City Clerk File No. _____

Agenda No. _____ 1st Reading

Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE
OF
JERSEY CITY, N.J.

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

CITY ORDINANCE

TITLE:

AN ORDINANCE AMENDING THE HISTORIC DOWNTOWN SPECIAL IMPROVEMENT DISTRICT TO INCLUDE ADDITIONAL PROPERTIES ON NEWARK AVENUE, SECOND STREET, THIRD STREET, COLES STREET, ERIE STREET, GROVE STREET, MERCER STREET, MONTGOMERY STREET AND MARIN BOULEVARD

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY DOES ORDAIN:

WHEREAS, in the mid 1990's business owners and property owners located in the downtown commercial area along the eastern termini of Newark Avenue and Christopher Columbus Drive petitioned the Municipal Council to create a Special Improvement District along the eastern termini of Newark Avenue and Christopher Columbus Drive and including parts of Jersey Avenue, Barrow Street and Grove Street under N.J.S.A. 40:56-65 et seq.; and

WHEREAS, on April 9, 1997, by virtue of the adoption of City Ordinance 97.021 as amended on July 16, 2003 by City Ordinance 03.096, the Historic Downtown Business District was established and an assessment against the owners within the district was approved; and

WHEREAS, the Board of the Historic Downtown Special Improvement District Management Corporation has petitioned the Municipal Council to expand the existing boundaries of the District to add certain properties along Newark Avenue and Third Street ending at Brunswick Street; Second Street ending at Coles Street and Coles Street ending at Second Street; Erie Street ending at First Street; Grove Street ending at York Street and certain properties located along parts of Montgomery Street, Mercer Street and Marin Boulevard (the Expansion Area); and

WHEREAS, the location of the Expansion Area is depicted on the map attached hereto as Exhibit A and which is also on file in the Office of the City Clerk; and

WHEREAS, the Board of the Historic Downtown Special Improvement District Management Corporation has forwarded to the Municipal Council certain reports and petitions pertaining to this proposed expansion and these reports and petitions are also on file in the Office of the City Clerk; and

WHEREAS, the Municipal Council has reviewed the submissions of the Board of the Historic Downtown Special Improvement District Management Corporation and pursuant to N.J.S.A. 40:56-65 et seq., the Municipal Council makes the following findings:

1. Businesses, property owners and tenants within the Historic Downtown Special Improvement District Expansion Area will benefit from the establishment of an expanded Historic Downtown Special Improvement District and therefore, the City of Jersey City as a whole will also benefit; and

2. The Historic Downtown Special Improvement District Management Corporation will provide administrative and other services to benefit businesses, property owners, tenants, employees, residents and consumers throughout the Historic Downtown area;

3. A special assessment shall be imposed and collected by the City on all properties located within the expanded Historic Downtown Special Improvement District; and

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4. All special assessments shall be transferred in their entirety to the Historic Downtown Special Improvement District Management Corporation consistent with the purposes of this Ordinance and the exercise of the powers granted to it by the Act.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the following supplements to Chapter 69 (SPECIAL IMPROVEMENT DISTRICTS) Article III (HISTORIC DOWNTOWN SPECIAL IMPROVEMENT DISTRICT) of the Jersey City Municipal Code are hereby adopted:

ARTICLE III - Historic Downtown Special Improvement District

§ 69-20. - Purpose.

The purposes of this article are to:

A. Promote economic growth and employment within the <u>expanded</u> Historic Downtown Business District.

B. Foster and encourage self-help programs to enhance the local business climate.

C. Create a self-financing Special Improvement District to assist in meeting local needs, goals and objectives.

D. Designate a District Management Corporation to implement and manage the programs and carry out local needs, goals and objectives.

E. Impose and collect a special assessment on commercial, industrial and vacant property located within the Historic Downtown District, <u>as expanded</u>.

§ 69-21. - Definitions.

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

SPECIAL IMPROVEMENT DISTRICT (also referred to as "DISTRICT") - That area of Historic Downtown described by block and lot numbers and street addresses as set forth in ~~amended~~ Schedule A and designated by this article in which a special assessment on property shall be imposed for the purposes of promoting the economic and general welfare of the district and city.

DISTRICT MANAGEMENT CORPORATION - The Historic Downtown Special Improvement District Management Corporation, (also referred to as "Management Corporation"), an entity incorporated pursuant to Title 15A of the New Jersey Statutes and designated by this article to receive funds collected by a special assessment within the Special Improvement District, as authorized by this article and any amendments thereto.

§ 69-22. - Legislative findings.

NO CHANGE.

§ 69-23. - District created; applicability.

A. There is hereby created and designated within the City of Jersey City a Special Improvement District to be known as the "Historic Downtown Special Improvement District," consisting of those properties designated by tax block and lot and street address on Schedule A on file in the office of the City Clerk <u>and as depicted on the map attached hereto dated April 27, 2015 also known as as Exhibit A</u>. The Special

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Improvement District shall be subject to special assessments on all affected property within the district, which assessment shall be imposed by the city for the purposes of promoting the economic and general welfare of the district and the city.

B. All commercial, industrial and vacant properties within the Special Improvement District, including all private, nonresidential properties and properties subject to payment in lieu of taxes; the nonresidential portions of properties containing more than one use and tax-exempt land; and tax-exempt land which contains improvements subject to property tax are deemed included in the assessing and taxing provisions of this article and are expressly subject to any fee, tax or assessment made for Special Improvement District purposes.

C. Only those properties within the Special Improvement District that are fully tax-exempt or used exclusively for residential purposes and those portions of mixed-used properties that are residential are deemed excluded from the assessing provisions of this article and are expressly exempt from any fee, tax or assessment made for Special Improvement District purposes.

§ 69-24. - Appeals from inclusion.

NO CHANGE.

§ 69-25. - Assessments.

NO CHANGE.

§ 69-26. - District Management Corporation designated.

NO CHANGE.

§ 69-27. - Powers of District Management Corporation.

NO CHANGE.

§ 69-28. - Bylaws.

NO CHANGE.

§ 69-29. - Municipal powers retained.

NO CHANGE.

§ 69-30. - Fiscal year; annual budget.

A. The fiscal year of the district shall be July 1 through June 30.

B. The District Management Corporation shall submit a detailed annual budget for the upcoming calendar year ~~by~~ no later then April 1 to the Mayor and Municipal Council.

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C. The budget shall be submitted with a report which explains how the budget contributes to the goals and objectives for the Special Improvement District. The budget shall be reasonably itemized and shall include a summary of the categories of costs properly chargeable as follows:

(1) The amount of such costs to be charged against general funds of the municipality, if any.

(2) The amount of costs to be charged and assessed against properties benefited in the district in proportion to benefits which shall be the aggregate costs of annual improvements to be made in the district during the ensuing year.

(3) The amount of costs, if any, to be specially taxed against properties in the district.

D. The budget shall be introduced, approved, amended and adopted by resolution passed by not less than a majority of the full membership of the Municipal Council. The procedure shall be as follows:

(1) Introduction and approval.

(2) Public advertising.

(3) Public hearing.

(4) Amendments and public hearings, if required.

(5) Adoption.

E. The budget shall be introduced, in writing, at a meeting of the Municipal Council. Approval thereof shall constitute a first reading, which may be by title.

§ 69-31. - Fiscal requirements; annual report; audit.

NO CHANGE.

§ 69-32. - Amendments.

NO CHANGE.

§ 69-33. - Implementation.

This Special Improvement District shall become operable when the bylaws of the Expanded Historic Downtown Management Corporation are adopted by a vote of the eligible participants in the manner provided for in the draft bylaws on file with the City Clerk.

§ 69-34. - Severability.

NO CHANGE.

§ 69-35. - When effective.

This article shall take effect upon passage and publication as required by law nunc pro tunc July 1, 2003 and adoption of the bylaws of the Expanded Historic Downtown Management Corporation.

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

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

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

Note: All new material is underlined; words ~~struck through~~ are omitted.

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

JJH 11/4/15

APPROVED AS TO LEGAL FORM

_____
Corporation Counsel

APPROVED:_____

APPROVED:_____
Business Administrator

Certification Required ☐
Not Required ☐