

City Clerk File No. Ord. 08-108

Agenda No. 3.A 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 08-108

TITLE: ORDINANCE SUPPLEMENTING CHAPTER 3 (ADMINISTRATIVE CODE, ARTICLE XI (DEPARTMENT OF POLICE) OF THE CITY OF JERSEY CITY ESTABLISHING THE PROCEDURE AND FEES FOR PROVIDING OFF-DUTY POLICE OFFICERS FOR SPECIAL DETAIL ASSIGNMENTS

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

WHEREAS, the Police Director has advised that it is in the interest of the City of Jersey City for the Police Department to charge the same hourly fee for off-duty work detail at City owned Community Centers as is charged for commercial multi store complexes; and

WHEREAS, the Police Director has requested that the Council amend the fees to be charged for those details.

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

A. The following supplement to Chapter 3 (Administrative Code), Article XI (Department of Police) of the Jersey City Code is adopted:

Article XI
Department Of Police

§ 3-85.1 Off-duty employment

- A. No Change.
- B. No Change.
- C. No Change.
- D. Rates of compensation; administrative fee; payment for services.
 - (1) Rates of compensation for contracting the services of off-duty law enforcement officers are established as follows:
 - (a) Rate of compensation for police officers for details at construction sites between the hours of 7:00AM and 4:00PM shall be at the rate of \$35.00 per hour. Any hours after 4 P.M shall incur a night differential at an additional \$10.00 per hour. In addition, any construction details on Saturdays, shall be paid at time and a half rate and Sunday or Holidays as set forth herein, shall be at a double time rate, without any night differential.
 - (b) Any details at a commercial multi store complex and any details for or on behalf of tax exempt organizations, non-profit (503c3) organizations, civic organizations, individuals in non-commercial situations at any City owned Community Centers, shall be at the hourly rate of \$35.00 without any night, Saturday, Sunday and Holiday differential.

ORDINANCE SUPPLEMENTING CHAPTER 3 (ADMINISTRATIVE CODE, ARTICLE XI (DEPARTMENT OF POLICE) OF THE CITY OF JERSEY CITY ESTABLISHING THE PROCEDURE AND FEES FOR PROVIDING OFF-DUTY POLICE OFFICERS FOR SPECIAL DETAIL ASSIGNMENTS

- (c) Any commercial single store detail; details for or on behalf of tax exempt organizations, non-profit (503c3) organizations, civic organizations, individuals in non-commercial situations, except at City owned Community Centers, shall be at the hourly rate of \$25.00 without any night, Saturday, Sunday and Holiday differential. However, any such details deemed by the Chief of Police or his designee, based upon prior history, to involve major or unusual crowd control issues, including but not limited to, parades and festivals, then in that event the hourly rate shall be \$50.00, per hour.
- (d) Rate of compensation for police officers for details at movie sets shall be at the rate of \$45.00. Any hours after 4 P.M shall incur a night differential at an additional \$10.00 per hour. There shall be no differential for Saturday, Sunday or Holidays.
- (e) Rate of compensation for police officers for details outside an Alcoholic Beverage Control licensed premises and/or event, shall be at the hourly rate of \$50.00. Details are not permitted on the "licensed premises" itself, which is the area licensed for alcohol consumption, retail sale or storage. There shall be no differential for nights, Saturday, Sunday or Holidays.
- (f) Any detail requiring the services of a superior of the rank of Sergeant or Lieutenant only, shall receive compensation at an additional \$10.00 per hour, above the hourly rate of police officers assigned to said details. The Chief of Police or his designee, shall determine if a detail requires the services of such a superior.
- (g) Holidays referenced herein are New Years Eve, New Years Day, Martin Luther King's Birthday, Good Friday, Memorial Day, July 4th, Labor Day, Veterans Day, Thanksgiving Day, Christmas Eve and Christmas Day.
- (h) Any off-duty details over 8 hours will be paid at a time and a half rate beginning with the ninth hour.
- (i) Fee for police vehicle and fuel per hour or part thereof: \$10.00. The necessity for a police vehicle at a particular job site will be at the determination of the District Commander of the district of the detail.
- (j) Additional fee of \$5.00 per officer per hour is hereby established to cover administrative costs, overhead and out-of-pocket expenses of the City of Jersey City. This additional fee will not be charged to any organization for any event that takes place in a City owned building or to the Jersey city Housing Authority.
- (k) Any work or project conducted by a Jersey City Governmental Entity shall not qualify for off-duty police services with the exception of the Jersey City Housing Authority. The rate for police officers and detectives for the Jersey City Housing Authority shall be, at site based assignments, \$25.00 per hour; Sgts. \$26.00 per hour; Lt. \$27.00 per hour; and Capt. \$29.00 per hour. All rotating assignments shall be paid at the rate of \$22.00 per hour. There shall be no night, Saturday, Sunday and Holiday differential regardless of assignment.

The aforesaid rates may be reviewed from time-to-time as may be appropriate, however, shall remain in full force and effect until appropriately amended.

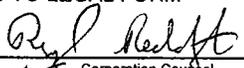
ORDINANCE SUPPLEMENTING CHAPTER 3 (ADMINISTRATIVE CODE, ARTICLE XI (DEPARTMENT OF POLICE) OF THE CITY OF JERSEY CITY ESTABLISHING THE PROCEDURE AND FEES FOR PROVIDING OFF-DUTY POLICE OFFICERS FOR SPECIAL DETAIL ASSIGNMENTS

- 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 material is new, therefore, underlining is omitted.
For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

JM/he
7/25/08

APPROVED AS TO LEGAL FORM



Asst. Corporation Counsel

APPROVED: _____

APPROVED: 

Business Administrator

Certification Required

Not Required

City Clerk File No. Ord. 08-109

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 08-109

TITLE:

ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND FIBER TECHNOLOGIES NETWORKS LLC TO PERMIT THE INSTALLATION, USE AND MAINTENANCE OF TELECOMMUNICATIONS FACILITIES WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATIONS SERVICES

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

A. The following ordinance is adopted:

WHEREAS, Fiber Technologies Networks LLC ("Fibertech"), a New York limited liability company, with offices located at 300 Meridian Centre, Rochester, New York, is authorized to provide local exchange and interexchange telecommunications services throughout the State of New Jersey pursuant to an Order issued by the New Jersey Board of Public Utilities ("NJBP") in Docket No. TE05080683 dated September 14, 2005; and

WHEREAS, Fibertech has requested the consent of the City of Jersey City ("City") to use certain public rights-of-way within the City for a period of fifty (50) years for the purpose of constructing, installing, operating, repairing, maintaining and replacing a telecommunications system; and

WHEREAS, Fibertech agrees to pay the City \$5,000.00 to cover the reasonable costs incurred by the City for review, analysis and preparation of documents related to Fibertech's request; and

WHEREAS, N.J.S.A. 48:17-10 and N.J.S.A. 40:67-1 authorize the City to grant municipal consent for public utility lines in its rights-of way; and

WHEREAS, it is deemed to be in the best interest of the City and its citizenry, particularly including the commercial and industrial citizens, for the City to grant municipal consent to Fibertech to occupy said public rights-of-way within the City for this purpose; and

WHEREAS, the granting of such consent is and shall be conditioned upon Fibertech's continued compliance with all existing and future ordinances of the City and its entering into a Use Agreement with the City; and

WHEREAS, Fibertech agrees to indemnify, defend and hold the City harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within certain public rights-of-way and provide liability insurance coverage for personal injury and property damage.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JERSEY CITY THAT:

1. Non-exclusive consent is hereby granted to Fibertech to use certain public rights-of-way within the City for the purpose of construction, installation, operation, repair, maintenance and replacement of a telecommunications system for a period of fifty (50) years, subject to the mutual covenants and obligations as set forth in the Use Agreement annexed hereto.
2. The within granted permission is conditioned upon Fibertech entering into the annexed Use Agreement with the City and providing liability and property damage insurance.
3. The Business Administrator and Municipal Clerk are hereby authorized to execute the attached use Agreement or such substantially similar agreement as approved by the City's Corporation Counsel.

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.

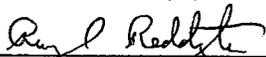
D. This ordinance shall take effect at the time and in the manner as provided by law.

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: New matter is underlined.

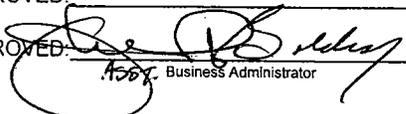
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APPROVED AS TO LEGAL FORM



Asst. Corporation Counsel

APPROVED:



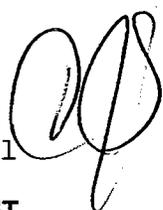
Asst. Business Administrator

Certification Required

Not Required

Jersey City Law Department
Memorandum

To: William Matsikoudis, Corporation Counsel

From: Carmine J. Scarpa, Assistant Corporation Counsel 

Subject: **ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND FIBER TECHNOLOGIES NETWORKS LLC TO PERMIT THE INSTALLATION, USE AND MAINTENANCE OF TELECOMMUNICATIONS FACILITIES WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATIONS SERVICES**

Date: July 29, 2008

This Ordinance permits Fibertech to use existing conduits owned by other public utilities to lay their fiber optics in the City of Jersey City. Municipal consent is required by the BPU.

We currently only charge fiber optics providers on the basis of street excavation. This use of conduits will likely require no excavation; however, if it does, the agreement requires that Fibertech comply with all City ordinances.

Accordingly, we negotiated a reasonable fee of \$5,000 for the City's costs in review, preparing, and approving the subject Municipal Consent.

CS/jn

RIGHTS-OF-WAY USE AGREEMENT

THIS RIGHTS-OF-WAY USE AGREEMENT (“Use Agreement”) is dated

(The “Effective Date”), and entered into by and between the City of Jersey City (“City”), a New Jersey municipal Corporation, having its address at 280 Grove Street, Jersey City, New Jersey 07302, and Fiber Technologies Networks, LLC (“Fibertech”), a New York limited liability company, with offices located at 300 Meridian Centre, Rochester, New York 14618.

RECITALS

WHEREAS, Fibertech has been approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE05080683, dated September 14, 2005.

Pursuant to such authority granted by the Board, Fibertech may locate, place, attach, install, operate and maintain facilities within municipal rights-of-way for purposes of providing telecommunications services; and

WHEREAS, with permission of the owners of such utility poles or underground conduits, Fibertech proposes to place its telecommunication facilities aerially on utility poles or in underground conduit in the public rights-of-way within the City, for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system.

WHEREAS, it is in the best interests of the City and its citizenry for the City to grant consent to Fibertech to occupy said public rights-of-way within the City for this purpose.

WHEREAS, the consent granted herein is for the non-exclusive use of the stated public rights-of-way within the City for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system.

NOW, THEREFORE, in consideration of the mutual covenants and obligations hereinafter set forth, the City and Fibertech hereby agree to and with each other as follows:

Section 1: Definitions

- a. “BPU” is the New Jersey Board of Public Utilities.
- b. “Fibertech” is the grantee of rights under this Use Agreement and is known as Fiber Technologies Networks, LLC, its successors and assigns.

- c. "City" is the grantor of rights under this Use Agreement and is known as the City of Jersey City, County of Hudson, State of New Jersey.
- d. "Public Utility" means any public utility defined in N.J.S.A. 48:2-13.
- e. "Rights-of-Way" means the areas devoted to passing under, over on or through lands with public utility facilities.
- f. "Underground Conduit" means, in addition to its commonly accepted meaning, any wires or cable placed therein and any replacement thereof which are similar in construction and use.
- g. "Utility Pole" means, in addition to its commonly accepted meaning, any wires or cable connected thereto and any replacement thereof which are similar in construction and use.

Section 2: Grant of Consent.

The City hereby grants Fibertech its municipal consent for the non-exclusive use of the public rights-of-way within the City for the purpose of owning, constructing, installing, operating and maintaining a telecommunications system, subject to the mutual covenants and obligations as set forth in this Use Agreement.

Section 3: Public Purpose.

It is deemed to be in the best interests of the City and its citizenry, particularly including commercial and industrial citizens, for the City to grant consent to Fibertech to occupy said public rights-of-way within the City for this purpose.

Section 4: Project Description and Notice to and Approval of City

Any construction to be undertaken for the purposes described herein shall require prior notice by Fibertech to the City. Fibertech shall fully describe the construction to be undertaken in plans and specification submitted to the City, and shall obtain approval from, coordinate and work with the appropriate Municipal Department(s) before scheduling and commencing any construction.

Section 5: Scope of Use Agreement.

Any and all rights expressly granted to Fibertech under this Use Agreement, which shall be exercised at Fibertech's sole costs and expense, shall be subject to the prior and continuing right of the City under applicable laws to use any and all parts of the municipal rights-of-way

exclusively or concurrently with any other person or persons, and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect such municipal rights-of-way. Nothing in this Use Agreement shall be deemed to grant, convey, create or vest in Fibertech a real property interest in land, including any fee, leasehold interest, easement or any other form of interest or ownership.

Subject to obtaining the permission of the owner(s) of Utility Poles and Underground Conduit, which shall be the sole responsibility of Fibertech to undertake and obtain, and subject to notice and approval of the City as described in section 4 herein, the City hereby authorizes and permits Fibertech to enter upon the municipal rights-of-way and to attach, install, operate, maintain, remove, reattach, reinstall, relocate and replace its telecommunications facilities, in or on Utility Poles or Underground Conduit owned by public utility companies or to be constructed by Fibertech located within the municipal rights-of-way as may be permitted by the public utility company or property owner, as the case may be.

Section 6: Compliance with Ordinances

Fibertech shall comply with all existing ordinances of the City as may be amended from time to time and with all future ordinances as may be enacted.

Section 7: Municipal Costs

Fibertech agrees to pay to the City \$5,000.00 to cover the reasonable costs incurred by the City for review, analysis and preparation of documents related to Fibertech's request for municipal consent.

Section 8: Duration of Consent and Termination of Agreement

The non-exclusive municipal consent granted herein shall expire fifty (50) years from the Effective Date of this Use Agreement. Upon expiration of such consent, or at such earlier date that Fibertech ceases to maintain its facilities, it shall remove the facilities at its cost and expense.

The City may terminate this Use Agreement, or require modification hereof, upon notice and opportunity of Fibertech to be heard, where it is shown that the scope of use hereunder is compromising the health, safety and welfare of the citizenry.

Section 9: Indemnification

Fibertech, its successors, assigns, sub-contractors, agents, servants, officers, employees,

designees, guests and invitees, hereby indemnify, defend and hold harmless the City, its successors and assigns, elected officials, officers, employees, servants, contractors, designees and invitees from and against any and all claims, demands, suites, actions at law or equity or otherwise, judgments, arbitration determinations, damages, liabilities, decrees of any person(s) or entities claiming to be or being harmed as a result of Fibertech's actions under this Use Agreement and costs in connection therewith. This indemnification shall specifically include, but not be limited to, any and all costs, reasonable attorneys fees, court costs and any other expenses that may be incurred by the City in connection with any and all claims, demands, suites, actions at law or equity or otherwise and/or arbitration proceedings which may arise in connection with Fibertech activities pursuant to the rights granted in this Use Agreement.

Section 10. Notices

All notices or other correspondence required or permitted to be given in connection with this Use Agreement shall be in writing and delivered personally, by telecopy, by overnight carrier service or by registered or certified mail to the parties at the following addresses:

To Fibertech at: Charles B. Stockdale
Vice President and General Counsel
Fibertech Networks LLC
300 Meridian Centre
Rochester, New York 14618

With a copy to: Richard P. DeAngelis, Jr.
Stryker, Tams & Dill, LLP
Two Penn Plaza
Newark, New Jersey 07105

To the Municipal Engineer
City of Jersey City
575 Route 440
Jersey City, New Jersey 07305

Section 11. Liability Insurance

Fibertech shall at all times maintain a comprehensive liability insurance policy with a single amount of at least One Million dollars (\$1,000,000.00) covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation contemplated herein, and an excess liability policy (or "umbrella") policy in the amount of Five

Million Dollars (\$5,000,000.00).

Prior to the commencement of any work pursuant to this Use Agreement, Fibertech shall file Certificates of Insurance with the City with endorsements evidencing the coverage provided by said liability and excess liability policies.

The City shall notify Fibertech within fifteen days (15) days after the presentation of any claim or demand to the City, either by suit or otherwise, made against the City on account of any of Fibertech's or its sub-contractors, agents, employees, officers, servants, designees, guests and invitees, activities pursuant to the rights granted in this Use Agreement.

Section 12. Successors and Assigns.

The terms and conditions herein contained shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

Section 13. Governing Law.

This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of New Jersey.

Section 14. Incorporation of Prior Agreements.

This Agreement contains the entire understanding of the parties hereto with respect to the subject matter hereof, and no prior other written or oral agreement or undertaking pertaining to any such matter shall be effective for any purpose.

Section 15. Modification of Agreement.

This Agreement may not be amended or modified, nor may any obligation hereunder be waived orally, and no such amendment, modification or waiver shall be effective for any purpose unless it is in writing and signed by the party against whom enforcement thereof is sought.

Section 16. Invalidity.

If any provision hereof shall be declared invalid by any court or in any administrative proceedings, then the provisions of this Agreement shall be construed in such manner so as to preserve the validity hereof and the substance of the transaction herein contemplated to the extent possible. The headings are provided for purposes of convenience of reference only and are not intended to limit, define the scope of or aid in interpretation of any of the provisions hereof.

Section 17. Counterparts.

This Agreement may be executed and delivered in several counterparts, each of which,

when so executed and delivered, shall constitute an original, fully enforceable counterpart for all purposes.

IN WITNESS WHEREOF, this Use Agreement has been executed as of the date set forth below.

Fiber Technologies Networks, LLC

Witness

Charles B. Stockdale
Vice president & General Counsel

Print Name:

Dated:

Dated:

City of Jersey City

Witness

Brian O'Reilly
Business Administrator

Robert Byrne
Municipal Clerk

Dated:

Dated:

City Clerk File No. Ord. 08-110

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 08-110

TITLE:

ORDINANCE AMENDING CHAPTER 307 (TAXICABS AND LIMOUSINES) ARTICLE I (TAXICABS) OF THE JERSEY CITY CODE

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

A. The following amendment to Chapter 307 (TAXICABS AND LIMOUSINES) Article I (TAXICABS) of the Jersey City Code is adopted:

§ 307-1. Definitions.

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

CALL BOX -- A telephone or call box for the taking of calls and the dispatching of taxicabs by the authorized holder or holders of a certificate of public convenience and necessity.

CERTIFICATE -- A certificate of public convenience and necessity issued by the Division of Commerce, authorizing the holder thereof to conduct a taxicab business in the City of Jersey City.

CRUISING --

DESIGNATED TAXI STAND -- A stand for the exclusive use of those taxicabs specifically assigned such stand and issued an emblem stating the name of such stand by the Division of Commerce.

DISABLED PERSON -- Disabled person means a physical impairment which confines a person to a wheelchair, cause a person to work with difficulty or insecurity, affects sight or hearing to the extent that a person functioning in public areas is insecure or exposed to danger, causes faulty coordination or reduces mobility, flexibility, coordination and perceptiveness.

DRIVER'S LICENSE -- The permission granted by the Division of Commerce to a person to drive a taxicab upon the streets of the city.

HOLDER -- A person to whom a certificate of public convenience and necessity has been issued.

MANIFEST -- A daily record prepared by a taxi driver of all trips made by the driver showing time and place of origin, destination, number of passengers and the amount of fare of each trip. The manifest shall also contain the driver's name, time reporting on and off duty, the starting and finishing mileage and the number of the vehicle.

OPEN TAXI STAND -- A stand which is not reserved for the exclusive use of specific taxicabs but authorized for use by any taxicab licensed pursuant to this article.

RATE CARD -- A card issued by the Division of Commerce for display in each taxicab which contains the rate of fare in force.

STARTER -- A person in charge of queuing taxicabs and waiting patrons and otherwise maintaining order at a taxi stand.

TAXICAB or TAXI -- A motor vehicle equipped with a taximeter, regularly engaged in the business of carrying passengers for hire, and not operated over a fixed route, and so designed as to comfortably seat not fewer than four passengers, exclusive of the driver.

TAXIMETER -- A meter, instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

TAXI STAND and TEMPORARY TAXI STAND -- A place alongside the curb of a street or elsewhere in the city reserved exclusively for the use of taxicabs and distinctly marked by a metal sign or stanchion, or by painted markings on the surface of the street or curb.

WAITING TIME -- The time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge and payment of fare by the passenger.

§ 307-2. Certificate of public convenience and necessity required.

No private vehicle shall be used as a taxicab. No person shall operate or permit a taxicab owned or controlled by him or her to be operated as a vehicle for hire without having first obtained a certificate of public convenience and necessity from the Division of Commerce. The number of outstanding certificates shall be limited to a total of one hundred four (104) cabs and no more, unless adequate service to the public shall require more and such additions are approved by the Municipal Court.

§ 307-3. Application for certificate.

An application for a certificate of public convenience and necessity shall be filed with the Division of Commerce upon forms provided by the Division, and the application shall be verified under oath and shall furnish the following information:

A. Name, address, date of birth, telephone, social security and motor vehicle operator license numbers of the applicant.

B. Experience of the applicant in the transportation of passengers.

C. Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.

D. Number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals.

E. Four photographs (minimum size of 3 1/2 inches by 3 1/2 inches) of each taxi (full frontal, full rear and bumper-to-bumper left and right side views). (This requirement shall not apply to renewal applications, but to initial applications under this amended ordinance and replacement vehicles only.)

F. Complete a Scofflaw Violations Check Form supplied by the Division of Commerce.

G. Such other information as the Division may require.

§ 307-4. Issuance or denial of certificate.

A. Subject to the limit fixed by this article, if the Division of Commerce finds that further taxicab service in the city is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this article and the rules thereto promulgated by the Division, then the Division shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under said certificate and the date of issuance; otherwise the application shall be denied.

B. In making the above findings, the Division shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience and responsibility of the applicant.

C. If the application is denied, written reasons for such denial shall be given the applicant. The applicant may appeal such denial to the Business Administrator in writing and within 20 days of his or her receipt of the written reasons for denial. A hearing shall be scheduled upon at least 10 days' notice to the applicant.

D. Every holder of a certificate of public convenience and necessity shall be responsible for the operation of any taxi for which the certificate has been granted.

§ 307-5. Operation of noncertified taxicabs within city limits.

A. It shall be unlawful for a noncertified taxicab to pick up or accept a passenger within the city for a destination to a place within the city.

B. Noncertified taxicabs may discharge a passenger at a destination within the city, provided that said passenger has been picked up by said taxicab outside the city.

C. Noncertified taxicabs may only pick up a passenger within the city to be taken to a place of destination outside the city, provided that the passenger had personally or through an agent previously arranged by telephone or other means of communication with the owner or driver of the noncertified taxicab for such a trip to the destination outside the city.

D. Noncertified taxicabs may not pick up passengers unless the pickup is prearranged as described above.

§ 307-6. Emergent removal of taxi from service; out-of-service sticker.

A. A taxi may be removed from service on an emergent basis by the Director of the Division of Commerce when:

- (1) The taxi is being operated without insurance in violation of § 307-7;
- (2) The taxi is found to be unsafe or otherwise in violation of the provisions of § 307-21; or
- (3) The taximeter is not working or inaccurate or otherwise in violation of § 307-23.

B. The holder may appeal the removal from service in writing to the Business Administrator within 20 days of the removal. A hearing shall be scheduled upon at least 10 days' notice to the holder.

C. When the Division of Commerce removes a taxi from service, the Division shall place an out-of-service sticker on the left side of the taxi's front windshield. The taxi shall remain out-of-service until the deficiencies are corrected and the sticker is removed by the Division.

D. It shall be a violation of this article for anyone other than the Director of the Division of Commerce or an inspector of the Division to remove an out-of-service sticker placed on a taxi by the Division.

E. If a taxi is in operation after an out-of-service sticker is removed by anyone other than the Director of the Division of Commerce or an inspector of the Division and prior to the correction of the deficiencies which caused the sticker to be placed on the taxi, the Director of the Division may cause that taxi to be impounded until the deficiencies which caused the sticker to be placed on the taxi are corrected. In such a case, the impoundment shall be at the taxi owner's expense.

F. If within 40 days of the removal from service, the taxi is not returned to service in full compliance with this article, the Director of the Division of Commerce shall revoke such certificate of public convenience and necessity in accordance with the procedures set forth in § 307-11.

§ 307-7. Insurance required.

A. In order to insure the safety of the public, it shall be unlawful for any person to operate or cause or permit a taxicab to be operated, nor shall be certificate of public convenience and necessity be issued, until an insurance policy in compliance with N.J.S.A. 48:16-3 to 48:16-12 is obtained and copies filed with the Clerk of the City of Jersey City and with the Division of Commerce.

B. Any certificate issued hereunder shall only be effective for as long as the insurance policy remains in force and in accordance with the statutory amounts. In the event that the insurance is canceled, the certificate shall terminate on the effective date of the cancellation, unless the

insurance has been reinstated and a withdrawal of the cancellation or a new policy of insurance has been submitted to the Clerk of the City of Jersey City and to the Division of Commerce prior thereto for the remainder of the license term.

C. Said insurance policy must provide therein that it shall not be canceled except upon 20 days' prior written notice to the Director of the Division of Commerce.

§ 307-8. Annual license fee; expiration date.

No certificate shall be issued or continued in operation unless the holder thereof has paid an annual license fee as provided in Chapter 160, Fees and Charges, for each vehicle operated under a certificate of public convenience and necessity and, upon renewal, has completed a renewal application, together with applicable documentation, as required by the Division of Commerce. The certificate shall expire on March 31 of each year. The initial license fee following the change in expiration date will be subject to proration by the Division of Commerce. The fee shall be in addition to any other license fees or charges established by proper authority and applicable to said holder of the vehicle or vehicles under his or her operation and control.

§ 307-9. Transfer of certificate.

A. No certificate of public convenience and necessity may be sold, leased or otherwise transferred to a taxicab driver or any other person for the use of transporting passengers without the approval of the Director of the Division of Licenses and Fees. The purchaser, lessee or transferee shall qualify for a certificate in accordance with § 307-3 et seq. Any denial of sale, lease, or transfer shall be in writing and based upon the failure of the transferee to qualify for a certificate pursuant to § 307-3 et seq. An applicant wishing to appeal a denial of transfer shall follow the procedure as set forth in § 307-4C.

B. The holder of a certificate may sell, lease or transfer the certificate as described in § 307-9A above, or may lease, rent or hire out a taxicab or taxicab driver to any other person for the use of transporting passengers, subject to the approval of the Director of the Division of Licenses and Fees. Whenever a holder of a certificate leases, rents or hires out a taxicab as described above, the details of the transaction shall be recorded promptly by the holder in the Division of Licenses and Fees.

C. The transfer fee shall be as provided in Chapter 160, Fees and Charges.

§ 307-10. Revocation or suspension of certificate.

A certificate issued under the provisions of this article may be revoked or suspended by the Division of Commerce if the holder thereof has:

A. Violated any of the provisions of this article.

B. Discontinued operations for more than 30 days.

C. Violated any provision of this Code or the laws of the United States or the State of New Jersey, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.

§ 307-11. Notice prior to suspension or revocation; hearing.

A. Prior to suspension or revocation, the holder shall be given notice and a copy of the charges and shall have an opportunity to present evidence in his or her behalf to the Division Director.

B. An adverse ruling by the Division Director may be appealed to the Business Administrator. The request for appeal shall be in writing and submitted within 20 days of the adverse ruling. A hearing shall be scheduled upon at least 10 days' notice to the holder.

§ 307-12. Taxicab driver's license.

No person shall operate a taxicab for hire upon the streets and no person who owns or controls a

taxicab shall permit it to be so driven and no taxicab licensed by the City shall be so driven at any time for hire unless the driver of the taxicab shall have first obtained and shall have then in force a taxicab driver's license issued under the provisions of this article.

§ 307-13. Application for taxicab driver's license; contents; expiration date.

A. An application for a taxicab driver's license and yearly renewal thereof shall be filed with the Division of Commerce on forms provided by the Division, and such application shall be verified under oath and shall contain the following materials or information:

- (1) Name, address, date of birth, telephone, social security and motor vehicle operator license numbers.
- (2) The experience of the applicant in the transportation of passengers.
- (3) A three-year history of his or her employment.
- (4) Proof of residence in the State of New Jersey for a period of at least 90 days.
- (5) The applicant shall be 21 years of age or older and have at least three years of driving experience.
- (6) The applicant is able to speak, read and write the English language and has a basic knowledge of Hudson County roadways and landmarks.
- (7) The applicant is a citizen of the United States. If the applicant is not a citizen, he or she must present valid documentation of authorization to work from the federal government.
- (8) The applicant has in his or her possession a valid New Jersey State driver's license.
- (9) Two photographs of the applicant one and one-half by one and one-half (1 1/2 x 1 1/2) inches front view of the applicant's face and shoulders without head covering.
- (10) Fingerprint impressions taken by the Department of Police. The applicant shall bear any and all costs for fingerprinting.
- (11) Each application must be accompanied by a certificate from a licensed and practicing physician of the State of New Jersey, certifying that the applicant was examined on a certain date, within 60 days before the filing of the application; and that, in the physician's opinion, the applicant is of sound physique, with good eyesight, not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might make the applicant unfit to safely operate a taxi. Upon renewal application, a certificate shall only be required every other year.

B. At the time the application is filed, the applicant shall pay to the Division the sum as provided in Chapter 160, Fees and Charges. The license shall expire on December 31 of each year. The initial license fee following the change in expiration date will be subject to proration by the Division of Licenses and Fees.

§ 307-14. Investigation of taxicab driver's license applicants.

A. Upon the filing of an application for a taxi driver's license, the Jersey City Police Department shall conduct an investigation of each applicant. The applicant's photo and fingerprints shall be forwarded to the Jersey City Police Department's Bureau of Records and Identification. A report of the investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application and returned for the consideration of the Division of Commerce.

B. The Director of the Division of Commerce shall consider the application, the police investigation report, the physician's certificate and any other documentation required to be attached thereto, the character, driving experience and responsibility of the applicant and any other relevant facts whatsoever and shall approve or reject the application. However, no taxi driver's license shall be issued until a written police investigation report is received from the Jersey City Police Department's Bureau of Records and Identification, showing the result of the investigation of the applicant's prior history, if any, through an examination of the fingerprints. If a delay of more than 30 days is encountered between the date of fingerprinting and the receipt of the results of a Federal Bureau of Investigation (FBI) or a New Jersey State Police fingerprint

check (the applicant shall bear the cost of any such investigation and check), the Director of the Division of Commerce may issue the applicant a temporary license for a period not to exceed six months based on a check through the fingerprints on file with the Jersey City Police Department. If, when received by the Division of Commerce, all results of the fingerprint checks by the FBI and the New Jersey State Police show that the applicant is unfit to obtain a license, the Division may immediately revoke the applicant's license.

§ 307-15. Approval or rejection of application for taxicab driver's license.

The Division of Commerce shall, upon consideration of the application and the reports and certificates required to be attached thereto, approve or reject the application. If the application is rejected, written reasons for such rejection shall be given to the applicant. The applicant may appeal such rejection to the Business Administrator, in writing, and within 20 days of his or her receipt of written reasons for rejection. A hearing shall be scheduled upon at least 10 days' notice to the applicant.

§ 307-16. Issuance of taxicab driver's license; fee.

A license for each calendar year shall be issued upon payment of a fee as provided in Chapter 160, Fees and Charges, unless the license for the previous year has been revoked or suspended.

§ 307-17. Display of taxicab driver's license.

Every driver licensed under this article shall post his or her driver's license and a rate card in a bracket folder above the rear front seat at the eye level of the passenger. Said license and rate card shall be enclosed in plastic or glass.

§ 307-18. Suspension or revocation of taxicab driver's license.

The Division of Commerce is hereby given the authority to suspend any taxicab driver's license issued under this article, such suspension to last for a period of not more than 30 days. The Division is also given authority to revoke any driver's license. A license may be suspended or revoked for failure to comply with the provisions of this article. However, a license may not be suspended or revoked unless the driver has received notice and a copy of the charges and has had an opportunity to present evidence in his or her behalf to the Division Director. An adverse ruling by the Division Director may be appealed to the Business Administrator. The request for appeal shall be in writing and submitted within 20 days of the adverse ruling. A hearing shall be scheduled upon at least 10 days' notice to the driver.

§ 307-19. Licensed drivers to comply with other laws.

Every taxicab driver licensed under this article shall comply with all city, state and federal laws relating to the use and occupancy of motor vehicles and taxicabs. Failure to do so will justify the Director of the Division of Commerce in suspending or revoking a license.

§ 307-20. Taxicab equipment and maintenance; inspections.

A. Prior to the use and operation of any vehicle as a taxicab under this article, the vehicle shall be thoroughly examined and inspected by the Division of Commerce and shall be found to comply with such reasonable rules and regulations as may be prescribed by the Division. These rules and regulations shall be promulgated to provide safe transportation and shall specify such safety equipment and regulatory devices as the Division deems necessary therefor.

B. When the Division of Commerce finds that a vehicle has met the standards established by the Division of Commerce, it shall issue a license to that effect. The license shall be conspicuously displayed in each taxicab, so as to be readily seen by the passenger.

C. Every vehicle operating under this article shall be kept in a clean and sanitary condition according to rules and regulations promulgated by the Division.

D. All seat belts and shoulder harnesses shall be maintained and/or replaced as required to keep them in safe working order. The number of such seat belts and harnesses maintained and/or replaced shall be the same number originally installed by the manufacturer of the vehicle. All upholstery covering on seats and cushions in a licensed taxicab shall be made of leather or similar nonabsorbent material of a washable nature and shall be easily removable.

E. Every taxicab shall be equipped with an interior white light of sufficient candlepower to illuminate its interior after sundown and in no case shall the bulb be less than six candlepower.

F. Taxicabs shall be equipped with roof lights and said lights shall be in operation whenever the taxicabs are in operation. The roof lights shall be lighted when the taxicabs are vacant and extinguished during the daytime hours. There shall be no switches to allow the operator to control the roof lights.

G. Vehicles used as taxicabs shall pass inspection by the New Jersey State Motor Vehicle Department and also shall pass inspection by the Division of Commerce of the city.

H. Taxicabs, whether initial or replacement vehicles, shall not be more than sixty (60) months of age when first put into taxicab service and shall be removed from taxicab service when such vehicle attains the age of eighty-four (84) months; provided, however, that those taxicabs in service prior to the effective date of this amended article and which are 60 or more months of age prior to the effective date of this amended article shall not be required to be removed from taxicab service earlier than twenty-four (24) months after the effective date of this amended article, except that when a taxicab attains the age of eighty-four (84) months, the holder may, on a yearly basis, seek the written approval of the Director of the Division of Commerce to keep the taxicab in service. The holder shall have the burden of proving to the Director of Commerce that the taxicab is in superior condition.

I. Replacement vehicles used as taxicabs shall have a minimum of four doors and shall not be station wagons.

J. Bulletproof shields shall be installed on all vehicles, whether new or used. Such shields shall be installed full length behind the driver's seat from the floor to the roof of the taxicab. The partition shall be made of lexan, margard, or other polycarbonate material not less than 0.375 inches thick extending upward from the back of the front seat to the ceiling of the vehicle. There shall be a provision for communication with passengers and for a money slot while the partition is closed. Such partition may be able to be partially opened by the driver, so long as the driver can fully close the partition at any time. A vehicle owner shall also equip the vehicle with a 0.085-inch thick plate of ballistic steel or its equivalent, installed inside the back rest of the front seat. The plate shall cover the complete back rest area which is exposed to the rear seat compartment.

K. Security locks, which permit operation of both rear door locks by the operator of the taxicab, may be installed in any vehicle; however, the passenger shall never be prevented from manually unlocking his or her door.

L. Taxicabs shall be equipped with trouble lights that can be engaged by the driver, which will reveal a light on the outside of the vehicle, on the back of the taxi and just to the left of the trunk lock, and which is used to send out a silent distress call to notify other vehicles and pedestrians that the driver is in a dangerous situation.

M. Cameras and radios shall be required in all taxicabs. The required cameras shall be designed to enhance driver safety by acting as a deterrent to crime and as an effective tool in identifying those who commit crime, and shall be in-vehicle security camera systems capable of taking digital photo images of the entire passenger area of the vehicle. The system shall consist of a small camera with integrated infrared lighting that is installed above the vehicle's rear-view mirror. The infrared lighting shall enable the capture of digital images during the day or night, which shall be time and date-stamped along with the vehicle identification number, and are stored in a small controller unit securely installed elsewhere in the vehicle. The data shall be encrypted to prevent tampering and may only be accessed by authorized individuals. The

required radios shall be FCC-licensed commercial two-way radios with an emergency button capable of notifying the Police Department or the Division of Commerce that a driver is in trouble.

§ 307-21. Taxicab identification; color regulation.

A. For identification purposes, the color scheme, insignia or monogram of a taxicab shall be assigned by the Division of Commerce. Each taxicab shall bear, either upon each rear door or upon each side of the vehicle next to the rear door, the rates of fare, as set forth on the rate card, in black letters not less than one inch or more than two inches in height. Trade names shall appear in black letters no less than six inches in height on both sides and rear of each vehicle. The assigned number of each taxicab shall appear on each side and rear in black numerals not less than two inches in height. No vehicle covered by this article shall be licensed whose color scheme, identifying design, monogram or insignia shall, in the opinion of the Division, conflict with or imitate any color scheme, identifying design, monogram or insignia used on a vehicle or vehicles already operating under the article, in such a manner as to be misleading or tend to deceive or defraud the public. If, after a license has been issued for a taxicab hereunder, the color scheme, identifying design, monogram or insignia thereof is changed without authorization from the Director of the Division of Commerce, the certificate covering such taxicab or taxicabs shall be suspended or revoked in accordance with the procedures set forth in § 307-11.

B. All taxicabs licensed to operate within the City of Jersey City shall be painted one uniform color substantially consistent with the following examples:

- (1) Ford Chrome Yellow Paint - Code No. 6S.
- (2) Dupont Centari Acrylic Paint - Code No. 4357.
- (3) Dupont Deluxe Enamel Paint - Code No. 95923.

C. All taxicabs in service prior to the effective date of this amended article shall be exempt from this requirement; provided, however, that all new and replacement taxicabs which come into service after the effective date of this amended article shall be in compliance with the above color requirement immediately upon their operation within the City of Jersey City. Also exempt from this requirement, upon review and approval of the Director of the Division of Commerce, shall be radio-dispatched taxis which can demonstrate that their color scheme had been established and recognized by the public for a significant length of time prior to the effective date of this amended article.

D. Any taxicab being painted in compliance with this amended article shall be inspected by the Division of Commerce within 30 days of said painting.

§ 307-22. Taximeters.

A. All taxicabs operated under the authority of this article shall be equipped with a taximeter of a size and design approved by the Division of Commerce, and be so affixed that the face of the meter is visible to passengers. After sundown, each taximeter shall be illuminated by a suitable light not less than three candlepower and shielded or so arranged as to throw a continuous light thereon. No driver, while carrying passengers, shall display the signal affixed to any taximeter in such a position as to denote that the vehicle is not employed.

B. The Division of Commerce shall examine any taximeter attached to any taxicab, at any time, to see that it is accurate according to the rate schedule and to affix to the meter a seal of the Division. The seal shall be of a type and design set forth by the Division and attached in such manner that will ensure its remaining intact and prevent the tampering with the inner portion of the meter. In the event that a taximeter requires repairs, it shall not be returned to service until such time as it has been inspected again as required above and the proper seal again affixed. No person shall use or permit to be used, or drive for hire, a taxicab with a taximeter the case of which is unsealed or the covers and gears of which are not intact.

§ 307-23. Fare rates; discounts.

No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than in accordance with the following rates:

A. Mileage rates shall be two dollars and fifty cents (\$2.50) for the first one-ninth (1/9) mile or each fraction thereof and twenty-five cents (\$0.25) for each additional one-ninth (1/9) mile.

B. Waiting time shall be charged at the rate of twenty cents (\$0.20) for each minute per waiting time or fraction thereof at a rate of twelve dollars (\$12.00) per hour.

C. Every taxicab operated under this article shall have a rate card setting forth the authorized rates of fare displayed as described in § 307-17. Rates of fare shall apply on one to five passengers to a single destination.

D. Taximeters shall be maintained so as to remain accurate and, except in the case of flat-fare rates authorized under this article, shall be in use whenever the taxicabs are in operation. When a taximeter is required to be in use, and it is not in use, whatever the reason, the passenger shall not be charged a fare for that particular ride. A notice approved by the Division containing this provision shall be conspicuously posted in each taxicab.

E. Taxicabs shall carry passengers to other municipalities within the state at a flat rate. If a trip or call extends beyond the boundary of the city, the driver and passenger or passengers shall agree on a flat rate of fare, prior to the start of the trip. A proper notation shall be made on the driver's manifest showing such charge.

F. The Division of Commerce shall have prepared the notices in large print to be displayed in the passenger compartment of each taxicab advising the passenger that if the meter is not in operation (except in the case of flat-fare rates authorized under this article) or if there is any question regarding the fare, that the passenger shall notify the Division of Commerce of such matter. In addition to the above, said notice shall contain the following information:

(1) The name of the taxicab owner and the name of the driver.

(2) The number of the taxicab.

G. Senior citizens and disabled persons.

(1) No person of the age of sixty-two (62) years and over, upon presentation of proper identification showing proof of such person's age to the driver of such taxicab, and no disabled person, as defined in § 307-1, shall pay more than the following discount rate; provided, however, that no discount rate shall be in effect between the hours of 7:00 a.m. to 9:00 a.m., and between the hours of 4:00 p.m. to 7:00 p.m., Monday through Friday.

Fare Appearing on Meter	Discount Rate to be Paid
If \$4.00 or less	\$2.00
If over \$4.00	One-half fare

(2) The discount rate shall not apply where two or more adult passengers engage a taxi and all such passengers are not senior citizens and/or disabled persons.

(3) No owner or operator of a taxicab shall refuse to provide transportation for any such senior citizen or disabled person.

H. The Director of the Division of Commerce shall issue adequate signs to be placed in each taxicab operating in the city indicating the availability of reduced fares for senior citizens and disabled persons.

§ 307-24. Receipt to be supplied upon demand.

The driver of a taxicab shall, upon demand by the passenger, render to the passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on

which shall be the name of the owner, driver's name, license number of taxicab, date and amount of the fare.

§ 307-25. Refusal of passenger to pay legal fare.

No person shall refuse to pay the legal fare of any taxicab or vehicle mentioned in this article after having hired the same, and no person shall hire any such taxicab or vehicle with intent to defraud the person from whom it was hired of the value of such service. Any dispute as to rate of fare shall, upon request of the driver or passenger, be determined by the police officer in charge of the nearest police station.

§ 307-26. Solicitation of passengers; acceptance and discharge of passengers; cruising.

A. No driver shall, **whether at a taxi stand or otherwise**, solicit passengers for a taxicab, except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof. **No driver shall use words other than "taxi," "cab" or "taxicab" when so soliciting. This subsection shall not be construed to allow any solicitation or conduct otherwise prohibited by this Chapter.** The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to the vehicle at all times when such vehicle is upon the public street. **No driver shall, whether at a taxi stand or otherwise, seek to ascertain the destination of a passenger before the passenger is seated in the taxicab.**

B. **No driver shall threaten, harass or abuse any passenger, governmental officer, representative of the Division of Commerce, public servant or any other person while performing his duties as a driver. No driver shall use or attempt to use any physical force against a passenger, governmental officer, representative of the Division of Commerce, public servant or any other person while performing his duties as a driver.** No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any person or follow any person for the purpose of soliciting patronage. No driver or starter shall induce any prospective passenger as to the location of any hotel, public place or private residence within the city or as to the distance between any two points, nor shall any driver or starter deceive any prospective passenger or make any false or misleading representations to him or her or convey any passenger to any place or over any other route than that to which such passenger may have instructed the driver to go. No driver shall deceive a passenger by taking a route known to be less direct for the purpose of increasing a fare.

C. Drivers of taxicabs shall not receive or discharge passengers in the roadways, but shall pull up to the right-hand sidewalk as nearly as possible or, in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either the right- or left-hand sidewalk or side of the roadway in the absence of a sidewalk.

D. Drivers may, upon being hailed, pick up passengers except in such areas and at such times prohibited by directive issued by the Director of the Division of Commerce with the approval of the Business Administrator. Such directive and any amendments thereto shall be mailed to the last known business address of each holder of a certificate. A driver shall not, however, pick up a passenger within 400 feet of a taxi stand.

E. No person, other than the licensed driver or a person with a disability, shall ride or sit in the front seat unless the rear seat is fully occupied by passengers. ~~No driver shall permit any other person to occupy or ride in the taxicab unless the person or persons first employing the taxicab shall consent to the acceptance of additional passenger or passengers. No charge shall be made for an additional passenger, except when the additional passenger rides beyond the previous passenger's destination, and then only for the additional distance so traveled. The additional passenger shall not be treated as a new passenger for such additional distance.~~

F. No driver shall permit more persons to be carried in a taxicab as passengers than the number of manufacturer installed seat belts originally existing in the taxicab.

G. No driver shall refuse or neglect to convey any orderly person or persons upon request, unless previously engaged or unable or forbidden by the provisions of this article to do so.

H. It shall be a violation of this article for any driver of a taxicab to solicit business for any hotel or to divert patronage from one hotel to another. Drivers shall not partake of any alcoholic beverage while on duty. Drivers shall not engage in selling intoxicating liquors or solicit business for any illicit purpose or use vehicles for any purpose other than the transportation of passengers.

I. No taxicab shall remain parked at any place within the city except at a taxi stand assigned to it or unless it is waiting for a scheduled passenger. No taxicab shall be parked at any place other than its taxi stand awaiting a call from its dispatcher or other person for a new assignment. A driver may, however, park a taxicab for short periods of time solely to do errands or business of a personal nature, i.e., food breaks.

§ 307-27. Taxi stands; establishment; designated stand; open stand; use.

A. The Division of Traffic and Street Maintenance, with the approval of the Division of Commerce, shall recommend to the governing body the establishment of designated and open taxi stands and temporary taxi stands in such place or places upon the streets of the city as it deems necessary. The governing body shall establish taxi stands by resolution. A taxi stand or temporary taxi stand may also be located on private property with approval of the property owner. The Division of Traffic and Street Maintenance, with the Division of Commerce, shall make such recommendation to the governing body. Any taxi stand established shall further be in compliance with all applicable state laws. The Division of Commerce, with the approval of the Business Administrator, shall prescribe the number of cabs that shall occupy such taxi stands and temporary taxi stands, and such number shall be indicated on the curbside taxi stand sign. No stand shall be established without taking into consideration the need for such stands by the companies and the convenience to the general public. Nor shall a stand be established in front of any place of business where the abutting property owners object to same or where such stand would create a traffic hazard. For stands located on private property, the owners of such property may impose additional requirements upon occupants with regard to their use of such private property stands.

B. In the event that relocation of public highways or other development or improvement makes it necessary to close and discontinue a taxi stand or temporary taxi stand, the Division of Traffic and Street Maintenance, with the approval of the Division of Commerce, shall have the right to close and discontinue the stand or to change its location. In the event a designated stand is closed, the occupant(s) of the closed stand shall be reassigned to the new designated stand established to replace the closed stand. If no replacement designated stand is established, then occupant(s) may request assignment to an existing designated stand; provided, however, that the occupant(s) show evidence of the need for additional occupant(s) at the existing stand. Occupants of a designated stand closed without replacement shall have preference when requesting assignment to an existing stand.

C. Any newly created designated taxi stand or any assigned space at an existing designated taxi stand which becomes available through retirement, revocation or other means shall be filled through a lottery system. The procedures, rules and regulations for such lottery system shall be announced by directive issued by the Director of the Division of Commerce with the approval of the Business Administrator and may be amended as deemed necessary to ensure the fair and equitable disposition of designated taxi stand assignments. A holder aggrieved by any decision made pursuant to § 307-27B or § 307-27C herein may appeal in writing to the Business Administrator within 20 days of such decision. A hearing shall be scheduled upon at least 10 days' notice to such holder.

D. All taxicabs assigned to a designated taxi stand shall be issued an emblem stating the name of the designated stand, and such emblem shall be adhered at the lower left side of the stand, and such emblem shall be adhered at the lower left side of the taxicab's rear windshield so as to be clearly visible by a person standing outside the taxicab. No taxicab shall use a designated taxi stand unless specifically assigned such designated stand and issued the appropriate emblem by the Director of the Division of Commerce.

E. Any taxicab may use an open taxi stand as authorized under this article.

F. Stands shall be used by drivers on a first-come, first-served basis, **this means that the first taxi in line shall accept the first passenger in line. A driver shall not pick or accept a passenger that is not first in line, nor shall he pick or accept more than one fare.** A driver entering the stand with his or her taxicab shall join any waiting taxicabs from the rear and advance forward as the preceding taxicabs depart. **A driver may not use another person, other than a dispatcher as authorized in this chapter, to solicit a passenger. No driver shall overcrowd, back into a front position, or otherwise cut in line at a taxi stand. The driver of each of the first two (2) taxicabs at a taxi stand shall remain in the driver's seat ready to accept passengers. Any other driver shall be no more than fifteen (15) feet from his taxicab. No driver shall threaten, harass or abuse any passenger, governmental officer, representative of the Division of Commerce, public servant or any other person while performing his duties as a driver. No driver shall use or attempt to use any physical force against a passenger, governmental officer, representative of the Division of Commerce, public servant or any other person while performing his duties as a driver.** Drivers shall not engage in loud or boisterous talk while waiting at a stand, nor shall any driver perform or cause to be performed any maintenance or repairs on his or her taxicab while waiting at a stand. Subject to rules and regulations of the director, no person shall park or stand a taxicab in any prohibited area, or in any area controlled by curb parking meters, or at the curb within 15 feet of the entrance to any railroad station, theater, hotel, restaurant or similar place of public accommodation or public resort.

G. The rules regarding taxi stands shall also apply to feed lines at air, rail, bus and ship terminals.

§ 307-28. Call boxes; establishment; use.

The Director of the Division of Commerce, with the approval of the City Traffic Engineer, shall establish call boxes upon the streets of the city in such places as in its discretion it deems proper. Any holder or holders desiring to establish a call box shall make a written application to the Division. The applicant(s) shall attach to the application the written approval of the abutting property owner. The Division either shall grant or refuse the application. If and when a call box has been established, as herein provided, it shall be used solely by the holder or holders to whom it was granted and his or her or their agents and servants, and no other holder or holders shall be permitted to use it. Any holder or holders of existing call boxes shall be given six months from the effective date of this article to comply with this section.

§ 307-29. Taxi stands not to be used by other vehicles.

Private vehicles or other vehicles for hire shall not at any time occupy the space upon the streets which has been established as either a taxi stand, temporary taxi stand or call box stand.

§ 307-30. Standard of service; safety requirements; personal appearance.

A. All persons engaged in the taxicab business in the city operating under the provisions of this article, **whether holder or driver, shall at all times cooperate with all law enforcement officers and authorized representatives of the Division of Commerce and shall comply with all reasonable requests, including but not limited to, providing his name, certificate or license number, trip record, or any other documentation required to be in his possession. A holder or driver shall promptly answer and comply with all questions, communications, directives, and summonses from law enforcement officers or authorized representatives of the Division of Commerce. A law enforcement officer or authorized representative of the Division of Commerce shall always have the authority to monitor circumstances at a taxi stand or other place of fare and take whatever action is deemed necessary and proper to effectuate the clear and express purposes of this chapter. All persons engaged in the taxicab business in the city operating under the provisions of this article, whether holder or driver, shall at all times** render an overall acceptable service to the public desiring to use taxicabs. Holders of certificates of public convenience and necessity shall maintain a central place of business in Jersey City. They shall answer all calls received by them for service inside the city as soon as they can do so and, if the service cannot be rendered within a reasonable time, they shall notify the prospective passengers how long it will be before the call can be answered and give the

reason therefor. Any holder who shall refuse to accept a call anywhere in the city at any time when such holder has available taxicabs or who shall fail or refuse to give overall acceptable service shall be deemed a violator of this article, and the certificate granted to such holder shall be suspended or revoked at the discretion of the Director of the Division of Commerce in accordance with the procedures set forth in § 307-11.

B. Notwithstanding any provision of this article to the contrary, no person may operate an autocab in contravention of federal and state laws and regulations.

C. All taxicab drivers, when operating their taxicabs, must obey the following rules regarding their appearance and behavior:

(1) Drivers must be neat and clean in their personal appearance and must have their hair, beards, mustaches, etc., well trimmed and kept;

(2) Drivers shall wear the following items of dress:

(a) A long- or short-sleeved shirt or blouse with a collar.

(b) A pair of zippered trousers or skirt.

(c) Other items of clothing, e.g., headgear, jackets, sweaters or shoes, as well as jewelry, shall be appropriate and tasteful. Drivers shall not wear excessive cologne, perfume or aftershave.

(3) No smoking shall be permitted while carrying passengers.

§ 307-31. Drivers to maintain daily manifest; contents.

A. Every taxicab driver shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare, and all such completed manifests shall be returned to the owner of the taxicab by the driver at the conclusion of the tour of duty. The form for each manifest shall be furnished to the driver by the owner and shall be of a character approved by the Division of Commerce.

B. Every holder of a certificate of public convenience and necessity shall retain and preserve all driver's manifests in a safe place for at least one year, and the manifests shall be made available to the Division of Commerce immediately upon request.

§ 307-32. Required records and reports.

A. Every certificate holder shall keep accurate records of receipts from operations, operating and other expenses, capital expenditures and such other operating information as may be required by the Division of Commerce. Every holder shall maintain the records containing such information accessible for examination by the Division.

B. All accidents arising from or in connection with the operation of taxicabs which result in death or injury to any person or in damage to any vehicle, or to any property in an amount exceeding the sum of \$100 shall be reported within 24 hours from the time of occurrence to the Division of Commerce in a form of report to be furnished by the Division. The reports shall be for the use of the Division in developing useful information in the prevention of accidents.

C. All certificate holders shall file with the Division of Commerce copies of all contracts, agreements, arrangements, memorandum or other writings relating to the furnishing of taxicab service to any hotel, theater, hall, public resort, railway station or other place of public gathering, whether such arrangement is made with the holder of any corporation, firm or association with which the holder may be interested or connected. Failure to file such copies within seven days shall be sufficient cause for the suspension or revocation of a certificate of any offending holder in accordance with the procedures set forth in § 307-11.

§ 307-33. Advertising.

A. Subject to the provisions of this article and the rules and regulations of the Division, taxicabs may display advertising on or above the rear bumper of the cab only when such advertising is properly framed and does not obstruct rear vision.

B. Out-of-town taxicab companies shall not display any type of advertising in public telephone booths, taverns, restaurants or other public places in the city.

§ 307-34. Enforcement.

The Division of Commerce is hereby given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this article. Upon discovering a violation of this article, the Division shall order or take appropriate action.

§ 307-35. Use of radios.

A. Subject to required licensing and approval by the appropriate authorities, including the Division of Commerce of the city, owners may use radios to dispatch taxicabs; provided, however, that no holder of a certificate of public convenience under this article may use or maintain any radio, scanner or any other device set to the frequency of any other radio-dispatched cab or any other autobus, livery or limousine service licensed by the City of Jersey City; nor may any taxicab be equipped with any radio, scanner or device capable of receiving the dispatch calls of any other taxi or any other autobus, livery or limousine service licensed to operate in Jersey City. Any certificate holder or driver found guilty of a violation of this subsection shall have his or her certificate or license suspended for a period of up to 30 days according to the procedures set forth in § 307-11. Any owner or driver found guilty of a second violation shall have his or her certificate or license revoked in accordance with the procedures set forth in § 307-11.

B. Taxicabs may be equipped with citizens band radios, provided that the installation is approved by the Director. Citizens band radios in taxicabs or at dispatch offices shall be limited to use in an emergency or to report crimes in progress to other cabs equipped with similar radios so that the police can be summoned. No owner or driver may use a citizens band radio for any commercial purpose. The use of a citizens band radio for any commercial purpose such as soliciting fares may result in a fine or suspension of the certificate or license and referral to the Federal Communications Commission (FCC). All citizens band radios installed in taxicabs shall comply with regulations of the FCC.*

§ 307-36. Variance.

An applicant 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 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, welfare and safety of passengers or the public in general.

§ 307-36.1. Violations and penalties.

In addition to any and all penalties described above, any person, firm or corporation who shall violate any of the provisions of this article shall, upon conviction, be punishable as provided in Chapter 1, General Provisions, § 1-25.

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.

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: New matter is underlined.

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

APPROVED AS TO LEGAL FORM

Ray L. Reedy
Asst. Corporation Counsel

APPROVED: _____

APPROVED: W. J. D. D.
4587. Business Administrator

Certification Required

Not Required

CITY OF JERSEY CITY

JERRAMIAH T. HEALY
MAYOR

PAUL J. BARNA
DIRECTOR



DIVISION OF COMMERCE
382 MARTIN LUTHER KING DRIVE
JERSEY CITY, NJ 07305
TEL: (201) 547-5139
FAX: (201) 547-5585

INTER OFFICE MEMORANDUM

Date: July 29, 2008

To: Members of the Jersey City Council

From: Paul J Barna, Director Division of Commerce

Subject: Taxi Ordinance #307 updating

Dear members of the Jersey City Council:

As you are all aware of the problems that the City of Jersey City has been experiencing with the taxi industry and the general public, the Division of Commerce is updating the Taxi Ordinance.

The changes that the Division of Commerce is requesting reflect an immediate need to resolve any alleged ambiguity and to bring our ordinances into the twenty first century. These changes do not reflect the whole ordinance just specific problems we wish to correct immediately.

I thank the Council in advance for their commitment to public safety and Jersey City.

City Clerk File No. Ord. 08-111

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 08-111

TITLE:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
AMENDING THE HOPKINS & CENTRAL AVENUES REDEVELOPMENT PLAN**

WHEREAS, the Municipal Council of the City of Jersey City, by Resolution 08-216, adopted April 9, 2008, did declare the Hopkins and Central Avenues Study Area to be "an area in need of redevelopment"; and

WHEREAS, the Municipal Council, upon the recommendation of the Jersey City Planning Board did adopt a redevelopment plan for the Hopkins and Central Avenues Study Area; and

WHEREAS, pursuant to *NJSA 40A:12A-4.a.(3)*, the governing body is empowered to adopt a redevelopment plan to regulate development within an area declared in need of redevelopment; and

WHEREAS, the Planning Board of Jersey City, at a public hearing on March 25, 2008, reviewed and amended the proposed Hopkins and Central Avenues Redevelopment Plan and voted to recommend that the Municipal Council adopt the Hopkins and Central Avenues Redevelopment Plan; and

WHEREAS, the amendments herein adjust the building design requirements and the specific land use regulations; and

WHEREAS, the proposed Hopkins and Central Avenues Redevelopment Plan, attached hereto and made a part hereof is available for public inspection in the Office of the City Clerk, City Hall, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the above referenced Hopkins and Central Avenues Redevelopment Plan be, and hereby is, adopted as recommended by the Jersey City Planning Board.

BE IT FURTHER ORDAINED THAT:

- 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 at the time and in the manner as provided by law.
- D. 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 repealers of existing provisions.

Robert D. Cotter, PP, Director
Division of City Planning

APPROVED AS TO LEGAL FORM

R. P. Reilly
Asst. Corporation Counsel

APPROVED:

APPROVED:

Asst. Business Administrator

Certification Required

Not Required

Summary

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY AMENDING THE HOPKINS & CENTRAL AVENUES REDEVELOPMENT PLAN

Amends the Building Design Requirements and Specific Land Use Regulations to allow for more flexibility in materials used while maintaining the integrity of the design and allows for off-street ground level parking.

Hopkins and Central Avenues

Redevelopment Plan

City of Jersey City

**Recommended by the
Jersey City Planning Board
To the Municipal Council
June 18, 2008**

DIVISION OF CITY PLANNING
Version 06-05-08

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HOPKINS AND CENTRAL AVENUES REDEVELOPMENT PLAN

I. INTRODUCTION

The Hopkins and Central Avenues Redevelopment Area (hereinafter also referred to as the Redevelopment Area or the Area) was determined to be “an area in need of redevelopment”, pursuant to the New Jersey Local Housing and Redevelopment Law (N.J.S.A. 40A:12A-1 et seq.) by resolution of the Jersey City Municipal Council following a recommendation by the Jersey City Planning Board.

The Redevelopment Area includes the entire east side of Central Avenue between Hopkins and Beacon Avenues extending east approximately 127 feet. The Redevelopment Area itself is characterized by an auto body shop, surface parking lot, and two detached residential structures.

It would now appear to be appropriate for the City to take a more pro-active approach to redevelopment in this Area, in a manner that is more consistent with the mixed residential and commercial uses found in this area.

II. BOUNDARIES

The Hopkins and Central Avenues Redevelopment Area is located in the heights section of Jersey City, two blocks north of the “covered” roadway. The Area is generally located in the northern portion of Jersey City.

The Area consists of the following Tax Blocks and Lots:

Block 569, Lots 12A, 12B, 75, 76, 77, and 78A

The boundary of the Redevelopment Area is also depicted on Map 1 – Boundary Map.

III. REDEVELOPMENT OBJECTIVES AND REQUIREMENTS OF ANY DEVELOPMENT AND CONSTRUCTION WITHIN THE PLAN AREA

- A. The planning and development of the Redevelopment Area as a residential area with limited ground floor retail along Central Avenue and accessory parking.
- B. To integrate new development within the Area into the surrounding community by encouraging the creation of a viable residential development that will complement the existing residential community.
- C. Encourage the assemblage of lots within the Area in order to create a suitable site for more comprehensive development.

- D Provide on-site parking, while at the same time recognizing the availability of mass transit in order to take advantage of the Redevelopment Area's proximity to local bus routes and the Journal Square Transportation Center.
- E The improvement of the pedestrian environment and traffic circulation for the contemplated new development by reducing the number of curb cuts within in the Redevelopment Area, and the provision of new side walks, street trees and other pedestrian amenities within the existing street rights-of-way.

IV. PROPOSED REDEVELOPMENT ACTIONS

These actions are proposed to substantially improve and upgrade the Redevelopment Area through a combination of redevelopment measures that will provide a uniform and consistent attack on blight within the Area by systematically removing blighting influences in an orderly manner and allowing for new construction. These will include but not be limited to:

- A. Acquisition of vacant land, and/or acquisition and demolition of structures, determined to be impediments to sound and comprehensive redevelopment.
- B. The consolidation and/or re-subdivision of land within the Redevelopment Area into suitable parcels for development for the new land uses where necessary.
- C. Provision for a full range of public and/or private infrastructure necessary to service and support new development in the Area and adjacent areas.
- D. Construction of new structures and complementary facilities that will complement the land use patterns in the surrounding area.

V. GENERAL ADMINISTRATIVE REQUIREMENTS

The following provisions shall apply to all property located within the Hopkins and Central Avenues Redevelopment Area.

- A. Prior to the commencement of: (a) any new construction, (b) reconstruction, (c) rehabilitation (d) any change in the use of any structure or parcel, or (e) any change in the intensity of use of any structure or parcel; a site plan for such shall be submitted by the developer or property owner to the Planning Board for review and site plan approval. No temporary or permanent Building Permit shall be issued for any work associated with (a) through (e) above, without prior site plan review and approval of such work by the Planning Board. Nothing in this section is intended to require site plan review and approval for minor modifications to the interior floor plan, such as the relocation or modification of partition walls, which are commonly done to accommodate new tenancies or during lease renewals.

- B. The provisions of this Plan specifying the redevelopment of the Area and the requirements and restrictions with respect thereto shall be in effect for a period of twenty (20) years from the original date of approval of this Plan by the Jersey City Municipal Council. Subsequent amendments hereto shall not alter or extend this period of duration, unless specifically extended by such amendments.
- C. Approval requirements of the Planning Board - Site plan review shall be conducted by the Planning Board, pursuant to NJSA 40:55D-1 et. seq. Site plan review shall consist of a preliminary and final site plan application. Submission of a site plan and site plan application shall conform to the requirements of the Jersey City Zoning Ordinance and this Plan. Applications may be submitted for an entire project or in phases. Final Site plan approval for any phase shall entitle an applicant to building permits. Final site plan approval for any phase shall not be granted until performance guarantees for site improvements for that phase have been furnished by the redeveloper in accordance with NJSA 40:55D-53
- D. As part of final site plan approval, the Planning Board shall require a developer to furnish performance guarantees pursuant to NJSA 40:55D-53. Such performance guarantees shall be in favor of the City of Jersey City, and be in a form approved by the Planning Board attorney. The amount of any such performance guarantees shall be determined by the City Engineer in conformance with applicable law, and shall be sufficient to assure completion of site improvements within one (1) year of final site plan approval, or such other time period as determined by the Planning Board if particular circumstances dictate a longer time frame.
- E. No Certificate of Occupancy (CO) of any type, either permanent or temporary, shall be issued for any construction until performance bonds, in an amount identified by the Planning Board and the City Engineer, have been posted with City.
- F. Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with this Plan and the Jersey City Land Subdivision Ordinance.
- G. No development or redevelopment of any parcel in the Redevelopment Area that will result in an increase in wastewater from that parcel shall be permitted unless and until the planned project wastewater piping and systems for the removal of effluent and storm water are approved by the City of Jersey City Division of Engineering and the Municipal Utilities Authority; and the municipal wastewater piping and systems for the removal of effluent and storm water are certified by the City of Jersey City Division of Engineering and the Municipal Utilities Authority as being of sufficient capacity and good condition to accommodate uses that will occupy said parcel. Such approval may be contingent upon requisite improvements to the drainage system in the street, as reasonably determined by the Division of Engineering.
- H. Interim uses may be permitted, subject to site plan review and approval by the Planning Board. The Planning Board shall only permit uses that it finds will not have an adverse effect upon surrounding existing or contemplated development during the interim use

period. Interim uses must be approved by the Planning Board. The Board shall establish an interim use period of up to three (3) years in duration. The Planning Board may grant additional one (1) year renewals of interim uses upon application, review, and approval.

- I. Deviation Clause - The Planning Board may grant deviations from the regulations contained within this Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant a deviation from the regulations contained within this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan; and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant exceptions or waivers from design standards, from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan. No deviations may be granted which will result in permitting: (1) a use or principal structure in a district restricted against such use or principal structure, (2) an expansion of a non-conforming use, (3) an increase in height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district, (4) an increase in the permitted floor area ratio, (5) an increase in the permitted density.

An application requesting a deviation from the requirements of this Plan shall provide public notice of such application in accordance with the public notice requirements set forth in NJSA 40:55D-12.a. & b.

- L No building shall be constructed over an easement in the Redevelopment Area without site plan review and approval of the Jersey City Planning Board and prior written approval of the Redevelopment Agency and the Division of Engineering.
- K If any word, phrase, clause, section or provision of this Plan shall be found by a court of competent jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, clause, section or provision shall be deemed severable and the remainder of the ordinance shall remain in full force and effect.

VI. GENERAL DESIGN REQUIREMENTS AND RESTRICTIONS

The following standards and requirements shall apply to all applications, including but not limited to: developments, re-developments, rehabilitation, and or re-use applications within the Redevelopment Plan area:

- A. All utility service connections to utility distribution lines within the Redevelopment Area; and all utility appliances, regulators and metering devices shall be located underground or within the building. No utility boxes or structure shall be permitted in sidewalk areas or exterior to the building. Remote readers are required for all utilities, in lieu of external location of the actual metering devices. Developers are required to arrange for connections to public and private utilities.
- B. Chain link fencing shall be prohibited within the Redevelopment Area, except during construction. Chain link fencing for construction shall be dismantled and removed prior to the issuance of a Certificate of Occupancy.
- C. No Billboard shall be permitted on any property within the Redevelopment Area.
- D. No signage shall be permitted within the Redevelopment Area, which includes flashing, blinking or otherwise animated lights and/or parts, spinners, pennants, reflective materials, which sparkle or twinkle and/or similar materials; except for seasonal holiday decorations.
- E. No advertising shall be permitted on parking meters, light poles, or on benches or other street furniture within the public right-of-way.
- F. Upon demolition of any existing structures, the site shall be graded, planted, sodded, and/or developed, in accordance with this Plan.
- G. All trash dumpsters and/or compactors shall be located within a building. All outdoor storage shall be prohibited.
- H. All buildings within the Redevelopment Area must display the street address of the building such that it is clearly visible from the adjoining street right of way.
- I. In order to facilitate the overall redevelopment of the Hopkins and Central Avenues Redevelopment Area, the surrounding area, and the City of Jersey City in general, all advertising, signage and other promotion of the resulting project, whether undertaken by the City, the Redevelopment Agency, or private developers, shall contain references to the proposed project's location. They all shall clearly state it to be within the City of Jersey City so as to promote the positive external effects for not only the project, but the Redevelopment Area and the City as well.

VII. URBAN DESIGN REQUIREMENTS

A. Building Design Requirements

1. All structures within the Redevelopment Area shall be situated with proper consideration of their relationship to other buildings, both existing and proposed, in terms of light, air and usable open space, access to public rights of way and off-street parking, height and bulk. Buildings shall be designed to be attractive from all vantage points, such that ~~identical~~ *similar* façade materials and detailing *is are* used on all facades.
2. Building entrances shall be oriented toward the street and shall have direct access to public sidewalk.
3. Buildings shall have a clear base, middle and top. Architectural devices, such as providing stringcourses, cornices and sub-cornices, and horizontally differentiating surface treatments, shall be used to achieve the necessary transitions.
4. The windows and glazing of a building are a major element of the building and therefore, they shall ~~contain an~~ *be* articulated *by* lintels and sills and they shall be recessed the depth of one brick ~~wygh~~ *width*. Additionally, they shall contain the following:
 - a. Residential: Windows in residential portions of a building shall be arranged such that the vertical dimension, or height, is greater than the horizontal dimension, or width. However, bay windows, bow windows or other window features may also be incorporated into the façade to provide architectural interest and character, provided that the overall verticality of the structure is not adversely affected. Scattered window facades shall not be allowed. Each façade shall present a unified, rational composition. Corner buildings shall have windows on both street frontages. All frontages shall be treated as a primary façade. The window sill of any residential window sill facing a public street shall not be less than 5 feet above the elevation of the adjoining sidewalk, except where a low fence, a min of 5 feet from the window face, defines the edge of the sidewalk and the private garden area adjacent to the windows.
 - b. Commercial: Windows and glazing on ground floor commercial uses should be broad and expansive providing views into the store and display areas. At least seventy-five (75%) percent of the storefront façade shall be glass. Corner buildings shall have windows on both street frontages. If security gates are used on any part of the building or window, they shall be installed on the interior side of the window, hidden from view when closed, and be of the open grate style.
5. ~~All balconies shall be recessed, with no greater than 18in projection. Railings to be used on balconies and terraces shall be designed to screen the view from the street onto the balconies. Railings shall be compatible with materials used within the building and they shall not be tubular fencing or appear similar to same.~~ *Balconies shall not be located on any façade fronting a public street, although French style balcony structures may be used on upper story windows provided that do not protrude more than eight (8") inches*

from the façade. Balconies may be located along the rear façade, but shall not protrude more than four (4) feet from the building façade. In locations where the rear residential façade of the building is located less than twenty (20) feet from the rear lot line, balconies shall not be located below the fourth (4th) floor level. Railings on all balconies and terraces shall be designed to screen the view onto the balcony. Tubular style fencing or railings shall not be permitted, except on French style balconies. Railings shall be designed utilizing opaque style materials and materials that are compatible with other architectural materials used in the design of the building.

6. EIFS (Exterior Insulating Finishing Systems, artificial stone and artificial brick veneer (“Permastone” & “Brickface”), vinyl, plastic, or other cementitious-type artificial siding or cladding panels materials are prohibited on any building face within this Redevelopment Area. *Cementitious hardboard or composite type siding may be used on the rear façade of the building above the ground floor portion of the building, and on a portion of the upper facades facing Hopkins and Beacon Avenues, provided that at least 50% of these upper level facades are comprised of brick and the portions of the facades containing the cementitious siding is set back at least 5 feet from the façade of the base of the building. The front façade of the residential portion of the building fronting onto Central Avenue shall be brick. The base of the building comprising the ground floor portion of the building and rising to the transition to the residential portion of the building shall be constructed of pre-cast masonry on all facades fronting on a public street. The rear façade of the base of the building shall be constructed of brick.*
7. All electronic communication equipment, mechanical equipment, generators, HVAC equipment and similar equipment shall be acoustically buffered such that any noise generated by the equipment shall be within the applicable standards as defined by the State of New Jersey for residential zones. They shall be located interior to the building where ever possible and entirely screened from view from surrounding streets and buildings if located on a rooftop. This shall be achieved through creative disguises within the basic architecture of the building, such that it does not negatively impact the appearance of the building. Said screening shall be constructed in a manner that is consistent with the architecture of the building, and shall utilize the same materials used in the construction of the building or complimentary materials as approved by the Planning Board, such that the screening appears to be an integral part of the building. Said equipment shall be located so as to minimize or eliminate the need for screening.
8. Cellular antennas / wireless communication antennas and facilities are not permitted within this Redevelopment Area. Reference shall be made to the Wireless Communications section of the Jersey City Land Development Ordinance for appropriate permitted locations for these facilities.
9. All ground level mechanical equipment *must be located within the building.* ~~or No equipment may be located on 1st or second story roof tops are prohibited except as necessary to ventilate the parking garage. All rooftop equipment must be properly screened in conformance with the requirements of this Redevelopment plan.~~

B. Streetscape, Landscape, and Lighting Requirements

1. A streetscape plan is required for all projects and shall include proposed sidewalk and curbing materials and treatments, street trees, tree pit grates and/or treatments, and any proposed street furniture, lighting or other features to be provided. The streetscape plan shall be submitted to the Jersey City Planning Board for its review and approval as part of the site plan application and implemented as part of the construction of the project.
2. Sidewalks and curbs shall be charcoal gray. Tree pits a minimum of 12 sq. ft. in size.
3. Decorative concrete paving materials shall be incorporated into the design and pedestrian scale lighting is required. At a minimum, decorative elements shall be introduced at building entrances at street corners and along the curb line to accent and channel pedestrian flow. There shall be one handicapped ramp on each corner that tapers to the corner radius.
4. All plant material used must be able to withstand the urban environment and shall be planted, balled and burlapped as established by the American Association of Nurserymen. A planting schedule shall be provided by the developer and approved by the Planning Board. All landscaping shall be guaranteed for a period of two (2) years. Any landscaping which is not resistant to the urban environment or that dies during this period shall be replaced by the developer or property owner.
5. Street trees shall be planted along all curb lines of streets within the Redevelopment Area at a maximum of 30 feet on center, and be a minimum caliper of 3 1/2 in. Each tree pit shall contain a decorative metal grate and/or decorative paving treatment.
6. All areas not covered by a building, plaza or sidewalk shall be landscaped with trees, shrubs, groundcovers or other appropriate plant material.
8. Lighting within the Redevelopment Area shall sufficiently illuminate all areas to prevent "dark corners". All lighting sources shall be shielded to prevent and eliminate any glare. The area of illumination shall have a uniform pattern of at least one-half (0.5) foot-candles.

C. Off-street Parking Design and Loading Requirements

1. Parking shall be internal to the building and be located at least 1/2 below *on the* ground level of the proposed building. Ingress and egress to the parking area shall be limited to no more than one ingress and one egress location. Access is prohibited from Central Avenue.
2. The façade of the parking level(s) shall be designed so as to have an attractive, finished appearance compatible with that of the upper levels and/or ground floor commercial components of the building. Each façade, whether or not it fronts on a street, shall be treated as being of equal importance in terms of material selection and architectural design. ~~Materials shall remain the same on all sides.~~

3. All window openings in the parking level street facade shall ***be of the punched style*** ~~appear to contain an active permitted use behind them~~. They shall be consistent with the rhythm of the window openings serving the principal uses within the building. ***All window openings fronting on Central Avenue shall contain glass panels.*** The glass tint and/or reflectivity may be different so as to decrease the visibility of the garage use within. In lieu of glass, the openings ***on other facades*** may be covered by a hinged solid metal plate/shutter ***or decorative grill.*** Where louvers are needed, they shall be placed in the least visible location, and covered with decorative grills sufficient in design and detail to hide the louver from view. Blind windows shall also be required where there is a blank wall feature.
4. In order to preserve the maximum number of on-street parking spaces possible, driveway widths and curb cuts shall be limited to the minimum width and number necessary. Driveway / curb cut widths leading to parking areas should be no more than twelve (12) feet for one way access and no more than twenty (20) feet for two way access.
5. All required parking spaces must be a minimum of 8.5 feet wide by 18 feet deep. The placement of a curb up to two (2) feet within the required 18 foot depth of the parking space is permitted, provided that there is adequate area for an automobile occupying the parking space to over-hang said curb a like distance without infringing on required landscaping or pedestrian areas. All aisles shall be a minimum of 22 feet wide. Compact spaces may be provided only with the approval of the Planning Board and shall be a minimum of 8 feet wide by 16 feet deep.
6. Off-street parking and loading areas shall be coordinated with the public street system serving the Redevelopment Area in order to avoid conflicts with vehicular traffic and/or obstruction to pedestrian walkways and thoroughfares.
7. Light fixtures within any parking level shall be screened so as to not be visible from the exterior of the building either from the street or from other surrounding buildings and properties. Identification of the internal fixture and its location must be provided in order for any application to the Planning Board for site plan to be deemed complete.
8. Developers shall demonstrate to the Board's satisfaction that sufficient off-street loading is provided to meet the needs of the proposed uses.
9. Parking provided within the Redevelopment Area shall be for the use of the residents or tenants of the building in which the parking is located.
10. The number of required and/or permitted parking spaces for each use is indicated in Section VIII of this Plan.

D. Signage

1. Permitted Signage:

- a. Each residential building shall display the street address of the building on the front facade or front door of the building such that it is visible from the adjoining street right-of-way.
- b. Each residential building may provide any necessary signage required for proper mail delivery indicating the name(s) of the resident(s) of the building on the mailbox or doorbell, all of which shall be within the lobby of the building. Bundled exterior mailboxes shall be prohibited..
- c. Each major residential building, i.e. buildings on lots of 10,000 square feet or more, may have one (1) exterior sign flush mounted to the façade at the entrance to the building indicating the building's name, if any, not to exceed twenty (20) square feet.
- d. Home occupations shall have no external signage.
- e. Commercial Uses - Each such use fronting on a public street may be allowed one (1) exterior wall mounted sign not to exceed not to exceed twenty (20) square feet. In addition, each commercial tenant may be permitted one blade sign. Each blade sign shall not exceed a maximum of 10 square feet and shall be externally lit. Blade sign are required to be located on the building facade directly on the sidewalk frontage and shall be placed such that the lowest portion of the sign hangs at least 8 feet above the sidewalk.

2. Additional Signage Regulations and Requirements:

- a. All signs are subject to minor site plan review when not included as part of a major site plan application.
- b. All signs shall be flush mounted and project no more than twelve (12) inches although blade signs may be attached to the first floor façade.
- c. All signs may be attached to the first floor level of the building only.
- d. Permitted signage material includes: 1.) Painted wood; 2.) Painted metals including aluminum and steel; 3.) Brushed finished aluminum, stainless steel, brass, or bronze; 4.) Carved wood or wood substitute.
- e. Sign Lighting: Signs may be lit from gooseneck fixtures, backlit halo, up-lights. Internally lit signs and sign boxes are prohibited.
- f. Temporary construction and marketing signs shall be permitted subject to the following regulations: Temporary construction and marketing signs shall not exceed thirty-two (32) square feet; no person shall exhibit more than one (1) such sign per property, advertising the name of the building or project, general contractor, subcontractor, financing institution, public agencies and officials, and professional personnel; and such signs shall only be permitted beginning with the issuance of a building permit and terminating with the issuance of a certificate of occupancy for the building or project.

3. Prohibited Signage: The following signs and devices shall not be permitted within the Hopkins and Central Avenues Redevelopment Area: monument signs and internally or externally illuminated box signs, flashing or animated signs, spinners, pennants, reflective materials that sparkle or twinkle, roof signs, billboards, signboards, window signs, posters, plastic or paper that appear to be attached to the window, pole signs, free-standing signs, fluorescent and/or glowing paint for any signage or building within the

redevelopment area, waterfall style awnings, plastic awnings, product advertising signage of any kind. Product advertising signage is defined here to include, but not be limited to signage on: parking meters, signage in windows, on light poles, benches or other street furniture within the redevelopment area. Nothing in this paragraph shall be deemed to prohibit either lamppost mounted seasonal banners or traditional holiday decorations.

VIII. SPECIFIC LAND USE REGULATIONS

The following regulations shall apply within the Redevelopment Area as found in this Plan.

- A. Principal Permitted Uses: Multi-family Residential
- B. Uses incidental and accessory to the principal use, including:
 - 1. Off-street parking, on the ground level of the principal building. a ~~minimum of 1/2 below grade~~
 - 2. Commercial uses, such as retail sales of goods and services and restaurants, restricted to the ground floor.
 - 3. Fences and walls.
 - 4. Other uses customarily associated with and subordinate and incidental to a residential development; such as: meeting rooms, laundry rooms, recreational areas, rooftop amenity areas and other similar facilities.
- C. Maximum Permitted Density – 110 d.u. per acre (Note: that this density may not be achievable given the site constraints of the area)
- D. Maximum Permitted Height – ~~4 1/2~~ 5 stories; 4 residential stories over ~~1/2~~ 1 level of parking
 - 1. Additional Height Regulations:
 - a. All residential floors above the first (or ground) floor shall have a minimum floor to ceiling height of nine (9) feet. The first (or ground) floor shall have a minimum floor to ceiling height of ten (10) feet.
 - b. Parapets, bulkheads and other roof-top appurtenances may exceed the permitted height within the limitations imposed by the Jersey City Land Development Ordinance. , but ***Bulkheads and other rooftop appurtenances*** shall be located so as not to ***limit their visibility*** be visible from surrounding public R-O-W's. ***This shall be achieved through creative disguises within the basic architecture of the building, such that these features do not negatively impact the appearance of the building.***
- E. Minimum Lot Size – 15,000 sq. ft.
- F. Maximum Permitted Coverage

Building Coverage	895%
Lot Coverage	95%

G. Minimum Setbacks

1. No setback along street frontages for *the base of the building of 3 1/2 stories or less.*
2. ~~A minimum of 5 feet setback for building over 3 1/2 stories.~~ *Central Avenue runs at an angle across the front of the site. Therefore, the setback of upperstory portions of the building may provide setbacks or stepbacks that may vary from zero to fifteen feet. The intention is for the upperstory portions of the building to be articulated along this façade in order to provide architectural interest and varying light and shadow patterns.*
3. ~~Interior Lot Line Setback – 20 feet~~ *The upper story facades of the building fronting onto Beacon and Hopkins Avenue may be constructed at the street line, provided that at least 25% of the linear building frontage above the base level is set back at least 5 feet from the front façade of the base of the building.*
4. ~~Minimum Parking Requirements – .75 parking space per dwelling unit.~~ *The rear, or interior, lot line is irregular. Therefore, the building setback may vary along the course of this lot line. Along the southern portion of this lot line, where it jogs closer to Central Avenue, the base of the building may be constructed up to the lot line and the upper portions of the building shall be setback at least 15 feet. Along the more northern portion of this lot line where it is more distant from Central Avenue, the base of the building shall be setback at least 5 feet from the lot line and the upper portions of the building shall be set back 20 from the property line. Balconies may extend up to 4 feet into these required setback areas.*

H. Open Space

- a. ~~A Minimum of 50% of the roof top area shall incorporate outdoor recreation space for the residents of the building.~~
 1. *All open areas along the rear property line shall be landscaped with decorative trees, shrubs and ground covers.*
 2. *Terraces / roof decks shall be provided on the roof area over the ground floor parking to provide open space for tenants of the adjoining units.*
 3. *Balconies shall be provided for upper story units along the rear façade as further regulated by Section VII of this Plan.*

I. Minimum Parking Requirements – 1.0 parking space per dwelling unit.

IX. ACQUISITION PLAN

All properties within the Redevelopment Area are listed as To Be Acquired.

X. RELOCATION PLAN

It is anticipated that most acquisition within the Redevelopment Area will be conducted by private means, thereby reducing the amount of necessary relocation. However, should relocation of persons or businesses become necessary, the process of relocating the affected persons and businesses will receive the careful attention of local officials and the Jersey City Redevelopment Agency, and be conducted in accordance with the requirements of all applicable Federal, State and Local laws.

XI. CIRCULATION PLAN

All streets and rights of way within the redevelopment area shall remain open to the public. No modification of the street configuration or rights of way is permitted, however, re-construction and street and sidewalk replacement may be required.

All streets should provide on street parking on both sides of the street unless restricted by local ordinance. After construction is complete, all R-O-W's adjacent to the project or any needing street opening as a result of this project shall be re-surfaced ~~from curb to curb~~ to meet City Engineering specifications.

XII. OTHER PROVISIONS TO MEET STATE AND LOCAL REQUIREMENTS

In accordance with NJSA 40A:12A-1 et seq., Chapter 79, Laws of New Jersey 1992, known as "The Local Redevelopment and Housing Law", the following statements are made:

- A. The Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements.
- B. The Plan has laid out various strategies needed to be implemented in order to carry out the objectives of this Plan.
- C. The Plan has given proposed land uses and building requirements for the Redevelopment Area.
- D. The Acquisition Plan (Section IX), which is a part of this Plan, indicates all property to be acquired as a result of this Plan.
- E. The Plan is in general compliance with the Master Plan of the County of Hudson. The Hudson County Master Plan encourages "the redevelopment process to target specific neighborhoods for development assistance" as well as encouraging "municipalities to use creative planning tools such as redevelopment, special improvement districts (SID's) and urban enterprise zones to promote their goals and objectives."

The Plan is not contrary to the goals and objectives of the Jersey City Master Plan. The Master Plan states that residential neighborhoods should be protected and preserved from the intrusion of non-residential uses. Additionally, the Master Plan encourages residential uses over commercial uses in this area.

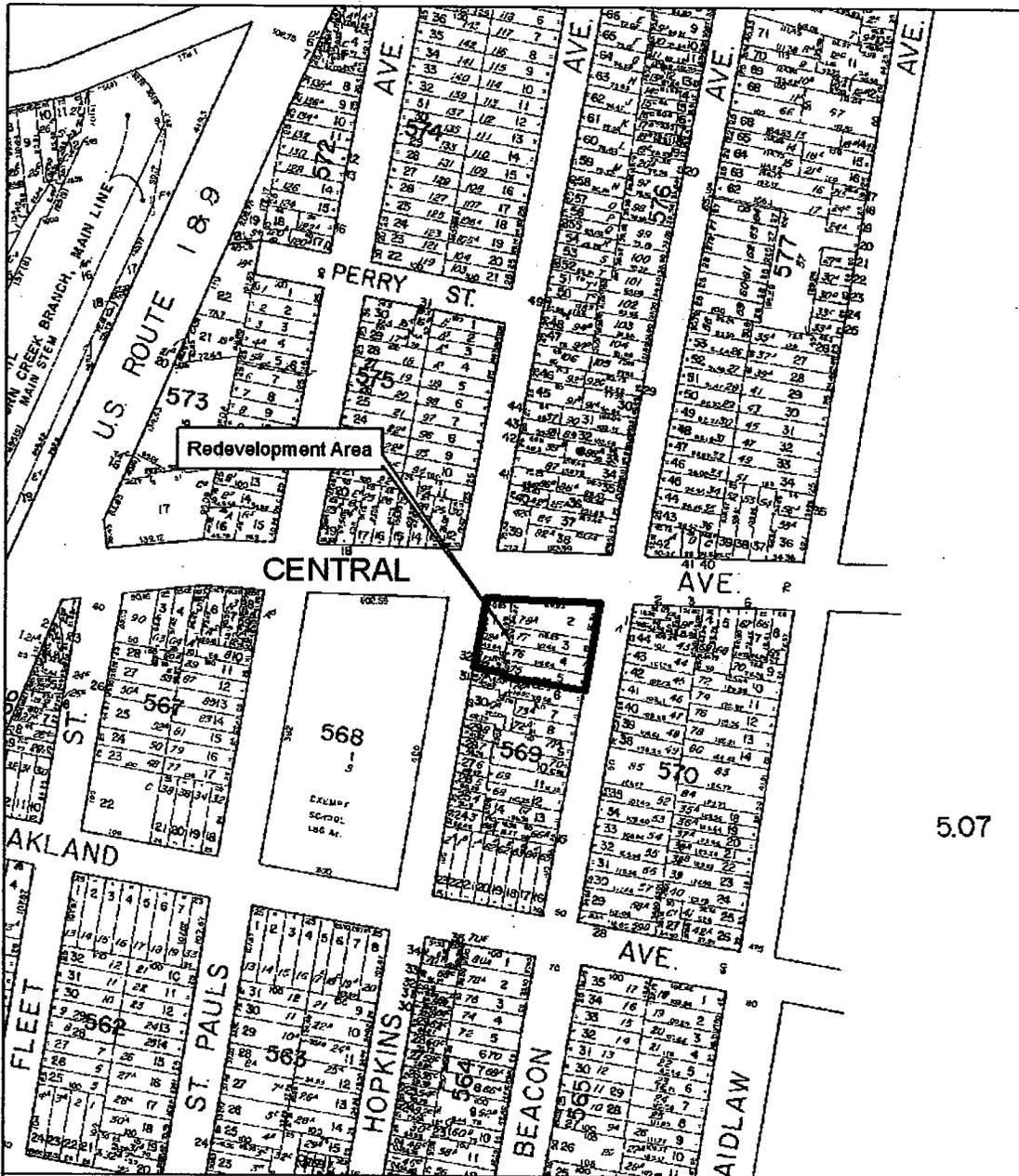
The Plan complies with the goals and objectives of the New Jersey Development and Redevelopment Plan in that this Plan and the State's plan both recognize the need to redevelop urban land.

- F. This Redevelopment Plan shall supersede all provisions of the Jersey City Zoning Ordinance that are specifically addressed herein. Any zoning related question that is not addressed herein shall refer to the Jersey City Zoning Ordinance for clarification. No variance from the requirements herein shall be cognizable by the Zoning Board of Adjustment. The Planning Board alone shall have the authority to grant deviations from the requirements of this plan, as provided herein. Upon final adoption of this Plan by the Municipal Council of Jersey City, the Jersey City Zoning Map shall be amended to rezone the Redevelopment Area covered by this Plan as a Redevelopment Area, and all underlying zoning will be voided.

XIII. PROCEDURE FOR AMENDING THE PLAN

- A. This Plan may be amended from time to time upon compliance with the requirements of law. A fee of one thousand dollars (\$1,000), plus all costs for copying and transcripts shall be payable to the City of Jersey City for any request to amend this Plan. If there is a designated developer, as provided for under NJSA 40A: 12A-1 et. seq., said developer shall pay these costs. If there is no developer the appropriate agency shall be responsible for any and all costs.
- B. No amendment to this Plan shall be approved without the review and recommendation of the Planning Board, and a public hearing and adoption by Municipal Council. A copy of any proposed change to the Plan shall be filed with the Office of the City Clerk.

XV
MAPS



**HOPKINS AND CENTRAL AVENUES REDEVELOPMENT AREA
BLOCK 569 LOTS 12A, 12B, 75, 76, 77, and 78A**

MAP 1: BOUNDARY MAP

LEGEND



BOUNDARY



North

Not to Scale

City Clerk File No. Ord. 08-112

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 08-112

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:

Labor Grade

Title

*

Supervising Equipment Operator

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
7-25-08

APPROVED AS TO LEGAL FORM

RL Rediff
Asst. Corporation Counsel

APPROVED: _____

APPROVED: BO Kelly
Business Administrator

Certification Required

Not Required

No 2008215

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. _____, 2008

**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>
<u>20</u>	<u>Supervising Equipment Operator</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

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:

Supervising Equipment Operator

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 of Personnel Rules and Regulations.

Reasons for the Proposed Program, Project, Etc.:

James Owens

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:

Union Affiliation - Local Union 245 - Labor Grade 20

I Certify That All Facts Present Herein Are Accurate.

7/22/08
Date


Department Director

Date Submitted to Business Administrator:

Handwritten notes and stamps in the bottom right corner, including a date stamp "JUL 28 2008" and some illegible text.

New Title

Supervising Equipment Operator

Department of Public Works

Union 245

Labor Grade 20

Min \$14,200

Max \$49,190

James Owens
31-A Summit Avenue
Jersey City, NJ 07304

City Clerk File No. Ord. 08-113

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 08-113

TITLE: ORDINANCE AUTHORIZING THE CONVEYANCE OF BLOCK 1319, LOTS A.09, A.08, A.07, A.03, 59, 58.A, and 57.A, MORE COMMONLY KNOWN BY THE STREET ADDRESSES OF 194, 196, 198, 200, 208, 210 and 212 MARTIN LUTHER KING DRIVE RESPECTIVELY, TO JERSEY CITY REDEVELOPMENT AGENCY

COUNCIL

offered and moved adoption of the following Ordinance:

WHEREAS, the City of Jersey City is the owner of certain property located within Block 1319, Lots A.09, A.08, A.07, A.03, 59, 58.A, and 57.A, and more commonly known by the street addresses of 194, 196, 198, 200, 208, 210 and 212 Martin Luther King Drive respectively [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 in order to implement the Martin Luther King Drive Redevelopment Plan Area within which boundaries the Property is located; and

WHEREAS, the Jersey City Redevelopment Agency has agreed to pay the City the consideration of \$1.00 and other good and valuable consideration; and

WHEREAS, the conveyance will also effectuate the redevelopment of the Property in accordance with the terms of the Martin Luther King Drive Redevelopment Plan Area 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. 50A:12-13(b)(1).

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

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 1319, Lots A.09, A.08, A.07, A.03, 59, 58.A, and 57.A, and more commonly known by the street addresses of 194, 196, 198, 200, 208, 210 and 212 Martin Luther King Drive respectively, for the purpose of implementing the purposes of the Martin Luther King Redevelopment Plan Area, is hereby approved.

ORDINANCE AUTHORIZING THE CONVEYANCE OF BLOCK 1319, LOTS A.09, A.08, A.07, A.03, 59, 58.A, and 57.A, MORE COMMONLY KNOWN BY THE STREET ADDRESSES OF 194, 196, 198, 200, 208, 210 and 212 MARTIN LUTHER KING DRIVE RESPECTIVELY, TO JERSEY CITY REDEVELOPMENT AGENCY

- 2. The Mayor or Business Administrator is directed to execute a Cooperation Agreement(s) with the Jersey City Redevelopment Agency, and any other documents, including a deed(s), that are deemed legally necessary or appropriate by the Corporation Counsel to effectuate the transfer of the Property to the Jersey City Redevelopment Agency on or before _____, 2008, 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.

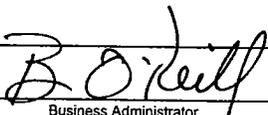
NOTE: All material is new; therefore, underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JM/he
7/24/08

APPROVED AS TO LEGAL FORM


Corporation Counsel

APPROVED: _____

APPROVED: 
Business Administrator

Certification Required

Not Required

City Clerk File No. Ord. 08-114

Agenda No. 3.G 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 08-114

TITLE:

AN ORDINANCE SUPPLEMENTING CHAPTER 26 (VEHICLES AND TRAFFIC) ARTICLE VII (TRAFFIC) ARTICLE X (SCHEDULES) OF THE JERSEY CITY CODE EXTENDING ZONE 1 RESTRICTED RESIDENTIAL PERMIT PARKING TO THE SOUTH SIDE OF WAYNE STREET BETWEEN VARICK STREET AND MONMOUTH STREET

WHEREAS, the City of Jersey City desires to reduce air pollution and other environmental effects of automobile commuting and encourage reliance on car pools and mass transportation for commuting purposes; and

WHEREAS, the City of Jersey City desires to restrict the flow of outside commuter traffic into residential neighborhoods, thus enhancing the quality of life by reducing noise, traffic hazards and litter in said residential zone; therefore

THE MUNICIPAL COUNCIL OF JERSEY CITY DOES ORDAIN:

A. The following supplements to Chapter 26 (Vehicles and Traffic) Article V (Parking Meters) and Article VII (Traffic) and Article X (Schedules) of the Jersey City Code are hereby adopted.

ARTICLE VII TRAFFIC

Sec. 26-70.1 Parking restrictions in residential zones.
(a) through (g) No Change

Sec. 26-95

**SCHEDULE 26
RESTRICTED PARKING ZONES**

ZONE 1

Barrow Street	Between Grand Street and Newark Avenue
Bright Street	North side; between Monmouth Street and Jersey Avenue
	Both sides; between Jersey Avenue and Grove Street
Brunswick Street	Between Newark Avenue and Columbus Drive
Coles Street	Between Columbus Drive and 2 nd Street
Colgate Street	Between 1 st Street and 3 rd Street
Columbus Drive	Between Grove Street and Brunswick Street
1 st Street	Between Merseles Street and Newark Avenue
Grove Street	Between Grand Street and Newark Avenue
Jersey Avenue	Between Grand Street and Newark Avenue
Marin Boulevard	Between the Southern Terminus and Columbus Drive
Maxwell Street	Between Jersey Avenue and Coles Street
Mercer Street	Between Marin Boulevard and Monmouth Street
Monmouth Street	Between Bright Street and Newark Avenue
Montgomery Street	Between Warren Street and Monmouth Street
Newark Avenue	Between Brunswick Street and Marin Boulevard
2 nd Street	Between Coles Street and Merseles Street
3 rd Street	Between Merseles Street and Coles Street
Wayne Street	Between Marin Boulevard and Varick Street
	<u>South side; between Varick Street and Monmouth Street</u>
York Street	Between Warren Street and Monmouth Street
Varick Street	Between Bright Street and Columbus Drive

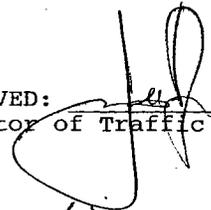
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ZONE 2 through 10 No Change

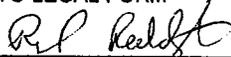
2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed
3. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
4. 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 repealers of existing provisions.

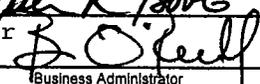
NOTE: New material to be inserted is underscored.

JDS:pcl
(07.18.08)

APPROVED: 
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM


Asst. Corporation Counsel

APPROVED:  7-23-08
City Engineer
APPROVED: 
Business Administrator

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/ resolution/cooperation agreement:

An ordinance supplementing Chapter 26(Vehicles and Traffic) Article VII (Traffic) Article V(Parking Meters), of the Jersey City Code extending Zone 1 Restricted Residential Permit Parking to the south side of Wayne Street between Varick Street and Monmouth Street

2. Name and title of person initiating ordinance/resolution, etc.:

Joao D'Souza, Director of Traffic & Transportation

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

Include the south side of Wayne Street between Varick and Monmouth Street in the Zone 1 permit parking program

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

Permit residents on the south side of Wayne Street to apply for a Zone 1 residential permit parking sticker for their vehicle

5. Anticipated benefits to the community:

increase available parking for the residents of the south side of Wayne Street between Varick and Monmouth Streets

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:

There will be no sign installation. This legislation allows the residents of to be eligible to apply for a Zone 1 permit.

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

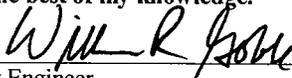
9. Person responsible for coordinating proposed program, project, etc.:

Patricia Logan, Supervising Traffic Investigator, Division of Engineering, Traffic and Transportation

10. Additional comments:

Ordinance proposed at the request of Councilman Fulop

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



City Engineer

7.23.08

Date

Signature of Department Director

Date

City Clerk File No. Ord. 08-115

Agenda No. 3.H 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 08-115

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 AT 480 BRAMHALL AVENUE; 310A CLAREMONT AVENUE; 135A DWIGHT STREET; 224 DWIGHT STREET; 35 FLEET STREET; 561 GARFIELD AVENUE; 45-47 GRAHAM STREET; 84 HARMON STREET; 209 LINDEN AVENUE; 27 NELSON AVENUE; 211-209 NEW YORK AVENUE; 102 OAK STREET; 109-111 POPLAR STREET; 114 RUTGERS AVENUE; 100 SHERMAN AVENUE; 248 STEGMAN STREET AND 220 WEGMAN PARKWAY AND AMEND THE RESERVED PARKING SPACE AT 294 CLAREMONT AVENUE AND REPEAL THE RESERVED PARKING SPACE AT 557 BRAMHALL AVENUE; 9-11 GRAHAM STREET; 219 GRANT AVENUE; 32 RUTGERS AVENUE AND 69-71 THORNE 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.

Agneris Hernandez
Mayola King
Louise Easily
Willie Holly
Joseph Davis, Jr.
Ethel A. Sekelsky
Eunice Boyd-Ishman
Robin Sanchez
Tina Wilson
Ana Medina
William F. Waddleton
Monica Diaz
Zenaida Rentas
Vasant Kum Patel
Etta V. Wheeler
Stanley Field
Delfin Viernes Manalastas
Saraphine Shaw

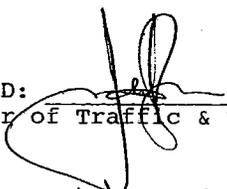
480 Bramhall Avenue
294 Claremont Avenue
310A Claremont Avenue
135A Dwight Street
224 Dwight Street
35 Fleet Street
561 Garfield Avenue [32 Rutgers Avenue]
45-57 Graham Street [9-11 Graham Street]
84 Harmon Street [557 Bramhall Avenue]
209 Linden Avenue
27 Nelson Avenue
211-209 New York Avenue
102 Oak Street
109-111 Poplar Street [69-71 Thorne Street]
114 Rutgers Avenue
100 Sherman Avenue [219 Grant Avenue]
248 Stegman Street
220 Wegman Parkway

continued....
(7.18.08)

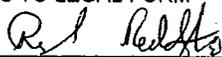
2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
3. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.
4. This ordinance shall take effect at the time and in the manner as prescribed by law.
5. 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.

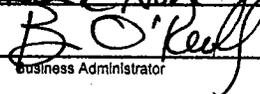
NOTE: New material to be inserted is underscored, the material to be repealed is in [brackets].

JDS:pc1
(07.18.08)

APPROVED: 
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM


Asst. Corporation Counsel

APPROVED:  7.23.08
City Engineer
APPROVED: 
Business Administrator

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/ resolution/cooperation agreement:

An ordinance supplementing Chapter 332(Vehicles and Traffic) Article XI(Schedules)Schedule 25(Parking for the Disabled) of the Jersey City Code designating the reserved parking space at 480 Bramhall Avenue; 310A Claremont Avenue; 135A Dwight Street; 224 Dwight Street; 35 Fleet Street; 561 Garfield Avenue; 45-47 Graham Street; 84 Harmon Street; 209 Linden Avenue; 27 Nelson Avenue; 211-209 New York Avenue; 102 Oak Street; 109-111 Poplar Street; 114 Rutgers Avenue; 100 Sherman Avenue; 248 Stegman Street and 220 Wegman Parkway and amend the reserved parking space at 294 Claremont Avenue and repeal the reserved parking space at 557 Bramhall Avenue; 9-11 Graham Street; 219 Grant Avenue; 32 Rutgers Avenue and 69-71 Thorne Street

2. Name and title of person initiating ordinance/resolution, etc.:

Joao D'Souza, Director of Traffic & Transportation

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

Designate, delete and amend a reserved parking space at various locations City wide.

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

To provide a reserved parking space for those individuals who are disabled to the degree that their mobility is limited.

5. Anticipated benefits to the community:

Allow those individuals, whose application was approved by The Municipal Council Committee for Disabled Parking, to have a reserved parking space at or near their residence, therefore, improving the quality of their 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 \$150.00 per sign/post installation.

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

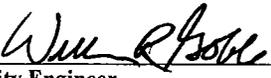
9. Person responsible for coordinating proposed program, project, etc.:

Patricia Logan, Supervising Traffic Investigator, Division of Engineering, Traffic and Transportation

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.



City Engineer

7-22-08

Date

Signature of Department Director

Date

City Clerk File No. Ord. 08-116

Agenda No. 3. I 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 08-116

TITLE:
AN ORDINANCE SUPPLEMENTING CHAPTER 26 (VEHICLES AND TRAFFIC) ARTICLE VII (TRAFFIC) ARTICLE X (SCHEDULES) AMENDING SCHEDULE 26 (RESTRICTED PARKING ZONES) OF THE JERSEY CITY CODE CREATING ZONE 11 AND DESIGNATING GLENWOOD AVENUE BETWEEN WEST SIDE AVENUE AND KENNEDY BOULEVARD AS PART OF THE ON-STREET RESIDENT ONLY PERMIT PARKING PROGRAM FROM MONDAY THROUGH FRIDAY, 3:00 P.M. TO 9:00 P.M.

WHEREAS, St. Peter's College has a large student population most of whom drive to school and park on area streets;
and

WHEREAS, a parking problem exists because area residents are unable to find parking, especially after 3:00 P.M., due to the large volume of traffic and parking taking place in the area; and

WHEREAS, St. Peter's College has, a number of parking lots, off street, for its students to use which provide an adequate alternative to parking on area streets; and

WHEREAS, due to inadequate area parking specifically occurring after 3:00 p.m., Monday through Friday, area residents, many of whom are senior citizens or citizens accompanied by small children, are forced to park unreasonable distances from their homes thereby enhancing the risk of health and public safety problems for said residents; and

WHEREAS, the large number of vehicles coming into the area and the number of legal parking spaces in the area has resulted in an increase in illegal parking in the area, including but not limited to parking in crosswalks, driveways, in fire zones and double parking; and

WHEREAS, the large volume of traffic in the area increases air pollution and has other negative effects on the environment.

THE MUNICIPAL COUNCIL OF JERSEY CITY DOES ORDAIN:

A. The following supplements to Chapter 26 (Vehicles and Traffic) Article VII (Traffic), Article X (Schedules) of the Jersey City Code are hereby adopted.

ARTICLE VII TRAFFIC
Sec. 26-70 Parking restrictions in residential zones.
(a) through (g) No Change

Sec. 26-96 SCHEDULE 26
RESTRICTED PARKING ZONES

ZONE 1 THROUGH 10 NO CHANGE

ZONE 11

The parking restriction will be in effect for the following street(s), Monday through Friday, 3:00 p.m. to 9:00 p.m.

Glenwood Avenue

Between West Side Avenue and Kennedy Boulevard

JDS:pcl
(07/29/08)

continued.....

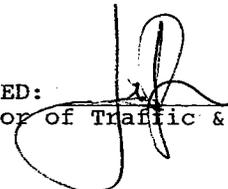
2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

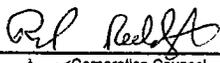
3. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

4. 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 repealers of existing provisions.

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

JDS:pcl
(07/29/08)

APPROVED: 
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

Assj. Corporation Counsel

APPROVED: 
City Engineer
APPROVED: 
Asst. Business Administrator

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/ resolution/cooperation agreement:

An ordinance amending and supplementing Chapter 26(Vehicles and Traffic) Article VII (Traffic) Article X (Schedules) amending Schedule 26 (Restricted Parking Zones) of the Jersey City Code creating Zone 11 and designating Glenwood Avenue between West Side Avenue and Kennedy Boulevard as part of the On-Street Resident Only Permit Parking Program from Monday through Friday, 3:00 p.m. to 9:00 p.m.

2. Name and title of person initiating ordinance/resolution, etc.:

Joao D'Souza, Director of Traffic and Transportation

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

Create Zone 11, On-Street Resident Only Permit Parking Program on Glenwood Avenue between West Side Avenue and Kennedy Boulevard from Monday through Friday, 3:00 p.m. to 9:00 p.m.

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

To make parking available for residents and employees of Glenwood Avenue between West Side Avenue and Kennedy Boulevard

5. Anticipated benefits to the community:

Increased available parking for residents and displaced by students attending St. Peter's college

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 \$150.00 per sign/post installation

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.:

The Jersey City Parking Authority for the Permits, Patricia Logan, Supervising Traffic Investigator for the installation of On-Street Resident Only parking signs.

10. Additional comments:

Ordinance proposed at the request of Joanne Monahan, of the Law Department and Councilwoman Spinello

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

City Engineer

7/29/08
Date

Signature of Department Director

Date

City Clerk File No. Ord. 08-117

Agenda No. 3.J 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 08-117

TITLE: ORDINANCE TERMINATING THE FINANCIAL AGREEMENT AND PREPAYMENT AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND LAIDLAW PROPERTIES URBAN RENEWAL, LLC

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

WHEREAS, on or about January 25, 2005, Laidlaw Properties Urban Renewal, LLC [Laidlaw Properties UR] applied for a long term tax exemption under NJSA 40A:20-1 et seq., for land and improvements located within an urban enterprise zone, known as Block 702, Lots T.1 and V, and more commonly known by the street address of 136-138 Oakland Avenue [Property]; and

WHEREAS, Laidlaw Properties UR was to have renovated an existing four-story industrial building and existing three-story building, and construct additional stories to create a unified six-story condominium, to contain approximately 78 residential units with related on-site parking for approximately 100 cars [Project]; and

WHEREAS, by adoption of Ordinance 05-012 on February 23, 2005, the City of Jersey City [City] approved a 20 year long term tax exemption with a service charge equal to sixteen percent (16%) of annual gross revenue formula with a term of the earlier of twenty-three (23) years from adoption of the ordinance or twenty (20) years from substantial completion of the Project; and

WHEREAS, on March 9, 2005, the City forwarded financial and prepayment agreements for execution by Laidlaw Properties UR for the Project; and

WHEREAS, Laidlaw Properties UR was required to make an advance payment equal to the Annual Service Charge of \$476,112 on or before June 1, 2005, which sum was to have been reimbursed over the ensuing four (4) years [Advance Payment]; and

WHEREAS, Laidlaw Properties UR now advises that despite making good faith efforts, due to the economic downturn in the real estate market, it was never able to secure financing for a residential condominium project at that location in order to proceed with the Project; and

WHEREAS, Laidlaw Properties UR has given the City formal written notice under Section 16.3 of the Financial Agreement, that the Entity was not able to substantially complete the Project due to difficulties it had financing, and thus is abandoning the Project; and

WHEREAS, Laidlaw Properties UR has advised the City that it is unable to proceed and now desires to terminate the agreement and requested a termination agreement releasing itself, the current owner of the Property, and any future owner of the Property from any and all liability under the tax exemption, Financial Agreement.

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

ORDINANCE TERMINATING THE FINANCIAL AGREEMENT AND PREPAYMENT AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND LAIDLAW PROPERTIES URBAN RENEWAL, LLC

1. The tax exemption approved by Ordinance 05-012 is rescinded and the Financial Agreement and Prepayment Agreement with Laidlaw Properties UR for the Property, are terminated. Neither Laidlaw Properties UR nor any successor owner of the Property shall have any liability or obligations under Ordinance 05-012, the Financial Agreement or Prepayment Agreement; and the obligations and rights of the parties under the Financial Agreement and Prepayment Agreement shall have no further force and effect.
2. The Mayor or Business Administrator or Corporation Counsel are authorized, if appropriate, to execute a Termination Agreement substantially in the form attached hereto or any documents appropriate or necessary to effectuate the purposes of the within Ordinance;
3. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed;
4. 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;
5. This Ordinance shall take effect at the time and in the manner provided by the law.

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*.

JM/he
7/24/08

APPROVED AS TO LEGAL FORM


Asst. Corporation Counsel

APPROVED: _____

APPROVED: 
Business Administrator

Certification Required
Not Required

AGREEMENT TO TERMINATE FINANCIAL AGREEMENT

This Agreement is made as of the ____ day of _____ 2008 by and between **LAIDLAW PROPERTIES URBAN RENEWAL, LLC** [Laidlaw Properties UR], having its principal office at 1407 Broadway, Suite 1807, New York, NY 10018, [Entity], and the **CITY OF JERSEY CITY**, a Municipal Corporation of the State of New Jersey, having its principal office at 260 Grove Street, Jersey City, New Jersey 07302 [City].

WHEREAS, by adoption of Ordinance 05-012 on February 23, 2005, the City of Jersey City approved the long term tax exemption with a service charge equal to the two percent (16%) of annual gross revenue with a term of the earlier of twenty-three (23) years from adoption of the ordinance or twenty (20) years from substantial completion of the Project; and

WHEREAS, as contemplated by the tax exemption application and Ordinance 05-012, Laidlaw Properties UR owned the Property designated as Block 702, Lots T.1 and V, more commonly known by the street address of 136-138 Oakland Avenue; and

WHEREAS, on March 9, 2005, the City forwarded financial and prepayment agreements for execution by Laidlaw Properties UR for the Project; and

WHEREAS, Laidlaw Properties UR was required to make an advance payment equal to the Annual Service Charge of \$476,112 on or before June 1, 2005, which sum was to have been reimbursed over the ensuing four (4) years [Advance Payment]; and

WHEREAS, Laidlaw Properties UR advises that despite making good faith efforts, due to the economic downturn in the real estate market, it was never able to secure financing for a residential condominium project at that location in order to proceed with the Project; and

WHEREAS, Laidlaw Properties UR has given the City formal written notice under Section 16.3 of the Financial Agreement, that the Entity was not able to substantially complete the Project due to difficulties it had financing, and thus is abandoning the Project; and

WHEREAS, Laidlaw Properties UR has advised the City that it is unable to proceed and now desires to terminate the agreement and requested a termination agreement releasing itself, the current owner of the Property, and any future owner of the Property from any and all liability under the tax exemption, Financial Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and for other good and valuable consideration, it is mutually agreed as follows:

1. The Tax Exemption, Financial Agreement and Prepayment Agreement for the Property are terminated.
2. The City releases Laidlaw Properties UR and any successors in interest and in title to the Property from any and all claims, rights, charges, debts, and obligations under the Financial Agreement and Prepayment Agreement.
3. This termination and release shall be binding upon the City and in order to the benefit of Laidlaw Properties UR and anyone who succeeds to their rights in connection with the Property.
4. This termination and release applies to all claims which the City may have against Laidlaw Properties UR and any of its successor in interest and in title of any kind whatsoever whether arising directly or indirectly out of the Financial Agreement or Prepayment Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

ATTEST:

**LIDLAW PROPERTIES URBAN RENEWAL,
LLC**

ATTEST:

CITY OF JERSEY CITY

**ROBERTY BYRNE
CITY CLERK**

**BRIAN O'REILLY
BUSINESS ADMINISTRATOR**

City Clerk File No. Ord. 08-118

Agenda No. 3.K 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 08-118

TITLE: ORDINANCE TERMINATING THE FINANCIAL AGREEMENT AND PREPAYMENT AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND RIVERVIEW I ASSOCIATES URBAN RENEWAL COMPANY, LLC

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

WHEREAS, on or about April 13, 2004, Riverview I Associates Urban Renewal Company, LLC [Riverview I Assoc. UR] applied for a long term tax exemption under NJSA 40A:20-1 et seq., for land and improvements located within an urban enterprise zone, known as Block 630.A, Lots L.2 and 16C, and Block 696, Lot 57.C, and more commonly known by the street address of 38-40 State Highway, and 220 Hopkins Avenue [Property]; and

WHEREAS, Riverview I Assoc. UR was to have renovated an existing four-story industrial building and existing three-story building, and construct additional stories to create a unified six-story condominium, to contain approximately 78 residential units with related on-site parking for approximately 100 cars [Project]; and

WHEREAS, by adoption of Ordinance 04-113 on October 27, 2004, the City of Jersey City [City] approved a 20 year long term tax exemption with a service charge equal to sixteen percent (16%) of annual gross revenue formula with a term of the earlier of twenty-five (25) years from adoption of the ordinance or twenty (20) years from substantial completion of the Project; and

WHEREAS, notwithstanding repeated requests, Riverview I Assoc. UR never executed the financial agreement or paid the prepayment or any charges due thereunder or built the project; and

WHEREAS, the tax abatement has been constructively abandoned and is now subject to termination.

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

1. The tax exemption approved by Ordinance 04-113 is hereby rescinded; and the Financial Agreement and Prepayment Agreement with Riverview I Assoc. UR for the Property, terminated. Neither Riverview I Assoc. UR nor any successor owner of the Property shall have any liability or obligations under Ordinance 04-113, the Financial Agreement or Prepayment Agreement; and the obligations and rights of the parties under the Financial Agreement and Prepayment Agreement shall have no further force and effect.
2. The Mayor or Business Administrator or Corporation Counsel are authorized, if appropriate, to execute a Termination Agreement substantially in the form attached hereto or any documents appropriate or necessary to effectuate the purposes of the within Ordinance;

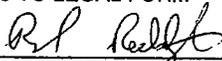
**ORDINANCE TERMINATING THE FINANCIAL AGREEMENT AND PREPAYMENT AGREEMENT
BETWEEN THE CITY OF JERSEY CITY AND RIVERVIEW I ASSOCIATES URBAN RENEWAL
COMPANY, LLC**

3. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed;
4. 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;
5. This Ordinance shall take effect at the time and in the manner provided by the law.

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*.

JM/he
7/29/08

APPROVED AS TO LEGAL FORM



Asst. Corporation Counsel

APPROVED: _____

APPROVED: 

Business Administrator

Certification Required
Not Required

City Clerk File No. Ord. 08-119

Agenda No. 3.L 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 08-119

TITLE: ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR AN URBAN RENEWAL AFFORDABLE HOUSING RESIDENTIAL/COMMERCIAL PROJECT TO BE CONSTRUCTED BY BAY BAY SENIOR HOUSING URBAN RENEWAL, LP, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ.

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

WHEREAS, Bay Bay Senior Housing Urban Renewal, LP, an urban renewal entity, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. (Entity); and

WHEREAS, the Entity leases certain property known as Block 1356, Lots 15, 16A.99, 17B, 107A.99 & 109B, on the City's Official Tax map, more commonly known by the street address of 131, 129 & 127 Warner Avenue and 9-13 Martin Luther King, Jr. Drive, and more specifically described by metes and bounds, in the application (Property); and

WHEREAS, the Property is located within an Urban Enterprise Zone as required by N.J.S.A. 40A:20-4 and N.J.S.A. 40A:12A-5(g).; and

WHEREAS, on June 2, 2008, the Entity applied for a 30 year long term tax exemption to construct a (10) ten-story building, containing approximately 68 studio, one, two and three bedroom rental residential units and 44 off street parking spaces, affordable to low and moderate income senior citizens and approximately nine thousand (9,000) square foot of commercial/retail space; and

WHEREAS, Bay Bay Senior Housing Urban Renewal, LP has agreed to:

1. pay the greater of (i) the Minimum Annual Service Charge or (ii) 15% of Annual Gross Revenue, which sum is estimated to be \$64,428, and which shall be subject to statutory staged increases over the term of the tax exemption; and
2. pay an annual sum equal to 2% of each prior year's Annual Service Charge as an Administrative Fee; and
3. provide employment and other economic opportunities for City residents and businesses; and

WHEREAS, the City hereby determines that the relative benefits of the project outweigh the cost of the tax exemption, for the following reasons:

1. the property is currently exempt and generates no revenue for the City; however, based on the current assessment, the real estate taxes would generate revenue of only \$45,900, whereas, the Annual Service Charge as estimated, will generate revenue of more than \$64,428 to the City;
2. it is expected that the Project will create approximately 119 jobs during construction and 3 to 4 new permanent jobs;

ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR AN URBAN RENEWAL AFFORDABLE HOUSING PROJECT TO BE CONSTRUCTED BY BAY BAY SENIOR HOUSING URBAN RENEWAL, LP, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ.

3. the Project will stabilize and contribute to the economic growth of businesses in the surrounding area;
4. the Project will further the overall redevelopment objectives of an Urban Enterprise Zone;
5. the project provides 68 units of low income affordable housing which advances an inherently beneficial public purpose notwithstanding that the City's impact analysis, on file with the Office of the City Clerk, indicates that the service charge will not support the cost of providing municipal services to the Project; and

WHEREAS, the City hereby determines that the tax exemption is important in obtaining development of the project and influencing the locational decisions of probable occupants for the following reasons:

1. the relative stability and predictability of the Annual Service Charges will make the Project more attractive to investors needed to finance the Project;
2. the relative stability and predictability of the Annual Service Charges will allow the owner to stabilize its operating budget, allowing a high level of maintenance to the building over the life of the Project, which will attract tenants to the Project and insure the likelihood of the success of the Project; and

WHEREAS, Bay Bay Senior Housing Urban Renewal, LP, has initially complied with Executive Order 2002-005 concerning "Disclosure of Lobbyist Representative Status" by filing a letter in the Office of the City Clerk.

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

A. The application of Bay Bay Senior Urban Renewal, LP, an urban renewal company, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. a copy of which is on file in the office of the City Clerk, for Block 1356, Lots 15, 16A.99, 17B, 107A.99 & 109B, more commonly known by the street address of 131, 129 & 127 Warner Avenue and 9-13 Martin Luther King, Jr. Drive, and more specifically described by metes and bounds in the application is hereby approved.

B. The Mayor or Business Administrator is hereby authorized to execute a tax exemption Financial Agreement and a Project Employment and Contracting Agreement. The Financial Agreement shall include at a minimum the following terms and conditions:

1. Term: the earlier of 33 years from the adoption of the within Ordinance or 30 years from the date the project is Substantially Complete or the date the Lease is terminated;
2. Annual Service Charge: each year the greater of:
 - (a) the Minimum Annual Service Charge equal to \$45,900 upon Project Completion, whether or not the Project is occupied; or
 - (b) 15% of Annual Gross Revenue, estimated at \$64,428, which shall be subject to statutory increases during the term of the tax exemption.
3. Administrative Fee: 2% of the prior year's Annual Service Charge;

ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR AN URBAN RENEWAL AFFORDABLE HOUSING PROJECT TO BE CONSTRUCTED BY BAY BAY SENIOR HOUSING URBAN RENEWAL, LP, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ.

- 4. Project: A (10) ten-story building, containing approximately 68 studio, one, two and three bedroom rental residential units and 44 off street parking spaces, affordable to low and moderate income senior citizens and approximately nine thousand (9,000) square foot of commercial/retail space;
- 5. An obligation to execute a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses.
- C. The application is on file with the office of the City Clerk. The Financial Agreement and Project Employment and Contracting Agreement shall be in substantially the form on file in the Office of the City Clerk, subject to such modification as the Business Administrator or Corporation Counsel deems appropriate or necessary.
- D. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- E. 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.
- F. This ordinance shall take effect at the time and in the manner provided by law.
- G. 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*.

JM/he
7-31-08

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required
Not Required