

City Clerk File No. Ord. 13.125

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 13.125

TITLE:

A FRANCHISE ORDINANCE GRANTING PERMISSION TO ONE EXCHANGE JC, LLC, ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHTS-OF-WAY OF EXCHANGE PLACE AND YORK STREET ADJACENT TO THE PROPERTY LOCATED AT ONE EXCHANGE PLACE, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 14502, LOT 1.

WHEREAS, One Exchange JC, LLC, having offices located 900 Route 9 South, Suite 301, Woodbridge, New Jersey 07095, is the owner of the property located at One Exchange Place, Jersey City, New Jersey and known as Block 14502, Lot 1, on the current tax maps of the City of Jersey City ("Property"); and

WHEREAS, pursuant to a Resolution for the Preliminary and Final Site Plan Approval, Case #P12-048, the Planning Board granted conditional approval to renovate and expand an existing building to develop it into a thirteen (13) story hotel with accessory commercial and restaurant uses in connection with the Property; and

WHEREAS, part of the development approval granted in Case #P12-048 includes the construction of private improvements in the Exchange Place and York Street public rights-of-way to provide for private improvements to accommodate a circular drop off area within the Exchange Place right-of-way; an outdoor eating area within the Exchange Place right-of-way; front steps and ramps to the entrance of the hotel within the Exchange Place right-of-way; and an elevator that will provide public access to the roof top restaurant area within the York Street right-of-way, all of which are more particularly depicted and described in Exhibits A (the franchise areas identified on the survey), B (the metes and bounds descriptions of the respective Exchange Place and York Street franchise areas), and C (the franchise plan showing the proposed improvements to the respective franchise areas), attached hereto; and

WHEREAS, the construction of private improvements to accommodate a circular drop off area within the Exchange Place right-of-way; the construction of an outdoor eating area within the Exchange Place right-of-way; the construction of front steps and ramps to the entrance of the hotel within the Exchange Place right-of-way; and the construction of an elevator that will provide public access to the roof top restaurant area within the York Street right-of-way will all promote public purposes and utility of the Property; and

WHEREAS, the Petitioner is required to file the Petition for a Franchise Ordinance to place these improvements; and

WHEREAS, there will remain sufficient area in the rights-of-way for pedestrian use and the proposed private improvements will not impede or have a negative impact on typical pedestrian use; and

WHEREAS, One Exchange JC, LLC, has filed a petition for relief and represented to the Municipal Council of the City of Jersey City that the passage of this Ordinance is in the best interests and essential for the completion of the construction of the development; and

WHEREAS, after due notice was given in accordance with law, a public hearing was held on the Petition filed by One Exchange JC, LLC to grant permission to construct private improvements within the public rights-of-way for the following purposes:

1. The contemplated improvements will include the construction a circular drop off area within the Exchange Place right-of-way; the construction of an outdoor eating area within the Exchange Place right-of-way; the construction of front steps and ramps to the entrance of the hotel within the Exchange Place right-of-way; and the

construction of an elevator that will provide public access to the roof top restaurant area within the York Street right-of-way, all of which will promote public purposes and utility of the Property.

2. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto; and

WHEREAS, the Jersey City Zoning Officer and Building Department can approve the construction of the improvements at the subject Property conditioned upon the Petitioner being granted a franchise ordinance by the City Council of the City of Jersey City; and

WHEREAS, a franchise ordinance is required to permit the completion of the construction of the private improvements within the public rights-of-way; and

WHEREAS, by reason of the character of the development of the area within which this Property is situated, the said improvements will enhance public purposes, and the aesthetic and character of the property and greatly benefit Jersey City and the surrounding neighborhood; and

WHEREAS, the public interest will be served by said improvements, which will be of great benefit to the citizens of Jersey City and Hudson County and the rights of the public will not be injuriously or adversely affected by the requested relief;

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

SECTION I. Permission be, and is hereby granted to One Exchange JC, LLC, its successors and assigns, to complete private improvements to a portion of lands located within the public rights of way adjacent to One Exchange Place, Jersey City, New Jersey and known as Block 14502, Lot 1, on the current tax maps of the City of Jersey City, said areas being more particularly described on the survey, the metes and bounds descriptions, and the franchise plan attached hereto as Exhibits A, B and C respectively.

1. The contemplated improvements will include the construction of private improvements in the Exchange Place and York Street public rights-of-way to provide for private improvements to accommodate a circular drop off area within the Exchange Place right-of-way; an outdoor eating area within the Exchange Place right-of-way; front steps and ramps to the entrance of the hotel within the Exchange Place right-of-way; and an elevator that will provide public access to the roof top restaurant area within the York Street right-of-way,
2. There will remain sufficient area in the right-of-way for pedestrian use.
3. The contemplated improvements will be constructed consistent with the development plans approved by the Jersey City Planning Board, the Jersey City Zoning Officer and Building Department.
4. All costs associated with these improvements will be incurred by the Petitioner.
5. The contemplated improvements are necessary to construct the proposed development consistent with the development approvals and will greatly benefit the Petitioner's property and the surrounding neighborhood.

SECTION II. All the work herein authorized shall be done under the supervision of the proper department or departments of the City of Jersey City. Further, all the work herein authorized shall comply with any State of New Jersey Uniform Construction Code requirements. The construction plans shall be submitted to the City Engineer for his review and comments prior to the start of construction. After construction there shall remain no damage to the sidewalk or roadway or interference with the free and safe flow of pedestrian traffic and vehicular traffic. One Exchange JC, LLC, and its successors and assigns, shall maintain all improvements installed by it for the entire term of this Franchise at no cost to the City.

SECTION III. This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years subject to the City of Jersey City's reservation of rights to make modifications to the public plaza area so long as any such modifications do not affect access to One Exchange Place (a/k/a Block 14502 Lot 1). This Ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the City reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioners one year prior to the date of cancellation.

SECTION IV. All costs and expenses incident to the introduction, passage and publication of this Ordinance shall be borne and paid by said One Exchange JC, LLC.

SECTION V. In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, One Exchange JC, LLC, its successors and assigns hereby agree to assume full, complete and undivided responsibility for any and all injury or damage to persons or property by reason of said installation, maintenance and use, and to indemnify and hold the City of Jersey City harmless from all injury or damage to persons or property by reason of such installation, maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term of this Ordinance. One Exchange JC, LLC, its successors and assigns, shall maintain in effect, during the term of this franchise, liability insurance naming the City of Jersey City, its officers and employees as additional insured, covering the use and occupancy of the public property subject to this franchise. A certificate of insurance, in the amount of \$1,000,000.00 in a form deemed acceptable by the City's Risk Manager, shall be delivered to the Risk Manager before use or occupancy of the premises subject to this Franchise Ordinance.

SECTION VI. This Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Petitioner with the City Clerk. In the event that the Petitioner shall not file with the City Clerk its acceptance in writing of the provisions of this Ordinance within 30 days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

SECTION VII. Only with prior written consent and approval by the City Council of the City of Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioner have the right to assign or otherwise transfer its rights under this Franchise Ordinance.

SECTION VIII. An easement for the duration of this Ordinance is reserved for the benefit of the City of Jersey City and all public utility companies including any cable television company as defined in the Cable Television Act, P.L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this Franchise Ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this Franchise Ordinance.

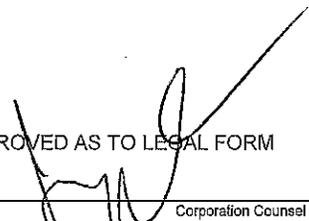
SECTION IX. For the rights and privileges herein granted, said beneficiaries hereunder, their successors and assigns, shall pay annually to the City of Jersey City the sum of One Dollar (\$1.00), which payment shall be made annually on the 1st day of July next succeeding the time when this Ordinance shall become effective and on each first day of July thereafter until the termination of this Ordinance.

SECTION X.

1. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
2. 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 certified and incorporated in the official copies of the Jersey City Code.
3. This Ordinance shall take effect at the time and in the manner as provided by law.
4. 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 repeals of existing provisions.

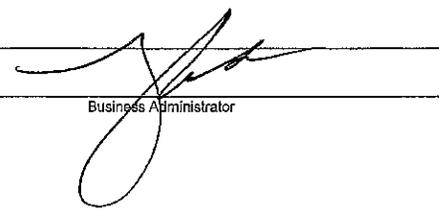
G:\WPDOC\SITOLONDA\Franchise Ordinance Correspondence\One Exchange Place\One Exchange Place Franchise Ordinance REVISED.docx

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED:



Business Administrator

Certification Required
Not Required

PETITION

TO: THE HONORABLE, THE MAYOR AND MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY:

Your Petitioner, One Exchange JC, LLC, having offices located 900 Route 9 South, Suite 301, Woodbridge, New Jersey 07095, respectfully says that:

1. Petitioner is the owner of the property located at One Exchange Place, Jersey City, New Jersey and known as Block 14502, Lot 1, on the current tax maps of the City of Jersey City (the "Property"). The Petitioner is renovating and expanding an existing building to develop it into a thirteen (13) story hotel with accessory commercial and restaurant uses in connection with the Property.

2. The Jersey City Planning Board approved the development plans with private improvements being constructed within the Exchange Place and York Street public rights-of-way to provide for private improvements to accommodate a circular drop off area within the Exchange Place right-of-way; an outdoor eating area within the Exchange Place right-of-way; front steps and ramps to the entrance of the hotel within the Exchange Place right-of-way; and an elevator that will provide public access to the roof top restaurant area within the York Street right-of-way.

3. Petitioner proposes to make the following site improvements within the areas of the public rights-of-way:

A. The contemplated improvements will include private improvements being constructed in the Montgomery Street and York street public rights-of-way to provide for private improvements to accommodate a circular drop off area within the Exchange Place right-of-way; an outdoor eating area within the Exchange Place right-of-way; front steps and ramps to the entrance of the hotel within the Exchange Place right-of-way; and an elevator that will provide public access to the roof top restaurant area within the York Street right-of-way.

B. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto.

4. Petitioner has presented the proposed improvements to the Jersey City Planning Officer, which has approved proposed improvements conditioned upon the Petitioner being granted a franchise ordinance by the City Council of the City of Jersey City.

5. The contemplated improvements are necessary to construct the proposed

development consistent with the development approvals, and will greatly benefit the Petitioner's property and the surrounding area and neighborhood.

WHEREFORE, your Petitioner respectfully petitions for itself, its successors and assigns, for the enactment of a Franchise Ordinance to allow it to make private improvements within the public rights-of-way of Exchange Place and York Street, all as more particularly shown on the plans annexed hereto and made a part hereof.

By: 

o/b/o One Exchange JC, LLC
Charles J. Harrington, III, Esq.,
Attorney for the Petitioner

Exhibit B

Franchise Area 'A'

DESCRIPTION

Beginning at a point on the southerly right-of-way line of Exchange Place, that point also being the northeast corner of Lot 1, in Tax Block 14502 in the City of Jersey City, that point being the POINT OF BEGINNING, thence;

- 1) A distance of 60.17 feet along the northerly property line of Lot 1, of Tax Block 14502 in a direction North 81 degrees 26 minutes 50 seconds West to a point, thence;
- 2) A distance of 85.08 feet in a direction North 08 degrees 33 minutes 10 seconds East to a point within the Exchange Place right-of-way, thence;
- 3) A distance of 60.17 feet in a direction South 81 degrees 26 minutes 50 seconds East to a point within the Exchange Place right-of-way, thence;
- 4) A distance of 85.08 feet in a direction South 08 degrees 33 minutes 10 seconds West to the POINT OF BEGINNING.

Said parcel being known as 'Franchise Parcel A', as shown on Exhibit A, having a total area of 5119.26 square feet (0.1175 acres).

Franchise Area 'B'

DESCRIPTION

Beginning at a point on the northerly property line of York Street in the City of Jersey City, also being the southeast corner of Lot 1 in Tax Block 14502 in the City of Jersey City, thence feet along the southerly property line of Lot 1 in Tax Block 14502 a distance of 25.75 feet in a direction North 81 degrees 19 minutes 50 seconds West to the POINT OF BEGINNING, thence;

- 1) A distance of 5.25 feet in a direction South 08 degrees 40 minutes 10 seconds West to a point in the York Street right-of-way, thence;
- 2) A distance of 11.00 feet in a direction North 81 degrees 19 minutes 50 seconds West to a point in the York Street right-of-way, thence;

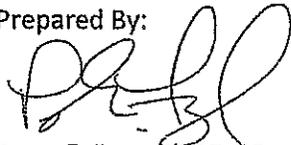
MICHELS & WALDRON
ASSOCIATES, LLC

ARCHITECTS PLANNERS ENGINEERS

- 3) A distance of 5.25 feet in a direction North 08 degrees 40 minutes 10 seconds East to a point on the northerly right-of-way line of York Street, thence;
- 4) A distance of 11.00 feet in a direction South 81 degrees 19 minutes 50 seconds East to the POINT OF BEGINNING.

Said parcel being known as Franchise Parcel 'B', as shown on Exhibit B, having a total area of 57.74 square feet (0.0013 acres).

Prepared By:



Perry E. Frenz, PE, PP

NJ Professional Engineer Lic. No. 28190

City Clerk File No. Ord. 13.126

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 13.126

TITLE: ORDINANCE AUTHORIZING THE EXECUTION OF A RIGHTS-OF-WAY USE AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND CROSS RIVER FIBER, INC. TO PERMIT THE INSTALLATION OF FIBER OPTIC CABLEING IN EXISTING UNDERGOUND CONDUIT AND/OR ON EXISTING UTILITY POLES WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATION SERVICES

WHEREAS, Cross River Fiber, Inc. ("Cross River"), 382 Springfield Avenue, Suite 409, Summit, New Jersey 07901 is a telecommunications carrier authorized to provide services such as dark-fiber connectivity and high speed data transmission by the New Jersey Board of Public Utilities ("BPU") and the Federal Communications Commission ("FCC"); and

WHEREAS, Cross River has requested that the City of Jersey City ("City") grant it permission to run fiber optic cabling through existing innerducts located in existing underground conduits and/or on existing poles in the public rights-of-way for the purpose of installing, operating, repairing and maintaining a telecommunications system ("Project"); and

WHEREAS, Cross River agrees to execute the forty (40) year Rights-of-Way Use Agreement that is attached hereto; and

WHEREAS, Cross River agrees to pay the City the sum of \$750.00 to cover the administrative expenses incurred by the City for engineering and legal review of Cross River's project; 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 public rights-of-way; and

WHEREAS, it is deemed to be in the best interest of the City and its citizens, particularly, the commercial industrial citizens, for the City to grant consent to Cross River to use the public rights-of-way within the City; and

WHEREAS, the granting of such consent is conditioned upon Cross River's compliance with all existing City Ordinances and its execution of the attached Rights-of-Way Use Agreement

WHEREAS, Cross River 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 installation, operation, repair, and maintenance 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 Cross River to use certain public rights-of-way within the City for the purpose of installation, operation, repair, and maintenance of a telecommunications system for a period of forty (40) years, subject to the mutual covenants and obligations as set forth in the Rights-of-Way Use Agreement attached hereto;

02013147

2. The within granted permission is conditioned upon Cross River's executing the Rights-of-Way Use Agreement attached hereto and providing liability and property damage insurance; and
3. The Mayor or Business Administrator is authorized to execute the attached Rights-of-Way Use Agreement.
 - A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
 - B. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
 - C. This ordinance shall take effect at the time and in the manner as provided by law.
 - D. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: New matter is underlined.

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

RR

11-6-13

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____

Business Administrator

Certification Required
Not Required

Jersey City Law Department Memorandum

To: City Council President and City Council Members

From: Raymond Reddington, Supervisory Assistant Corporation Counsel *R.R.*

Subject: **Ordinance authorizing the execution of a Rights-of-Way Use Agreement with Cross River Fiber, Inc. to permit the installation of fiber optic cabling within certain public rights of way for the purposes of providing telecommunication services**

Date: November 6, 2013

Cross River Fiber, Inc. (Cross River) is a telecommunications carrier authorized by the New Jersey Board of Public Utilities and the Federal Communications Commission to provide services such as dark fiber connectivity and high speed data transmission. Cross River requested the City of Jersey City's (City) permission to run fiber optic cable through the existing innerducts located in existing underground conduits and attach its fiber optic cabling to existing poles in public rights-of-way for the purpose of installing, operating, repairing and maintaining a telecommunications system.

N.J.S.A. 48:17-10 and N.J.S.A. 40A:67-1 authorize the City to grant municipal consent for public utility lines in its public rights-of-way. Cross River has agreed to pay the City a fee of \$750.00 for the administrative expenses incurred by the City for staff engineering and legal review of the documents and plans for the Cross River project. Based on the New Jersey Supreme Court case, Colonial Oaks West v. East Brunswick Tp., 61 N.J. 560 (1972), the fee charged by the City must be based on reasonable administrative costs that City incurs in reviewing engineering and legal documents associated with the granting of permission to install a telecommunications system in the public rights-of-way.

RR/cw

RIGHTS OF WAY USE AGREEMENT

THIS RIGHTS OF WAY USE AGREEMENT ("Use Agreement") is dated the _____ day of _____ 2013 (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 Cross River Fiber, Inc. ("Cross River"), with offices located at 382 Springfield Avenue, Suite 409, Summit, New Jersey 07901.

RECITALS

WHEREAS, Cross River is a telecommunications carrier authorized to provide services such as dark-fiber connectivity and high speed data transmission by the New Jersey Board of Public Utilities (BPU) and the Federal Communications Commission (FCC); and

WHEREAS, Cross River has requested that the City grant it permission to run fiber optic cabling through existing inner ducts located in existing underground conduits and/or on existing utility poles located in the public rights-of-way for the purpose of installing, operating, repairing, and maintaining a telecommunications system (Project); and

WHEREAS, Cross River agrees to execute this forty (40) year Use Agreement; and

WHEREAS, Cross River agrees to pay the City \$750.00 to cover the administrative expenses incurred by the City for engineering and legal review of Cross River's Project; and

WHEREAS, Cross River agrees to pay the City's additional administrative expenses incurred by the City if the Project requires additional engineering and legal review; 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 the installation of 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 Cross River 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 Cross River's continued compliance with all existing and future ordinances of the City and its entering into this Use Agreement with the City; and

WHEREAS, Cross River 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, in consideration of the mutual covenants and obligations hereinafter set forth, the City and Cross River hereby agree to and with each other as follows:

Section 1: Definitions

- a. "BPU" is the New Jersey Board of Public Utilities.
- b. "Cross River" is the grantee of rights under this Use Agreement and is known as Cross River Fiber, Inc., 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.

Section 2: Grant of Consent.

The City hereby grants Cross River 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 Cross River to occupy said public rights-of-way within the City for this purpose.

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

Cross River will be installing a high capacity fiber optic cable in existing underground conduit and/or on existing utility poles. Any construction to be undertaken for the purposes described herein shall require prior notice by Cross River to the City. Cross River shall fully describe the construction to be undertaken in plans and specifications 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 Cross River under this Use Agreement, which shall be exercised at Cross River's sole cost 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 Cross River 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 Cross River 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 Cross River 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 Cross River 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

Cross River 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

Cross River agrees to pay to the City \$750.00 to cover the reasonable costs incurred by the City for engineering and/or legal review, analysis and preparation of documents related to Cross Harbor's request for municipal consent to its Project. If the Project requires additional engineering and/or legal review, Cross River agrees to pay the City's reasonable administrative expenses that the City incurs.

Section 8: Duration of Consent and Termination of Agreement

The non-exclusive municipal consent granted herein shall expire forty (40) years from the Effective Date of this Use Agreement. Upon expiration of such consent, or at such earlier date that Cross River 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 Cross River 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

Cross River, 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 Cross River'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 Cross River's activities pursuant to the rights granted in this Use Agreement.

Other than in connection with the foregoing third-party claims indemnification, neither the City nor Cross River shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to the consents granted hereby.

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 Cross River at: Vincenzo Clemente
President & CEO
Cross River Fiber, Inc.
382 Springfield Ave., Suite 409
Summit, NJ 07901

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

With a copy to: Corporation Counsel
Jersey City Law Department
City Hall
280 Grove Street
Jersey City, New Jersey 07302

Section 11. Liability Insurance

Cross River 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, Cross River 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 Cross River 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 Cross River'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.

Cross River Fiber, Inc.

Witness

City of Jersey City

Witness

Robert Kakoleski
Acting Business Administrator

Robert Byrne
Municipal Clerk

City Clerk File No. Ord. 13.127

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 13.127

TITLE:

ORDINANCE AMENDING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE XI (DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE) SECTION 85.1 (OFF-DUTY ASSIGNMENTS) OF THE JERSEY CITY MUNICIPAL CODE.

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

WHEREAS, the vast amount of construction projects, street repair projects, and utility upgrades throughout the City, provide abundant opportunities for Jersey City Police Officers to obtain off-duty work, and

WHEREAS, the City of Jersey City currently has several Police Officers engaged in the assignment and coordination of this off-duty work throughout the City, and

WHEREAS, the residents of Jersey City expect and demand that whenever possible, priority is given to assigning uniformed Police Officers to street patrols and not to desk jobs capable of assignment to civilians, and

WHEREAS, civilian employees are suitable to administer the assignment and coordination of police off-duty work throughout the City,

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

A. The following amendments to Chapter 3 (Administration of Government), Article XI (Department of Government) Section 85.1 (Off-Duty Assignments) of the Jersey City Code are hereby adopted:

§ 3-85.1 Off-duty employment. [Amended 1-26-2011 by Ord. No. 11-011]

A. Definitions.

As used in this ordinance, the following terms shall have the following meanings unless the context clearly indicates otherwise:

- (1) "Alcohol Beverage Control premise" means one which is licensed by the Alcohol Beverage Control Board.
- (2) "~~Chief of Police~~" "Director of Public Safety" means the ~~Chief of Police~~ Director of Public Safety or his or her designee.

- (3) "City Owned Facility" means any property owned by the City of Jersey City rented by individuals or entities for the purpose of a privately held function.
- (4) "Large Commercial Establishment" means a commercial establishment such as a store, bank or financial institution of 4,000 square feet or more or one which is part of a franchise, chain or multi-store complex.
- (5) "Construction Sites":
 - (a) "City Projects" means any construction project performed by a vendor pursuant to a contract with the City of Jersey City for a public project in City-owned or leased buildings or on City-owned or leased properties.
 - (b) "Private Contractor Projects" means:
 - (i) Any construction project other than a City Project as defined above; and
 - (ii) Construction projects for an owner occupied class 2 residential property (1—4 units).
- (6) "Employer" or "prospective employer" means a prospective employer of off-duty officers.
- (7) "Event requiring major or unusual crowd control" means:
 - (a) An event where 5,000 people or more expected to attend, such as an athletic event;
 - (b) Any event where alcohol will be served (~~except for the Bethune Center~~); and
 - (c) Any event which in the opinion of the Police Department will produce an unusual amount of vehicular or pedestrian traffic.
- (8) "Film Production Sites" include, but are not limited to, movie sets, television productions, and photography.
- (9) "Holidays" are defined only as New Years Eve, New Years Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day following Thanksgiving Day, Christmas Eve and Christmas Day, and only those dates officially observed.
- (10) "Person" means any individual, corporation, partnership or organization unless the context clearly indicates otherwise.
- (11) "Superior Officer" means Sergeant, Lieutenant, or Captain.
- (12) "Tax Exempt Organization" means a non-profit organization as defined by state or federal law.
- (13) "Office of Off-Duty Police Employment" means the office charged with coordinating the assignment and billing of off-duty police work.
- (14) "Off-Duty Employment Intake Manager" means the civilian police employee who manages off-duty police requests and coordinates how many off-duty police will be assigned to each work site. The Off-Duty Intake Manager reports to the Director of Public Safety.

- (15) "Off-Duty Billing Coordinator" means the civilian employee of the Public Safety Department who administers the Off-Duty Trust Account. The Off-Duty Billing Coordinator reports to the Off-Duty Intake Manager and submits a report on the Off-Duty Trust Account to the Director of Public Safety and the Fiscal Officer every Ninety (90) Days.

B. Purpose.

For the convenience of those persons which utilize the services of off-duty law enforcement officers of the Jersey City Police Department, and to authorize the outside employment of Police while off-duty, the City of Jersey City hereby establishes a policy regarding the use of off-duty officers in compliance with Attorney General Formal Opinion ~~1997~~ 1977-No. 23.

- (1) Police Officers, at their option, shall be permitted to accept police-related employment from private employers, who are separate and independent from the City of Jersey City, only during off-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty of the City; provided, however, that no officer may work within a premises licensed by the Alcohol Beverage Board, including, but not limited to, bars, taverns, nightclubs that serve alcoholic beverages, liquor stores, or restaurants with liquor licenses. Officers are not permitted on the "licensed premise" itself, which is the area licensed for alcohol consumption, retail sale or storage; provided further that no officer may accept off-duty employment under this ordinance by any governmental agency of the City of Jersey City other than the Jersey City Housing Authority.
- (2) Prospective employers of off-duty police shall: 1) obtain the prior written approval of the Chief of Police Off-Duty Employment Intake Manager, which approval shall be granted if, in the opinion of the Chief of Police Off-Duty Employment Intake Manager, in consultation with the Director of Public Safety, such employment is necessary and would not be inconsistent with the efficient functioning and good reputation of the Police Department and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.
- (3) Upon approval by the Chief of Police Off-Duty Employment Intake Manager, the amount estimated to pay for the off-duty employment shall be deposited in the trust account established under subsection C.
- (4) No officer shall be paid directly by any employer for requested services, nor provide services for more hours than specified in the request for services.
- (5) The Director of Public Safety is empowered to promulgate regulations pursuant to this Ordinance.

C. Trust account established.

- (1) To assure the timely payment of wages to police officers who perform off-duty service, and to meet the requirements of the Fair Labor Standards Act, the City of Jersey City has established a trust account known as the "Off-Duty Employment Trust Account." This trust account is dedicated for the receipt of fees collected for the payment for off-duty employment. The "Off-Duty Employment Trust Account" shall be administered by the Off-Duty Billing Coordinator, Fiscal Bureau of the Jersey City Police Department ~~which~~ who shall make a written report to the Chief of Police Director of Public Safety and the Fiscal Officer every Ninety (90) Days regarding said account. Payments to police officers shall be on a bi-weekly

basis with all appropriate deductions. All payments must be remitted directly to the City of Jersey City for said account. Deposits shall be in the form of certified check, bank check, money order or business check, at the discretion of the Fiscal Officer.

- (2) Hour Estimate:
 - (a) Hours Known: A prospective employer of an off-duty police officer shall estimate the number of hours required. The estimate shall be approved in writing by the Chief of Police Off-Duty Employment Intake Manager and an amount sufficient to cover the rates of compensation and administrative fees set forth in Subsection D for the total estimated hours of service shall be deposited into the Trust Account.
 - (b) Hours Unknown or In Excess of Ten (10) Days: In any instance where the number of hours cannot be reasonably estimated or is anticipated to be in excess of ten (10) days, a prospective employer shall deposit an amount sufficient to cover the rate of compensation and administrative fees set forth in Subsection D for the equivalent of ten (10) days prior to the commencement of any services. Any unused portion of the deposit shall be returned or credited against the final amount owed.
- (3) Before posting any request for services of off-duty police officers, the Chief of Police Off-Duty Employment Intake Manager shall verify that the balance in the trust account of the prospective employer is sufficient to cover the compensation and fees for the number of hours specified in the request. The Chief of Police Off-Duty Employment Intake Manager shall not post a request for services unless all fees and compensation required in the manner described above have been deposited in the trust account.
- (4) Depletion of Funds in a Trust Account for any Individual Person or Entity: In the event the funds in any individual or entity's trust account should become depleted, services of off-duty law enforcement officers shall cease, and requests for further or future services shall not be posted until additional funds have been deposited in the trust account in the manner prescribed above. In the event of an unforeseen emergency situation that would require an officer to remain beyond the time for which funds have been posted, the Chief of Police Off-Duty Employment Intake Manager may waive the requirement for posting additional funds after the first ten (10) hours for any employer exhibiting a previous satisfactory payment history. However, payment for the additional hours shall be made within forty-eight (48) hours.
- (5) A prospective employer shall be responsible for ensuring that sufficient funds remain in the trust account in order to avoid any interruption of services. In the event of a project which requires services over an extended period the Off-Duty Billing Coordinator Fiscal Officer may require advance payment equal to twenty-five percent (25%) of the projected extended time period with additional twenty-five percent (25%) advances as a project continues.
- (6) Exemption. Public utility companies under the jurisdiction of, and regulated by, the New Jersey Board of Public Utilities and the Jersey City Housing Authority are exempt from the provisions set forth in this section requiring advance payment to the trust account; providing, however, that there are no amounts previously due that are outstanding for a period in excess of fifteen (15) days. Any such delinquent balances shall require advance payment of the amount outstanding prior to any officer engaging in any further off-duty assignments.

D. Requests for services.

- (1) Requests for the services of off-duty law enforcement officers for a period of one week or longer shall be forwarded to the Chief of Police Off-Duty Employment Intake Manager for posting at least ten (10) days before such services are required. The Off-Duty Employment Intake Manager will compile a list of available Police Officers to perform the requested services.
- (2) Requests for the services of off-duty law enforcement officers for a period of less than one week shall be forwarded to the Chief of Police Off-Duty Employment Intake Manager for posting as soon as practicable, but in no event less than twenty-four (24) hours before such services are required, except in emergency situations.
- (3) In emergency situations, requests for services shall be made, as necessary, to the Chief of Police Off-Duty Employment Intake Manager who shall make every effort to accommodate such request in a reasonable manner in his or her discretion. If said emergency is imminent, the Director of Public Safety shall also have the ability to deploy off-duty officers on an emergent basis. Any police officers, when so employed by private employers shall be compensated at the rates set forth in Section D, hereafter. All payments in emergency situations shall be made within forty-eight (48) hours. Completed claim forms are to be provided to the officer at the time the services are rendered and the officer shall deliver same to the appropriate precinct.
- (4) In the event an off-duty assignment is not picked, posting must be forwarded to all districts in order to secure an officer for the assignment. If the post is not filled within twenty-four (24) hours prior to the scheduled event, the building supervisor may contact any officer directly to fill the off-duty assignment officer is unavailable to perform an assignment, the Off-Duty Employment Intake Manager will notify the next available officer(s) on the off-duty assignment list of the availability of the assignment until the assignment is filled.
- (5) For every 8-12 off-duty officers deployed an off-duty supervisor must be assigned. A supervisor's command is not limited to any one project. The supervisor will be responsible for the officers designated to his or her command irrespective of the project to which the off-duty officers are assigned. The cost of the off-duty supervisor shall come from the administrative fees paid by the employers.
- (6) In special circumstances the Off-Duty Employment Intake Manager, may, in consultation with the Director of Public Safety, assign a supervisor to oversee an off-duty assignment if the Off-Duty Employment Intake Manager believes it is necessary to ensure the health, safety and welfare of the public.

E. Rates of compensation; administrative fees; payment for services.

- (1) Rates of compensation for the services of off-duty law enforcement officers are established as follows:

CONSTRUCTION SITES	COMMERCIAL ESTABLISHMENTS	TAX EXEMPT ORG.
CITY PROJECTS	Commercial Bank or Financial Institution	
\$35.00/hour		
SAT TIME & A HALF	\$35.00/hour	
SUN-HOLIDAYS	EFFECTIVE 1/1/12	
DOUBLE TIME	\$40.00/hour	
AFTER 4 PM - Additional	Commercial Establishments:	\$35.00/hour

\$10.00/hour PRIVATE CONTRACTORS As Defined in A5(b)(i) \$45.00 / hour SAT TIME & A HALF SUN-HOLIDAYS DOUBLE TIME AFTER 4 PM - Additional \$10.00/hour EFFECTIVE 1/1/12 \$50.00/hour PRIVATE CONTRACTORS As Defined in A5(b)(ii) \$35.00/hour	\$35.00/hour OVER 4,000 SQ FT. EFFECTIVE 1/1/12 \$40.00/hour All Other Retail Establishments Not Covered Above \$25.00 UNDER 4,000 SQ Ft.	
LARGE EVENTS UNDER 5,000 PEOPLE (Except City-Owned Facility Events) \$50.00/Hour <i>with alcohol present \$55.00/hour</i>	LARGE EVENTS OVER 5,000 PEOPLE \$65.00/hour	FILM PRODUCTION SITES \$55.00/hour
OUTSIDE AN ALCOHOLIC BEVERAGE CONTROL LICENSED PREMISE \$55.00/hour	SUPERIOR OFFICER REOUINED Additional \$10.00/hour above rates of police officers for above assignments.	CITY OWNED FACILITY \$35.00/hour
CROSSING GUARDS (for traffic control) \$10.00/hour		

UNLESS STATED IN THE ABOVE TABLE, NO NIGHT, WEEKEND OR HOLIDAY DIFFERENTIAL

- (2) Any off-duty assignments over eight (8) hours shall be paid at a time and a half rate beginning with the ninth hour.
- (3) Fee for police vehicle and fuel per hour or part thereof: \$10.00. The necessity for a police vehicle at a particular site will be at the determination of the District Commander of the district of the detail Off-Duty Employment Intake Manager.
- (4) ~~The minimum period of compensation shall be four (4) hours.~~
- (5) ~~An officer who is compensated for this minimum period because of a late cancellation under subsection G or because of early termination of an assignment may not accept additional off duty assignments during that period.~~

F. Administrative Costs.

An additional fee of ~~\$5.00~~ \$15.00 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 shall not be charged to a nonprofit organization for an event in a city owned building nor to the Jersey City Housing Authority. The aforesaid rates shall be reviewed every three (3) years commencing January 1, 2014.

Prospective employers of off-duty police who request 8 or more off-duty officers will be assessed an additional \$15.00 administrative fee to cover the cost of the supervisor pursuant to D(5).

G. Cancellation.

A perspective employer who fails to notify the Chief of Police Off-Duty Employment Intake Manager at least twelve (12) hours before the commencement of services ~~shall compensate the officer(s) for four (4) hours that such services are canceled~~ may be subject to a fee not to exceed \$500.00.

H. Public emergency.

The Chief of Police Director of Public Safety, Chief of Police, or ranking Chief of Patrol shall have the authority to order any police officer engaged in off-duty assignments to respond to an emergency. The Chief of Police Director of Public Safety may terminate an assignment whenever said assignment creates an unacceptable risk to the off-duty officer or to the citizens of the City of Jersey City. If an off-duty assignment is cancelled or terminated by the Chief of Police Director of Public Safety, the employer shall not be responsible for any compensation or fees until the officer returns to the assignment.

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 the ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

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

JH
11/6/13

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required
Not Required

City Clerk File No. Ord. 13.128

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 13.128

TITLE:

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 236 (PARKING LOTS AND PUBLIC GARAGES) ARTICLE II (SHOPPING CENTER PARKING LOTS) OF THE JERSEY CITY CODE

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

A. The following amendments and supplements to Chapter 236 (Parking Lots and Public Garages) Article II (Shopping Center Parking Lots) of the Jersey City Code are adopted:

ARTICLE II Shopping Center Parking Lots

§236-22. Definitions.

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

SHOPPING CENTER PARKING LOT – A parking lot used in conjunction with a store or stores catering principally to retail sales customers, commonly known as a “shopping center,” with parking spaces for 100 or more vehicles.

§236-23. Uniformed security guards to be provided.

- A. The owner or operator of a shopping center parking lot, as defined in § 236-22, shall provide one or more uniformed security guards who shall be on duty whenever the shopping center is open for business.
- B. The uniformed security guard or guards shall patrol the parking lot periodically and shall report all incidents of crime to the Jersey City Department of Police. Uniformed security guards provided by the owners of shopping center parking lots shall not be required to undertake the duties of the Jersey City Department of Police in investigating crimes and apprehending and prosecuting criminal offenders.
- C. An owner or agent of a shopping center parking lot subject to this Article may apply to the Director of Public Safety for an exemption from the requirements of subsection A, above. By application for an exemption on a form to be devised by the Director, the applicant must demonstrate to the Director's satisfaction that the level of security in operation is equivalent to the use of the uniform security guards in accordance with subsection B, above and is adequate for the protection and safety of the customers of the shopping center.
- D. The Director of Public Safety shall conduct an inspection of the shopping center parking lot and shall grant an exemption if he or she finds that the proposed

security arrangements are adequate in his or her reasonable discretion to protect the safety and property of the customers of the shopping center. If the Director of Public Safety denies such application for an exemption, the Director may also recommend to applicant other safety measures deemed adequate to meet the minimum requirements for an exemption in his or her reasonable discretion.

E The exemption may be withdrawn by the Director at any time upon notice to the owner or agent of the shopping center parking lot and an opportunity to be heard. Notice is effective upon leaving at or posting upon the premises a written notice so stating the withdrawal. An exemption shall be withdrawn upon a finding by the Director that the shopping center parking lot no longer meets the criteria for an exemption outlined above.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 236 (PARKING LOTS AND PUBLIC GARAGES) ARTICLE II (SHOPPING CENTER PARKING LOTS) OF THE JERSEY CITY CODE

§236-24. No Change.

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

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

IW/igp
11/6/13

APPROVED AS TO LEGAL FORM _____
 Corporation Counsel

Certification Required
 Not Required

APPROVED: _____
 Business Administrator

City Clerk File No. _____ Ord. 13.129 _____

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 13.129

TITLE: ORDINANCE AMENDING CHAPTER 304 (TAXATION) ARTICLE III (FIVE-YEAR TAX EXEMPTION) AND ARTICLE VI (LONG TERM AND FIVE YEAR TAX EXEMPTIONS AFFORDABLE HOUSING TRUST FUND) OF THE JERSEY CITY MUNICIPAL CODE

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY DOES ORDAIN:

A. The following amendment to Chapter 304 (Taxation) Article III (Five-Year Tax Exemption) of the Jersey City Code are hereby adopted:

ARTICLE III Five-Year Tax Exemption

§304-06. Through §304-11. No Change.

§304-12. New Construction of Commercial or Industrial Structures or Multiple Dwellings by Tax Agreement.

- A. New construction of commercial and industrial structures and multiple dwellings are eligible for tax exemption for a period of five years. This exemption may only be approved by Ordinance of the Municipal Council.
- B. Applicants for tax exemption shall provide the Director of the Department of Housing, Economic Development and Commerce and the Municipal Council with an application setting forth the following information:
- (1) A general description of a project for which exemption is sought.
 - (2) A legal description of all real estate necessary for the project.
 - (3) Plans, drawings and other documents as may be required by the Municipal Council to demonstrate the structure and design of the project.
 - (4) A description of the number, classes and type of employees to be employed at the project site within two years of completion of the project.
 - (5) A statement of the reasons for seeking tax exemption on the project and a description of the benefits to be realized by the applicant if a tax agreement is granted.
 - (6) A Good Faith estimate of the cost of completing such project, together with the expected method or plan of financing the Improvements.
 - (7) A construction time schedule and projected time schedule.
 - (8) A statement showing the real property taxes currently being assessed at the project site; estimated tax payments that would be made annually by the applicant on the project during the period of the agreement; and estimated tax payments that would be made by the applicant on the project during the first full year following the termination or expiration of the tax agreement.

- (9) If the project is a Commercial or Industrial Structure, a description of any lease agreement between the applicant and proposed users of the project and a history and description of the users' businesses.
 - (10) If the project is a Multiple Dwelling, a description of the number and type of Dwellings units to be provided, a description of the common elements or general common elements and a statement of the proposed initial rentals or sales prices of the Dwellings units according to type and of any rental lease or resale restrictions to apply to the Dwellings units respecting low or moderate income housing.
 - (11) A disclosure statement of the interests of all parties, including subsidiary companies, in the property project.
 - (12) The owners certification that the improvement as proposed meets the requirements of the redevelopment plan or Chapter 345, Zoning.
 - (13) The owner shall sign the application and certify as to the truth and accuracy of the contents thereof.
 - (14) Such other pertinent information as the Director of the Department of Housing, Economic Development and Commerce and Municipal Council may require on a case-by-case basis.
- C. ~~[1.]~~ The owner of a project ~~[with estimated construction costs of less than ten million dollars (\$10,000,000.00)]~~ shall enter into a written agreement with the City to pay a tax on the improvements in an amount equal to a percentage of taxes otherwise due according to the following schedule:
- (1) In the first full tax year after completion, no payment in lieu of taxes otherwise due.
 - (2) In the second tax year, an amount not less than twenty percent (20%) of taxes otherwise due.
 - (3) In the third tax year, an amount not less than forty percent (40%) of taxes otherwise due.
 - (4) In the fourth tax year, an amount not less than sixty percent (60%) of taxes otherwise due.
 - (5) In the fifth tax year, an amount not less than eighty percent (80%) of taxes otherwise due.
- ~~[C. 2. The owner of a project with estimated construction costs of ten million dollars (\$10,000,000.00) or more, shall enter into a written agreement with the City to pay a tax on the improvements in an amount equal to a percentage of taxes otherwise due according to the following schedule:~~
- ~~(1) In the first full tax year after completion, no payment in lieu of taxes otherwise due.~~
 - ~~(2) In the second tax year, an amount not less than thirty-nine percent (39%) of taxes otherwise due.~~
 - ~~(3) In the third tax year, an amount not less than fifty-nine percent (59%) of taxes otherwise due.~~
 - ~~(4) In the fourth tax year, an amount not less than seventy-nine percent (79%) of taxes otherwise due.~~
 - ~~(5) In the fifth tax year, an amount not less than eighty percent (80%) of taxes otherwise due.]~~

The agreement shall provide that the tax shall be billed and collected in the same manner as any conventional taxes, and any arrearages shall accrue that rate of interest charged for delinquent real estate taxes.

- D. The Tax Collector shall be responsible for the administration and enforcement of the tax agreement. In the event that a property owner subject to a tax agreement ceases to operate or disposes of the property or fails to meet the conditions for qualifying for the exemption, the local property taxes due for all the prior years subject to exemption and for the current year shall be payable as if no exemption had been granted. The Tax

Collector shall notify the property owner and the Municipal Council within fifteen (15) days of the date of disqualification of the amount of taxes due. In the event that the subject property has been transferred to a new owner and it is determined that the new owner will continue to use the property pursuant to the qualifying conditions, no additional tax shall be due, the exemption shall continue and the agreement shall remain in effect.

- E. The City Clerk shall forward a copy of all tax exemption agreements to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of the date of execution.

§304-13. Through §304-17. No Change.

B. The following amendment to Chapter 304 (Taxation) Article VI (Long Term and Five Year Tax Exemptions Affordable Housing Trust Fund) of the Jersey City Code are hereby adopted:

ARTICLE VI

Long Term and Five Year Tax Exemptions Affordable Housing Trust Fund

§304-28. Contribution required.

- A. No long term tax exemption permitted under N.J.S.A. 40A:20-1 et seq., or five year exemption permitted under N.J.S.A. 40A:21-1 et seq., for any market rate housing project or any commercial or industrial project, shall be approved unless the urban renewal entity makes a contribution to the Jersey City's Affordable Housing Trust Fund, in accordance with N.J.S.A. 40A:12A-4.1 et seq., and this Chapter.
- B. No contribution shall be required of an urban renewal entity that by a recorded deed or agreement, restricts (thereby setting aside) a minimum of fifteen (15) percent of the project for low and moderate income affordable housing for a minimum period of thirty (30) years in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

§304-29. Through §304-31. No Change.

§304-32. - Guidelines for the expenditure of funds.

- A. Use of Funds: All contributions made to the Affordable Housing Trust Fund shall be expended solely for the rehabilitation or construction or preservation of existing low or moderate income affordable housing or the construction of new low or moderate income affordable housing, as those terms are defined in the Fair Housing Act, N.J.S.A. 52:27-301 et seq., and any regulations promulgated thereunder.
- B. Awards: All funds shall be awarded by the City from the Affordable Housing Trust Fund as loans, on a reimbursement basis only, to supplement other private or public funds needed to complete the project. Awards shall be based upon responses to a Request for Qualifications, to be solicited biannually in January and August, subject to availability of trust funds.
- C. ~~Requirements~~ Qualifications: No award will be approved unless the applicant at a minimum satisfies the following conditions:
 - 1. Application. Every applicant must file a complete application form, which shall include an administrative questionnaire, financial disclosure statement and any other forms or supporting documents the City deems appropriate or necessary. The application will be in substantially the same form on file in the City Clerk's office. The application may be amended from time to time as the Business Administrator deems appropriate or necessary; [and]
 - 2. Entity. An applicant must provide proof that it is a for profit or a non profit entity, organized under State and Federal law for the purpose of constructing affordable housing or a public entity; ~~[and]~~

3. Experience. Every applicant must demonstrate that it has successfully completed the construction of at least one other significant housing project~~[-]~~;
4. Funding. An applicant must provide proof that it is the recipient of funds from another public or private source that, together with the Trust Fund award, will constitute sufficient funds to complete the proposed project. However, for acquisition funds, the applicant must document that the proposed project is eligible for other public or private funds, and that an application for these funds will be filed within sixty (60) days of commitment of affordable housing trust fund funds~~[-]~~; and
5. Commencement of Construction. The applicant must commence construction no later than one year from the date of the award of the Trust Fund money. Failure to commence construction within one year will result in cancellation of the award.

D. Evaluation: Applications shall be evaluated by an executive committee using the scoring matrix contained in the Application. The matrix may be amended from time to time as the Business Administrator deems necessary or appropriate.

~~FDE~~ Dedication ratios: Trust Funds calculated as of July 1st of each year, shall be dedicated as follows:

Income Breakdown

1. A minimum of thirty (30) percent of the Trust Funds shall be dedicated for very low (fifty (50) percent or below area median income) or special needs housing including housing for senior citizens, the disabled or homeless or other special needs populations, with at least ten (10) percent reserved for housing designed to accommodate large families (three or more bedrooms);

Activity Breakdown

1. Up to ten (10) percent of the Trust Funds will be dedicated to reasonable pre-development activities;
2. Ten (10) percent of the funds shall be retained by the City for its own administrative fees, and/or capacity building activities for local community development corporations;
3. Up to thirty (30) percent of the funds may be used to acquire property for the development/redevelopment of affordable housing; and
4. Balance of funds will be dedicated to hard construction costs.

~~FDE~~ Pre-Development Costs: Only non profit or public entities will be eligible to use funds for Pre-Development Costs. Pre-Development Costs may not exceed the lesser of ten (10) percent of the total project budget or one hundred thousand dollars (\$100,000.00) for any one project. All Pre-Development Costs must be pre-approved and in the City's sole discretion, reasonable, and based upon the total project budget. Pre-Development Costs are limited to the following:

1. Financing fees;
2. Application fees;
3. Legal fees;
4. Environmental testing;
5. Engineering fees;
6. Costs related to securing local site plan approval;
7. Architectural fees;
8. Title report;
9. Survey costs; and
10. Project management fees.

~~FDE~~ Collateral: All loans shall be collateralized by a note and the recordation of a mortgage. The mortgage may only be subordinated to another permanent governmental loan or a private institutional lender used to finance initial project acquisition or construction.

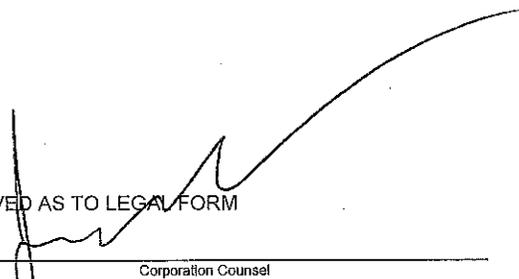
All loans, including self-amortizing loans, shall bear interest determined on a project-by-project basis at a rate not to exceed the interest rate imposed on the first mortgage as of the 1st day of the month immediately preceding the closing.

- C. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- D. 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.
- E. This ordinance shall take effect at the time and in the manner as provided by law.
- F. 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 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*.

JM/he
11/04/13

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____
APPROVED:  _____
Business Administrator

Certification Required
Not Required

City Clerk File No. Ord. 13.130

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 13.130

TITLE:

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE III (PARKING, STANDING AND STOPPING) AND ARTICLE IX (PARKING FOR THE DISABLED) OF THE JERSEY CITY CODE DESIGNATING A RESERVED PARKING SPACE AT 159 BARTHOLDI AVENUE; 158 BAYVIEW AVENUE; 192 CENTRAL AVENUE; 69 DALES AVENUE; 18B DWIGHT STREET; 195 DWIGHT STREET; 344-342-340 ½ EIGHTH STREET; 239 LIBERTY AVENUE; 224 McADOO AVENUE; 136 NORTH STREET; 17-19 OAK STREET; 235 PEARSALL AVENUE; 151 ROOSEVELT AVENUE; 157 VAN NOSTRAND AVENUE; 423 VIRGINIA AVENUE; 290 WEBSTER AVENUE; 21-23 WOODLAWN AVENUE; 143 WOODLAWN AVENUE; 150 WOODLAWN AVENUE AND 202-204 WOODLAWN AVENUE AND AMEND THE RESERVED PARKING SPACE AT 133 NORTH STREET AND REPEAL THE RESERVED PARKING SPACE AT 168B DWIGHT STREET; 333 FAIRMOUNT AVENUE; 1001 GARFIELD AVENUE; 45-47 GRAHAM STREET; 219 LIBERTY AVENUE; 111 RESERVOIR AVENUE AND 157 ROOSEVELT AVENUE

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

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

Section 332-29 Disabled Parking Manual

Section 332-69 Restricted parking zones in front of or near residences of disabled drivers.

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.

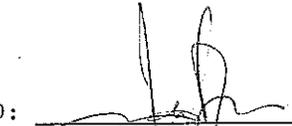
<u>Nancy Cruz</u>	<u>159 Bartholdi Av</u>
<u>Christine Bacote</u>	<u>158 Bayview Av [1001 Garfield Av]</u>
<u>Janet Bacia</u>	<u>192 Central Av [111 Reservoir Av]</u>
<u>Nicholas Escobar</u>	<u>69 Dales Av</u>
<u>Nicole Watford</u>	<u>[168B] 186B Dwight Street</u>
<u>Albert DeCruz, Jr.</u>	<u>195 Dwight Street</u>
<u>Priscilla Ciandella</u>	<u>344-342-340 ½ Eighth St</u>
<u>Magdy Faried</u>	<u>[219] 239 Liberty Av</u>
<u>Anthony Sica</u>	<u>224 McAdoo Av</u>
<u>Barbara Mitchell [Virginia Ralston]</u>	<u>133 North St</u>
<u>Nicole Vexenat</u>	<u>136 North St</u>
<u>Robin Sanchez</u>	<u>17-19 Oak St [45-47 Graham St]</u>
<u>Monica Smith</u>	<u>235 Pearsall Avenue</u>
<u>Francisco Llanes</u>	<u>[157] 151 Roosevelt Avenue</u>
<u>Toni Kendell</u>	<u>157 Van Nostrand Av</u>
<u>Abdil M. Rana</u>	<u>423 Virginia Av</u>
<u>Said M. Abdelmalak</u>	<u>290 Webster Av</u>
<u>Irving Harris</u>	<u>21-23 Woodlawn Av</u>
<u>Willie Gallemore</u>	<u>143 Woodlawn Av</u>
<u>James Stone</u>	<u>150 Woodlawn Av</u>
<u>Derry Hampton</u>	<u>202-204 Woodlawn Av</u>

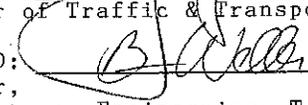
Continued.....

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.

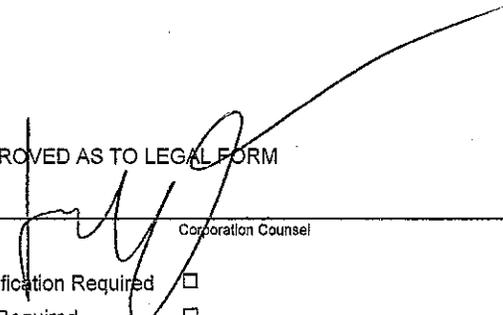
NOTE: The new material to be inserted is underscored; the material to be repealed is in [*brackets*].

JDS:pc1
(10.28.13)

APPROVED: 
Director of Traffic & Transportation

APPROVED: 
Director,
Architecture, Engineering, Traffic and
Transportation

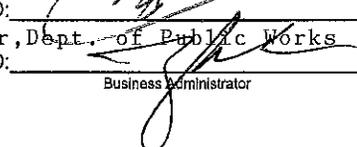
APPROVED AS TO LEGAL FORM



Corporation Counsel

Certification Required
Not Required

APPROVED: 
Director, Dept. of Public Works

APPROVED: 

Business Administrator

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 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 III (PARKING, STANDING AND STOPPING) AND ARTICLE IX (PARKING FOR THE DISABLED) OF THE JERSEY CITY CODE DESIGNATING A RESERVED PARKING SPACE AT 159 BARTHOLDI AVENUE; 158 BAYVIEW AVENUE; 192 CENTRAL AVENUE; 69 DALES AVENUE; 18B DWIGHT STREET; 195 DWIGHT STREET; 344-342-340 ½ EIGHTH STREET; 239 LIBERTY AVENUE; 224 McADOO AVENUE; 136 NORTH STREET; 17-19 OAK STREET; 235 PEARSALL AVENUE; 151 ROOSEVELT AVENUE; 157 VAN NOSTRAND AVENUE; 423 VIRGINIA AVENUE; 290 WEBSTER AVENUE; 21-23 WOODLAWN AVENUE; 143 WOODLAWN AVENUE; 150 WOODLAWN AVENUE AND 202-204 WOODLAWN AVENUE AND AMEND THE RESERVED PARKING SPACE AT 133 NORTH STREET AND REPEAL THE RESERVED PARKING SPACE AT 168B DWIGHT STREET; 333 FAIRMOUNT AVENUE; 1001 GARFIELD AVENUE; 45-47 GRAHAM STREET; 219 LIBERTY AVENUE; 111 RESERVOIR AVENUE AND 157 ROOSEVELT AVENUE

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

Joao D'Souza, Director of Traffic & Transportation, Division of Engineering, Traffic and Transportation, Department of Public Works on the behalf of the Municipal Council Committee for Disabled Parking

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

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

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

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

5. Anticipated benefits to the community:

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

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

Approximately \$200.00 per sign/u-post installation for an approximate total of \$7,200.00

40 disabled parking signs	@ \$100.00 ea.	\$4,000.00
32 u-posts	@ \$100.00 ea.	\$3,200.00

7. Date proposed program, or project will commence:

Pending adoption by the Jersey City Municipal Council

8. Anticipated completion date:

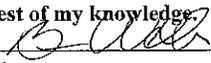
Twenty days after adoption by the Jersey City Municipal Council

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

Patricia Logan, Supervising Traffic Investigator, Division of Architecture, Engineering, Traffic and Transportation, Department of Public Works, 201.547.4492

10. Additional comments:

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



Director
Architecture, Engineering, Traffic and Transportation

10-29-13

Date



Director
Department of Public Works

10-29-13

Date



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF PUBLIC WORKS
PUBLIC WORKS COMPLEX | 575 ROUTE 440 | JERSEY CITY, NJ 07305
P: 201-547-4402 | F: 201-547-4803



MICHAEL RAZZOLI
DIRECTOR

MEMORANDUM

DATE: October 28, 2013

TO: Robert Kakoleski, Acting Business Administrator

FROM: Patricia Logan, Supervising Traffic Investigator
Division of Architecture, Engineering, Traffic and Transportation

SUBJECT: **PROPOSED ORDINANCE**
RESERVED PARKING FOR THE DISABLED

At the request of the Municipal Council Committee for Disabled Parking, attached for your review and signature is an Ordinance proposed by this Division designating, repealing and or amending a reserved parking space at various locations throughout the City.

All of the locations listed on the Ordinance have been approved by the Municipal Council Committee for Disabled Parking.

It is anticipated that this legislation will be on the Agenda for the November 13, 2013 Municipal Council Meeting.

If you have any questions regarding this Ordinance, please feel free to contact me at ex. 4492.

Thank you.

Patricia Logan,
Supervising Traffic Investigator

Joao D'Souza,
Director of Traffic & Transportation

C: Lee D. Klein, P.E., PTOE, Traffic Engineer
Stanley Huang, P.E., Municipal Engineer
Brian Weller, L.L.A., ASLA, Director, Architecture, Engineering, Traffic and Transportation
Michael Razzoli, Director, DPW
Robert Byrne, City Clerk



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF PUBLIC WORKS
PUBLIC WORKS COMPLEX | 575 ROUTE 440 | JERSEY CITY, NJ 07305
P: 201-547-4402 | F: 201-547-4803



MICHAEL RAZZOLI
DIRECTOR

MEMORANDUM

DATE: October 2, 2013
TO: Director Michael Razzoli, DPW
FROM: Patricia Logan, Supervising Traffic Investigator
Division of Architecture, Engineering, Traffic and Transportation
SUBJECT: **PROPOSED ORDINANCE**
RESERVED PARKING FOR THE DISABLED

At the request of the Municipal Council Committee for Disabled Parking, attached for your review and signature is an Ordinance proposed by this Division designating, repealing and or amending a reserved parking space at various locations throughout the City.

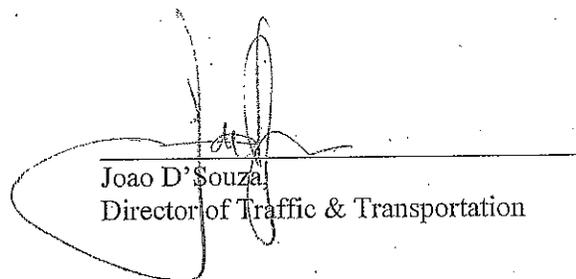
All of the locations listed on the Ordinance have been approved by the Municipal Council Committee for Disabled Parking.

Upon your signature I will forward the Ordinance to the Acting Business Administrator for his review and signature. It is anticipated that this legislation will be on the Agenda for the November 13, 2013 Municipal Council Meeting.

If you have any questions regarding this Ordinance, please feel free to contact me at ex. 4492.

Thank you.


Patricia Logan,
Supervising Traffic Investigator


Joao D'Souza,
Director of Traffic & Transportation

- C: Lee D. Klein, P.E., PTOE, Traffic Engineer
- Stanley Huang, P.E., Municipal Engineer
- Brian Weller, LAA, ASLA, Director, Architecture, Engineering, Traffic and Transportation
- Robert Kakoleski, Acting Business Administrator
- Robert Byrne, City Clerk



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF PUBLIC WORKS
PUBLIC WORKS COMPLEX | 575 ROUTE 440 | JERSEY CITY, NJ 07305
P: 201-547-4402 | F: 201-547-4803



MICHAEL RAZZOLI
DIRECTOR

MEMORANDUM

DATE: October 28, 2013

TO: Director Brian Weller, L.L.A., ASLA
Architecture, Engineering, Traffic and Transportation

FROM: Patricia Logan, Supervising Traffic Investigator
Division of Architecture, Engineering, Traffic and Transportation

SUBJECT: **PROPOSED ORDINANCE**
RESERVED PARKING FOR THE DISABLED

At the request of the Municipal Council Committee for Disabled Parking, attached for your review and signature is an Ordinance proposed by this Division designating, repealing and or amending a reserved parking space at various locations throughout the City.

All of the locations listed on the Ordinance have been approved by the Municipal Council Committee for Disabled Parking.

Upon your signature I will forward the Ordinance to Director Razzoli for his review and signature. It is anticipated that this legislation will be on the Agenda for the November 13, 2013 Municipal Council Meeting.

If you have any questions regarding this Ordinance, please feel free to contact me at ex. 4492.

Thank you.

Patricia Logan,
Supervising Traffic Investigator

Joao D'Souza,
Director of Traffic & Transportation

C: Lee D. Klein, P.E., PTOE, Traffic Engineer
Stanley Huang, P.E., Municipal Engineer
Michael Razzoli, Director, DPW
Robert Kakoleski, Acting Business Administrator ✓
Robert Byrne, City Clerk

City Clerk File No. Ord. 13.105

Agenda No. 3.6 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13.105

TITLE:

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE VIII (PERMIT PARKING) AMENDING SECTION 332-58 OF THE JERSEY CITY TRAFFIC CODE EXTENDING ZONE 1 RESIDENTIAL PERMIT PARKING TO INCLUDE FOURTH STREET BETWEEN MERSELES STREET AND NEWARK AVENUE; MERSELES STREET BETWEEN NEWARK AVENUE AND FIRST STREET AND NEWARK AVENUE BETWEEN BRUNSWICK STREET AND MERSELES STREET

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

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

Article VIII PERMIT PARKING
Sec. 332-58 Parking restrictions in residential zones.

A.. No person shall park a vehicle in excess of two (2) hours; between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except public holidays, without a valid permit upon any of the streets or parts of streets as described below.

Zone 1

<u>Name of Street</u>	<u>Limits</u>
Barrow St	Between Grand St and Newark Av
Bright St	North side; between Monmouth St and Jersey Av Both sides; between Jersey Av and Grove St
Brunswick St	Between Newark Av and Columbus Dr
Coles St	Between Columbus Dr and Second St
Colgate St	Between First St and Third St
Columbus Dr	Between Grove St and Brunswick St
First St	Between Merseles St and Newark Av
<u>Fourth St</u>	<u>Between Merseles St and Newark Av</u>
Grove St	Between Grand St and Newark Av
Jersey Av	Between Grand St and Newark Av
Marin Blvd	Between the southern terminus and Columbus Dr
Maxwell St	Between Jersey Av and Coles St
Mercer St	Between Marin Blvd and Monmouth St
<u>Merseles St</u>	<u>Between Newark Av and First St</u>
Monmouth St	Between Bright St and Newark Av
Montgomery St	Between Warren St and Monmouth St
Newark Av	Between <u>Merseles St [Brunswick St]</u> and Marin Blvd
Second St	Between Coles St and Merseles St
Third St	Between Merseles St and Coles St
Wayne St	Between Marin Blvd and Varick St
York St	Between Warren St and Monmouth St
Varick St	Between Bright St and Columbus Dr

SH:pcl
09.11.13

Zone 2	No Change
Zone 3	No Change
Zone 4	No Change
Zone 5	No Change
Zone 6	No Change
Zone 7	No Change
B.	No Change
Zone 9	No Change
C.	No Change
Zone 10	No Change

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. 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: The new material to be inserted is underscored; the material to be repealed is in *[brackets]*.

SH:pcl
09.11.13

APPROVED: *Stanley Blum*
Acting Director
Engineering, Traffic and Transportation

APPROVED AS TO LEGAL FORM

[Signature]
Corporation Counsel

APPROVED: *[Signature]* 9-13-13
Director, Dept. of Public Works
APPROVED: *[Signature]*
Business Administrator

Certification Required
Not Required

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 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 VIII (PERMIT PARKING) AMENDING SECTION 332-58 OF THE JERSEY CITY TRAFFIC CODE EXTENDING ZONE 1 RESIDENTIAL PERMIT PARKING TO INCLUDE FOURTH STREET BETWEEN MERSELES STREET AND NEWARK AVENUE; MERSELES STREET BETWEEN NEWARK AVENUE AND FIRST STREET AND NEWARK AVENUE BETWEEN BRUNSWICK STREET AND MERSELES STREET

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

Lee D. Klein, P.E., PTOE, Assistant City Engineer, Division of Engineering, Traffic and Transportation, Department of Public Works at the request of Gigi Gazon, Executive Assistant to the Mayor on behalf of Mayor Fulop.

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

Designate Zone 1 Residential Permit Parking on Fourth Street between Merseles Street and Newark Avenue; Merseles Street between Newark Avenue and First Street and extend Zone 1 Residential Permit Parking on Newark Avenue from Brunswick St, west to Merseles Street

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

Make more parking available to the residents and employees of the Zone 1 area.

5. Anticipated benefits to the community:

To better serve the community by making more parking available to both residents and employees in the neighborhood and preventing commuters from parking their vehicles on these streets while going off to work elsewhere.

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:

City funds for the signs. Approximately 12 signs and 8 u-posts at a cost of \$2,000.00
Parking Authority funds for the permits

7. Date proposed program, or project will commence:

Pending adoption by the Jersey City Municipal Council

8. Anticipated completion date:

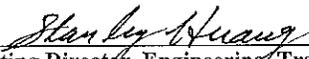
Twenty days after adoption of the Ordinance by the Jersey City Municipal Council

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

Patricia Logan, Supervising Traffic Investigator, Division of Engineering, Traffic and Transportation, Department of Public Works 201.547.4492 for the sign installations
Mary Spinello-Peretti, CEO, JCPA, 201.653.6969 for administering the program

10. Additional comments:

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


Acting Director, Engineering, Traffic and Transportation

9/12/13
Date

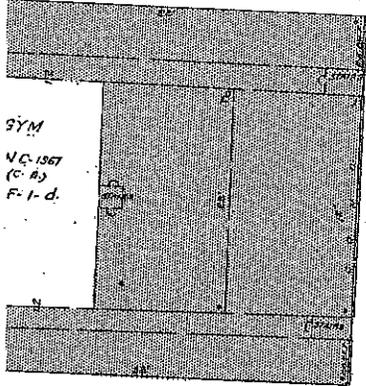

Director, Dept. of Public Works

9-13-13
Date

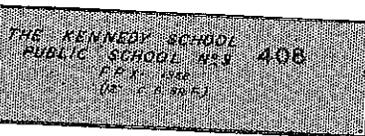
CENTER

428

FERRIS HIGH SCHOOL
SEE SHEET No. 40



SYM
V.C. 1567
(C.B.)
F-I-d.



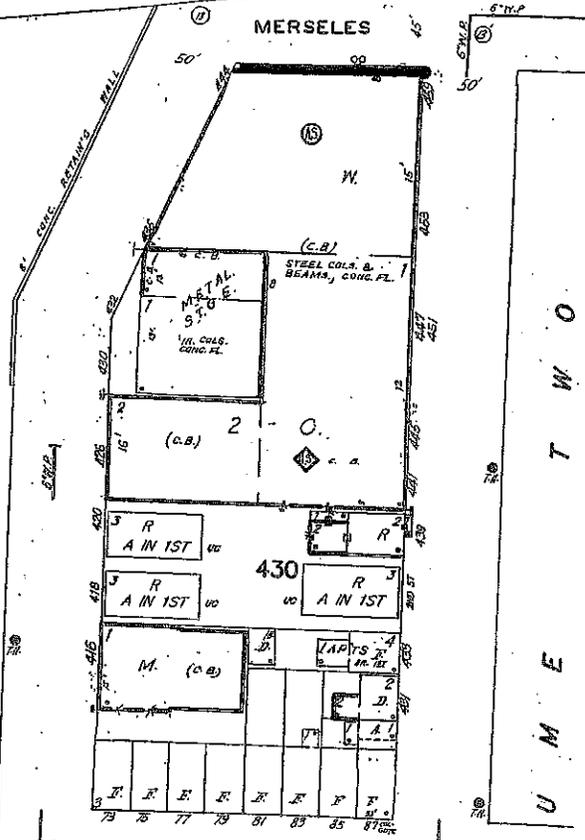
THE KENNEDY SCHOOL
PUBLIC SCHOOL No. 408
P.P. 1568
(C.B.)
(F-I-d.)

C. COLUMBUS DR.

BRUNSWICK

36

MERSELES

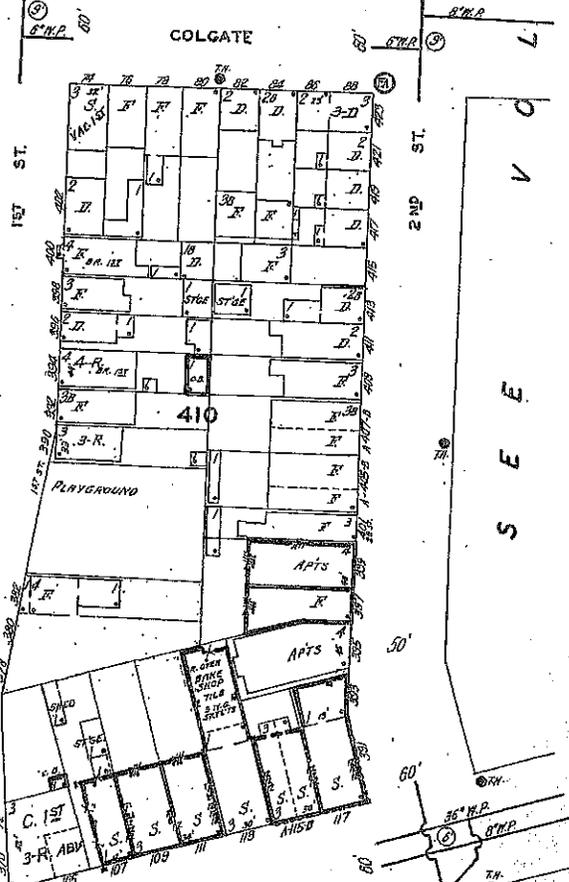


COLGATE

429

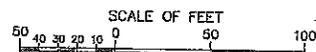
409

410



BRUNSWICK

U M E T W O
S E E V O L



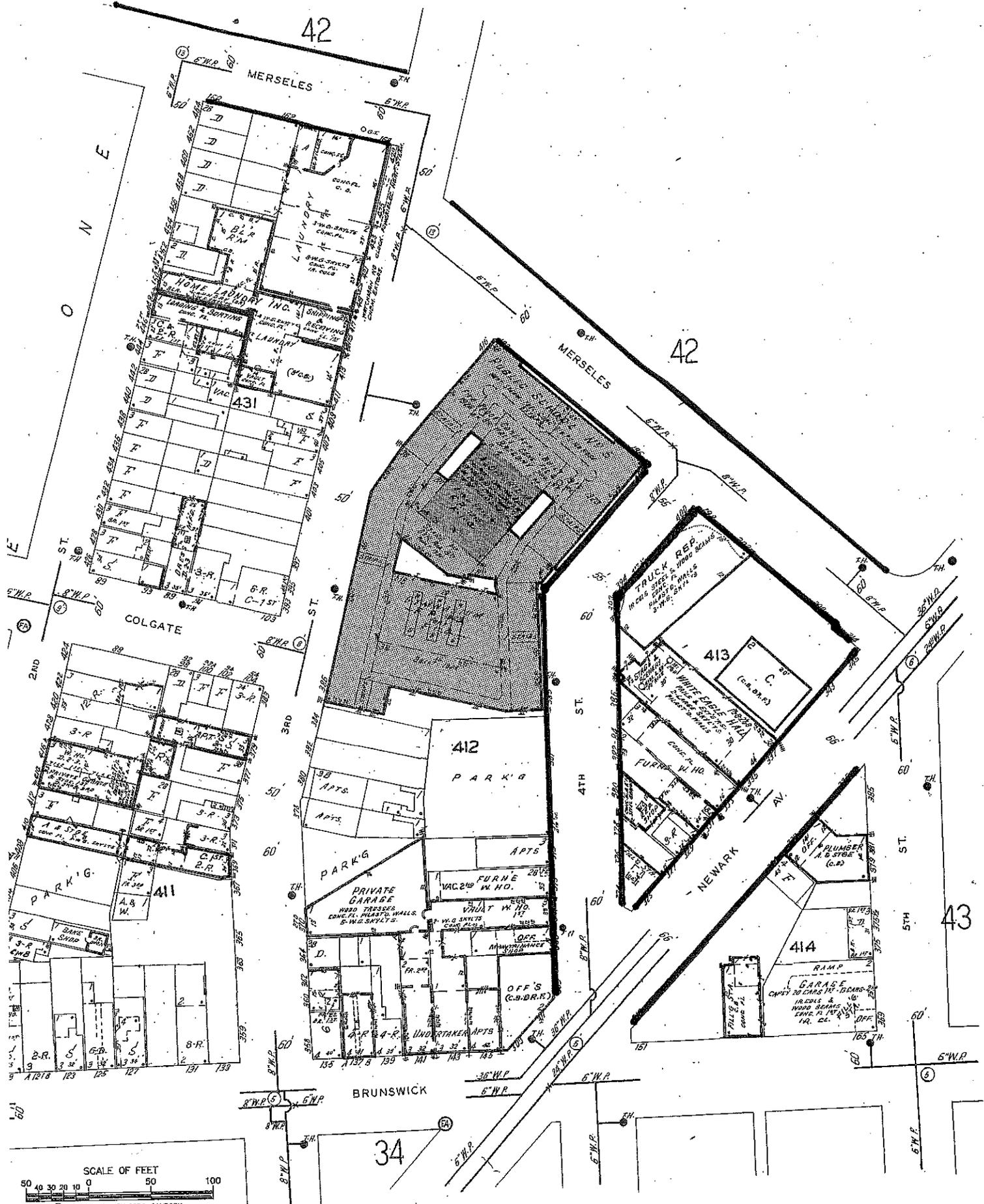
© 1995, FEBRUARY 2004, S&B/D/K

42

42

43

34



SCALE OF FEET



© 1906, FEBRUARY 2004, SANDHORN

CITY OF JERSEY CITY
DEPARTMENT OF PUBLIC WORKS
Division of Engineering, Traffic and Transportation
MEMORANDUM

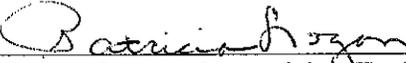
DATE: September 11, 2013
TO: Robert Kakoleski, Assistant Business Administrator
FROM: Patricia Logan, Supervising Traffic Investigator
SUBJECT: **ZONE 1 RESIDENTIAL PERMIT PARKING ORDINANCE**

Attached for your review and signature is an Ordinance proposed by this Division, at the request of GiGi Gazon, Executive Assistant to the Mayor, on behalf of Mayor Fulop, (for the Council's consideration) amending the Zone 1 Residential Permit Parking Program. Zone 1 residential permit parking will be extended to include Fourth Street between Merseles Street and Newark Avenue; Merseles Street between Newark Avenue and First Street and Newark Avenue between Brunswick Street and Merseles Street.

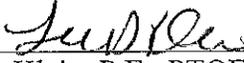
This proposed legislation will deter commuters from parking their vehicles on these neighborhood streets and thereby make more parking available to residents and employees of the area.

It is anticipated that the proposed legislation will be listed on the Agenda for the September 25, 2013 Municipal Council Meeting.

Feel free to contact me at ex. 4492 if you have any questions regarding the legislation.



Patricia Logan, Supervising Traffic Investigator



Lee D. Klein, P.E., PTOE, Asst. City Engineer

C: Stanley Huang, P.E., Acting Director, Engineering, Traffic and Transportation
Brian Weller, LLA, ASLA, Director, Architecture
Michael Razzoli, Director, DPW
Robert Byrne, City Clerk
GiGi Gazon, Executive Assistant to the Mayor

CITY OF JERSEY CITY
DEPARTMENT OF PUBLIC WORKS
Division of Engineering, Traffic and Transportation
MEMORANDUM

DATE: September 11, 2013
TO: Director Michael Razzoli, DPW
FROM: Patricia Logan, Supervising Traffic Investigator
SUBJECT: **ZONE 1 RESIDENTIAL PERMIT PARKING ORDINANCE**

Attached for your review and signature is an Ordinance proposed by this Division at the request of GiGi Gazon, Executive Assistant to the Mayor, on behalf of Mayor Fulop, (for the Council's consideration) amending the Zone 1 Residential Permit Parking Program. Zone 1 residential permit parking will be extended to include Fourth Street between Merseles Street and Newark Avenue; Merseles Street between Newark Avenue and First Street and Newark Avenue between Brunswick Street and Merseles Street.

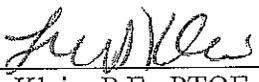
This proposed legislation will deter commuters from parking their vehicles on these neighborhood streets and thereby make more parking available to residents and employees of the area.

Upon your signature the Ordinance will be sent to the Acting Business Administrator for his review and signature. It is anticipated that the proposed legislation will be listed on the Agenda for the September 25, 2013 Municipal Council Meeting.

Feel free to contact me at ex. 4492 if you have any questions regarding the legislation.



Patricia Logan, Supervising Traffic Investigator



Lee D. Klein, P.E., PTOE, Asst. City Engineer

C: Stanley Huang, P.E., Acting Director, Engineering, Traffic and Transportation
Brian Weller, LLA, ASLA, Director, Architecture
Michael Razzoli, Director, DPW
Robert Byrne, City Clerk
GiGi Gazon, Executive Assistant to the Mayor

CITY OF JERSEY CITY
DEPARTMENT OF PUBLIC WORKS
Division of Engineering, Traffic and Transportation
MEMORANDUM

DATE: September 11, 2013

TO: Councilwoman Candice Osborne, Ward E
Robert Byrne, City Clerk

FROM: Patricia Logan, Supervising Traffic Investigator

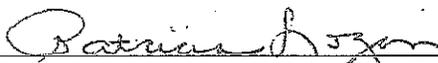
SUBJECT: ZONE 1 RESIDENTIAL PERMIT PARKING ORDINANCE

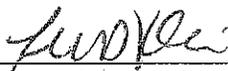
Attached is an Ordinance proposed by this Division, at the request of GiGi Gazon, Executive Assistant to the Mayor, on behalf of Mayor Fulop, (for the Council's consideration) amending the Zone 1 Residential Permit Parking Program. Zone 1 residential permit parking will be extended to include Fourth Street between Merseles Street and Newark Avenue; Merseles Street between Newark Avenue and First Street and Newark Avenue between Brunswick Street and Merseles Street.

This proposed legislation will deter commuters from parking their vehicles on these neighborhood streets and thereby making more parking available to residents and employees of the area.

It is anticipated that the proposed legislation will be listed on the Agenda for the September 25, 2013 Municipal Council Meeting.

Feel free to contact me at ex. 4492 if you have any questions regarding the legislation.


Patricia Logan, Supervising Traffic Investigator


Lee D. Klein, P.E., PTOE, Asst. City Engineer

C: Stanley Huang, P.E., Acting Director, Engineering, Traffic and Transportation
Brian Weller, LLA, ASLA, Director, Architecture
Michael Razzoli, Director, DPW
Robert Kakoleski, Assistant Business Administrator
Muhammed Akil, Chief of Staff
GiGi Gazon, Executive Assistant to the Mayor
Chief Executive Officer Mary Spinello-Paretti, J.C.P.A.
Council President Lavarro, Jr. Councilwoman Watterman Councilman Rivera
Councilman Gajewski Councilman Ramchal Councilman Boggiano
Councilman Yun Councilwoman Coleman