



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 09-043

TITLE: ORDINANCE AMENDING CHAPTER 175 (FOOD-HANDLING ESTABLISHMENTS)  
ARTICLE II (ITINERANT EATING AND DRINKING ESTABLISHMENTS) OF THE JERSEY  
CITY CODE

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

- A. The following amendments to Chapter 175 (Food-Handling Establishments) Article II (Itinerant Eating and Drinking Establishments) are hereby adopted:

### ARTICLE II

#### Itinerant eating and Drinking Establishments

§ 175-13. Use of streets by itinerant catering establishments.

- A. No person conducting, operating or maintaining an itinerant catering establishment shall be permitted to sell food or drink within the area designated as The Journal Square Special Improvement District, which area is more particularly described by block and lot numbers and street addresses as set forth in Schedule A to Chapter 69 of this Code on file in the Office of the Jersey City Clerk. No person conducting, operating or maintaining an itinerant catering establishment shall be permitted to sell food or drink within three hundred (300) feet of any licensed eating and drinking establishment ~~nor shall he or she~~. Except during the hours of 11:00 a.m. and 2:00 p.m., no one shall be permitted to remain in any location for a period exceeding forty (40) minutes during a four-hour period. The provisions of this section shall be enforced by the Police Department and the Division of Health.
- B. No Change.
- C. No itinerant catering establishment shall operate upon private property without the permission of the owner or person in control or possession of said private property and ~~then only for the~~ with the exception of the hours of 11:00 a.m. and 2:00 p.m., no such itinerant catering establishment shall operate on private property beyond forty (40) minutes during any four-hour period as provided herein. Any owner or person in control or possession of such property who permits an itinerant catering establishment to operate on such property in violation of the provisions herein shall be in violation of this section of the Code.
- D. No Change.
- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

ORDINANCE AMENDING CHAPTER 175 (FOOD-HANDLING ESTABLISHMENTS) ARTICLE II (ITINERANT EATING AND DRINKING ESTABLISHMENTS) OF THE JERSEY CITY CODE

- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

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

AV/he  
3/31/09

APPROVED AS TO LEGAL FORM

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_  
Business Administrator

Certification Required   
Not Required

City Clerk File No. Ord. 09-044

Agenda No. 3.B 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 09-044

TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE XI (SCHEDULES) SCHEDULE 25 (PARKING FOR THE DISABLED) OF THE JERSEY CITY CODE DESIGNATING A RESERVED PARKING SPACE 304 EIGHTH STREET; 222 HALLADAY STREET; 46 JONES STREET; 13 MARION PLACE AND 160 VROOM STREET

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

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

Section 332-77

SCHEDULE 25

PARKING FOR THE DISABLED

Restricted parking spaces, (measuring approximately 22 feet in length) in front of residential building for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles and handicapped parking permits issued by the Traffic Division.

Sue Koehler

304 Eighth Street

McKinley Rice, Jr.

222 Halladay Street

Mohsen Abdelmalik

46 Jones Street

Hani Saad Adelsayed

13 Marion Place

Ihab Fam

160 Vroom Street

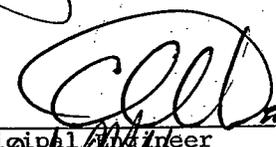
- All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.
- This ordinance shall take effect at the time and in the manner as prescribed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

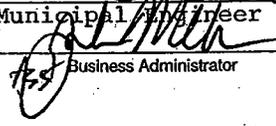
NOTE: All the material to be inserted is new and underscored.

JDS:pcl  
(03.18.09)

APPROVED:  (3/18/09)  
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

APPROVED:  3/20/09  
Municipal Engineer

APPROVED:   
Business Administrator

Corporation Counsel

Certification Required

Not Required

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The Department, Division or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

**1. Full title of ordinance:**

An ordinance supplementing Chapter 332(Vehicles and Traffic) Article VI(Schedules) Schedule 25(Parking for the Disabled) of the Jersey City designating a reserved parking space for the disabled at 304 Eighth Street; 222 Halladay Street; 46 Jones Street; 13 Marion Place and 160 Vroom Street

**2. Name and title of person initiating the ordinance:**

Joao D'Souza, Director of Traffic & Transportation, Division of Engineering, Traffic and Transportation

**3. Concise description of program, project or plan proposed in the ordinance/resolution:**

Designate a reserved parking space for the disabled at various locations throughout the City, for those disabled individuals whose applications have been reviewed and approved by The Municipal Council Committee for Disabled Parking.

**4. Reasons (need) for the proposed program, project, etc.:**

To provide a reserved parking space for a disabled individual who has documented that his or her disability is severe enough to limit his mobility or so severe that he or she cannot be left unattended while the designated driver brings the vehicle to him or her or parks the vehicle.

**5. Anticipated benefits to the community:**

Allow those disabled individuals, whose application was approved by The Municipal Council Committee for Disabled Parking, to have a reserved parking space designated at his or her residence, therefore, improving the quality of his or her life.

**6. Cost of proposed program, project, etc. (Indicate the dollar amount of City, state, and Federal Funds to be used, as well as match and in-kind contribution:**

Approximately \$200.00 per sign/post installation for a total of \$1,800.00  
10 reserved parking signs and 8 channels

**7. Date proposed program, or project will commence:**

Pending adoption by the Jersey City Municipal Council

**8. Anticipated completion date:**

Twenty days after adoption by the Jersey City Municipal Council

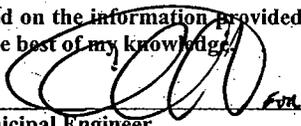
**9. Person responsible for coordinating proposed program, project, etc.:**

Patricia Logan, Supervising Traffic Investigator, Division of Engineering, Traffic and Transportation ex. 4492

**10. Additional comments:**

Ordinance proposed at the request of The Municipal Council Committee for Disabled Parking

Based on the information provided to me, I certify that all the facts presented herein are accurate, to the best of my knowledge.

  
Municipal Engineer

3/20/09  
Date

Signature of Department Director

Date

City Clerk File No. Ord. 09-045

Agenda No. 3.C 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 09-045

TITLE: **ORDINANCE SUPPLEMENTING CHAPTER A351 (EXECUTIVE  
ORDERS AND ORDINANCES) OF THE JERSEY CITY CODE**

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

A. The following supplements to Chapter A351 (Executive Orders and Ordinances) of the Jersey City Code are adopted:

<u>Labor Grade</u>	<u>Title</u>
* {Sanitary Inspector}	<u>Registered Environmental Health Specialist, Public Health</u>
* {Senior Sanitary Inspector}	<u>Senior Registered Environmental Health Specialist Public Health</u>
* {Principal Sanitary Inspector}	<u>Principal Registered Environmental Health Specialist Public Health</u>
* {Chief Sanitary Inspector}	<u>Chief Registered Environmental Health Specialist Public Health</u>

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

C. This ordinance shall be a 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.

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

E. 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 new material is underlined; words in [brackets] are omitted. For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

\*Pursuant to N.J.S.A. 40:69A-43a.

JM/he  
3/30/09

APPROVED AS TO LEGAL FORM

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_  
Business Administrator

Certification Required

Not Required

City of  
**JERSEY CITY**  
JERRAMIAH T. HEALY, Mayor  
280 Grove Street  
Jersey City, New Jersey 07302

(201) 547-5000  
Fax (201) 547-4288

E.O. \_\_\_\_\_, 2009

**EXECUTIVE ORDER OF THE MAYOR  
OF THE  
CITY OF JERSEY CITY**

**CLASSIFIED POSITIONS FOR CITY EMPLOYEES**

Pursuant to the Faulkner Act, N.J.S.A. 40:69A-48, as amended by L.1985, c.374, the Mayor is now authorized to set the salaries, wages or other compensation of all employees of administrative departments except department directors and employees whose salaries are required to be set by ordinance.

Pursuant to this authorization, I issue the following Executive Order establishing guidelines for salaries and wages of those employees whose salaries are set by the Mayor:

<u>Labor Grade</u>		<u>Title</u>
6	{Sanitary Inspector}	<u>Registered Environmental Health Specialist, Public Health</u>
8	{Senior Sanitary Inspector}	<u>Senior Registered Environmental Health Specialist Public Health</u>
10	{Principal Sanitary Inspector}	<u>Principal Registered Environmental Health Specialist Public Health</u>
22	{Chief Sanitary Inspector}	<u>Chief Registered Environmental Health Specialist Public Health</u>

This order shall take effect immediately.

Very truly yours,

**JERRAMIAH T. HEALY, MAYOR**

JTH/he

cc: Brian O'Reilly, Business Administrator  
William T. Matsikoudis, Corporation Counsel  
Robert Byrne, City Clerk  
Paul Soyka, Chief Financial Officer  
Larry Ross, Personnel Director

# MEMORANDUM

*Ord. to  
change 4 titles (only  
not  
labor  
grade)*  
EO

**To:** Law Department  
**From:** Larry Ross, Personnel Director *lr*  
**Date:** March 27, 2009  
**Subject:** Standardization of Titles

The Civil Service Commission has standardized the following titles consequently attached is a Ordinance/Resolution Fact Sheet to adopt the new titles.

1. Sanitary Inspector to **Registered Environmental Health Specialist, Public Health.**  
**Labor Grade 6**
2. Senior Sanitary Inspector to **Senior Registered Environmental Health Specialist,**  
**P.H. Labor Grade 8**
3. Principal Sanitary Inspector to **Principal Registered Environmental Health Specialist**  
**P.H. Labor Grade 10**
4. Chief Sanitary Inspector to **Chief Registered Environmental Health Specialist, P.H.**  
**Labor Grade 22**

RECEIVED  
MAR 30 AM 9 37  
LAW DEPARTMENT

Ordinance/Resolution Fact Sheet

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement, or contract that is submitted for Council consideration. Incomplete or sketch summary sheets will be returned with the resolution or ordinance. The Department, Division, or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate state of facts.

Full Title of Ordinance/Resolution/Cooperation Agreement:

**Registered Environmental Health Specialist, Public Health , Sr. Regsted Environmental Health Specialist , Public Health ,Prin Regsted Environmental Health Specialist and Chief Resgted Environmental Health Specialist , Public Health**

Name & Title of Person Initiating Ordinance/Resolution, Etc.:

**Larry Ross, Personnel Director**

Concise Description of the Program, Project, or Plan Proposed in the Ordinance:

**To establish a New Title in accordance with New Jersey Department Civil Services Commission Rules and Regulations.**

Reasons for the Proposed Program, Project, Etc.:

**Happy Boor , Laura Del Guidice, Gracia Harnandan , Timothy D. Hurley , Micheal Perchun , Doris RYes and Vera K Smith Vaughn**

Anticipated Benefits to the Community:

Cost of Program, Project, Etc.:(Indicate the dollar amount of City, State, Federal funds to be used as well as match and in-kind contributions.)

Date Proposed Program or Project will Commence: \_\_\_\_\_

Anticipated Completion Date: \_\_\_\_\_

Person Responsible for Coordinating Proposed Program, Project Etc.: \_\_\_\_\_

Additional Comments:

**To standardizes title to the rule and regulations of the New Jersey Civil Services Commission , Labor Grade and Union to remain the same .**

I Certify That All Facts Present Herein Are Accurate.

3/26/09  
Date

  
Department Director

Date Submitted to Business Administrator \_\_\_\_\_

City Clerk File No. Ord. 09-046

Agenda No. 3.D 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 09-046

**TITLE: ORDINANCE AMENDING CHAPTER 239 (PARKS) OF THE JERSEY CITY CODE TO MODIFY THE CITY'S RECREATIONAL AND OPEN SPACE INVENTORY TO ADD THREE PROPERTIES: 1) 174 BRUNSWICK STREET, 2) 176 BRUNSWICK STREET AND 3) 285 OGDEN AVENUE AND DEDICATING THESE PROPERTIES AS PARKLANDS FOR PUBLIC RECREATION**

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

**WHEREAS**, the New Jersey Green Acres and Recreation Opportunities Act provides for the making of loans and grants by the Commissioner of the Department of Environmental Protection [NJDEP] to local units of government for assistance in the acquisition and development of lands for outdoor recreation/conservation purposes; and

**WHEREAS**, the Green Acres Program has been used to fund the rehabilitation and purchase of property for the recreational uses of the residents of Jersey City; and

**WHEREAS**, Green Acres Rules and Regulations set forth in the New Jersey Administrative Code requires the City of Jersey City [City] to maintain and file a Recreation and Open Space Inventory [ROSI] of land either owned or rented by the City that is dedicated to recreational and open space purposes; and

**WHEREAS**, the City is the owner of certain properties suitable for inclusion on the ROSI: 1) 174 Brunswick Street, Block 389, Lot 19 consisting of 0.0565 acres; 2) 176 Brunswick Street, Block 389, Lot 20 consisting of 0.0459 acres; and 3) 285 Ogden Avenue, Block 768, Lot 54 consisting of 0.0342 acres; and

**WHEREAS**, the properties are to be designated and protected as parklands for public recreation and be included on the ROSI pursuant to the Green Acres Land Acquisition Act of 1971, N.J.S.A. 13:8A-1 et seq. and Green Acres Regulations; and

**WHEREAS**, the dedication will make the properties eligible for grants from the NJDEP which could be used to develop parklands for public recreation for the use of the residents of the community.

**NOW, THEREFORE BE IT ORDAINED, BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY:**

A. The following amendments and supplements to Chapter 239 (Parks) of the Jersey City Code are adopted.

### CHAPTER 239 (PARKS)

§ 239-17 Inventory of Recreation and Open Space (ROSI)

A. No change.

**ORDINANCE AMENDING CHAPTER 239 (PARKS) OF THE JERSEY CITY CODE TO MODIFY THE CITY'S RECREATIONAL AND OPEN SPACE INVENTORY TO ADD THREE PROPERTIES: 1) 174 BRUNSWICK STREET, 2) 176 BRUNSWICK STREET AND 3) 285 OGDEN AVENUE AND DEDICATING THESE PROPERTIES AS PARKLANDS FOR PUBLIC RECREATION**

B. No change.

C. The Inventory is amended as follows:

Municipal Location	Name	Block	Lot	Acres
York St. & Exchange Pl.	York St. Park ( <i>portion HRWW</i> )	8	portion	0.5
Hudson River	J. Owen Grundy Park ( <i>aka Exchange Pl. Park</i> )	8	6 portion	.39
226 Washington St.	Paulus Hook Park	68	1	.92
236 Washington St.		69	50	
93-99 Grand St.		100	D	
92-98 Grand St.		101	M	
280 Grove St.	City Hall Park	201	CH portion	.48
111 Newark Ave.	FitzgeraldHolota Park ( <i>aka Grove St. Park</i> )	204	1	.14
17 Laurel Ct.	Laurel Ct. Park ( <i>aka Philippine Plaza</i> )	208	65	.05
450 Manila Ave.	Roberto Clemente Park	213	A	1.84
268 Erie St.	Sixteenth St. Park	258	19	.46
270 Erie St.		258	20	
272 Erie St.		258	21	
274 Erie St.		258	22	
276 Erie St.		258	23	
278 Erie St.		258	24	
215 16 <sup>th</sup> St.		258	25	
213 16 <sup>th</sup> St.	258	26		
257-287 Montgomery St.	Van Vorst Park	270.5	5	1.84
84 Wayne St.	Angel Ramos Park ( <i>formerly Wayne St. Park</i> )	273	22	.23
86 Wayne St.		273	23	
88 Wayne St.		273	24	
90 Wayne St.		273	25	
25 W. Hamilton Pl.	Hamilton Park	283.1	PK	5.57
366 Grand St.	Alexander F. Santora Park ( <i>formerly Meluso Park</i> )	303	A.1	.15
364 Grand St.		303	A.2	
362 Grand St.		303	A.3	
360 Grand St.		303	A.4	
<b><u>174 Brunswick Street</u></b>		<b><u>389</u></b>	<b><u>19</u></b>	<b><u>.0565</u></b>
<b><u>176 Brunswick Street</u></b>		<b><u>389</u></b>	<b><u>20</u></b>	<b><u>.0459</u></b>
388 1 <sup>st</sup> St.	First St. Park	410	25	.12
386 1 <sup>st</sup> St.		410	26	
384 1 <sup>st</sup> St.		410	27	
237 Brunswick St.	Roberto Clemente Sports Complex ( <i>aka Enos Jones Park</i> ) ( <i>includes Oakley Oval</i> ) ( <i>includes Ed Franco Field</i> ) ( <i>includes John DeSalvo Plgnd.</i> )	418	A.PL	6.43
8 <sup>th</sup> St.		418	PL.F	
376 8 <sup>th</sup> St.		418	9	
378-380 8 <sup>th</sup> St.		418	10	
381 8 <sup>th</sup> St.		418	12.A	

**ORDINANCE AMENDING CHAPTER 239 (PARKS) OF THE JERSEY CITY CODE TO MODIFY THE CITY'S RECREATIONAL AND OPEN SPACE INVENTORY TO ADD THREE PROPERTIES: 1) 174 BRUNSWICK STREET, 2) 176 BRUNSWICK STREET AND 3) 285 OGDEN AVENUE AND DEDICATING THESE PROPERTIES AS PARKLANDS FOR PUBLIC RECREATION**

Newark & Merseles Merseles & 3 <sup>rd</sup> St.	Mary Benson Park Complex	439 439	A PT.3	2.95
96 Palisade Ave. 90 Palisade Ave.	Sgt. Anthony Park	551 551	17 18	.58
109-115 Ogden Ave. 105-107 Ogden Ave.	Janet Moore Park <i>(formerly Cuneo Pl. Park)</i>	722.B 722.B	3.99 7.A	.30
<b><u>285 Ogden Ave.</u></b>		<b><u>768</u></b>	<b><u>54</u></b>	<b><u>.0342</u></b>
Riverview Park Riverview Park	Riverview-Fisk Park	768 769	VAR VAR	5.53
201 Central Ave.	Pershing Field	835	N	13.45
Hillside Rd. Terrace Ave. Hillside Rd. Terrace Ave. Terrace Ave. Hillside Rd. Terrace Ave. Terrace Ave. Terrace Ave. Hillside Rd. Terrace Ave.	Edward Crincoli, R.A., Park <i>(formerly Terrace Ave. Park)</i>	922 922 922 922 922 922 922 922 922 922 922	19 19 19 19 19 19 19 19 19 19 19	.45
3305-65 Kennedy Blvd.	Leonard Gordon Park	935	30	5.81
30 Sycamore Rd.	Thomas McGovern Park <i>(formerly Country Village Park, includes College LL Field)</i>	1253.7	A.1	2.50
259-265 Linden Ave.	Woodland Ave. Park	1267	105	.17
179 West Side Ave.	Metro Field <i>(includes C. Fricchione playground)</i>	1275.1	1	2.33
103-129 Bergen Ave.	Audubon Park <i>(aka Maj. John Desmond Park)</i>	1283.5	4	3.43
Broadman Pkwy. Broadman Pkwy.	Lt. R.B. Grover Memorial Park	1300.A 1300.B	84.B 10.D	.39
146 Wilkinson Ave. 152 Wilkinson Ave. 150 Wilkinson Ave.	Dr. Edith Bland Phillips Park <i>(formerly Wilkinson Ave. Park)</i>	1304 1305 1305	A.6 D.7 D.8	.30
125 ML King Dr.	Fulton Ave. Park	1337	6.B	.29
90 Van Nostrand Ave. 92 Van Nostrand Ave. 102 Van Nostrand Ave. 104-106 Van Nostrand Ave. 108 Van Nostrand Ave. 110 Van Nostrand Ave. 93 Armstrong Ave. 91 Armstrong Ave.	Muhammed Ali Park	1342 1342 1342 1342 1342 1342 1342 1342	15.DUP 16.A 21.DUP 22.A 24.A 25 43 44	.50
66 ML King Dr. 64 ML King Dr. 62 ML King Dr.	Vernater Watson Park <i>(formerly Stevens Ave. Park)</i>	1346 1346 1346	29.B 31.B 32.B	.24

**ORDINANCE AMENDING CHAPTER 239 (PARKS) OF THE JERSEY CITY CODE TO MODIFY THE CITY'S RECREATIONAL AND OPEN SPACE INVENTORY TO ADD THREE PROPERTIES: 1) 174 BRUNSWICK STREET, 2) 176 BRUNSWICK STREET AND 3) 285 OGDEN AVENUE AND DEDICATING THESE PROPERTIES AS PARKLANDS FOR PUBLIC RECREATION**

13 Ludlow St.	Ralph Taylor Memorial Park	1360.75	A.1	.26
9 Ludlow St.		1360.75	A.3	
7 Ludlow St.		1360.75	A.4	
5 Ludlow St.		1360.75	A.5	
3 Ludlow St.		1360.75	A.6	
1 Ludlow St.		1360.75	A.7	
250 Old Bergen Rd.	Ferris Triangle Park	1366.1	62.B	.23
1626-38 Kennedy Blvd.	Columbia Park (aka Greenville Memorial Park)	1374	WB	4.72
31 Old Bergen Rd.	Martiniak-Enright Park (aka Pamrapo Ave. Park)	1379 1379	23A.PT 2E3.99	.21
480 Garfield Ave. Ft. of Richard St.	Bayside Park	1466 1466	8 8	9.23
16 Wilkinson Ave.	Skinner Memorial Park	1485	3.99	.14
Chapel Ave & Caven Pt Rd	Caven Point Complex	1500	16	17.81
Property of the Jersey City Board of Education. Leased, managed and maintained by the City of Jersey City				
2565 Kennedy Blvd.	Boyd McGuinness Park	1825.1	C.1	.22
88a DeKalb Ave.	La Pointe Park	1839	37.C	.28
53-55 Stuyvesant Ave.		1839	38	
90-92 DeKalb Ave.		1839	39	
57 Stuyvesant Ave.		1839	40.A	
94 DeKalb Ave.		1839	41.A	
1020 West Side Ave.	Pavonia Marion Park	1852	59	3.40
901 Pavonia Ave.	(includes Pavonia Pool)	1852	59	
903 Pavonia Ave.	(includes Martucci LL Field)	1852	59	
901 Pavonia Ave.	(includes Marion Plygrd.)	1852	59	
899 Pavonia Ave.	(includes Gus DiSanto Ct.)	1852	59	
Corbin Ave.		1852	59	
Corbin Ave.		1852	59	
Corbin Ave.		1852	59	
Corbin Ave.		1852	59	
Corbin Ave.		1852	59	
West Side Ave.		1852	59	
West Side Ave.		1852	59	
West Side Ave.		1852	59	
West Side Ave.		1852	59	
West Side Ave.		1852	59	
1040 West Side Ave.		1853	41	
West Side & Corbin Ave.		1853	41	
848 Pavonia Ave.	Brett Triangle	1856.1	I	.02
298 Academy St.	Apple Tree House	1871	34	.48
8-9 Foye Pl.	McGinley Square Park	1896	29	.30
722 Montgomery St.		1896.5	A	
531 Communipaw Ave.	Harmon St. Pool	1941	17	.52
1025-1031 Garfield Ave.	Terry DeHere Park (aka Garfield Ave. Park)	1947	G.27	.40
785 Grand St.	Arlington Park (aka William Thorton Park)	1949	P	3.52

**ORDINANCE AMENDING CHAPTER 239 (PARKS) OF THE JERSEY CITY CODE TO MODIFY THE CITY'S RECREATIONAL AND OPEN SPACE INVENTORY TO ADD THREE PROPERTIES: 1) 174 BRUNSWICK STREET, 2) 176 BRUNSWICK STREET AND 3) 285 OGDEN AVENUE AND DEDICATING THESE PROPERTIES AS PARKLANDS FOR PUBLIC RECREATION**

38 Madison Ave.	38 Madison Ave. <i>(formerly Madison Ave. Park)</i>	1950	R	.91
36 Monticello Ave.	Monticello Ave. Park	1951	39	.16
566 Bramhall Ave.	Izetta Hill-McDuffy Park	1952	40.A	.07
568 Bramhall Ave.	<i>(formerly Bramhall Park)</i>	1952	41.A	
514 Jackson Ave.		1952	41.B	
285 Arlington Ave.	Arthur Ashe Park	1969	97.A	.12
Minerva St.	<i>(formerly Arlington/Minerva Park)</i>	1969	98.A	
80 Virginia Ave.	Virginia Ave. Park	1978	48	.23
78 Virginia Ave.		1978	49	
76 Virginia Ave.		1978	50	
74 Virginia Ave.		1978	51	
124 Lafayette St.	Rev. Ercel F. Webb Park <i>(aka Lafayette Park)</i>	2066.1	PK	4.43
335 Johnston Ave.	Dr. Lena Edwards Park	2074	34	.77
333 Johnston Ave.		2074	34	
331 Johnston Ave.		2074	34	
329 Johnston Ave.		2074	34	
327 Johnston Ave.		2074	34	
325 Johnston Ave.		2074	34	
285 Pine St.		2074	35	
283 Pine St.		2074	35	
368 Whiton St.		2074	36	
370 Whiton St.		2074	36	
372 Whiton St.		2074	36	
382 Whiton St.		2074	36	
384 Whiton St.		2074	36	
386 Whiton St.		2074	36	
388 Whiton St.		2074	36	
390 Whiton St.		2074	36	
Inside Lot Gateway Park Complex		2134	F	6.30
Bright St. & Merseles St.	<i>(aka Bright St. Gateway Park)</i>	2134	5-15, 17-24, P1-25	
Bright St.	<i>(includes Dick Seay Field)</i>	2134	25.PT, 26-32	
40 Merseles Ave.		2134.5	PL.2	
24 Merseles Ave.		2137	PL.2	
17-31 Merseles Ave.		2138	8	
490-504 Grand St.		2139	A3.PL	
Lincoln Park	Lincoln Park West	1702.1	1 portion	8
<b>Subtotal of Acres Developed .....</b>				<del>120.62</del> <b>120.76</b>
<b>Wholly Undeveloped Lands Held for Recreation and Conservation Purposes</b>				
24-32 Hudson St.	Veteran Park	2	A	.34
New York Ave.	Tumulty Park	723	21.B	.49
New York Ave.		723	21.C	
Hillside Rd.	Terrace Ave.	923	5.B	.09
Hillside Rd.		923	12.B	
Hackensack R.&Clendenny	Hackensack River Greenway	1746.5	H2	33.88
Hackensack River		1751	12	

**ORDINANCE AMENDING CHAPTER 239 (PARKS) OF THE JERSEY CITY CODE TO MODIFY THE CITY'S RECREATIONAL AND OPEN SPACE INVENTORY TO ADD THREE PROPERTIES: 1) 174 BRUNSWICK STREET, 2) 176 BRUNSWICK STREET AND 3) 285 OGDEN AVENUE AND DEDICATING THESE PROPERTIES AS PARKLANDS FOR PUBLIC RECREATION**

52 Summit Ave.	Summit Cornelison Park	1916	1	.50
113-116 Central Ave.	Reservoir 3	835	S portion	9
770-776 Ocean Avenue	Oak Street Park	1970	K.2 L.1 47.5 M.1	Survey to be provided
Berry Lane	Berry Lane	2040	A B.1 C.16 H G.1 E J.1 K	6.59
<b>Subtotal of Acres Undeveloped .....</b>				<b>50.89</b>
<b>Total Acres of developed and open space from all pages .....</b>				<b><del>{171.51}</del> 171.65</b>

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. This ordinance shall become 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.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. 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 new material is underlined; words in ~~{brackets}~~ are omitted. For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

*IW*  
4-01-09

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
Business Administrator

Certification Required   
Not Required

City Clerk File No. Ord. 09-047

Agenda No. 3.E 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 09-047

TITLE:

**ORDINANCE AMENDING CHAPTER 157 (ENTERTAINMENT AND DANCE  
LICENSES) OF THE JERSEY CITY CODE**

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

### **Entertainment and Dance Licenses**

§ 157-1. Purpose and official comments.

A. Purpose; official comments.

(1) The City of Jersey City has repeatedly experienced serious civil disturbances and other occurrences detrimental to the public's safety, health and welfare associated with entertainment and dance venues (these problems include but are not limited to riots, disorderly groups, public consumption of alcohol, and public urination). Consequently, this chapter is enacted to license and regulate these activities except those directly sponsored, co-sponsored and self-regulated by the city itself.

(2) Social clubs are expressly regulated by this chapter because recent experience has shown that attempts have been made to circumvent the general regulatory process. (For example, for-profit nightclubs have reorganized as private membership clubs to circumvent the Alcoholic Beverage Law.)\*

\* **Editor's Note: See N.J.S.A. 33:1-1 et seq.**

(3) This chapter also prohibits obscene entertainment and obscene dancing and contains a definition of obscenity and pornography that reflects contemporary community standards as enforceable by relevant judicial decisions. It also explicitly incorporates by reference the prohibitions on pornography and obscenity found in Chapter 251 of the Municipal Code. In enacting this prohibition, the City Council relied on extensive evidence of long-standing community's standards. Testimony was taken from ordinary citizens as well as members of the clergy, teachers, business people and professionals. The Council issued legislative findings that the people of Jersey City are offended by obscenity and pornography:

(a) Jersey City seeks to maintain an atmosphere as conducive as possible to families in a densely populated urban setting.

(b) Obscenity and pornography have had no place in the public life of Jersey City. Historically, no so-called adult bookstores or adult theaters have operated here. In addition, no erotic dancing venues have ever been allowed to operate here in the city, notwithstanding their presence in adjacent communities. Therefore, these legislative findings support the existence of community standards that allow for the constitutional circumscription of such activity, and the city will continue to enforce these social norms through legal sanctions.

(4) The Director of the Division of Commerce is given primary jurisdiction over this chapter. However, given the public safety concerns, the Director of Police also shares in its administration: § 157-7A 9 authorizes the Director of Police, upon a notice and hearing, to suspend licenses on an emergent basis.

B. This chapter is to be liberally construed in order to effectuate its purpose.

§ 157-2. Definitions.

The following terms shall have the meanings indicated when used in this chapter:

**AGGRIEVED PARTY - any person, persons, or entity, whether corporate or private, aggrieved by the sound of entertainment emanating from a Licenced Establishment.**

~~DANCE -- Any dance to which admission can be had either with or without payment of a fee or any other dance in a place which constitutes a public accommodation, including, for instance, social clubs.~~

**DECIBEL LEVEL - A unit for measuring the volume of a sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (twenty micronewtons per square meter).**

**DECIBEL MEASUREMENT - a measurement taken as follows:**

**Indoors - from any point of the room, in the premises of an aggrieved party, most affected by the sound, but not from areas which receive only casual use, e.g., hallways, bathroom and closets. All exterior doors, and windows in the premises shall be closed and all sound sources within the premises, e.g., television, radio and stereo, shall be shut off at the time of measurement.**

**Outdoors - from any point within the property boundaries of an aggrieved party (excluding City rights-of way, e.g., streets and sidewalks), or the measurement may be taken from any point outside of the Licensed Establishment at the discretion of the City.**

~~DIRECTOR -- The Director of Commerce in the Department of Housing, Economic Development and Commerce.~~

~~ENTERTAINMENT -- Any live act, including, but not limited to, vocalists, actors, dancers, floor shows, instrumentalists, and recorded music played by a D.J.~~

~~ENTERTAINMENT LICENSE -- A license issued pursuant to this chapter regulating entertainment or dance.~~

**ESTABLISHMENT - A premises for which an entertainment license has been issued.**

~~OBSCENITY AND PORNOGRAPHY -- Obscenity and pornography exist when under contemporary standards in the community the entertainment taken as a whole, appeals to prurient interests; and the entertainment describes in a patently offensive way sexual conduct; and when the entertainment taken as a whole, lacks serious literary, artistic, political or scientific value. [NOTE: Miller v. California, 413 U.S. 15, 93 S. Ct. 2607, 37 L. Ed. 2d 419 (1973), rehearing denied, 414 U.S. 881, 94 S. Ct. 26, 38 L. Ed. 2d 128 (1973).] This definition incorporates by reference definitions contained in Chapter 251 of the Municipal Code.~~

~~OUTDOOR ENTERTAINMENT -- Any entertainment taking place beyond the outside perimeter walls of the licensed premises or any entertainment which is intended to be audible, or which is actually audible beyond such perimeter walls.~~

~~PERSON -- Any natural person(s), or a partnership, corporation or legal entity.~~

~~VENUE -- Any nightclub or restaurant as defined in Chapter 345 of this Code place, and including but not limited to a restaurant, nightclub, supper club, social or private club, lounge, grill or open space used for entertainment or dancing.~~

§ 157-3. Classes of licenses; license required: **License required; types of licenses; restrictions.**

A license as described in this chapter is required for any live entertainment or dance taking place in any venue, **as defined in § 157-2, nightclub or restaurant** in the City of Jersey City except that no such license will be required for events taking place **in or on any City-owned building or property or for any event which is sponsored or co-sponsored by the City.** Community Center means a City owned building used for recreational, social, educational, and cultural activities, open to the public or a designated part to the public, and used by the City or leased by the City to either a nonprofit group or another public entity. **All existing Entertainment License holders must renew in accordance with the regulations herein within 60 days of the enactment of this ordinance. All existing Entertainment License holders, unless qualified for a Nightclub Entertainment License as regulated herein, will be permitted to renew pursuant to the Restaurant Entertainment License regulations herein.** An entertainment license is granted to a specific person to offer entertainment or dancing in a specified place. There shall be three **two** entertainment license categories, **Nightclub and Restaurant.** classes of entertainment and dance licenses:

(1) Class A annual license for an entertainment or dance venue with a capacity of one hundred (100) people or fewer;

(2) Class B annual license for an entertainment or dance venue with a capacity greater than one hundred (100) people:

**A. Nightclub Entertainment License. This license is available only in zoning districts where a nightclub is permitted pursuant to Jersey City Code Chapter 345 or a duly adopted Redevelopment Plan. A Nightclub Entertainment License shall further be categorized as follows:**

**Class 1 - For establishments with a capacity greater than one hundred (100) people;**

**Class 2 - For establishments with a capacity of one hundred (100) people or fewer;**

**All Nightclub Entertainment Licenses shall be subject to the following:**

**(1) Notwithstanding noise regulation in Chapter 222 of the Jersey City Code to the contrary, any entertainment under this Nightclub Entertainment License shall be restricted to a decibel level of 65 dB from Noon to 10 P.M., and shall be restricted to 50 dB from 10 P.M. to close of entertainment in accordance with § 157-4C(1), seven days per week;**

**(2) Outdoor entertainment shall be prohibited in all establishments, except where specifically requested in the license application for a certain part of the establishment and approved by the Director and specifically indicated on the actual license. Outdoor entertainment shall not be the norm and shall only be granted where the Director is convinced that it would not unreasonably interfere with the quality of life of the surrounding community. In determining whether or not to grant outdoor entertainment, the Director shall consider, but not be limited to, the following criteria: the nature of the establishment; the location of the establishment including its proximity to residential properties; the input of residents of the surrounding area; and the history (if any) of the establishment. Furthermore, the Director shall not permit outdoor entertainment beyond the hours described in § 157-4C(4).**

**(3) The Director may, in consultation with the Police Department, establish any reasonable conditions deemed necessary for the health, safety, and welfare of the public prior to granting any license. Any such conditions established shall be listed on the license.**

**B. Restaurant Entertainment License. This license is available only in zoning districts where a Category 1 Restaurant is permitted pursuant to Jersey City Code Chapter 345 or a duly adopted Redevelopment Plan, except that no entertainment license shall be permitted within the lower J.F.K. Boulevard NC Zoning District. A Restaurant Entertainment License shall further be categorized as follows:**

**Class 1 - For establishments with a capacity greater than one hundred (100) people;**

**Class 2 - For establishments with a capacity of one hundred (100) people or fewer;**

**All Restaurant Entertainment Licenses shall be subject to the following:**

**(1) Notwithstanding noise regulation in Chapter 222 of the Jersey City Code to the contrary, any entertainment under this Restaurant Entertainment License shall be restricted to a decibel level of 55 dB from Noon to 10 P.M., and shall be restricted to 45 dB from 10 P.M. to close of entertainment in accordance with § 157-4C(1), seven days per week.**

**(2) Outdoor entertainment shall be prohibited in all establishments, except where specifically requested in the license application for a certain part of the establishment and approved by the Director and specifically indicated on the actual license. Outdoor entertainment shall not be the norm and shall only be granted where the Director is convinced that it would not unreasonably interfere with the quality of life of the surrounding community. In determining whether or not to grant outdoor entertainment, the Director shall consider, but not be limited to, the following criteria: the nature of the establishment; the location of the establishment including its proximity to residential properties; the input of residents of the surrounding area; and the history (if any) of the establishment. Furthermore, the Director shall not permit outdoor entertainment beyond the hours described in § 157-4C(4).**

**(3) The Director may, in consultation with the Police Department, establish any reasonable conditions deemed necessary for the health, safety, and welfare of the public prior to granting any license. Any such conditions established shall be listed on the license.**

**(4) A Restaurant Entertainment Licensee shall not locate or place entertainment within 10 feet of any entrance door or open window existing within the establishment;**

**(3) Special event license for an entertainment or dance venue of any capacity that offers entertainment or dancing for no more than twelve (12) days in a period of one year:**

§ 157-4. Fees; inactive license; surrender; expiration; hours of operations.

A. Except as provided in § 157-3, no person shall keep, maintain, or operate any entertainment or dance venue without obtaining a license from the Director. A license shall be issued only if both the venue and the applicant comply with relevant standards. The fee schedule shall be as follows:

Class A	Class B	Special Event License
\$300	\$600	\$25

**Nightclub Entertainment License Class 1: \$1200 per year or part thereof;**

**Nightclub Entertainment License Class 2: \$1000 per year or part thereof;**

**Restaurant Entertainment License Class 1: \$800 per year or part thereof;**

**Restaurant Entertainment License Class 2: \$600 per year or part thereof;**

B. If a licensee fails to conduct a dance or entertainment venue **at the licensed premises** in a period of three months, the Director may revoke the license after a hearing has been held on ten (10) days' notice.

C. The hours of operation for a licensee under this chapter shall be as follows:

(1) Permitted hours **for entertainment:**

<b>Sunday-Thursday</b>	<b>Friday/Saturday</b>	<b>New Year's Eve</b>
12:00 p.m.-2:00 a.m.	12:00-3:00 a.m.	12:00 p.m.-4:00 a.m.

**Nightclubs:** Noon to 2:00 A.M., Sunday-Wednesday

Noon to 3:00 A.M., Thursday-Saturday

Noon to 4:00 A.M., New Year's Eve

**Restaurants:** Noon to 11:00 P.M., Sunday-Wednesday

Noon to Midnight, Thursday-Saturday

Noon to 1:00 A.M., New Year's Eve

(2) **With reference to establishments holding Nightclub Entertainment Licenses, No no** person whatsoever, except the licensee and the licensee's employees and agents, may be on the licensed premises after closing time until 12:00 p.m. of that day, Monday through Sunday.

(3) **With reference to establishments holding Nightclub Entertainment Licenses, A wind-down process must begin thirty (30) minutes prior to the closing and dance music entertainment must be terminated no later than** fifteen (15) minutes prior to the **establishment's closing time** to assure that patrons are out by the actual closing time.

(4) Notwithstanding **any later hour permitted in accordance with** Section 157- 4C(1), in venues where Outdoor Entertainment is permitted, it shall cease promptly at ~~11:00~~ **10:00** p.m. on Sunday through Thursday ~~Wednesday~~ and ~~12:00 midnight~~ **11:00 p.m.** on Friday and ~~Thursday~~ **through Saturday, or such earlier "close of entertainment" hour as mandated by § 157-3 A(2), § 157-3 A(3), § 157-3 B(2) and § 157-3 B(3).**

§ 157-5. Applications; qualifications; procedure for review.

A. Applicants shall be of good moral character and shall file an application under oath with Director on forms approved by the Director. All applications shall be reviewed by the Division of Commerce and the Department of Police. The premises shall be inspected by the Fire Department, the Division of Health and the Division of Buildings for compliance with relevant laws and regulations.

B. The application shall be made under oath and shall contain the class of license sought, names, residences and citizenship status of all persons financially interested in the business, and the nature and extent of this interest; and, if a corporation, the names, residences and citizenship of the officers, directors and stockholders, and shall disclose whether the applicant has been convicted of any criminal or quasi-criminal offense, and if so, the date and place of such conviction and the nature of the offense.

C. The application shall also include a sworn statement signed by the applicants agreeing to comply with the relevant laws, rules and regulations of the United States, the State of New Jersey and the City of Jersey City.

D. The application shall have attached a copy of the plans and specifications of the premises sought to be licensed.

E. All relevant land use approvals, including approved site plans, together with a valid certificate of occupancy, are conditions precedent for the approval of any application.

§ 157-6. Publication of application notice.

A. The Director shall publish once each week for a period of two weeks in a newspaper of general circulation notice of any new application or application for renewal or transfer of a license. Such notice shall be at the applicant's expense and shall be in a form approved by the Director.

B. Any objections to the issuance of the proposed license or transfer may be filed with the Director within 20 days from the last date of publication of this notice, and all objections must include the name and address of the person who files the objection and the grounds for the objection.

C. If one or more objections are filed, the Director shall hold a hearing no later than 30 days after the last date of publication before approving the license or transfer. All objectors shall receive notice of the time, date and place of the hearing. The nonreceipt of such notice shall not void the Director's action.

§ 157-7. License renewal or transfer; change of ownership.

A. ~~(1) No license shall be transferred or renewed without the approval of the Director and payment of the appropriate fee. Applications for annual renewal or transfer shall comply with all of the relevant provisions of this chapter, including the filing of all forms in § 157-4 5 and any additional forms required by the Director. Any unauthorized transfer shall result in the automatic suspension of the license.~~

**(2) The Entertainment License is non-transferable. Upon transfer of a licensed establishment, any existing Entertainment License is automatically voided, and any new Owner/Operator desiring to have entertainment at the venue shall apply for an Entertainment License as required by this chapter.**

B. If the owner of a sole proprietorship, the partners of a partnership or the officers, directors or stockholders of a corporation are changed, their successors shall file an affidavit stating their names, residences, citizenship and the nature and extent of their financial interest in the business. Failure to inform the Director of changes of ownership shall be grounds for suspension or revocation of the license. The Director shall review the validity of an existing license upon change in ownership.

C. The Director may deny an application for a renewal of a license where the licensed premises has been operating in a manner detrimental to the health, safety, and welfare of the people of the City of Jersey City.

§ 157-8. Operating requirements.

A. The licensed premises shall be fully accessible to authorized members of the Department of Police and the various departments of the city having regulatory jurisdiction over the premises.

B. No licensee may offer obscene or pornographic entertainment (as defined in this chapter and in Chapter 251 of the Jersey City Municipal Code).

C. All licenses under this chapter shall be posted securely in a conspicuous place at the main entrance to the licensed premises.

D. Any licensee under this chapter must also comply with any other relevant permit requirement such as those required by the Fire Department and Division of Health.

E. If a licensee charges patrons for parking, the fifteen-percent parking tax required under §§ 304-1 through 304-3 must be paid to the City.

F. The licensee shall designate a person(s) as supervisor(s) of events and shall register his or her name with the Director. A supervisor shall be present during the dance or entertainment to assure that it is conducted in an orderly manner.

§ 157-9. Suspension or revocation; Director of Police or the Director of the Division of Commerce authorized.

A. Pursuant to a ten-day notice in writing to the licensee and after a hearing, the Director may suspend or revoke any license if:

- (1) The owner, partner, or agent has been convicted of a crime under federal or state law;
- (2) Has violated any of the provisions of this chapter;
- (3) Has been found responsible for any acts constituting a breach of the peace or a public nuisance;
- (4) Where the Director finds the operation of the licensed premises detrimental to the health, safety and welfare of the people of the city.

B. The Director of Commerce or the Director of Police may suspend any license on an emergent basis for a period not exceeding 30 days after a hearing pursuant to two days' notice to the licensee for any of the grounds listed in Subsection A if the Director finds in addition that protection of the public health, safety or welfare requires an immediate suspension.

**§ 157-10. Variance.**

**An applicant or licensee may request a variance from the strict compliance with a specific requirement of this article by requesting same in writing to the Business Administrator. The application should contain all pertinent details, together with documentation, which the applicant or licensee wishes considered. The approval or denial of the application for variance shall be at the discretion of the Business Administrator and shall not be approved absent a showing that strict compliance with the specific requirement would create a practical hardship for the applicant and that the proposed alternative will in no way jeopardize the health, safety, and welfare of the public. The City Council shall be notified of any variance granted by the Business Administrator hereunder.**

- 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: B. O'Keilly  
Business Administrator

Certification Required   
Not Required

Jersey City Law Department  
Memorandum

To: William Matsikoudis, Corporation Counsel  
From: Carmine J. Scarpa, Assistant Corporation Counsel   
Subject: ORDINANCE AMENDING CHAPTER 157 (ENTERTAINMENT AND  
DANCE LICENSES) OF THE JERSEY CITY CODE  
Date: March 31, 2009

---

Mariano Vega wants this on for the April 8 council meeting.

**Jersey City Law Department**  
**Memorandum**

**To:** President and Members of the Municipal Council of  
Jersey City

**From:** Carmine J. Scarpa, Assistant Corporation Counsel 

**Subject:** ORDINANCE AMENDING CHAPTER 157 (ENTERTAINMENT AND  
DANCE LICENSES) OF THE JERSEY CITY CODE

**Date:** March 31, 2009

---

The proposed entertainment ordinance separates the entertainment ordinance into two categories, a nightclub category and a restaurant category. Since our existing zoning ordinance (Chapter 345) permits entertainment only in districts where nightclubs are permitted, a concurrent amendment to our zoning ordinance, also permitting entertainment in districts where restaurants are permitted, will be introduced. It should be noted that the amending ordinance exempts license requirements for entertainment taking place in or on any City-owned building or property or for any entertainment sponsored or co-sponsored by the City.

The amended ordinance contains standards for volume by decibel measurement and proposes hours of entertainment which differ depending on whether the licensee is a nightclub or restaurant. Since many of the zones in which restaurants are permitted (but not nightclubs) include residential uses and are adjacent to residential zones, the standards for volume and the permitted hours are more restrictive in zones permitting restaurants.

Additionally the fees for licenses are being increased to account for the anticipated increase in enforcement activities that will be required.

City Clerk File No. Ord. 09-048

Agenda No. 3. f 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

TITLE:

ORDINANCE BY THE MUNICIPAL COUNCIL OF THE  
CITY OF JERSEY CITY VACATING ALL OF  
WILKS STREET, JERSEY CITY, NEW JERSEY

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

WHEREAS, The City of Jersey City (the "City") does possess rights-of-way through all public streets, thoroughfares and sidewalks located within the City;

WHEREAS, The City is authorized pursuant to *N.J.S.A. 40:67-1 et seq.* and *N.J.S.A. 40A:12-5* to establish, change the grade of or vacate a public street, highway, lane or alley, or any part thereof at the discretion of the City; and

WHEREAS, MEPT Journal Square Urban Renewal LLC, MEPT Journal Square Tower North Urban Renewal LLC and MEPT Journal Square Tower South Urban Renewal LLC, ("Petitioner") has filed a Petition with the Municipal Council of the City of Jersey City, requesting the vacation of an entire street, formerly known as Wilks Street and now known as a part of "Journal Square"; and

WHEREAS, a map of Wilks Street together with a metes and bounds description is attached hereto as Exhibit A to this Ordinance; and

WHEREAS, the street, formerly known as Wilks Street, is located within the City of Jersey City, County of Hudson and State of New Jersey; and

WHEREAS, the Petitioner owns the property immediately east of Wilks Street which property is more specifically identified as Block 1866, Lot 35 (formerly Lots B3, B4, C1, 16, 17A, 18A, 19, 20, 25H and 25J) on the Official Tax Map of the City of Jersey City; and

WHEREAS, upon vacation, ownership of the vacated street would be divided as follows:

1) A portion of Wilks Street, as described in the map and metes and bounds description attached hereto as Exhibit B will become the property of Petitioner; and

2) A portion of Wilks Street, as described in the map and metes and bounds description attached hereto as Exhibit C will become the property of the City of Jersey City; and

3) A portion of Wilks Street, as described in the map and metes and bounds description attached hereto as Exhibit D will become the property of the County of Hudson; and

WHEREAS, there is no municipal or public need for the portion of Wilks Street that will become the property of Petitioner and which Petitioner desires to be vacated; and

WHEREAS, the balance of Wilks Street which will become the property of the City of Jersey City and the County of Hudson and will continue to be utilized for public purposes; and

WHEREAS, the said vacation is essential to the development by the Petitioner of a project that has, as of this date, received Preliminary Major Site Plan approval from the Jersey City Planning Board for the construction of a plaza area as an entry to approximately 70,385 sq. ft. of retail use,

a parking garage for approximately 687 spaces and two (2) residential towers with collectively 1,615 units of housing; and

WHEREAS, the rights of the public will not be injuriously or adversely affected by the requested vacation; and

WHEREAS, the Municipal Engineer and Municipal Traffic Engineer have reviewed and approved the proposed vacation of this portion of Wilks Street; and

WHEREAS, said Petition has been fully advertised and proof of the giving of due notice of the Petition requesting enactment of this ordinance as required by Law has been filed with the City Clerk, and the Municipal Council having held a public hearing thereon, and no objections having been made thereto; and

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

Section I: The street, formerly known as Wilks Street and now part of "Journal Square," as more particularly described on Exhibit A and annexed to this Ordinance, be and the same is hereby vacated and the public easement and rights therein be and the same are hereby extinguished.

Section II: All costs and expenses related to the introduction, passage and publication of this Ordinance, including the preparation and mailing of any and all notices related to this ordinance upon property owners within 200 feet of the area to be vacated, shall be borne and paid by the Petitioner.

Section III: The Petitioner shall file this Ordinance and the Maps with the Register of the County of Hudson within sixty (60) days after the Ordinance becomes effective.

Section IV: This Ordinance shall be subject to the following:

- 1) In the event the utilities, if any, presently located under the roadways being vacated hereunder, are not moved to another location or abandoned in place, an easement in perpetuity is reserved for the benefit of the City of Jersey City, Jersey City Municipal Utilities Authority and all public utilities companies, including any cable television company as defined in the "Cable Television Act," P.L. 1972, c. 186 (c. 48:5A-1 *et seq.*) for the

purpose of ingress and egress over and upon the area subject to this vacation ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this vacation ordinance.

- 2) No buildings or structures of any kind may be constructed over the water or sewer utilities within this area subject to the easement without the consent of the Chief Engineer of the City of Jersey City and/or the Jersey City Municipal Utilities Authority unless and until those utilities are relocated and/or abandoned.
- 3) In the event that utilities, if any, presently lying in Wilks Street being vacated hereby are relocated, then the easement otherwise created under Section IV(1), shall immediately terminate and the same shall be considered as abandoned by the respective utility company.

Section V: All Ordinances and part of Ordinances consistent herewith are hereby repealed.

Section VI: 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.

Section VII: This Ordinance shall take effect at the time and in the manner provided by law.

Section VIII: The City Clerk and 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 that there is a conflict between those numbers and the existing code in order to avoid confusion and possible accidental repeal of the existing provisions.

APPROVED AS TO LEGAL FORM

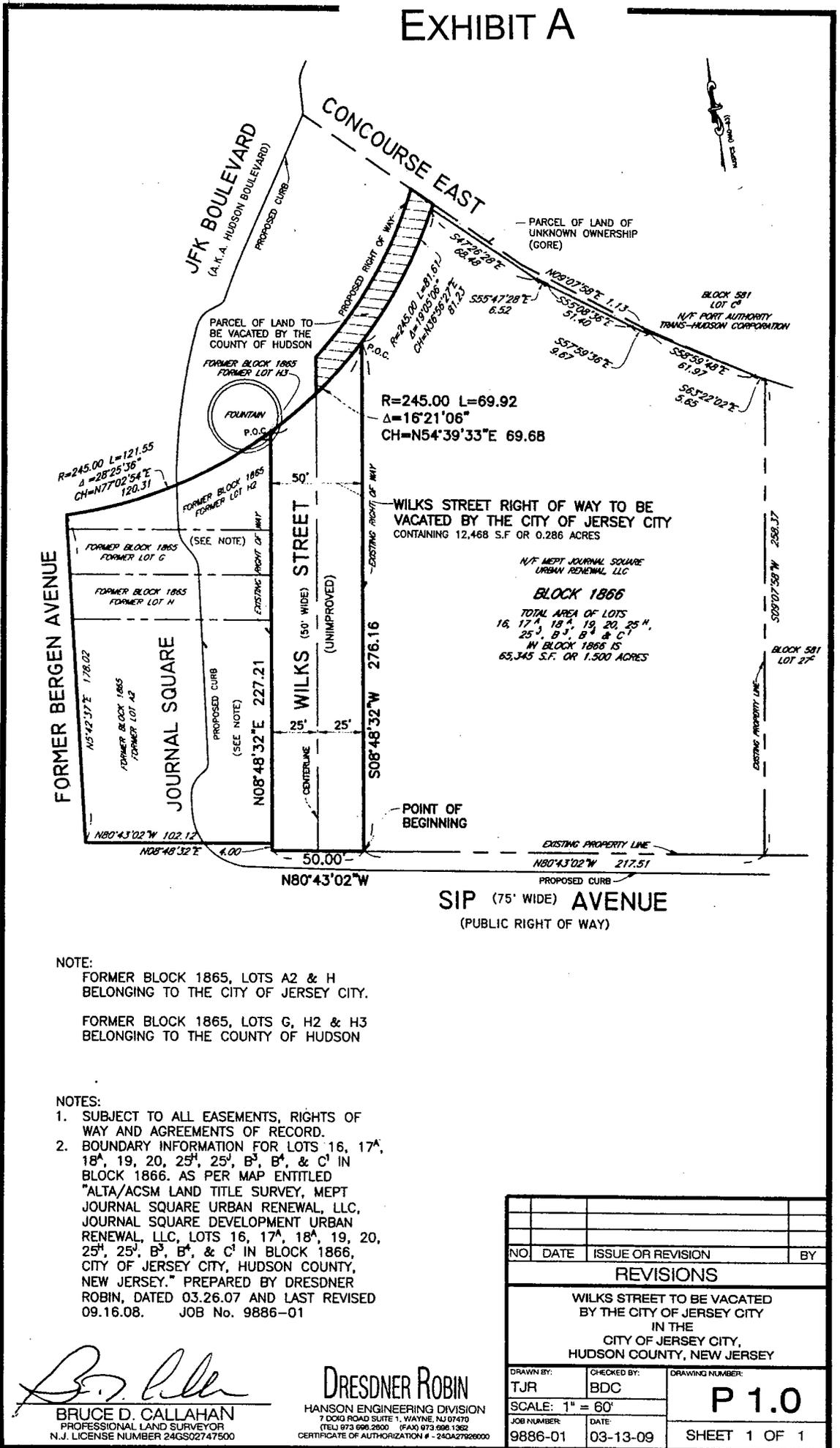
APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_  
Business Administrator

Certification Required   
Not Required

# EXHIBIT A



**NOTE:**  
 FORMER BLOCK 1865, LOTS A2 & H BELONGING TO THE CITY OF JERSEY CITY.  
 FORMER BLOCK 1865, LOTS G, H2 & H3 BELONGING TO THE COUNTY OF HUDSON

**NOTES:**  
 1. SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND AGREEMENTS OF RECORD.  
 2. BOUNDARY INFORMATION FOR LOTS 16, 17<sup>A</sup>, 18<sup>A</sup>, 19, 20, 25<sup>H</sup>, 25<sup>I</sup>, B<sup>3</sup>, B<sup>4</sup>, & C<sup>1</sup> IN BLOCK 1866. AS PER MAP ENTITLED "ALTA/ACSM LAND TITLE SURVEY, MEPT JOURNAL SQUARE URBAN RENEWAL, LLC, JOURNAL SQUARE DEVELOPMENT URBAN RENEWAL, LLC, LOTS 16, 17<sup>A</sup>, 18<sup>A</sup>, 19, 20, 25<sup>H</sup>, 25<sup>I</sup>, B<sup>3</sup>, B<sup>4</sup>, & C<sup>1</sup> IN BLOCK 1866, CITY OF JERSEY CITY, HUDSON COUNTY, NEW JERSEY." PREPARED BY DRESDNER ROBIN, DATED 03.26.07 AND LAST REVISED 09.16.08. JOB No. 9886-01

NO	DATE	ISSUE OR REVISION	BY
<b>REVISIONS</b>			
WILKS STREET TO BE VACATED BY THE CITY OF JERSEY CITY IN THE CITY OF JERSEY CITY, HUDSON COUNTY, NEW JERSEY			
DRAWN BY:	CHECKED BY:	DRAWING NUMBER:	
TJR	BDC	<b>P 1.0</b>	
SCALE: 1" = 60'			
JOB NUMBER:	DATE:	SHEET 1 OF 1	
9886-01	03-13-09		

*Bruce D. Callahan*  
**BRUCE D. CALLAHAN**  
 PROFESSIONAL LAND SURVEYOR  
 N.J. LICENSE NUMBER 24GS02747500

**DRESDNER ROBIN**  
 HANSON ENGINEERING DIVISION  
 7 DOUG ROAD SUITE 1, WAYNE, NJ 07470  
 (TEL) 973 696.2900 (FAX) 973 696.1362  
 CERTIFICATE OF AUTHORIZATION # - 24QA27926000

S:\SURVEY\PROJECTS\04024-06 JOURNAL SQUARE\DWG\FRANCHISES & VACATIONS\100 M\AVENUE ON-LINE CITY 04/17/2008 12:00 PM.TREDOX

March 16, 2009

Job No. 9886-01



DESCRIPTION OF WILKS STREET  
TO BE VACATED BY  
THE CITY OF JERSEY CITY  
IN THE  
CITY OF JERSEY CITY  
HUDSON COUNTY, NEW JERSEY

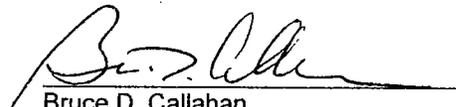
Beginning at the point of intersection formed by the easterly line of Wilks Street (50' wide) with the northerly line of Sip Avenue (75' wide) and running; thence

- 1) N 80° 43' 02" W 50.00 feet along the northerly line of Sip Avenue (75' wide) to a point in the westerly line of Wilks Street (50' wide); thence
- 2) N 08° 48' 32" E 227.21 feet along the westerly line of Wilks Street (50' wide) to a point on curve in the southeasterly line of JFK Boulevard; thence
- 3) Northeasterly along the southeasterly line of JFK Boulevard, along a curve to the left having a radius of 245.00 feet, an arc length of 69.92 feet, a central angle of 16° 21' 06" and a bearing which bears N 54° 39' 33" E 69.68 feet to a point in the easterly line of Wilks Street (50' wide); thence
- 4) S 08° 48' 32" W 276.16 feet along the easterly line of Wilks Street (50' wide) to a point in the northerly line of Sip Avenue (75' wide), the point and place of beginning.

Containing 12,468 square feet or 0.286 acres.

Subject to all easements, rights of way and agreements of record.

Deed description refers to map entitled, "Wilks Street to be vacated by the City of Jersey City in the City of Jersey City, Hudson County, New Jersey", prepared by Dresdner Robin-Hanson Engineering Division, dated: March 13, 2009, Job No. 9886-01, Drawing No. P1.0.

  
Bruce D. Callahan  
Professional Land Surveyor  
New Jersey License No. 27475

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March 16, 2009

Job No. 9886-01



DESCRIPTION OF A  
VACATED PORTION OF WILKS STREET  
TO BE CONVEYED TO  
MEPT JOURNAL SQUARE URBAN RENEWAL, LLC  
BY THE  
CITY OF JERSEY CITY  
IN THE  
CITY OF JERSEY CITY  
HUDSON COUNTY, NEW JERSEY

Beginning at the point of intersection formed by the easterly line of former Wilks Street (50' wide) with the northerly line of Sip Avenue (75' wide) and running; thence

- 1) N 80° 43' 02" W 25.00 feet along the northerly line of Sip Avenue (75' wide) to a point; thence
- 2) N 08° 48' 32" E 248.23 feet to a point on curve in the southeasterly line of JFK Boulevard; thence
- 3) Northeasterly along the southeasterly line of JFK Boulevard, along a curve to the left having a radius of 245.00 feet, an arc length of 37.37 feet, a central angle of 08° 44' 19" and a chord which bears N 50° 51' 09" E 37.33 feet to a point in the easterly line of former Wilks Street (50' wide); thence
- 4) S 08° 48' 32" W 276.16 feet along the easterly line of former Wilks Street (50' wide) to a point in the northerly line of Sip Avenue (75' wide), the point and place of beginning.

Containing 6,537 square feet or 0.150 acres.

Subject to all easements, rights of way and agreements of record.

Deed description refers to map entitled, "Vacated Portion of Wilks Street to be conveyed to MEPT Journal Square Urban Renewal, LLC by the City of Jersey City in the City of Jersey City, Hudson County, New Jersey", prepared by Dresdner Robin-Hanson Engineering Division, dated: March 13, 2009, Job No. 9886-01, Drawing No. P1.4.

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**Pennsauken Office**

**Perks Reutter Division**

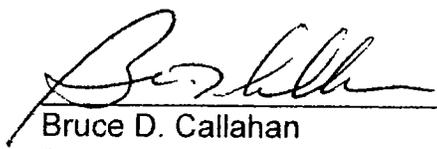
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Bruce D. Callahan  
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March 16, 2009

Job No. 9886-01

DESCRIPTION OF A  
VACATED PORTION OF WILKS STREET  
TO BE CONVEYED TO THE  
CITY OF JERSEY CITY  
BY THE  
CITY OF JERSEY CITY  
IN THE  
CITY OF JERSEY CITY  
HUDSON COUNTY, NEW JERSEY

Beginning at the point of intersection formed by the westerly line of former Wilks Street (50' wide) with the northerly line of Sip Avenue (75' wide) and running; thence

- 1) N 08° 48' 32" E 149.50 feet along the westerly line of former Wilks Street (50' wide) to a point; thence
- 2) S 80° 43' 02" E 25.00 feet to a point; thence
- 3) S 08° 48' 32" W 149.50 feet to a point in the northerly line of Sip Avenue (75' wide); thence
- 4) N 80° 43' 02" W 25.00 feet along the northerly line of Sip Avenue (75' wide) to a point, the point and place of beginning.

Containing 3,737 square feet or 0.086 acres.

Subject to all easements, rights of way and agreements of record.

Deed description refers to map entitled, "Vacated Portion of Wilks Street to be Conveyed to the City of Jersey City by the City of Jersey City in the City of Jersey City, Hudson County, New Jersey", prepared by Dresdner Robin-Hanson Engineering Division, dated: March 13, 2009, Job No. 9886-01, Drawing No. P1.6.

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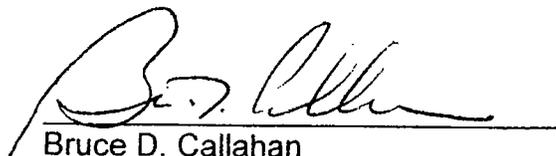
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Bruce D. Callahan  
Professional Land Surveyor  
New Jersey License No. 27475

Rev. March 16, 2009  
November 18, 2008

Job No. 9886-01



Deed description of a parcel of land situated between lands belonging to MEPT Journal Square Urban Renewal, LLC (Lots C1, 25H and 25J in Block 1866) and lands belonging to the Port Authority Trans-Hudson Authority (Lot C5 in Block 581) in the City of Jersey City, County of Hudson, State of New Jersey.

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Beginning at the point of intersection formed by the northeasterly line of lands belonging to MEPT Journal Square Urban Renewal, LLC being Lot C1 in Block 1866 as shown on the City of Jersey City Tax Assessment Map with the easterly line of Journal Square, said point of beginning being the following two (2) courses along the easterly line of Wilks Street (50' wide) and Journal Square from the point of intersection formed by the northerly line of Sip Avenue (75' wide) with the easterly line of Wilks Street (50' wide).

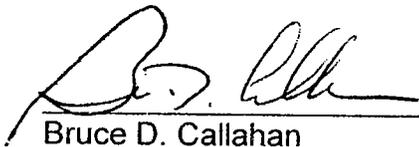
- A. N 08° 48' 32" E 276.16 feet along the easterly line of Wilks Street (50' wide) to a point on curve in the easterly line of Journal Square; thence
  - B. Northeasterly along the easterly line of Journal Square along a curve to the left having a radius 245.00 feet, an arc length of 81.61 feet, a central angle of 19° 05' 06" and a chord which bears N 36° 56' 27" E 81.23 feet to a point on curve and running; thence
- 1). Northeasterly along the easterly line of Journal Square along a curve to the left having a radius of 245.00 feet, an arc length of 2.97 feet, a central angle of 00° 41' 39" and a chord which bears N 27° 03' 04" E 2.97 feet to a point in the southeasterly line of lands belonging to the Port Authority Trans-Hudson Corporation being Lot C5 in Block 581 (Tax Map); thence the following three (3) courses along said southeasterly line of lands belonging to the Port Authority Trans-Hudson Corporation being Lot C5 in Block 501 (Tax Map)
  - 2). S 46° 42' 36" E 57.99 feet to a point,
  - 3). S 54° 07' 36" E 73.92 feet to a point,
  - 4). S 58° 07' 36" E 66.00 feet to a point in the dividing line between lands belonging to the Port Authority Trans-Hudson Corporation being Lot C5 in Block 501 (Tax Map) and lands belonging to MEPT Journal Square Urban Renewal, LLC being Lot 25H in Block 1866 (Tax Map); thence the following five (5) courses along lands belonging to MEPT Journal Square Urban Renewal, LLC being Lots 25H, 25J and C1 in Block 1866 (Tax Map).
  - 5). N 58° 59' 48" W 61.97 feet to a point,
  - 6). S 09° 07' 58" W 1.13 feet to a point,

- 7). N 57° 59' 36" W 9.67 feet to a point,
- 8). N 55° 08' 36" W 51.40 feet to a point,
- 9). N 55° 47' 28" W 6.52 feet to a point; thence
- 10). N 47° 26' 28" W 68.48 feet to a point in the easterly line of Journal Square,  
the point and place of beginning.

Containing 386 square feet or 0.009 acres.

Subject to all easements, rights of way and agreements of record.

Description refers to map entitled, "Map Showing a Parcel of Land of Unknown Ownership in The City of Jersey City, Hudson County, New Jersey", prepared by Dresdner Robin-Hanson Engineering Division, dated: March 13, 2009, Job No. 9886-01, Drawing No. P1.7.



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Bruce D. Callahan  
Professional Land Surveyor  
New Jersey License No. 27475



March 16, 2009

Job No. 9886-01



DESCRIPTION OF A  
VACATED PORTION OF WILKS STREET  
TO BE CONVEYED TO THE  
COUNTY OF HUDSON  
BY THE  
CITY OF JERSEY CITY  
IN THE  
CITY OF JERSEY CITY  
HUDSON COUNTY, NEW JERSEY

Beginning at a point in the westerly line of former Wilks Street (50' wide), said point of beginning being N 08° 48' 32" E 149.50 feet along the westerly line of former Wilks Street (50' wide) from the point of intersection formed by the westerly line of former Wilks Street (50' wide) with the northerly line of Sip Avenue (75' wide) and running; thence

- 1) N 08° 48' 32" E 77.71 feet along the westerly line of former Wilks Street (50' wide) to a point on curve in the southeasterly line of JFK Boulevard; thence
- 2) Northeasterly along the southeasterly line of JFK Boulevard, along a curve to the left having a radius of 245.00 feet, an arc length of 32.55 feet, a central angle of 07° 36' 48" and a chord which bears N 59° 01' 42" E 32.53 feet to a point on curve; thence
- 3) S 08° 48' 32" W 98.73 feet to a point; thence
- 4) N 80° 43' 02" W 25.00 feet to a point in the westerly line of former Wilks Street (50' wide), the point and place of beginning.

Containing 2,194 square feet or 0.050 acres.

Subject to all easements, rights of way and agreements of record.

Deed description refers to map entitled, "Vacated Portion of Wilks Street to be Conveyed to the County of Hudson by the City of Jersey City in the City of Jersey City, Hudson County, New Jersey", prepared by Dresdner Robin-Hanson Engineering Division, dated: March 13, 2009, Job No. 9886-01, Drawing No. P1.5.

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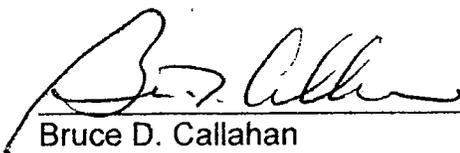
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\_\_\_\_\_  
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# Franchise/Vacation Ordinance Reply Sheet

<b>VACATION ORDINANCE</b>					
A portion of Wilks Street located on the adjacent lots immediately east of the desired portion of Wilks Street to be vacated, more specifically identified as Sip and Bergen Avenues, Jersey City, New Jersey, and more specifically referred to as Block 1866, Lot 35 (formerly Lot(s) B3, B4, C1, 16, 17A, 18A, 19, 20, 25H, and 25J)					
DEPARTMENT	DATE	COMMENT	YES	NO	REVISE
Business Administrator Brian O'Reilly - 5147	3/31				
Construction Official Raymond Meyer - 5697	4/1		✓		
Engineering William Goble, Mun. Engineer - 4413	4/1		✓		
Fire Department Armando Roman, Director - 4239	3/31		✓		
Housing, Economic Dev. & Commerce Carl Czaplicki, Director - 5070					
Div. of Planning Ext. 4499 Robert Cotter, Director	3/31/09		✓		
Law Department Ext. 5229 William Matsikoudis, Corp. Counsel	3/31		<del>✓</del>		✓
Police Department Samuel Jefferson, Director - 5300					
Public Works John Yurchak, Director - 4402					
Risk Manager Peter Soriero - 6929	4/1		✓		
Tax Assessor Ed Toloza- 4707	4/2		✓		
Tax Collector Maureen Cosgrove - 5120	3/27		✓		
Traffic & Transportation Joao D'Souza - 4530					
Director of Finance Paul Soyka - 5252					

Eugene T. Paulino, Esq.  
Schumann Hanlon LLC Attorneys at Law  
30 Montgomery Street - 15<sup>th</sup> floor  
Jersey City, N.J. 07302  
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