total nights per calendar year. Each night in excess of this limit shall be considered a separate violation.

f. Rentals of any dwelling unit where the owner/operator of the short-term rental property is not present shall be prohibited in dwelling units located in any multiple dwellings that contain more than four (4) separate dwelling units. It shall be a violation to rent or to advertise such properties.

g. The person offering a dwelling unit for short-term rental use must be the owner of the dwelling unit. A tenant of a property may not apply for a short-term rental permit, nor shall the property or any portion thereof be sub-leased by the tenant on a short-term basis, or operated as a STRP by the tenant except as provided below. This STRP

regulation shall supersede any conflicting provision in a private lease agreement permitting sub-leasing of the property, or any portion of the property. Violation of this Section will result in enforcement action against the tenant, the STRP owner, the Short-Term Rental Agent, and the Responsible Party, and will subject all such parties to the issuance of a Summons and levying of fines and/or penalties.

h. If, at the time of the adoption of this Chapter, a currently operating short-term rental that is not eligible for a short-term rental permit under this Chapter has an existing contract with a transient occupant to use the short-term rental for some period of time before January 1, 2021, the requirements of this Chapter shall not apply to the pre-existing contract. During the unpermitted operation of a short-term rental pursuant to this subsection, the responsible party must, upon request by the Jersey City Division of Housing Preservation, provide documentation indicating that: (1) the short-term rental was in operation before the adoption of this Chapter; and (2) that the short-term rental contract was made before the adoption of this Chapter. If the requested documentation is not provided to the Jersey City Division of Housing Preservation within twenty (20) days of the request, it shall constitute a violation of this Chapter.

i. If, at the time of the adoption of this Chapter, a short term rental property is being operated by a tenant, the tenant may continue to do so without a permit as prescribed by this Chapter for the duration of the lease or until January 1, 2021, whichever occurs sooner. During the unpermitted operation of a short-term rental pursuant to this subsection, the responsible party must, upon request by the Jersey City Division of Housing Preservation, provide documentation indicating that: (1) the short-term rental was in operation before the adoption of this Chapter; and (2) that the tenant-operator's lease was not renewed after the adoption of this Chapter. If the requested documentation is not provided to the Jersey City Division of Housing Preservation within twenty (20) days of the request, it shall constitute a violation of this Chapter.

§ 255-3. -Short-Term Rental Permit, Permit Registration Fee/Application.

a. In addition to any land use requirement(s) set forth in the City of Jersey City Land Use Regulations, the owner/operator of a short-term rental property shall obtain a short-term rental permit from the City of Jersey City Division of Housing Preservation, before renting or advertising for rent any short-term rental. The application for a short-term rental permit must meet the following initial requirements to be considered:

   i. For existing Short-Term Rentals, the applicant must not have had more than one (1) documented dangerous condition, as defined in this Section, within the last year; and

   ii. For existing Short-Term Rentals, the applicant must have no violations of the City of Jersey City's Noise Ordinance, located in Chapter 222 of this Code, within the last two (2) years. A violation of the Noise Ordinance means a documented violation by the City of Jersey City Municipal Court; and

   iii. In the event that any code violations have been issued by the City relating to the STRP, a short-term rental permit shall not be issued until such time as such violations have been properly abated. The STRP owner must also close any open construction permits for the property prior to the issuance of a short-term rental permit; and

   iv. The applicant must be current with all city taxes, water, and sewage charges; and

v. All fines or penalties issued by the Municipal Court for the City of Jersey City for any past code violations relating to the STRP, including penalties for failure to appear in Court, must be satisfied in full prior to the issuance of a short-term rental permit.

b. No person or entity shall operate a STRP, or advertise a residential property for use as a STRP, without the owner/operator of the property first having obtained a STR permit issued by the City of Jersey City's Division of Housing Preservation. The failure to obtain a valid STR permit prior to using or advertising the STRP in any print, digital, or internet advertisement or web-based platform, and/or in the Multiple Listing Service (hereinafter "MLS") or any realtor's property listing shall be a violation of this Ordinance. No STR permit issued under this Section may be transferred or assigned or used by any person or entity, other than the owner to whom it is issued, or at any property location or dwelling unit other than the property for which it is issued.

c. An owner of property, intended to serve as a STRP, or any agent acting on behalf of the owner, shall submit to the City of Jersey City Division of House Preservation, a STR permit application provided by the City, along with an initial registration fee of $250.00. Said fee shall be non-refundable, including in the event that the application is denied.

d. The STR permit, if granted, shall be valid for a period of one (1) year from the date of issuance.

e. A short-term rental permit shall be renewed on an annual basis, based upon the anniversary of the original permit issuance, by submitting to the Division of Housing Preservation, a short-term rental permit application, and a renewal registration fee of $200.00.

f. The short-term rental permit shall expire automatically when the STRP changes ownership, and a new initial application and registration fee will be required in the event that the new owner intends to use the property as a STRP. A new application shall also be required for any STR that had its short term rental permit revoked or suspended.

§ 255-4. -Application Process for Short-Term Rental Permit and Inspections.

a. Applicants for a short-term rental permit shall submit, on an annual basis, an application for a short-term rental permit to the City of Jersey City Division of Housing Preservation. The application shall be furnished, under oath, on a form specified by that department, accompanied by the non-refundable application fee as set forth in in Subsection 3 above. Such application shall include:

i. The name, address, telephone number and email address of the owner(s) of record of the dwelling unit for which a permit is sought. If such owner is not a natural person, the application must include and identify the names of all partners, officers and/or directors of any such entity, and the personal contact information, including street address, email address and telephone numbers for each of them;

ii. The address of the proposed STR;

iii. A copy of the driver's license or State Identification Card of the owner of the short-term rental property, confirming, as set forth in this Section, that the property is the principal residence, as that term is defined in this Section, of the owner making application for the STR permit;

iv. The owner's sworn acknowledgement that he/she is in compliance with the requirement that the STRP constitutes the owner's principal residence, as defined in this Section;

v. The name, address, telephone number and email address of the short-term rental property agent, which shall constitute his /her 7 day a week, 24-hour a day contact information;

vi. The name, address, telephone number and email address of the short-term rental property's responsible party, which shall constitute his / her 7-day a week, 24-hour a day contact information;

vii. Copies of two (2) utility bills from the STRP that are less than thirty (30) days old; and

viii. The owner's sworn acknowledgement that he/she has received a copy of this Ordinance, has reviewed it, understands its requirements and certifies as to the accuracy of all information provided in the permit application;

ix. The number and location of all parking spaces available to the premises, which shall include the number of legal off-street parking spaces and on-street parking spaces directly adjacent to the premises. The owner shall certify that every effort will be made to avoid and/or mitigate issues with on-street parking in the neighborhood in which the STR is located, resulting from excessive vehicles generated by the STR of the property, in order to avoid a shortage of parking for residents in the surrounding neighborhood;

x. The owner's agreement that all renters of the STRP shall be limited to one (1) vehicle per two occupants in the STRP;

xi. The owner's agreement to use his or her best efforts to assure that use of the STRP by all transient occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and

xii. Any other information that this Chapter requires a property owner to provide to the City in connection with an application for a Certificate of Occupancy. The Director of the Division of Housing Preservation, or his/her designee, shall have the authority to obtain additional information from the STRP owner/applicant or amend the permit application to require additional information, as necessary, to achieve the objectives of this Chapter.

b. Every initial application for a short-term rental permit shall require documentation indicating that the property has been inspected for compliance with the City's fire safety regulations and Property Maintenance Code within the past six (6) months. Thereafter, upon renewal, the applicant must present documentation that the property has been inspected for compliance with the City's fire safety regulations and Property Maintenance Code within the past three (3) years. Each application is subject to review to verify the STRP's eligibility for use as a STR and compliance with the regulations in this Section. In addition, the City reserves the right to inspect an STRP for compliance with fire safety regulations and the Property Maintenance Code, regardless of the status of the STRP's permit application, in the event that the City receives information that there may be a violation on the premises.

c. A Zoning Compliance Certificate, which states that the premises are not being occupied or used in violation of the City's Land Use Regulations and Zoning Ordinances, shall be required.

d. A sworn statement shall be required that there have been no prior revocations or suspensions of this or a similar license, in which event a license shall not be issued, which denial may be appealed as provided hereinafter.

e. Attached to and concurrent with submission of the permit application described in this Section, the owner shall provide:

i. Proof of the owner's current ownership of the short-term rental unit;

ii. Proof of general liability insurance in a minimum amount of $500,000.00; and

iii. Written certifications from the short-term rental property agent and responsible party that they agree to perform all of the respective duties specified in this Section.

f. The STRP owner/permit holder shall publish the short-term rental permit number issued by the City in every print, digital, or internet advertisement, and/or in the MLS or other real estate listing of a real estate agent licensed by the New Jersey Real Estate Commission, in which the STRP is advertised for rent on a short term basis.

g. The STRP owner or agent shall maintain an up-to-date log of all transient occupants who will be occupying the STRP, which shall contain the occupant or occupants' names, ages, dates of commencement and expiration of each short-term rental period. This log shall be available for inspection by the City's Division of Housing Preservation and the Department of Public Safety in case of emergency. The purpose of this requirement is to ensure that the City shall have basic identifying information of all occupants of the STRP at all times.

h. In no event shall a STRP be rented to anyone younger than twenty-one (21) years of age. The primary occupant of all short-term rentals executing the agreement between the owner and the occupant must be over the age of twenty-one (21), and must be the party who will actually occupy the property during the term of the short-term rental. The primary occupant may have guests under the age of twenty-one (21) who will share and occupy the property with them. Both the primary occupant executing the short-term rental agreement and the STRP owner shall be responsible for compliance with this provision, and shall both be liable for a violation, where the STRP is not occupied by at least one adult over the age of twenty-one, during the term of the STR. No one under eighteen (18) years of age shall be permitted on the premises of a STRP unless they are accompanied by their legal guardian.

§ 255-5. -Issuance of Permit and Appeal Procedure.

a. Once an application is submitted, complete with all required information and documentation and fees, the Division of Housing Preservation, following any necessary investigation for compliance with this Section, shall either issue the short-term rental permit, or issue a written denial of the permit application with the reasons for such denial being stated therein within thirty (30) days, provided access to the STRP is provided by the owner or owner's STR agent.

b. If denied, the applicant shall have ten (10) business days to appeal the denial, in writing, to the Office of the Business Administrator and the Division of Housing Preservation.

c. Within thirty (30) days thereafter, the Business Administrator or his/her designee shall hear and decide the appeal.

§ 255-6. - Short-Term Rental Operational Requirements.

a. All STRs must comply with all applicable rules, regulations and ordinances of the City of Jersey City and all applicable rules, regulations and laws of the State of New Jersey, including regulations governing such lodging uses, as applicable. The STRP owner shall ensure that the STR is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of a STR.

b. A dwelling unit shall be limited to three (3) short-term rental contracts at a time.

c. The owner of a STRP shall not install any advertising or identifying mechanisms, such as signage, including lawn signage, identifying the property for rent as a STRP.

d. Transient occupants of the STRP shall comply with all ordinances of the City of Jersey City including, but not limited to those ordinances regulating noise and nuisance conduct. Failure of transient occupants to comply shall subject the transient occupants, the owner of the STRP, the Responsible Party and the Short-Term Rental Agent listed in the short-term rental permit application, to the issuance of fines and/or penalties, and the possibility of the revocation or suspension of the STRP permit.

e. The owner of a STRP shall post the following information in a prominent location within the STR :

   i. Owner name; if owner is an entity, the name of a principal in the entity, email address and phone number for the principal;

   ii. The names, email addresses, and phone numbers for the Responsible Party and the Short-Term Rental Agent as those terms are defined in this Section;

   iii. The phone numbers for the Department of Public Safety, the City of Jersey City's Resident Response Center, and the Division of Housing Preservation;

   iv. The maximum number of parking spaces available for STP use onsite;

   v. Trash and recycling pick-up day, and all applicable rules and regulations regarding trash disposal and recycling;

   vi. Notification that a guest, Transient Occupant, the Short-Term Rental Property Agent, the Responsible Party or STRP owner may be cited or fined by the City of Jersey City Department of Public Safety or the City of Jersey City Division of Housing Preservation for violations of, and in accordance with any applicable Ordinance(s) of the City of Jersey City.

f. If any of the information required by (e) above is inaccurate while displayed in the STR, it shall constitute a violation of this Chapter.

g. In the event that any complaints are received by the Jersey City Department of Public Safety, or the Division of Housing Preservation regarding the STR and/or the Transient Occupants and the owner of the STRP is unreachable or unresponsive, both the Responsible Party and the Short-Term Rental Agent listed in the short-term rental permit application shall have the responsibility to take any action required to properly resolve such complaints, and shall be authorized by the STRP owner to do so.

h. While a STRP is rented, the owner, the Short-Term Rental Agent, or the Responsible Party shall be available twenty-four hours per day, seven days per week for the purpose of responding within two (2) hours to complaints regarding the condition of the STRP premises, maintenance of the STRP premises, operation of the STRP, or conduct of the guests at the STRP, or nuisance complaints from the Department of Public Safety, or neighbors, arising by virtue of the short-term rental of the property.

i. If the STRP is the subject of three (3) or more Substantiated Complaints, the Director of the Division of Housing Preservation or his/her designee or the Business Administrator or his/her designee shall revoke the short-term rental permit issued for the STRP, in which case, the STRP may not be the subject of a new STRP permit application for one (1) year following the date of revocation of the permit. The Director of the Division of Housing Preservation or his/her designee or the Business Administrator or his/her designee shall retain the discretion to revoke a short-term rental permit in the event of a single Substantiated Complaint if, in his/her sole discretion, the interests of the City and its residents justify immediate revocation. In the event that an STRP is the subject of a civil and/or criminal complaint and/or code violation that involves a dangerous condition, as defined in this section, the Director

of the Division of Housing Preservation or his/her designee or the Business Administrator or his/her designee may, at their sole discretion, suspend the STRP's short-term rental permit pending substantiation.

j. In the event that the City receives two (2) substantiated complaints concerning excessive vehicles belonging to the transient occupants of a STRP, the short-term rental permit for the property is subject to revocation by the Director of the Division of Housing Preservation or his/her designee or the Business Administrator or his/her designee.

   i. When the Office of the Business Administrator and/or the Division of Housing Preservation receives notice of a civil and/or criminal complaint and/or code violation at a STRP as outlined in subsections (6)(h) and (i) above, the Director of the Division of Housing Preservation or his/her designee or the Business Administrator or his/her designee shall issue a written notice revocation or suspension, as applicable, of the short term rental permit with the reasons for such revocation or suspension being stated therein within thirty (30) days.

   ii. The applicant shall have ten (10) business days to appeal the revocation or suspension, in writing, to the Office of the Business Administrator and the Division of Housing Preservation.

   iii. Within thirty (30) days thereafter, the Business Administrator or his/her designee shall hear and decide the appeal.

k. Failure to make application for, and to obtain the issuance of, a short-term rental permit prior to advertising the STRP in print publications or newspapers, on any internet-based booking platforms, or online, and/or in the MLS or other real estate listing of a real estate agent licensed by the New Jersey Real Estate Commission, shall be equivalent to operation of the STRP without a permit, and shall constitute a violation of this Code, and will result in enforcement action and the issuance of a summons, and shall subject the STRP owner, the Short-Term Rental Agent, and the Responsible Party to issuance of fines and/or penalties.

§ 255-7. –Violations and Penalties

a. A violation of any provision of the within Chapter may subject the STRP owner, Transient Occupant(s), the Short-Term Property Rental Agent, and the Responsible Party or their agents to fines assessed by the Court up to $2,000.00 per violation, but not less than $100 per violation per day that the violation exists.

b. The STRP owner, Transient Occupant(s), the Short-Term Property Rental Agent, and the Responsible Party or their agents shall have thirty (30) days to cure the violation. Within the thirty (30) day period, at the STRP owner, Transient Occupant(s), the Short-Term Property Rental Agent, and the Responsible Party or their agents' request, they shall be afforded a hearing before a Jersey City Municipal Court Judge for an independent determination concerning the violation.

c. Subsequent to the expiration of the 30-day period, the fine shall be imposed if a Court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. 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 on January 1, 2020.

D. If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

E. The City Clerk and the Corporation Counsel be and are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repeaters of existing provisions.

NOTE: All new material to be inserted is underscored and material to be repealed is in [~~brackets~~].

HB/mma
06/06/19

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE FACT SHEET

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

Full Title of Ordinance/Resolution

AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO CHAPTER 3 (ADMINISTRATION OF GOVERNMENT), ARTICLE X (DEPARTMENT OF HOUSING, ECONOMIC DEVELOPMENT AND COMMERCE), SECTION 78 (DIVISION OF HOUSING PRESERVATION) AND CHAPTER 345 (ZONING) ARTICLE I (GENERAL PROVISIONS) SECTION 6 (DEFINITIONS) AND ARTICLE V (ZONING & DESIGN STANDARDS) SECTION 60(Z) (SUPPLEMENTARY ZONING REGULATIONS) AND ADOPTING CHAPTER 255 (SHORT-TERM RENTALS).

Initiator

Name/Title	Allison Solowsky	Deputy Chief of Staff
Phone/email	201-547-4306	asolowsky@jcnj.org
Name/Title	Councilwoman Mira Prinz-Arey	
Phone/email	(201) 547-5092/5101	MPrinz-Arey@jcnj.org
Name/Title	Councilman James Solomon	
Phone/email	(201) 547-5315	JSolomon@jcnj.org

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

Ordinance Purpose

This ordinance proposes permit requirements for short-term rental units operating in Jersey City.

I certify that all the facts presented herein are accurate.

Signature of Deputy Chief of Staff **Date**

Signature of Council Member **Date**

Signature of Council Member **Date**

City Clerk File No. Ord. 19-078

Agenda No. 3.16 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE
OF
JERSEY CITY, N.J.

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

CITY ORDINANCE 19-078

TITLE: **AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO CHAPTER 3 (ADMINISTRATION OF GOVERNMENT), ARTICLE X (DEPARTMENT OF HOUSING, ECONOMIC DEVELOPMENT AND COMMERCE), SECTION 78 (DIVISION OF HOUSING PRESERVATION) AND CHAPTER 345 (ZONING) ARTICLE I (GENERAL PROVISIONS) SECTION 6 (DEFINITIONS) AND ARTICLE V (ZONING & DESIGN STANDARDS) SECTION 60(Z) (SUPPLEMENTARY ZONING REGULATIONS) AND ADOPTING CHAPTER 255 (SHORT-TERM RENTALS).**

WHEREAS, the Municipal Council of the City of Jersey City (the "Council") seeks to permit transient accommodation or short-term rental use of certain legally permitted dwelling units throughout the City of Jersey City (also referenced as the "City" or "Jersey City") in order to facilitate the booking of reservations for such uses through third party booking platforms, and promote tourism and economic vitality in the City; and

WHEREAS, the short-term rental of dwellings and dwelling units can provide a flexible housing stock that allows travelers a safe accommodation while contributing to the local economy, promoting travel and tourism and supporting the local tourism industry and business community; and

WHEREAS, the short-term rental of dwellings and dwelling units can provide homeowners with an opportunity to maintain ownership of property in difficult economic circumstances; and

WHEREAS, the needs of long-term residents should be balanced with the allowance of short-term rentals; and

WHEREAS, the Council recognizes that unregulated short-term rentals can create disproportionate impacts related to their size, excessive occupancy, and lack of proper facilities; and

WHEREAS, the presence of short-term rentals of residential dwelling units in established residential neighborhoods can create negative compatibility impacts and nuisance violations, which include, but are not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety; and

WHEREAS, long-term rental housing vacancy rates in the City are at low levels, making it increasingly difficult for people to obtain permanent housing in Jersey City; and

WHEREAS, removal of residential units from the long-term housing market for short-term rental use contributes to low vacancy rates; and

WHEREAS, the conversion of long-term housing units to short-term rentals will result in the loss of long-term housing for Jersey City residents; and

WHEREAS, it is in the public interest that short-term rental uses be regulated in order to help preserve housing for long-term tenants and to minimize any potential deleterious effects of short-term rental properties on other properties in the surrounding neighborhoods in which they are located; and

WHEREAS, the Council finds that there is a substantial interest in furthering the public health, safety and welfare by controlling density, by protecting the residential character of areas designated for residential use, by establishing and enforcing minimum life safety standards, and by preserving the long-term rental housing market located within the City.

NOW, THEREFORE, BE IT ORDAINED, BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY THAT Chapter 3 (Administration Of Government), Article X (Department Of Housing, Economic Development And Commerce), Section 78 (Division Of Housing Preservation) and Chapter 345 (Zoning) Article I (General Provisions) Section 6 (Definitions) and Article V (Zoning & Design Standards) Section 60(Z) (Supplementary Zoning Regulations) be amended to read:

§ 3-78. – Division of Housing Preservation.

A. Creation of the Division of Housing Preservation; Director of Housing Preservation in charge. There is hereby created within the Department of Housing, Economic Development and Commerce the Division of Housing Preservation, the head of which shall be the Director of Housing Preservation.

B. Division of Housing Preservation; functions. Under the supervision of the Director of Housing Preservation the Division of Housing Preservation shall administer the following:

(1) Through the Office of Housing Code Enforcement, administer and enforce the Property Maintenance Code Chapter 254, the Short-Term Rental Requirements of Chapter 255, and ordinances which relate to housing and neighborhoods as may be assigned to it for administration.

(2) Through the Office of Landlord/Tenant Relations, administer and enforce the Rent Control Ordinance Chapter 260: provide education, information and referrals to city residents in connection with Landlord/Tenant related issues; provide appropriate personnel to attend all meetings of the Rent Leveling Board and assist the Rent Leveling Board in its duties.

§ 345-6. - Definitions.

SHORT TERM RENTAL — the accessory use of a dwelling unit for occupancy by someone other than the unit's owner or permanent resident for a period of [~~less than thirty~~] twenty-eight ([~~30~~]28) or fewer consecutive days.

§ 345-60. - Supplementary zoning regulations.

A. General through **Y. Art Gallery**

NO CHANGE.

Z. Short Term Rental.

Short term rentals are permitted as an accessory use to a permitted principal residential use in all zoning districts and redevelopment plan areas where residential uses are permitted.

[~~i. The person offering a dwelling unit for short-term rental use must be the owner or lessee of the residence in which the short-term rental activity occurs. Short-term rental activity may occur in a habitable accessory building located on the same premises as the residence.~~

~~ii. No person offering a dwelling unit for short-term rental use shall be required to obtain any license for such use, including but not limited to licenses that would otherwise be required by Section 188 or Section 254-82, unless such person offers more than five (5) separate dwelling units for short-term rental use in the City. Any person offering more than five (5) separate dwelling units for short-term rental use in the City must:~~

~~1. Obtain a license pursuant to Section 254-82 to offer each dwelling unit for short-term rental. The City shall have discretion to accept and reject such licenses.~~

~~2. Ensure that the short-term rental use is clearly incidental to the principal residential uses permitted in the zone where each such dwelling unit is located.~~

~~iii There shall be no sign identifying the short-term rental use, and there shall be no identification of such short-term rental use upon any mailbox.~~

~~iv. The short-term rental use shall be conducted in a manner that does not materially disrupt the residential character of the neighborhood.~~

~~v. No equipment or process shall be used in such short-term rental which creates glare, fumes, odors, or other nuisance factors detectable to the human senses outside the lot on which the short-term rental is conducted.~~]

Chapter 255 (Short-Term Rentals) is hereby adopted as follows:

CHAPTER 255

(SHORT-TERM RENTALS)

§ 255-1. - Definitions.

The following terms shall have the meanings indicated below:

"Dangerous Condition" shall mean a condition that creates a substantial risk of injury to life and/or property.

"Implementation Date" shall mean the later of (1) January 1, 2020 and (2) the date the Jersey City Division of Housing Preservation begins accepting short-term rental permits in accordance with subsection 5(a) herein.

"Legacy Cutoff Date" shall mean the Implementation Date or an earlier date as prescribed herein, but in no event, and notwithstanding anything herein to the contrary, shall the Legacy Cutoff Date precede the date of the second reading of this Ordinance.

"Legacy Short-Term Rental Property" shall mean any residential dwelling unit or portion thereof operated as a Short-Term Rental Property prior to the Legacy Cutoff Date.

"Owner" shall mean any person alone or jointly or severally with others:

a. Who has legal or equitable title to any premises, with or without accompanying actual possession thereof;
b. Who has equitable title and is either in actual possession or collects rents therefrom;
c. Who, as executor, executrix, trustee, guardian or receiver of an estate or as mortgagee or as vendee in possession, either by virtue of a court order or by agreement or voluntary surrender of the premises by the person holding the legal title, or as collector of rents, shall have charge, care or control of any dwelling, boardinghouse or lodging house; or any such person thus representing the person holding the equitable or legal title, all of whom under this chapter shall be bound to comply with the provisions hereof and any rules

and regulations adopted pursuant thereto to the same extent as if they were the persons holding the legal or equitable title.

"Owner-Occupied" shall mean the owner of the property or a Responsible Party as defined in this Section, resides in the short term rental property, or in the principal residential unit with which the short term rental property is associated on the same lot, and identifies same as his or her principal residence as that term is defined in this Section. For purposes of this Section, if the owner of the property is an entity other than an individual or individuals, then at least one principal or member of the owner entity must reside in the short term rental property, or in the principal residential unit with which the short term rental property is associated on the same lot, and identify same as his or her principal residence as that term is defined in this Section.

"Principal Residence" shall mean the address: (1) where at least one of the property owners spends the majority of his or her non-working time; (2) which is most clearly the center of his or her domestic life; and (3) which is identified on his or her driver's license or State Identification Card as being his or her legal address. All the above requirements must be met in order for an address to constitute a principal residence for purposes of this Section.

"Property" shall mean a parcel of real property located within the boundaries of the City of Jersey City, Hudson County, New Jersey.

"Residential Zone" shall mean any R-1, R-1a, R-1f, or R-2 zone

"Responsible Party" shall mean the short-term rental property owner or a person (property manager) designated by the owner to be called upon and be responsible at all times during the period of a short-term rental and to answer for the maintenance of the property, or the conduct and acts of occupants of the short-term rental property, and, in the case of the property manager, to accept service of legal process on behalf of the owner of the short-term rental property.

"Short-Term Rental" (hereinafter "STR") shall mean the accessory use of a dwelling unit as defined in this Section for occupancy by someone other than the unit's owner or permanent resident for a period of twenty-eight (28) or fewer consecutive days, which dwelling unit is regularly used and kept open as such for the lodging of guests, and which is advertised or held out to the public as a place regularly rented to transient occupants as defined in this Section.

"Short-Term Rental Property" (hereinafter "STRP") shall mean a residential dwelling unit as defined in this Section, that is used and/or advertised for rent as a short-term rental for transient occupants as guests, as those terms are defined in this Section.

"Short-Term Rental Property Agent" shall mean any New Jersey licensed real estate agent or other person designated and charged by the owner of a short-term rental property, with the responsibility for making the short-term rental application to the City on behalf of the owner, and fulfilling all of the obligations in connection with completion of the short-term rental property permit application process on behalf of the owner. Such person shall be available for and responsive to contact on behalf of the owner at all times.

"Substantiated Complaint" shall mean a civil or criminal complaint, summons, or notice of violations that resulted in a conviction.

"Transient Occupant" shall mean any person or a guest or invitee of such person, who, in exchange for compensation, occupies or is in actual or apparent control or possession of residential property, which is either: (1) registered as a short-term rental property, or (2) satisfies the definition of a short-term rental property, as such term is defined in this Section. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the short-term rental is a transient occupant.

§ 255-2. – Regulations Pertaining to Short-Term Rentals

a. It shall be unlawful for any owner of any property within the geographic bounds of the City of Jersey City, Hudson County, New Jersey, to rent, operate, or advertise a short-term rental in a manner that is contrary to the procedures and regulations established in this Section or applicable State Law.

b. Short-term rentals shall only be permitted to be conducted in the following classifications of property in the City of Jersey City:

   i. Dwelling units located in a condominium association, homeowners association, or cooperative association, where the association's Bylaws, Master Deed, or other relevant governing document permits short-term rentals and where the owner of the unit legally identifies an address within the association as his or her principal residence; and

   ii. Individually or collectively owner-occupied single-family residences; and

   iii. Two dwelling units within a two-family residential dwelling, where one unit is owner-occupied as that term is defined in this Section; and

   iv. Two dwelling units in a multiple dwelling provided that: (1) the multiple dwelling is not located in a condominium association, homeowner association, or cooperative association; (2) the multiple dwelling contains three (3) or fewer separate dwelling units; and (3) another dwelling unit in the multiple dwelling is owner-occupied; and

   v. Two dwelling units in a multiple dwelling provided that: (1) the multiple dwelling is not located in a condominium association, homeowner association, or cooperative association; (2) the multiple dwelling contains four (4) separate dwelling units; and (3) another dwelling unit in the multiple dwelling is owner-occupied; and

   vi. No more than three rooms within a single-family residential dwelling unit operating as a bed and breakfast as defined in this Chapter, and the remainder of the single-family dwelling unit is owner-occupied and is identified by the owner as his or her principal residence, as that term is defined in this Section, except that no room shall be occupied by any more than two (2) adults and their minor children at any time.

   vii. Any Legacy Short-Term Rental Property, provided that rent is not set by HUD, set by a State agency, or governed by Chapter 260 of this Code."

   viii. Any dwelling unit located outside a Residential Zone, provided that rent is not set by HUD, set by a State agency, or governed by Chapter 260 of this Code.

c. Short Term Rentals shall not be permitted in a multiple dwelling in which rent is: set by HUD, set by a State agency, set by an agreement with the owner/developer, or governed by Chapter 260 of this Code.

d. The following shall not be permitted to operate as short term rentals pursuant to this Section: hotel, motel, studio hotel, rooming house, dormitory, public or private club, convalescent home, rest home, home for aged people, adult family care homes, assisted living facilities, community residences for developmentally disabled persons, community shelters for victims of domestic violence, senior housing, nursing homes, foster home, halfway house, transitional housing facility, or other similar facility operated for the care, treatment, or reintegration into society of human beings; any

housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees with or without their families, any housing operated or used exclusively for religious, charitable or educational purposes, or any housing owned by a governmental agency and used to house its employees or for governmental purposes.

e. Rentals of any dwelling unit where the owner/operator of the short-term rental property is not present shall be conducted no more than sixty (60) total nights per calendar year. Each night in excess of this limit shall be considered a separate violation.

f. Rentals of any dwelling unit where the owner/operator of the short-term rental property is not present shall be prohibited in dwelling units located in any multiple dwellings that contain more than four (4) separate dwelling units. It shall be a violation to rent or to advertise such properties.

g. The person offering a dwelling unit for short-term rental use must be the owner of the dwelling unit. A tenant of a property may not apply for a short-term rental permit, nor shall the property or any portion thereof be sub-leased by the tenant on a short-term basis, or operated as a STRP by the tenant except as provided below. This STRP regulation shall supersede any conflicting provision in a private lease agreement permitting sub-leasing of the property, or any portion of the property. Violation of this Section will result in enforcement action against the tenant, the STRP owner, the Short-Term Rental Agent, and the Responsible Party, and will subject all such parties to the issuance of a Summons and levying of fines and/or penalties.

h. If, at the time of the adoption of this Chapter, a currently operating short-term rental that is not eligible for a short-term rental permit under this Chapter has an existing contract with a transient occupant to use the short-term rental for some period of time before January 1, 2021, the requirements of this Chapter shall not apply to the pre-existing contract. During the unpermitted operation of a short-term rental pursuant to this subsection, the responsible party must, upon request by the Jersey City Division of Housing Preservation, provide documentation indicating that: (1) the short-term rental was in operation before the adoption of this Chapter; and (2) that the short-term rental contract was made before the adoption of this Chapter. If the requested documentation is not provided to the Jersey City Division of Housing Preservation within twenty (20) days of the request, it shall constitute a violation of this Chapter.

i. If, at the time of the adoption of this Chapter, a short term rental property is being operated by a tenant, the tenant may continue to do so without a permit as prescribed by this Chapter for the duration of the lease or until January 1, 2021, whichever occurs sooner. During the unpermitted operation of a short-term rental pursuant to this subsection, the responsible party must, upon request by the Jersey City Division of Housing Preservation, provide documentation indicating that: (1) the short-term rental was in operation before the adoption of this Chapter; and (2) that the tenant-operator's lease was not renewed after the adoption of this Chapter. If the requested documentation is not provided to the Jersey City Division of Housing Preservation within twenty (20) days of the request, it shall constitute a violation of this Chapter.

§ 255-3. -Short-Term Rental Permit, Permit Registration Fee/Application.

a. In addition to any land use requirement(s) set forth in the City of Jersey City Land Use Regulations, the owner/operator of a short-term rental property shall obtain a short-term rental permit from the City of Jersey City Division of Housing Preservation, before renting or advertising for rent any short-term rental. The application for a short-term rental permit must meet the following initial requirements to be considered:

   i. For existing Short-Term Rentals, the applicant must not have had more than one (1) documented dangerous condition, as defined in this Section, within the last year; and

   ii. For existing Short-Term Rentals, the applicant must have no violations of the City of Jersey City's Noise Ordinance, located in Chapter 222 of this Code, within the last two (2) years. A violation of the Noise Ordinance means a documented violation by the City of Jersey City Municipal Court; and

   iii. In the event that any code violations have been issued by the City relating to the STRP, a short-term rental permit shall not be issued until such time as such violations have been properly abated. The STRP owner must also close any open construction permits for the property prior to the issuance of a short-term rental permit; and

   iv. The applicant must be current with all city taxes, water, and sewage charges; and

   v. All fines or penalties issued by the Municipal Court for the City of Jersey City for any past code violations relating to the STRP, including penalties for failure to appear in Court, must be satisfied in full prior to the issuance of a short-term rental permit.

b. No person or entity shall operate a STRP, or advertise a residential property for use as a STRP, without the owner/operator of the property first having obtained a STR permit issued by the City of Jersey City's Division of Housing Preservation. The failure to obtain a valid STR permit prior to using or advertising the STRP in any print, digital, or internet advertisement or web-based platform, and/or in the Multiple Listing Service (hereinafter "MLS") or any realtor's property listing shall be a violation of this Ordinance. No STR permit issued under this Section may be transferred or assigned or used by any person or entity, other than the owner to whom it is issued, or at any property location or dwelling unit other than the property for which it is issued. The foregoing shall not apply to any Legacy Short-Term Rental Property, and each Legacy Short-Term Rental Property shall be deemed to be permitted in accordance with this Section so long as a short-term rental permit application in accordance with this Section has been submitted within 60 days of the Implementation Date, and until such time as the short-term rental permit has been issued or denied without possibility of further appeal.

c. An owner of property, intended to serve as a STRP, or any agent acting on behalf of the owner, shall submit to the City of Jersey City Division of House Preservation, a STR permit application provided by the City, along with an initial registration fee of $250.00. Said fee shall be non-refundable, including in the event that the application is denied.

d. The STR permit, if granted, shall be valid for a period of one (1) year from the date of issuance.

e. A short-term rental permit shall be renewed on an annual basis, based upon the anniversary of the original permit issuance, by submitting to the Division of Housing Preservation, a short-term rental permit application, and a renewal registration fee of $200.00.

f. The short-term rental permit shall expire automatically when the STRP changes ownership, and a new initial application and registration fee will be required in the event that the new owner intends to use the property as a STRP. A new application shall also be required for any STR that had its short term rental permit revoked or suspended.

g. Upon any direct or indirect sale, transfer, conveyance, assignment, lease termination or non-renewal, sublease or license (any one or more of the foregoing, a "Transfer") of a Legacy Short-Term Rental Property, the short-term rental permit for such Legacy Short-Term Rental Property shall automatically expire and such residential dwelling shall no longer constitute a Legacy Short-Term Rental Property for purposes of this Section, including without limitation subsection 2(b)(vi) herein. Within ten (10) business days of any Transfer, the transfer or Owner/Tenant or its designated Responsible Party or Short-Term Rental Property Agent shall notify the Department of Housing Preservation in writing of the Transfer. Such writing shall (1)identify all advertisements or listings on third-party platforms with respect to such property and (2) certify under penalty of perjury that such advertisements or listings have been deactivated and that the property is, as of the date of the Transfer, not being advertised or operated as a short-term rental. Failure to notify the Department of Housing Preservation in accordance with this Section, or any Transfer of any Legacy Short-Term Rental Property in contravention of this subsection 3(g) shall be a violation of this Code and may result in enforcement action against the Owner/Tenant, the Short-Term Rental Agent, and the Responsible Party, and including the issuance of a Summons and levying of fines and/or penalties.

§ 255-4. -Application Process for Short-Term Rental Permit and Inspections.

a. Applicants for a short-term rental permit shall submit, on an annual basis, an application for a short-term rental permit to the City of Jersey City Division of Housing Preservation. The application shall be furnished, under oath, on a form specified by that department, accompanied by the non-refundable application fee as set forth in in Subsection 3 above. Such application shall include:

i. The name, address, telephone number and email address of the owner(s) of record of the dwelling unit for which a permit is sought. If such owner is not a natural person, the application must include and identify the names of all partners, officers and/or directors of any such entity, and the personal contact information, including street address, email address and telephone numbers for each of them;

ii. The address of the proposed STR;

iii. A copy of the driver's license or State Identification Card of the owner of the short-term rental property, confirming, as set forth in this Section, that the property is the principal residence, as that term is defined in this Section, of the owner making application for the STR permit;

iv. The owner's sworn acknowledgement that he/she is in compliance with the requirement that the STRP constitutes the owner's principal residence, as defined in this Section;

v. The name, address, telephone number and email address of the short-term rental property agent, which shall constitute his /her 7 day a week, 24-hour a day contact information;

vi. The name, address, telephone number and email address of the short-term rental property's responsible party, which shall constitute his / her 7-day a week, 24-hour a day contact information;

vii. Copies of two (2) utility bills from the STRP that are less than thirty (30) days old; and

viii. The owner's sworn acknowledgement that he/she has received a copy of this Ordinance, has reviewed it, understands its requirements and certifies as to the accuracy of all information provided in the permit application;

ix. The number and location of all parking spaces available to the premises, which shall include the number of legal off-street parking spaces and on-street parking spaces directly adjacent to the premises. The owner shall certify that every effort will be made to avoid and/or mitigate issues with on-street parking in the neighborhood in which the STR is located, resulting from excessive vehicles generated by the STR of the property, in order to avoid a shortage of parking for residents in the surrounding neighborhood;

x. The owner's agreement that all renters of the STRP shall be limited to one (1) vehicle per two occupants in the STRP;

xi. The owner's agreement to use his or her best efforts to assure that use of the STRP by all transient occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and

xii. Any other information that this Chapter requires a property owner to provide to the City in connection with an application for a Certificate of Occupancy. The Director of the Division of Housing Preservation, or his/her designee, shall have the authority to obtain additional information from the STRP owner/applicant or amend the permit application to require additional information, as necessary, to achieve the objectives of this Chapter.

b. Every initial application for a short-term rental permit shall require documentation indicating that the property has been inspected for compliance with the City's fire safety regulations and Property Maintenance Code within the past six (6) months. Thereafter, upon renewal, the applicant must present documentation that the property has been inspected for compliance with the City's fire safety regulations and Property Maintenance Code within the past three (3) years. Each application is subject to review to verify the STRP's eligibility for use as a STR and compliance with the regulations in this Section. In addition, the City reserves the right to inspect an STRP for compliance with fire safety regulations and the Property Maintenance Code, regardless of the status of the STRP's permit application, in the event that the City receives information that there may be a violation on the premises.

c. A Zoning Compliance Certificate, which states that the premises are not being occupied or used in violation of the City's Land Use Regulations and Zoning Ordinances, shall be required.

d. A sworn statement shall be required that there have been no prior revocations or suspensions of this or a similar license, in which event a license shall not be issued, which denial may be appealed as provided hereinafter.

e. Attached to and concurrent with submission of the permit application described in this Section, the owner shall provide:

i. Proof of the owner's current ownership of the short-term rental unit;

ii. Proof of general liability insurance in a minimum amount of $500,000.00; and

iii. Written certifications from the short-term rental property agent and responsible party that they agree to perform all of the respective duties specified in this Section.

f. The STRP owner/permit holder shall publish the short-term rental permit number issued by the City in every print, digital, or internet advertisement, and/or in the MLS or other real estate listing of a real estate agent licensed by the New Jersey Real Estate Commission, in which the STRP is advertised for rent on a short term basis.

g. The STRP owner or agent shall maintain an up-to-date log of all transient occupants who will be occupying the STRP, which shall contain the occupant or occupants' names, ages, dates of commencement and expiration of each short-term rental period. This log shall be available for inspection by the City's Division of Housing Preservation and the Department of Public Safety in case of emergency. The purpose of this requirement is to ensure that the City shall have basic identifying information of all occupants of the STRP at all times.

h. In no event shall a STRP be rented to anyone younger than twenty-one (21) years of age. The primary occupant of all short-term rentals executing the agreement between the owner and the occupant must be over the age of twenty-one (21), and must be the party who will actually occupy the property during the term of the short-term rental. The primary occupant may have guests under the age of twenty-one (21) who will share and occupy the property with them. Both the primary occupant executing the short-term rental agreement and the STRP owner shall be responsible for compliance with this provision, and shall both be liable for a violation, where the STRP is not occupied by at least one adult over the age of twenty-one, during the term of the STR. No one under eighteen (18) years of age shall be permitted on the premises of a STRP unless they are accompanied by their legal guardian.

§ 255-5. -Issuance of Permit and Appeal Procedure.

a. Once an application is submitted, complete with all required information and documentation and fees, the Division of Housing Preservation, following any necessary investigation for compliance with this Section, shall either issue the short-term rental permit, or issue a written denial of the permit application with the reasons for such denial being stated therein within thirty (30) days, provided access to the STRP is provided by the owner or owner's STR agent.

b. If denied, the applicant shall have ten (10) business days to appeal the denial, in writing, to the Office of the Business Administrator and the Division of Housing Preservation.

c. Within thirty (30) days thereafter, the Business Administrator or his/her designee shall hear and decide the appeal.

§ 255-6. - Short-Term Rental Operational Requirements.

a. All STRs must comply with all applicable rules, regulations and ordinances of the City of Jersey City and all applicable rules, regulations and laws of the State of New Jersey, including regulations governing such lodging uses, as applicable. The STRP owner shall ensure that the STR is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of a STR.

b. A dwelling unit shall be limited to three (3) short-term rental contracts at a time.

c. The owner of a STRP shall not install any advertising or identifying mechanisms, such as signage, including lawn signage, identifying the property for rent as a STRP.

d. Transient occupants of the STRP shall comply with all ordinances of the City of Jersey City including, but not limited to those ordinances regulating noise and nuisance conduct. Failure of transient occupants to comply shall subject the transient occupants, the owner of the STRP, the Responsible Party and the Short-Term Rental Agent listed in the short-term rental permit application, to the issuance of fines and/or penalties, and the possibility of the revocation or suspension of the STRP permit.

e. The owner of a STRP shall post the following information in a prominent location within the STR :

i. Owner name: if owner is an entity, the name of a principal in the entity, email address and phone number for the principal;

ii. The names, email addresses, and phone numbers for the Responsible Party and the Short-Term Rental Agent as those terms are defined in this Section;

iii. The phone numbers for the Department of Public Safety, the City of Jersey City's Resident Response Center, and the Division of Housing Preservation;

iv. The maximum number of parking spaces available for STP use onsite;

v. Trash and recycling pick-up day, and all applicable rules and regulations regarding trash disposal and recycling;

vi. Notification that a guest, Transient Occupant, the Short-Term Rental Property Agent, the Responsible Party or STRP owner may be cited or fined by the City of Jersey City Department of Public Safety or the City of Jersey City Division of Housing Preservation for violations of, and in accordance with any applicable Ordinance(s) of the City of Jersey City.

f. If any of the information required by (e) above is inaccurate while displayed in the STR, it shall constitute a violation of this Chapter.

g. In the event that any complaints are received by the Jersey City Department of Public Safety, or the Division of Housing Preservation regarding the STR and/or the Transient Occupants and the owner of the STRP is unreachable or unresponsive, both the Responsible Party and the Short-Term Rental Agent listed in the short-term rental permit application shall have the responsibility to take any action required to properly resolve such complaints, and shall be authorized by the STRP owner to do so.

h. While a STRP is rented, the owner, the Short-Term Rental Agent, or the Responsible Party shall be available twenty-four hours per day, seven days per week for the purpose of responding within two (2) hours to complaints regarding the condition of the STRP premises, maintenance of the STRP premises, operation of the STRP, or conduct of the guests at the STRP, or nuisance complaints from the Department of Public Safety, or neighbors, arising by virtue of the short-term rental of the property.

i. If the STRP is the subject of three (3) or more Substantiated Complaints, the Director of the Division of Housing Preservation or his/her designee or the Business Administrator or his/her designee shall revoke the short-term rental permit issued for the STRP, in which case, the STRP may not be the subject of a new STRP permit application for one (1) year following the date of revocation of the permit. The Director of the Division of Housing Preservation or his/her designee or the Business Administrator or his/her designee shall retain the discretion to revoke a short-term rental permit in the event of a single Substantiated Complaint if, in his/her sole discretion, the interests of the City and its residents justify immediate revocation. In the event that an STRP is the subject of a civil and/or criminal complaint and/or code violation that involves a dangerous condition, as defined in this section, the Director of the Division of Housing Preservation or his/her designee or the Business Administrator or his/her designee may, at their sole discretion, suspend the STRP's short-term rental permit pending substantiation.

j. In the event that the City receives two (2) substantiated complaints concerning excessive vehicles belonging to the transient occupants of a STRP, the short-term rental permit for the property is subject to revocation by the Director of the Division

of Housing Preservation or his/her designee or the Business Administrator or his/her designee.

i. When the Office of the Business Administrator and/or the Division of Housing Preservation receives notice of a civil and/or criminal complaint and/or code violation at a STRP as outlined in subsections (6)(h) and (i) above, the Director of the Division of Housing Preservation or his/her designee or the Business Administrator or his/her designee shall issue a written notice revocation or suspension, as applicable, of the short term rental permit with the reasons for such revocation or suspension being stated therein within thirty (30) days.

ii. The applicant shall have ten (10) business days to appeal the revocation or suspension, in writing, to the Office of the Business Administrator and the Division of Housing Preservation.

iii. Within thirty (30) days thereafter, the Business Administrator or his/her designee shall hear and decide the appeal.

k. Failure to make application for, and to obtain the issuance of, a short-term rental permit prior to advertising the STRP in print publications or newspapers, on any internet-based booking platforms, or online, and/or in the MLS or other real estate listing of a real estate agent licensed by the New Jersey Real Estate Commission, shall be equivalent to operation of the STRP without a permit, and shall constitute a violation of this Code, and will result in enforcement action and the issuance of a summons, and shall subject the STRP owner, the Short-Term Rental Agent, and the Responsible Party to issuance of fines and/or penalties.

§ 255-7. –Violations and Penalties

a. A violation of any provision of the within Chapter may subject the STRP owner, Transient Occupant(s), the Short-Term Property Rental Agent, and the Responsible Party or their agents to fines assessed by the Court up to $2,000.00 per violation, but not less than $100 per violation per day that the violation exists.

b. The STRP owner, Transient Occupant(s), the Short-Term Property Rental Agent, and the Responsible Party or their agents shall have thirty (30) days to cure the violation. Within the thirty (30) day period, at the STRP owner, Transient Occupant(s), the Short-Term Property Rental Agent, and the Responsible Party or their agents' request, they shall be afforded a hearing before a Jersey City Municipal Court Judge for an independent determination concerning the violation.

c. Subsequent to the expiration of the 30-day period, the fine shall be imposed if a Court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. 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 on January 1, 2020.

D. If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

E. The City Clerk and the Corporation Counsel be and are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repeaters of existing provisions.

NOTE: All new material to be inserted is underscored and material to be repealed is in [~~brackets~~].

HB/mma
06/06/19

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE FACT SHEET –

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

Full Title of Ordinance

AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO CHAPTER 3 (ADMINISTRATION OF GOVERNMENT), ARTICLE X (DEPARTMENT OF HOUSING, ECONOMIC DEVELOPMENT AND COMMERCE), SECTION 78 (DIVISION OF HOUSING PRESERVATION) AND CHAPTER 345 (ZONING) ARTICLE I (GENERAL PROVISIONS) SECTION 6 (DEFINITIONS) AND ARTICLE V (ZONING & DESIGN STANDARDS) SECTION 60(Z) (SUPPLEMENTARY ZONING REGULATIONS) AND ADOPTING CHAPTER 255 (SHORT-TERM RENTALS).

Initiator

Department/Division		
Name/Title	Councilman Michael Yun	
Phone/email	(201) 547-6817	MYun@jcnj.org

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

Ordinance Purpose

This ordinance proposes permit requirements for short-term rental units operating in Jersey City.

I certify that all the facts presented herein are accurate.

Signature of Council Member **Date**