

City Clerk File No. Ord. 08-129

Agenda No. 3.A 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-129

TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO ARTICLE V OF THE LAND DEVELOPMENT ORDINANCE (CHAPTER 345)

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-62, may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, bars are permitted principal uses in the NC zone, and Category Cne restaurants are permitted principal uses in the NC, O/R, CBD, HC, WPD zoning districts and permitted conditional uses in certain locations within the Historic Districts under the Land Development Ordinance of the City of Jersey City; and

WHEREAS, both bars and Category One restaurants are separately defined, and Category One restaurants are distinguished from other restaurant uses in the Definition Section of the Jersey City Land Development Ordinance; and

WHEREAS, T.V.s, radios, and/or stereo systems are commonly found at and can be considered as incidental and customary accessory uses at bars and restaurants with bars; and

WHEREAS, live or D.J. monitored entertainment is currently only allowed, under an existing "Entertainment and Dance License," at uses defined as nightclubs; and

WHEREAS, the ability of restaurants to offer live or D.J. monitored entertainment, but under more restrictive conditions than a nightclub, is desirable in order to better serve both the public and the business community; and

WHEREAS, the Planning Board of Jersey City, at its meeting of January 13, 2007, did discuss and approve a motion recommending that the Municipal Council adopt the amendments contained herein; and

WHEREAS, the amendments to the Land Development Ordinance are attached hereto and made a part hereof, and are available for public inspection at the Office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey city that the Land Development Ordinance, be and hereby is amended as follows:

345-45. NC- NEIGHBORHOOD COMMERCIAL DISTRICT

C. Uses incidental and accessory to the principal use, such as:

1. Off-street parking.
2. Fences and walls.
3. Signs.
4. Sidewalk cafes associated with category one and two restaurants.
5. *T.V., radio, and/or stereo systems accessory to bars and restaurants.*

6. Live entertainment accessory to Category One restaurants only, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #??), with

the exception of properties on Lower John F. Kennedy Boulevard where no live entertainment shall be permitted.

345-47. CBD - CENTRAL BUSINESS DISTRICT/JOURNAL SQUARE

C. Uses incidental and accessory to the principal uses, such as:

1. Parking garages.
2. Meeting rooms, conference facilities, gymnasiums and exercise rooms and pools.
3. Signs.

4. T.V., radio, and/or stereo systems accessory to bars and restaurants

5. Live entertainment accessory to Category One restaurants only, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #???)

345-46. O/R- OFFICE/RESIDENTIAL DISTRICT

C. Uses incidental and accessory to the principal use, such as:

1. Off-street parking garages and lots and off-street loading.
2. Fences and walls.
3. Signs.

4. T.V., radio, and/or stereo systems accessory to bars and restaurants.

5. Live entertainment accessory to Category One restaurants only, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #???)

345-48. HC- HIGHWAY COMMERCIAL DISTRICT

C. Uses incidental and accessory to the principal use, such as:

1. Off-street parking, garages and off-street loading.
2. Fences and walls.
3. Signs.
4. Auto service ancillary to retail car dealership.
5. Outdoor garden centers.

6. T.V., radio, and/or stereo systems accessory to bars and restaurants

7. Live entertainment accessory to Category One restaurants only, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #???)

345-56. WPD- WATERFRONT PLANNED DEVELOPMENT DISTRICT

C. Uses incidental and accessory to the principal use, such as:

1. Fences and walls.
2. Signs.
3. Parking.

4. T.V., radio, and/or stereo systems accessory to bars and restaurants.

5. Live entertainment accessory to Category One restaurants only, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #???)

345-58. H- HISTORIC DISTRICT

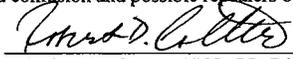
C. Accessory uses permitted in all Historic Districts:

- 1. Private garages, for projects of 10 units or more.
- 2. Screened off-street parking, for projects of 10 units or more.

3. Live entertainment accessory to Category One restaurants only, where permitted as conditional uses or where O/R use standards apply, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #???)

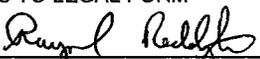
BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.



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

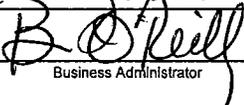
APPROVED AS TO LEGAL FORM



Raymond Reddy
#117 Corporation Counsel

APPROVED:




Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AMENDMENTS TO ARTICLE V OF THE LAND DEVELOPMENT
ORDINANCE (CHAPTER 345)**

2. Name and Title of Person Initiating the Ordinance, etc.:

Carl Czaplicki, Director, Department of Housing, Economic Development, and Commerce

3. Concise Description of the Plan Proposed in the Ordinance:

Amends Article V accessory use standards pertaining to bars to allow accessory T.V.s, radios, and stereo systems and also amends accessory use standards for category one (primarily sit-down) restaurants, where permitted as principal or conditional uses, in order to permit the issuance of a "restaurant entertainment license"

4. Reasons (Need) for the Proposed Program, Project, etc.:

- a.) T.V.s, radios, and/or stereo systems are commonly found at and can be considered as incidental and customary accessory uses at bars and restaurants with bars;
- b.) Live or D.J. monitored entertainment is currently allowed, under an existing "Entertainment and Dance License," only at uses defined as nightclubs, and the ability of restaurants to offer live or D.J. monitored entertainment, but under more restrictive conditions than a nightclub, is desirable in order to better serve both the public and the business community.

5. Anticipated Benefits to the Community:

Enhancement of local restaurant business in a way that better serves the public while protecting the general welfare

6. Cost of Proposed Plan, etc.:

None

7. Date Proposed Plan will commence:

Upon approval

8. Anticipated Completion Date: N/A

9. Persons Responsible for Coordinating Proposed Program, Project, etc.:

Carl Czaplicki, Director, Dept of HEDC
Robert D. Cotter, City Planning Director
Anthony J. Lambiase, Director, Division of Zoning

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.

Robert D. Cotter
Division Director

Sept 2, 2008
Date

Carl Czaplicki
Department Director Signature

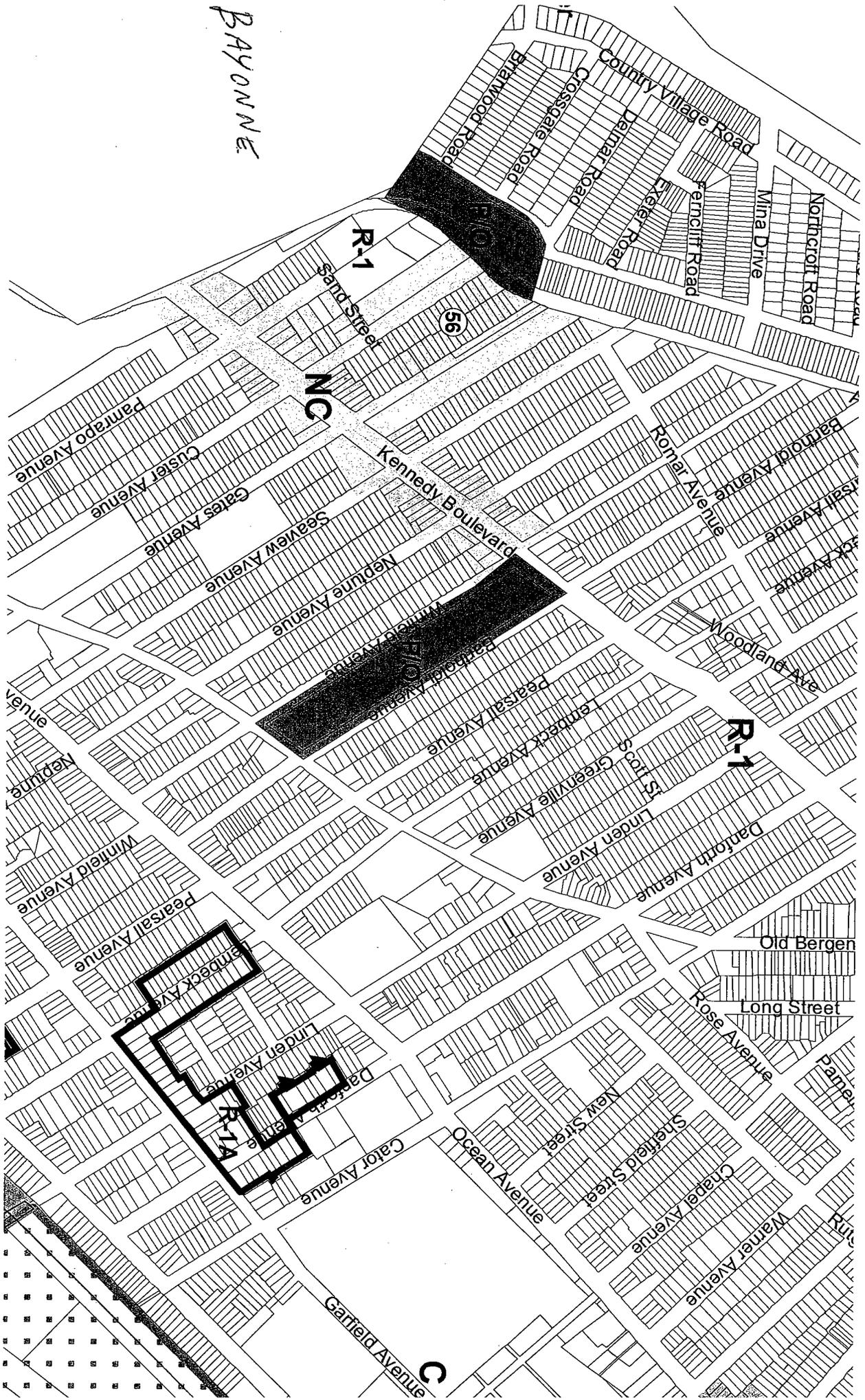
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SUMMARY STATEMENT

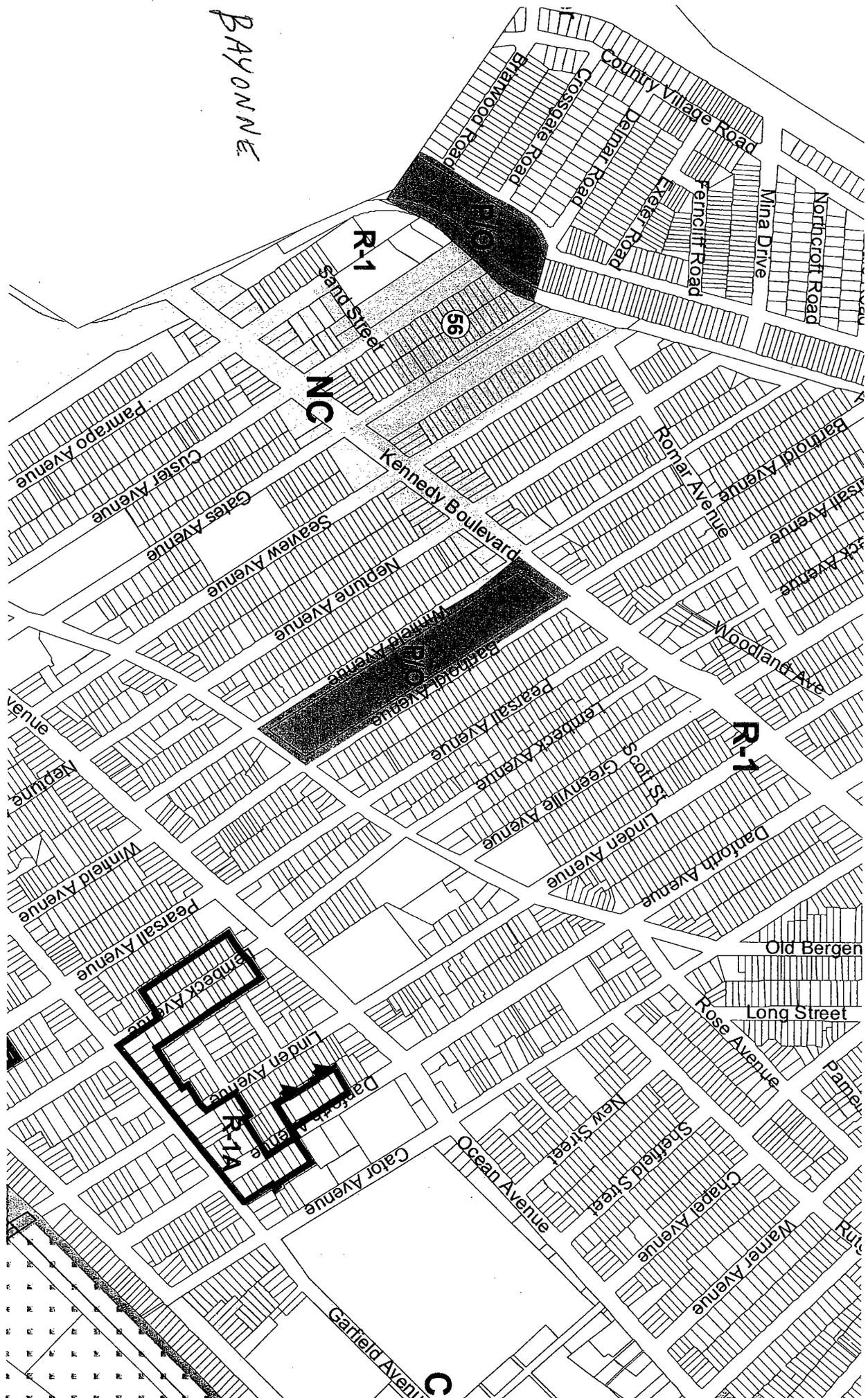
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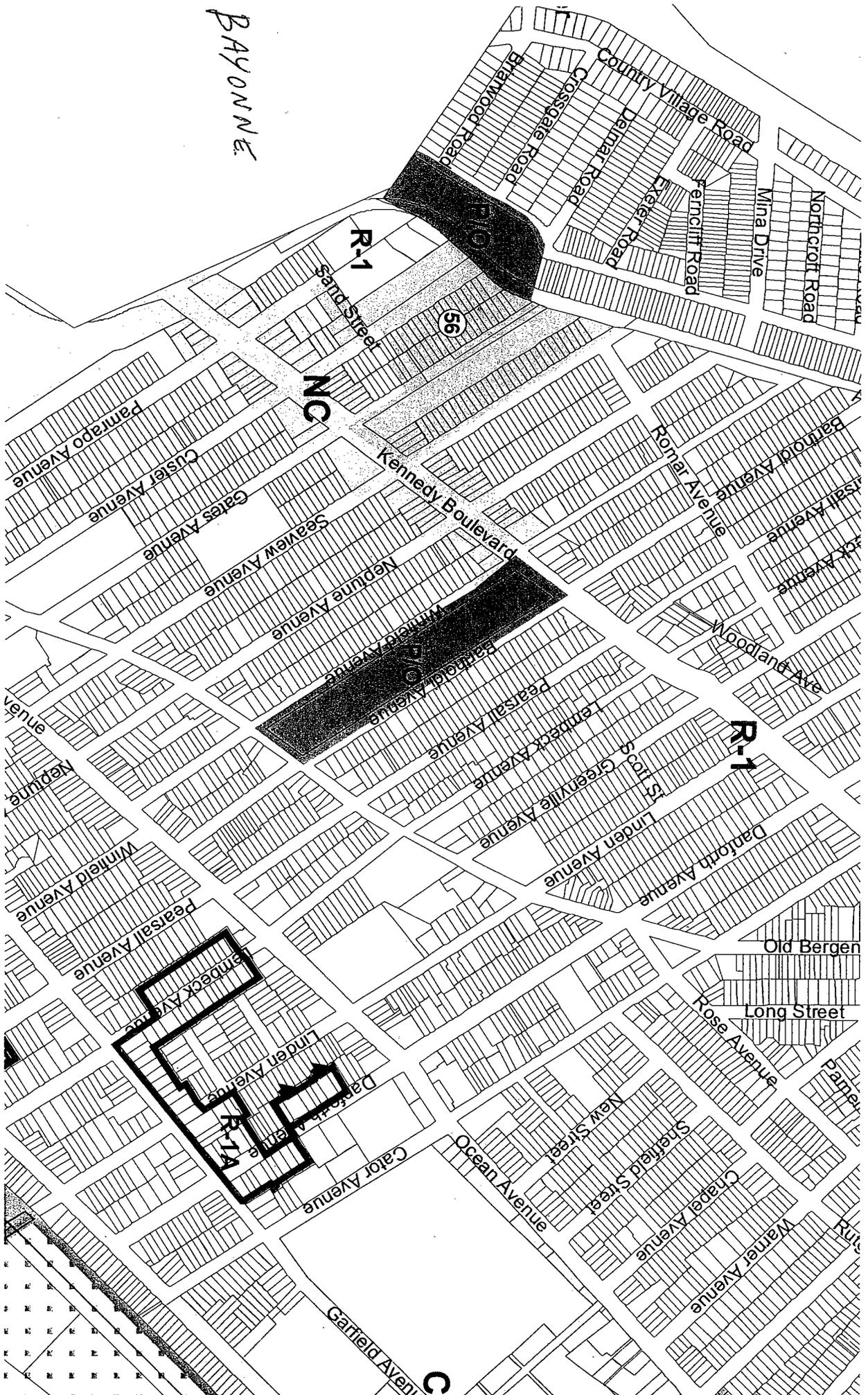
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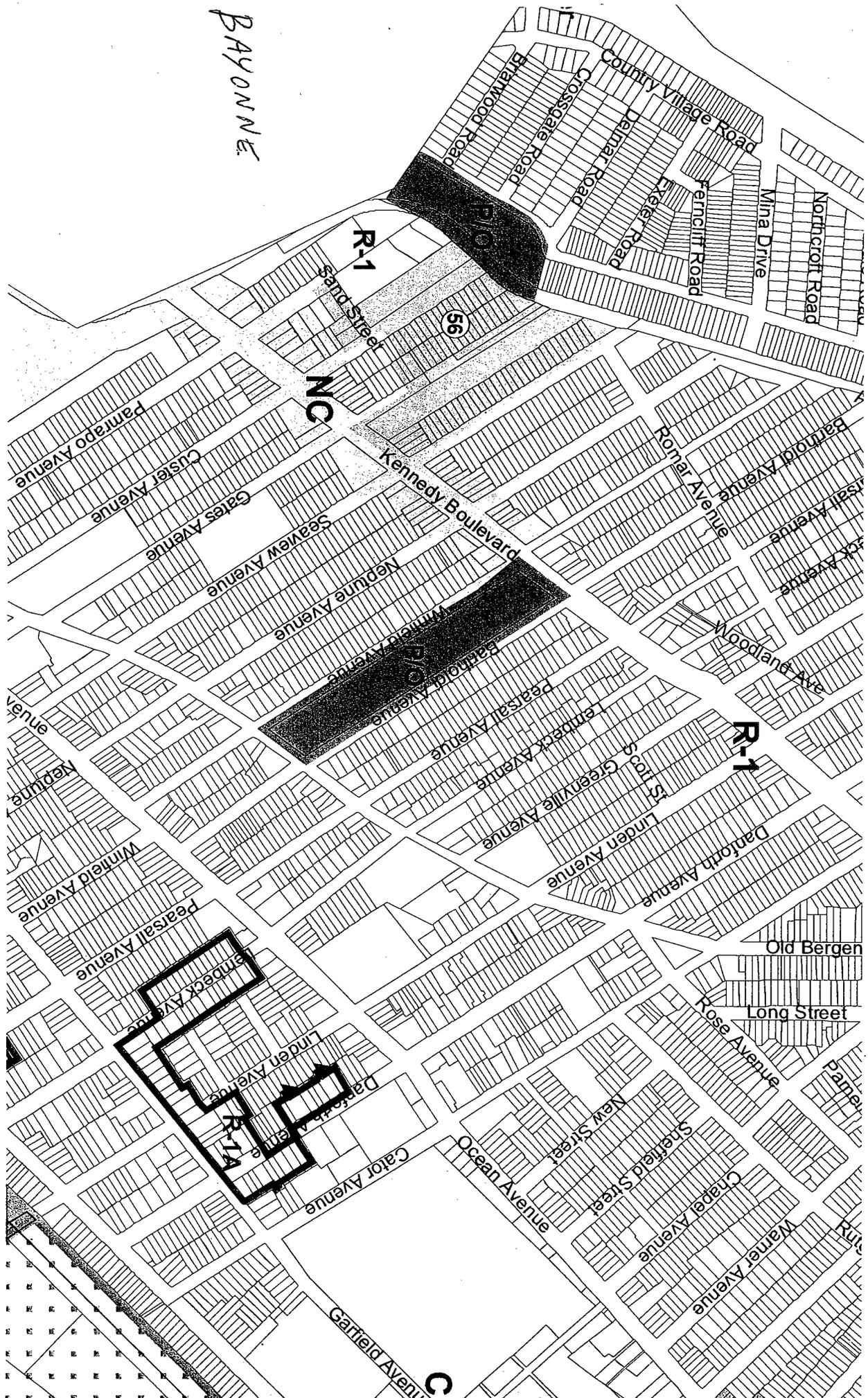
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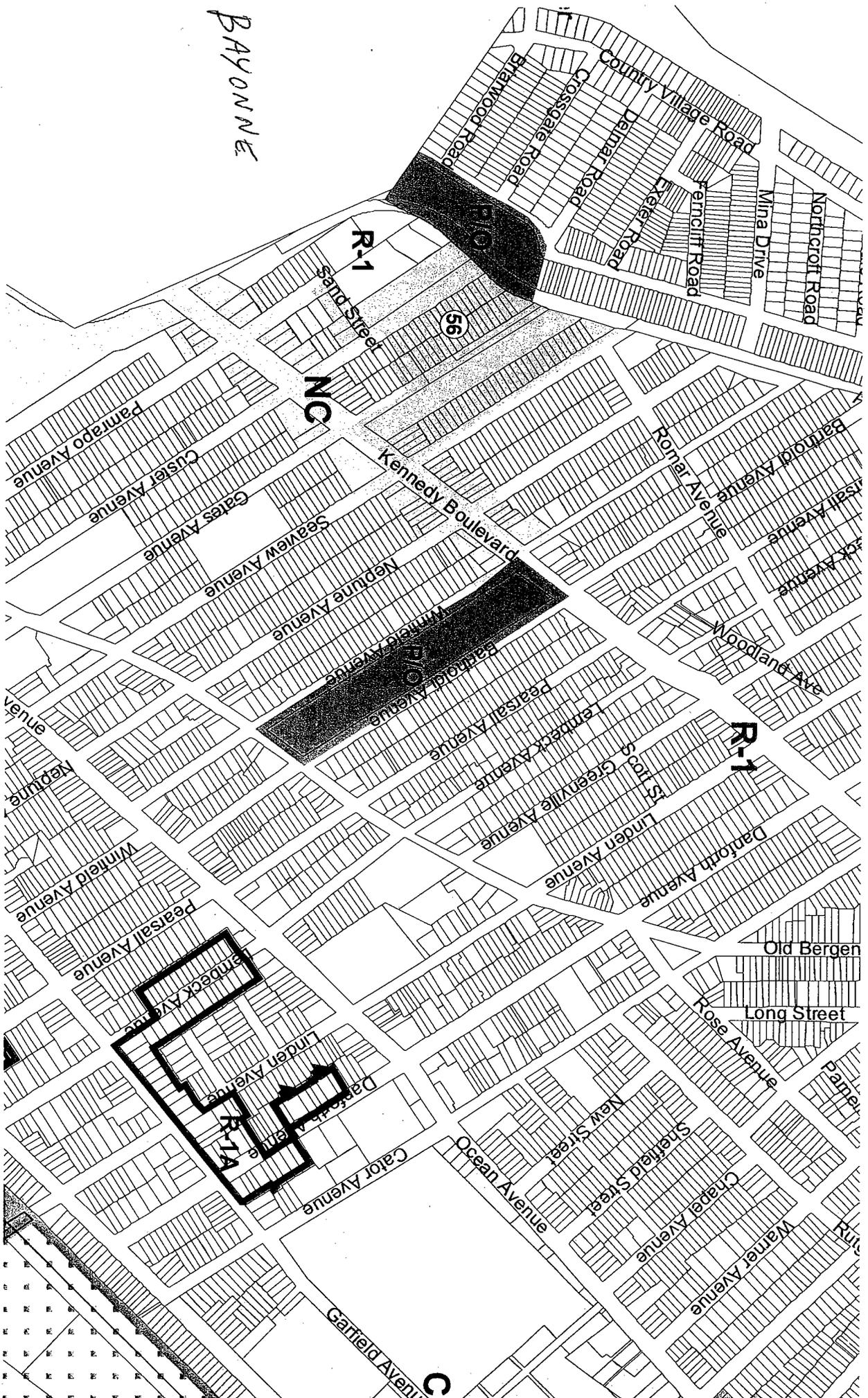
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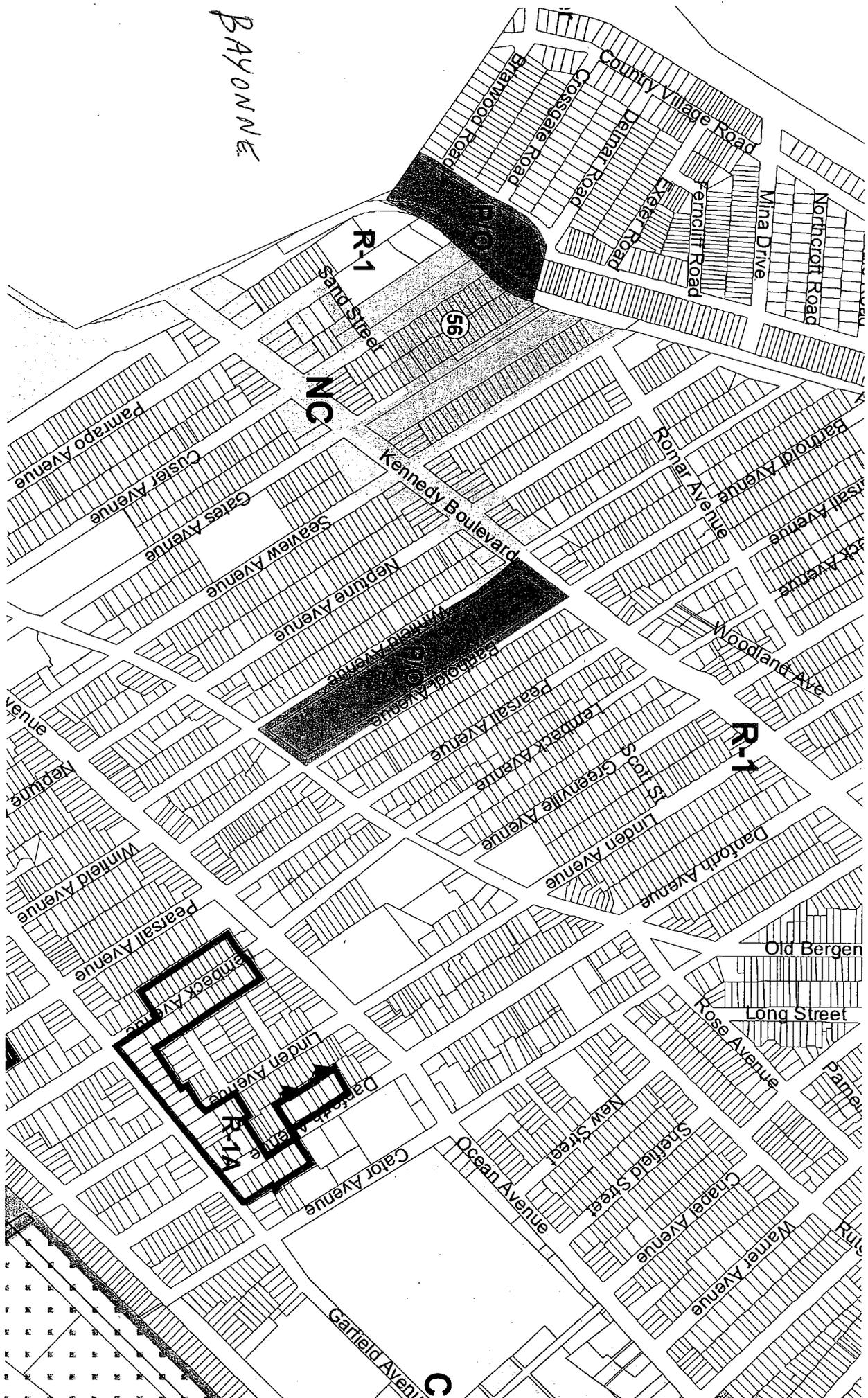
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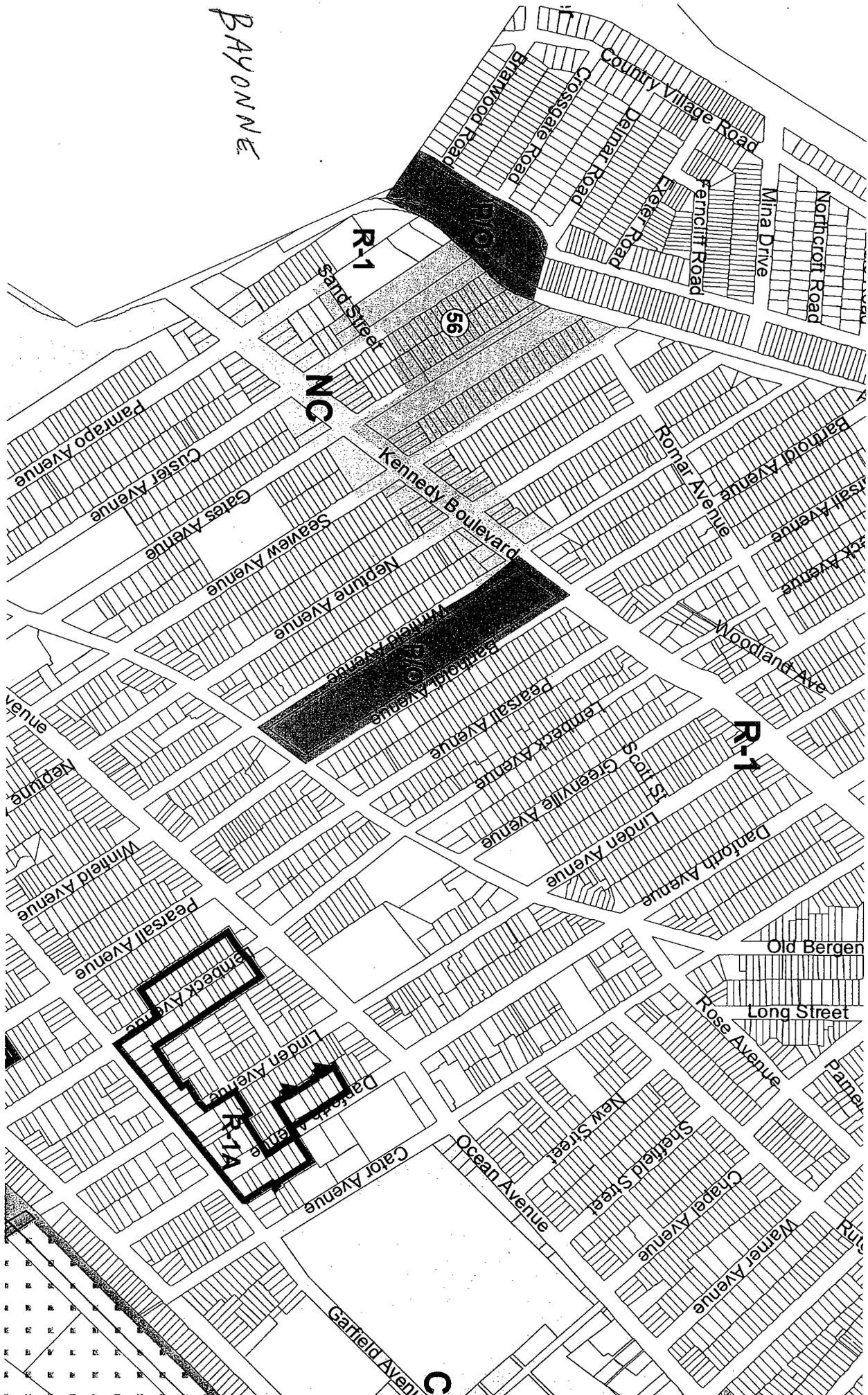
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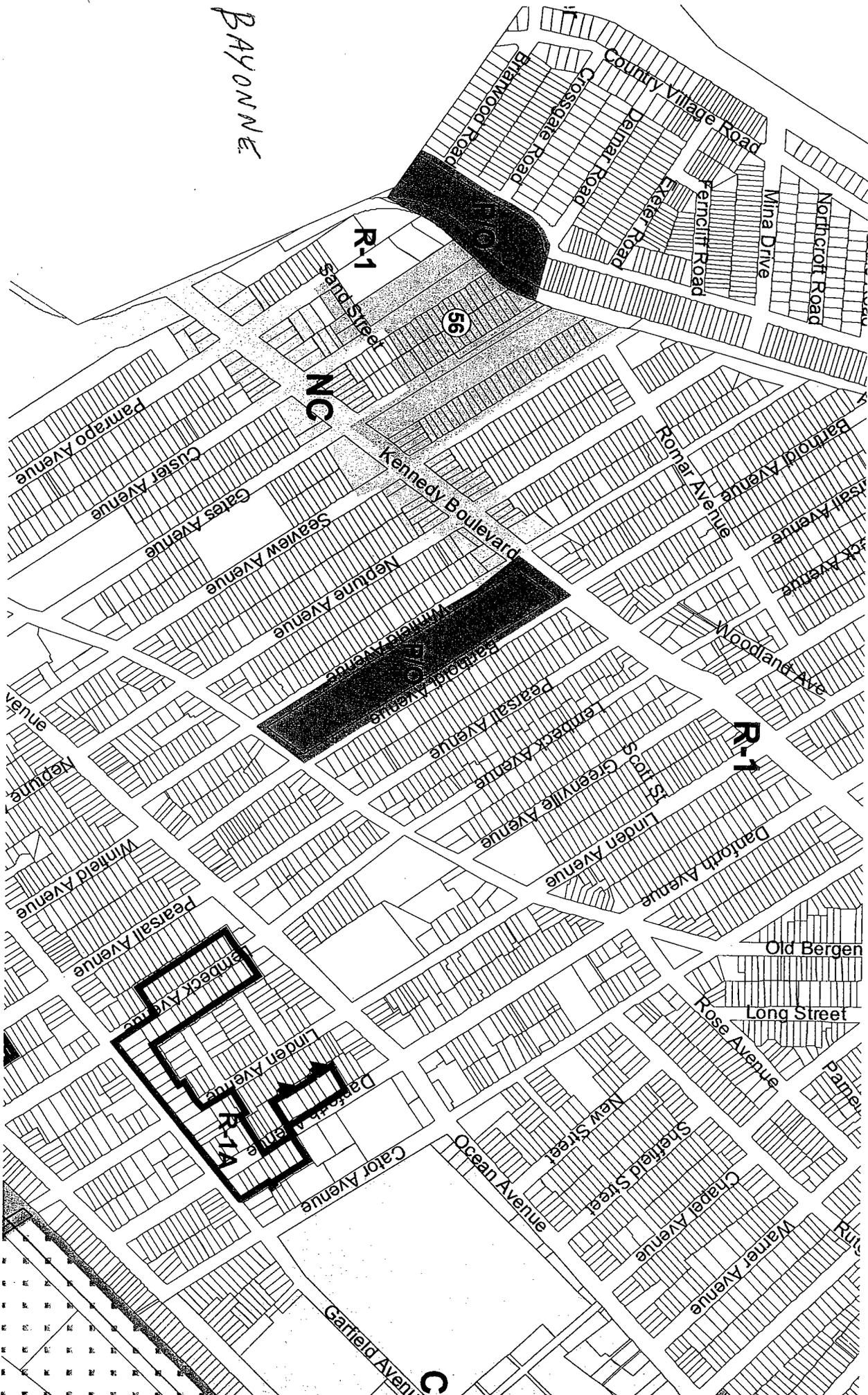
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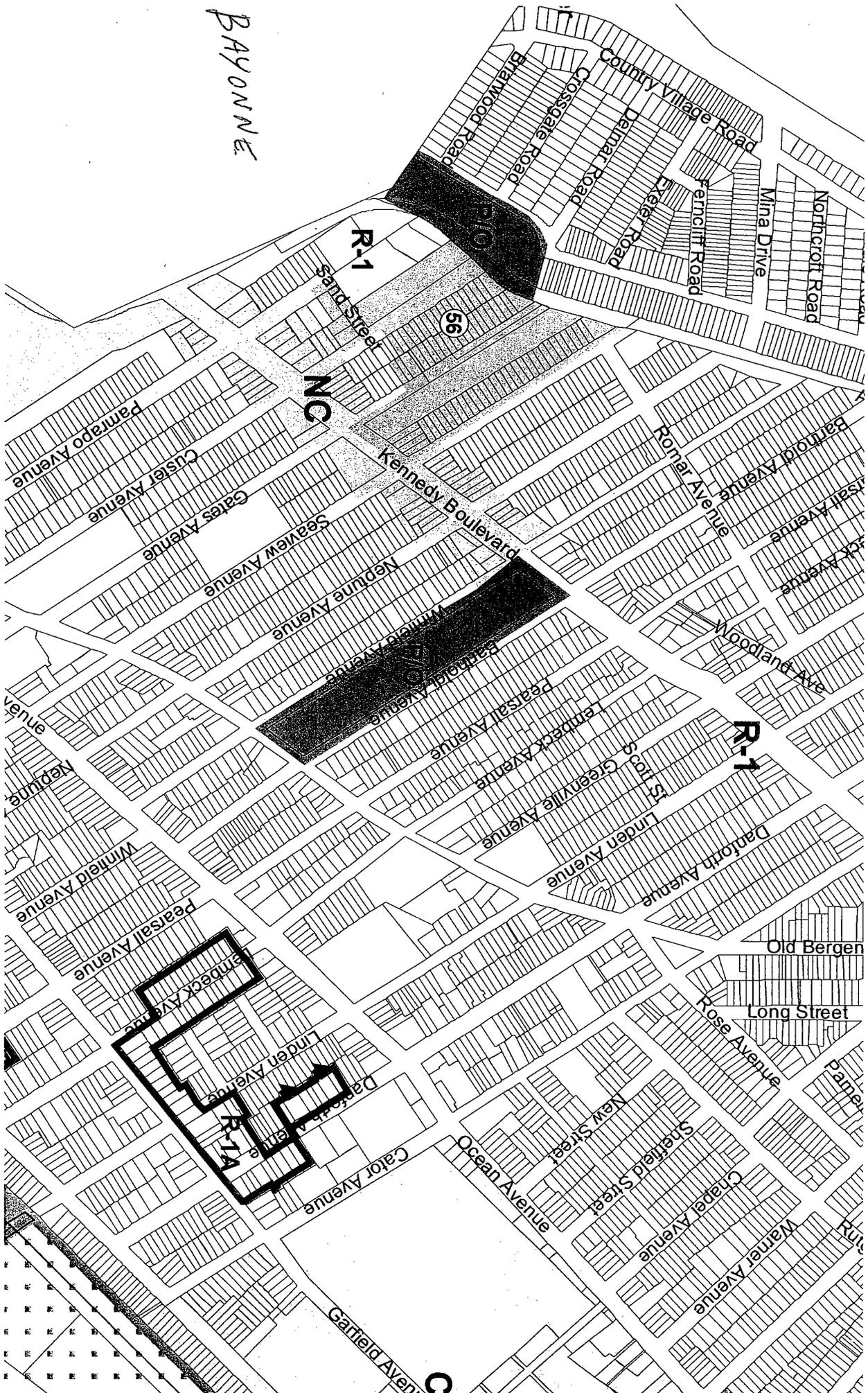
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BAYONNE



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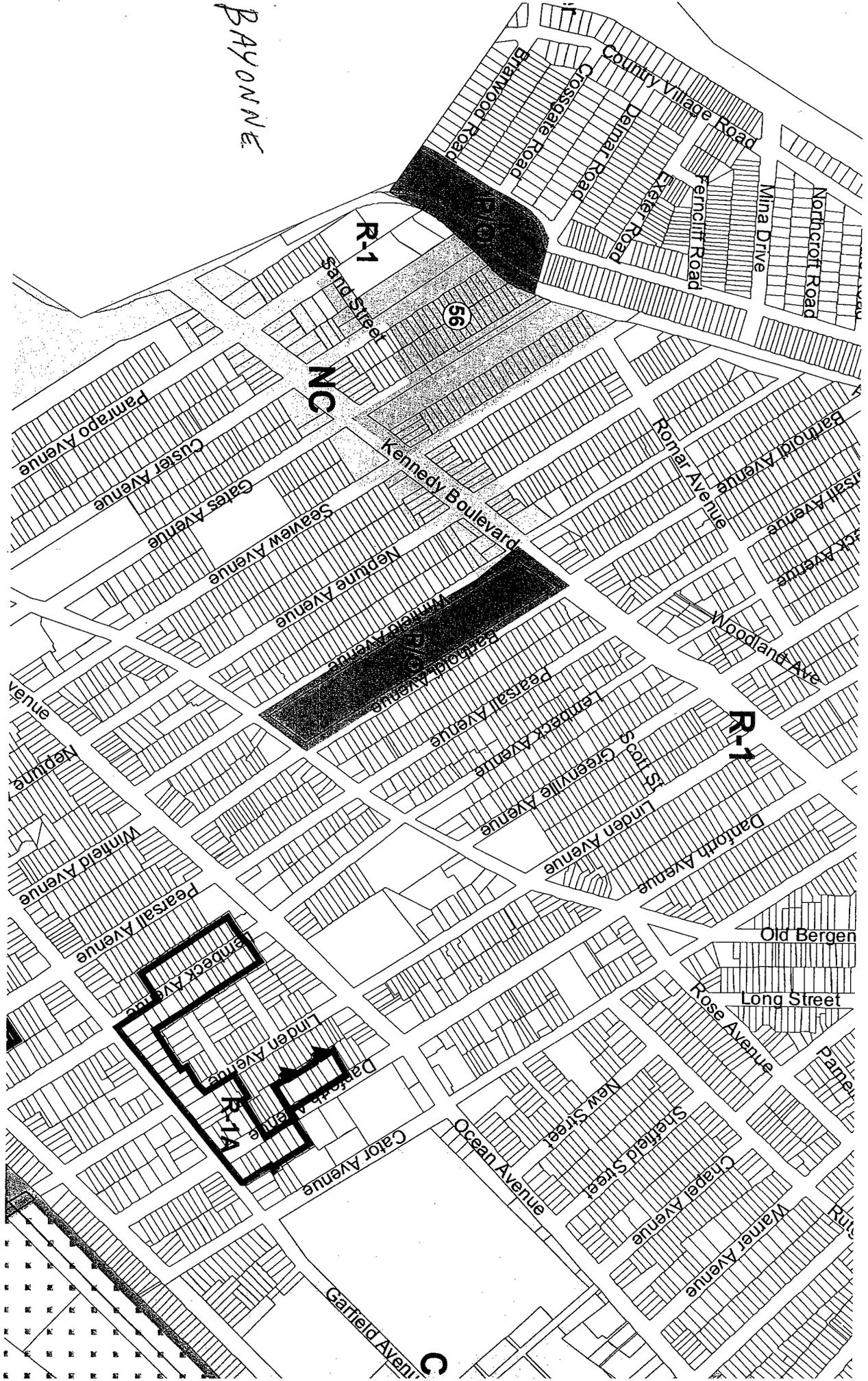
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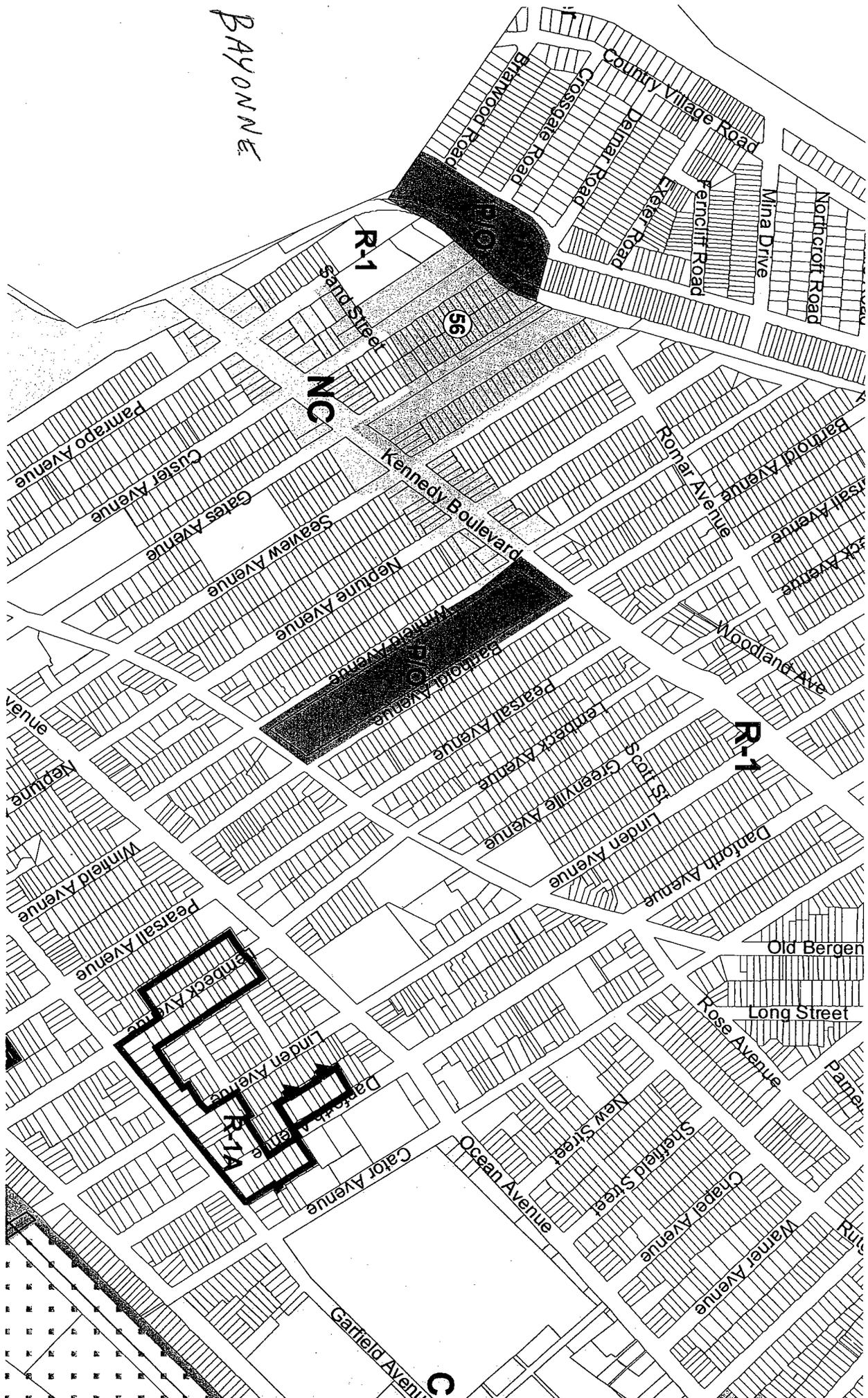
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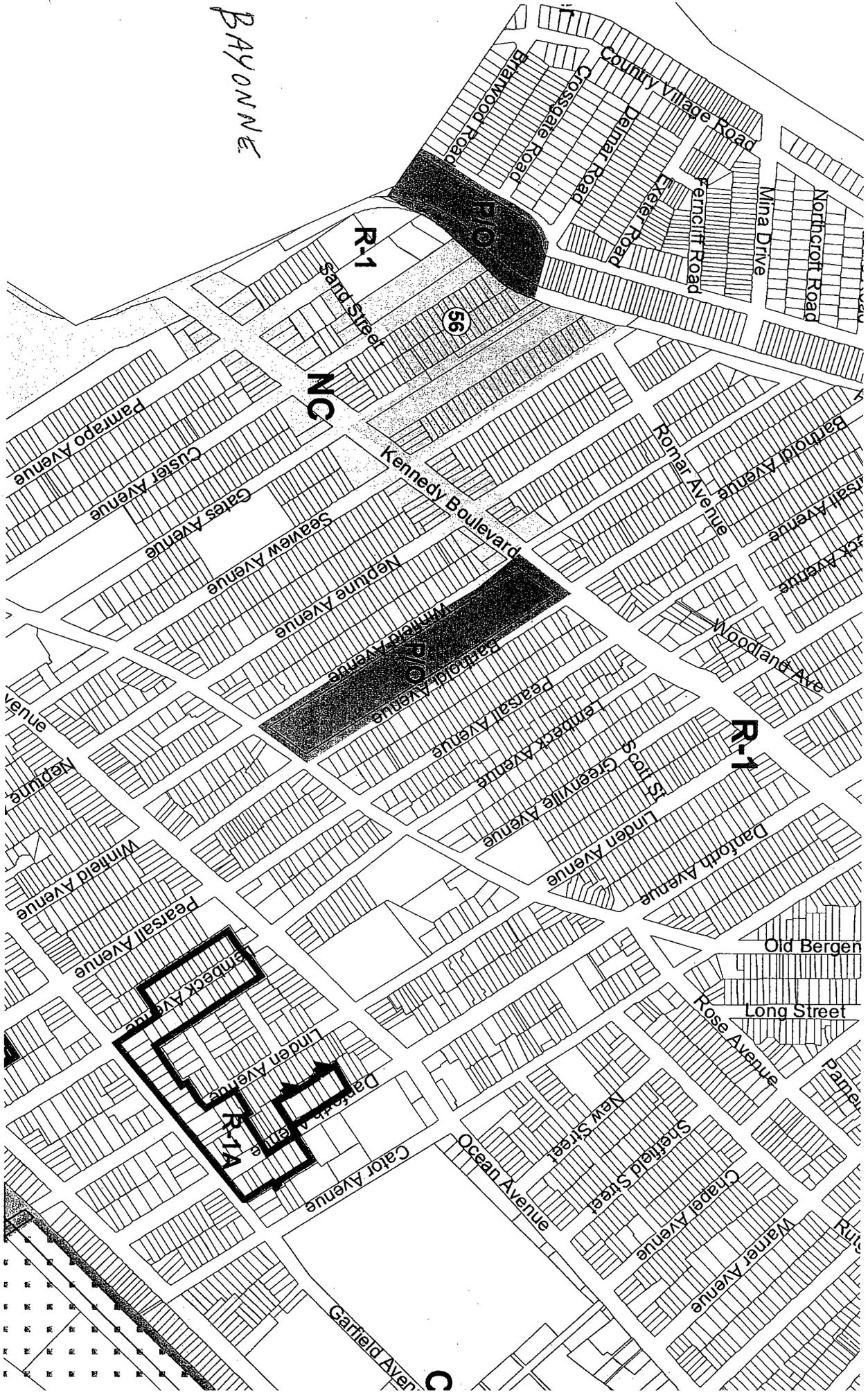
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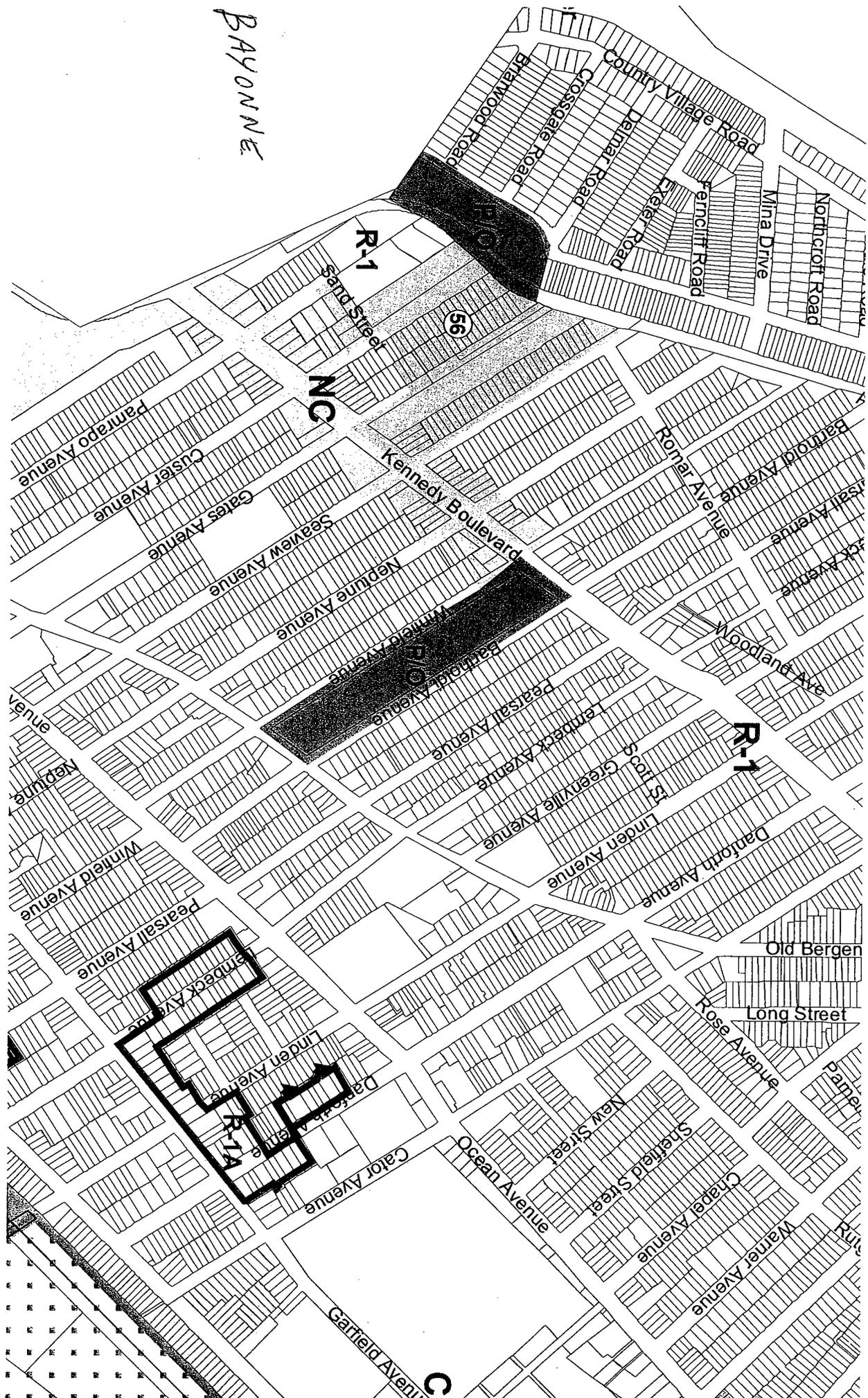
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City Clerk File No. Ord. 08-130

Agenda No. 3.B 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-130

TITLE:

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

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

Entertainment and Dance Licenses

§ 157-1. Purpose and official comments.

A. Purpose; official comments.

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

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

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

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

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

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

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

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

§ 157-2. Definitions.

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

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

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

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

DECIBEL MEASUREMENT - a measurement taken as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

All Nightclub Entertainment Licenses shall be subject to the following:

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

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

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

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

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

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

All Restaurant Entertainment Licenses shall be subject to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Permitted hours for entertainment:

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

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

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

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

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

Noon to Midnight, Thursday-Saturday

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

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

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

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

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

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

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

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

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

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

§ 157-6. Publication of application notice.

A. The Director shall publish once each week for a period of two weeks in a newspaper of general

circulation notice of any new application or application for renewal or transfer of a license. Such notice shall be at the applicant's expense and shall be in a form approved by the Director.

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

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

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

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

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

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

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

§ 157-8. Operating requirements.

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

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

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

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

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

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

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

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

(1) The owner, partner, or agent has been convicted of a crime under federal or state law;

- (2) Has violated any of the provisions of this chapter;
- (3) Has been found responsible for any acts constituting a breach of the peace or a public nuisance;
- (4) Where the Director finds the operation of the licensed premises detrimental to the health, safety and welfare of the people of the city.

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

§ 157-10. Variance.

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

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

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

APPROVED AS TO LEGAL FORM

Royce Reddy
7
Acting Corporation Counsel

APPROVED: _____

APPROVED: *B. O'Keefe*
Business Administrator

Certification Required
Not Required

Jersey City Law Department Memorandum

To: William Matsikoudis, Corporation Counsel
From: Carmine J. Scarpa, Assistant Corporation Counsel 
Subject: Entertainment Licenses Ordinance
Date: September 3, 2008

As you are aware, meetings chaired by Mariano Vega have been ongoing with reference to the entertainment license for some time now. Attached is the final proposed ordinance. Mr. Vega wants to introduce this ordinance at the Council Meeting of September 10, 2008.

When the current entertainment ordinance was enacted, it did not directly address its inter-relationship with the Zoning Ordinance. Indeed, entertainment licenses were given out without any consideration as to whether entertainment was a permitted zoning use, even though the only zone in which entertainment is mentioned in our Zoning Ordinance is in the definition for nightclub.

The amended ordinance creates two entertainment license classes, one for restaurants and one for nightclubs. Claire Davis is submitting zoning ordinance changes permitting the entertainment use in restaurants concurrently with this ordinance.

The amended ordinance further creates maximum decibel levels for entertainment, adjusts hours when entertainment is permitted, and increases licensing fees.

It was further decided that existing license holders will be minimally entitled to a restaurant category license.

cc: Joanne Monahan, First Assistant Corporation Counsel
Thomas Fodice, Supervisory Assistant Corporation Counsel
Raymond Reddington, Supervisory Assistant Corporation Counsel

City Clerk File No. Ord. 08-131

Agenda No. 3.C 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-131

TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY AMENDING THE NJCU WEST CAMPUS REDEVELOPMENT PLAN

WHEREAS, the Municipal Council, by Resolution #05-049, adopted on January 26, 2005, did declare the West Campus Study Area to be "an area in need of redevelopment;" and

WHEREAS, pursuant to the Local Redevelopment and Housing Law (*NJSA 40A:12A-1 et seq.*), the governing body is empowered to adopt and amend regulations governing development within an area declared in need of redevelopment; and

WHEREAS, the Municipal Council of the City of Jersey City adopted the NJCU West Campus Redevelopment Plan adopted on February 9, 2005 by Ordinance #05-007, and

WHEREAS, the Planning Board of Jersey City, at a public hearing held on January 16, 2008, reviewed and discussed certain proposed text amendments as well as future amendments to the maps and other graphic features of the NJCU West Campus Redevelopment Plan to reflect the removal of angled parking and redesign of traffic calming elements and voted to recommend that those amendments for adoption by the Municipal Council; and

WHEREAS, the Municipal Council did adopt the recommended text amendments to the NJCU West Campus Redevelopment Plan on February 13, 2008 with the understanding that maps and other graphic features contained in the plan would be later amended to reflect the removal of angled parking and redesign of traffic calming elements; and

WHEREAS, the proposed amendments to the maps, axonometrics, streetscape plans, thoroughfare sections, tables and Key maps of the NJCU West Campus Redevelopment Plan, attached hereto and made a part hereof, are made available for public inspection in the Office of the City Clerk, City Hall, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the above referenced amendments to the NJCU West Campus Redevelopment Plan be, and hereby are, adopted as recommended by the Jersey City Planning Board.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.

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

APPROVED AS TO LEGAL FORM

Raymond Reddy
Asst. Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required

Not Required

Date Submitted to B.A. _____

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
AMENDING THE NJCU WEST CAMPUS REDEVELOPMENT PLAN**

2. Name and Title of Person Initiating the Ordinance, etc.:

Carl Czaplicki, Director, Department of Housing, Economic Development and Commerce

3. Concise Description of the Ordinance:

This ordinance adopts amendments to maps, axonometrics, streetscape plans, thoroughfare sections, tables and Key maps of the NJCU West Campus Redevelopment Plan to reflect the removal of angled parking as well as redesign of traffic calming elements throughout the Area.

4. Reasons for the Proposed Project:

These map, streetscape plan, thoroughfare section and table amendments reflect the intent to create a true urbanist street environment and are in accordance with recently adopted text amendments.

5. Anticipated Benefits to the Community:

Synchronization of all maps, sections, tables and drawings with the text of the plan will enable swifter redevelopment of the Area through improved coordination during plan review.

6. Cost of Proposed Program, Project, etc.: None

7. Date Proposed Program or Project will commence: Upon Adoption

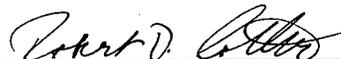
8. Anticipated Completion Date: N/A

9. Person Responsible for Coordinating Proposed Program, Project, etc.:

Robert D. Cotter, Director of City Planning 547-5050
Claire Davis, Supervising Planner, City Planning 547-5010

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.


Division Director

Sept 2, 2008
Date


Department Director Signature

9/2/08
Date

SUMMARY

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY AMENDING THE NJCU WEST CAMPUS REDEVELOPMENT PLAN

This ordinance adopts amendments to maps, axonometrics, streetscape plans, thoroughfare sections, tables and Key maps of the NJCU West Campus Redevelopment Plan to reflect the removal of angled parking as well as redesign of traffic calming elements throughout the Area.

City Clerk File No. Ord. 08-132

Agenda No. 3.D 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-132

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AN AMENDMENT TO THE COLGATE REDEVELOPMENT PLAN TO
EXTEND THE PLAN'S DURATION TO FORTY YEARS**

WHEREAS, the Local Redevelopment and Housing Law, (NJSA 40A:12A-1 et seq.) permits municipalities to adopt and amend regulations dealing with areas declared to be "in need of redevelopment;" and

WHEREAS, the Municipal Council of the City of Jersey City, adopted the Colgate Redevelopment Plan on January 26, 1989; and

WHEREAS, the Plan is currently set to expire in less than six months, specifically, on January 25, 2009; and

WHEREAS, there are still three tax blocks within the Plan Area that have not yet been fully redeveloped under the Colgate Redevelopment Plan and that only contain parking facilities; and

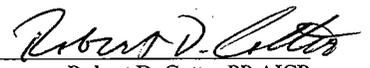
WHEREAS, the Jersey City Planning Board, at its meeting of August 5, 2008, voted unanimously to recommend to the Municipal Council that the Plan's duration be extended from twenty years to forty years, thus extending its duration to January 25, 2029; and

WHEREAS, a copy of the proposed amendment to the Colgate Redevelopment Plan is attached hereto and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, JC, NJ;

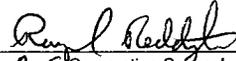
NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the proposed Amendment to the Colgate Redevelopment Plan be, and hereby is, adopted.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.

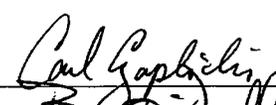
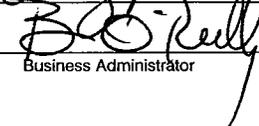

Robert D. Cotter, PP, AICP
Director, Division of City Planning

APPROVED AS TO LEGAL FORM



Asst. Corporation Counsel

APPROVED: _____

APPROVED: 


Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AN AMENDMENT TO THE COLGATE REDEVELOPMENT PLAN TO
EXTEND THE PLAN'S DURATION TO FORTY YEARS**

2. Name and Title of Person Initiating the Ordinance, etc.:

Carl Czaplicki, Director of Housing, Economic Development, and Commerce

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

This ordinance amends the Colgate Redevelopment Plan to extend the Plan's duration from twenty to forty years from the date of the original adoption, January 26, 1989.

4. Reasons (Need) for the Proposed Program, Project, etc.:

Currently the Plan duration period is twenty years. The Plan Area still has 3 tax blocks which currently have not yet been developed. With only about five months left of the Plan's effective period, it is necessary to extend the plan's duration.

5. Anticipated Benefits to the Community:

The amendment will continually allow for redevelopment on remaining lots in the Area.

6. Cost of Proposed Plan, etc.:

\$0.00. Plan was prepared by Division of City Planning staff.

7. Date Proposed Plan will commence:

Upon Adoption.

8. Anticipated Completion Date: N/A

9. Person Responsible for Coordinating Proposed Program, Project, etc.:

Robert D. Cotter, Director, City Planning 547-5050

10. Additional Comments:

I Certify that all the Facts Presented Herein are Accurate.


Division Director

August 19, 2008
Date


Department Director Signature

8/20/08
Date

**Proposed Amendments of the Colgate Redevelopment Plan Recommended by the
Planning Board to the Municipal Council on September 10, 2008:**

Material indicated by strikethrough ~~like this~~ is existing material that is intended to be deleted.
Material indicated by bold italic *like this* is new material that is intended to be enacted.

X. GENERAL PROVISIONS

- I. The provisions of this plan specifying the redevelopment of the project area and the requirements and restrictions with respect thereto shall be in effect for a period of ~~twenty (20)~~ ***forty (40)*** years from the date of approval of this plan by the City Council of the City of Jersey City, provided, however, that any development or redevelopment projects that are commenced and/or completed within said ~~twenty (20)~~ ***forty (40)*** year period shall be deemed to comply with all applicable laws, as long as they comply with the provisions of this Redevelopment Plan. At the end of the ~~twenty (20)~~ ***forty (40)*** year period, the zoning regulations contained within this plan shall be incorporated into the Zoning Ordinance of the City of Jersey City.

Summary

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AN AMENDMENT TO THE COLGATE REDEVELOPMENT PLAN TO EXTEND THE PLAN'S DURATION TO FORTY YEARS

This ordinance extends the Colgate Redevelopment Plan's duration from twenty to forty years. This will extend the Plan's duration to January 25, 2029.

City Clerk File No. Ord. 08-133

Agenda No. 3.E 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-133

TITLE:

AN ORDINANCE AMENDING ORDINANCE 08-062 APPROVING A FIVE (5) YEAR TAX EXEMPTION FOR PROPERTY DESIGNATED AS BLOCK 751, LOT G, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 100 PATERSON PLANK ROAD AND TO BE KNOWN AS BRASS WORKS URBAN RENEWAL COMPANY, LLC

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

WHEREAS, Brass Works Urban Renewal Company, LLC [Brass Works UR], is the owner of the site which had been a dilapidated and obsolete warehouse and rehabilitated the building by adding two (2) additional floors in order to newly construct a total of approximately one hundred and twenty (120) market rate residential rental units, located in Block 751, Lot G, on the City's Tax Map and more commonly known by the street address of 100 Paterson Plank Road, Jersey City, N.J.; and

WHEREAS, the City of Jersey City as an area in need of rehabilitation, is authorized to adopt an ordinance to utilize tax exemptions pursuant to N.J.S.A. 40A:21-1, et seq., the Five (5) Year Exemption and Abatement Law; and

WHEREAS, pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code, a tax exemption for a newly constructed a multiple dwelling, is permitted for a period of five (5) years; and

WHEREAS, on March 19, 2008, Brass Works UR, the owner filed an application to tax exempt the newly constructed multiple dwelling building; and

WHEREAS, by the adoption of Ordinance 08-062 on May 28, 2008, Brass Works UR was granted a five (5) year tax abatement on the property; and

WHEREAS, as determined by the assessor, on October 1st of the year following completion, the owner proposes to pay the City (in addition to the full taxes on the land, which shall continue to be conventionally assessed and taxed) a tax payment for the new improvements on the property, as follows:

- (a) 2008: the tax year in which the structure will be completed. \$0 taxes;
- (b) 2009: the second tax year, 39% of actual full taxes, estimated to be \$171,659;
- (c) 2010: the third tax year, 59% of actual full taxes, estimated to be \$259,689;
- (d) 2011: the fourth tax year, 79% of actual full taxes, estimated to be \$347,719; and
- (e) 2012: the fifth tax year, 80% of actual full taxes, estimated to be \$352,120;

AN ORDINANCE AMENDING ORDINANCE 08-062 APPROVING A FIVE (5) YEAR TAX EXEMPTION FOR PROPERTY DESIGNATED AS BLOCK 751, LOT G, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 100 PATERSON PLANK ROAD AND TO BE KNOWN AS BRASS WORKS URBAN RENEWAL COMPANY, LLC

WHEREAS, Ordinance 08-062 incorrectly stated that upon the expiration of the tax exemption, the total assessment will be approximately \$29 Million Dollars, that will generate a total tax payment of \$725,000; and

WHEREAS, the Tax Assessor has determined that upon the expiration of the tax exemption, the total assessment will be approximately \$8 Million Dollars, that will generate a total tax payment of \$440,152.

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

1. The application, attached hereto, for a five (5) year tax exemption for the full and true value of the newly constructed 5 story building with multiple dwelling, located in Block 751, Lot G, and more commonly known by the street address of 100 Paterson Plank Road, Jersey City, N.J., is hereby approved.

2. The Mayor or Business Administrator is hereby authorized to execute a tax exemption agreement which shall contain at a minimum, the following terms and conditions:

(a) tax payment on the new improvements shall be:

- (i) Year 1: the tax year in which the structure will be completed. \$0 taxes;
- (ii) Year 2: the second tax year, 39% of actual full taxes, estimated to be \$171,659;
- (iii) Year 3: the third tax year, 59% of actual full taxes, estimated to be \$259,689;
- (iv) Year 4: the fourth tax year, 79% of actual full taxes, estimated to be \$347,719; and
- (v) Year 5: the fifth tax year, 80% of actual full taxes, estimated to be \$352,120; and
- (vi) Conventional taxes: \$440,152.

(b) The project shall be subject to all federal, state and local laws, and regulations on pollution control, worker safety, discrimination in employment, zoning, planning, and building code requirements pursuant to N.J.S.A.40A:21-11(b).

(c) If, during any tax year prior to the termination of the tax agreement, the property owner ceases to operate or disposes of the property, or fails to meet the conditions for qualifying then the tax which would have otherwise been payable for the then tax year but not previous years, shall become due and payable from the property owner as if no exemption and abatement had been granted. The collector forthwith ad the tax collector shall, within 15 days thereof, notify the owner of the property of the amount of taxes due.

AN ORDINANCE AMENDING ORDINANCE 08-062 APPROVING A FIVE (5) YEAR TAX EXEMPTION FOR PROPERTY DESIGNATED AS BLOCK 751, LOT G, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 100 PATERSON PLANK ROAD AND TO BE KNOWN AS BRASS WORKS URBAN RENEWAL COMPANY, LLC

(d) With respect to the disposal of the property, where it is determined that the new owner of the property will continue to use the property pursuant to the conditions which qualified the property, no tax shall be due, the exemption shall continue, and the agreement shall remain in effect.

(e) At the termination of a tax exemption agreement, the new improvements shall be subject to all applicable real property taxes as provided by State law and regulation and local ordinance; but nothing herein shall prohibit a project, at the termination of an agreement, from qualifying for, and receiving the full benefits of, any other tax preferences provided by law.

3. The form of tax exemption agreement is attached hereto as Exhibit B, subject to such modification as the Corporation counsel or Business Administrator deems necessary.

4. The Tax Assessor shall send a copy of the fully executed Financial Agreement will be sent to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of execution pursuant to N.J.S.A. 40A:21-11(d).

5. The Entity has agreed in writing to terminate and waive any reimbursement or repayment or credit to which it would authorize be due under the law or the June 16, 2006 Prepayment Agreement.

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

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

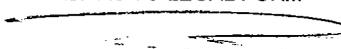
C. This ordinance shall take effect at the time and in the manner provided by law.

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

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

JM/he
8/28/08

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED:

APPROVED:



Business Administrator

Certification Required
Not Required