

City Clerk File No. Ord. 10-009

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 10-009

TITLE:

**A FRANCHISE ORDINANCE GRANTING PERMISSION TO ONE LLC, ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS TO A PORTION OF LANDS WITHIN THE SIDEWALK AREA OF THE BOWERS STREET PUBLIC RIGHT-OF-WAY LOCATED ADJACENT TO 3438 KENNEDY BOULEVARD, JERSEY CITY, NJ**

**WHEREAS**, One LLC, having its offices located at 53 Hillside Avenue, Berkeley Heights, New Jersey, is the owner of the property located at 3438 Kennedy Boulevard, Jersey City, and known as Block 866, Lot E on the current tax maps of the City of Jersey City, and as part of its development desires to make site improvements to a portion of lands located within the sidewalk area of the Bowers Street public right-of-way. The proposed development of the property includes the renovation of the existing building and continue its use for retail purposes (a Dunkin' Donuts); and

**WHEREAS**, the property is located on the corner of Kennedy Boulevard and Bowers Street; and

**WHEREAS**, part of the renovation includes the proposed construction of a handicap ramp and landing within the Bowers Street sidewalk area of the public right-of-way; and

**WHEREAS**, One 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 essential for the construction of the handicap ramp for handicap accessibility to the building; and

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

1. The contemplated improvements will include the installation of a handicap ramp and landing to be located within the sidewalk area of the Bowers Street public right-of-way for the purpose of providing handicap accessibility to the building.
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 approved 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 construction of the private improvements within the public right-of-way; and

**WHEREAS**, by reason of the character of the development of the area within which this property is situated, and the area requested for the franchise is minimal, and the said improvements will assist in meeting handicap access to 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;

**A FRANCHISE ORDINANCE GRANTING PERMISSION TO ONE LLC, ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS TO A PORTION OF LANDS WITHIN THE SIDEWALK AREA OF THE BOWERS STREET PUBLIC RIGHT-OF-WAY LOCATED ADJACENT TO 3438 KENNEDY BOULEVARD, JERSEY CITY, NJ**

**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 LLC, its successors and assigns, to make private improvements to a portion of lands located at the corner of Kennedy Boulevard and Bowers Street (3438 Kennedy Boulevard), and known as Block 866, Lot E in the City of Jersey City, said areas being more particularly described as follows and on the plan attached hereto as Exhibit A (survey and metes and bounds description).

1. The contemplated improvements will include the installation of a handicap ramp and landing to be located within the sidewalk area of the Bowers Street public right-of-way (see Exhibits A & B); and
2. The contemplated improvements will be constructed consistent with the Plans approved by the Jersey City Zoning Officer and Building Department and will provide a minimum of five (5) feet clearance for the respective pedestrian sidewalks.
3. All costs associated with these improvements will be incurred by the Petitioner.

**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 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. 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 LLC.

**SECTION V.** In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, One 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 LLC, its successor 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.

**A FRANCHISE ORDINANCE GRANTING PERMISSION TO ONE LLC, ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS TO A PORTION OF LANDS WITHIN THE SIDEWALK AREA OF THE BOWERS STREET PUBLIC RIGHT-OF-WAY LOCATED ADJACENT TO 3438 KENNEDY BOULEVARD, JERSEY CITY, NJ**

**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.**

- 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 certified 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.

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required

Not Required

**DMC ASSOCIATES, INC. LAND SURVEYORS**

211 Main Street, Butler, New Jersey 07405

Phone: 973-838-9187 Fax: 973-838-4389

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November 13, 2009

**RE: DMC NO. 0908024 – LOT E, BLOCK 866 A.K.A. 3438 KENNEDY BOULEVARD**  
**CITY OF JERSEY CITY, COUNTY OF HUDSON, NJ**

The purpose of this description is to describe a tract of land/area located within the R.O.W. of J. F. Kennedy Boulevard, a 80.00 wide R.O.W. and the R.O.W. of Bowers Street, a 65.00 feet wide R.O.W. Said land/area is to occupy a handicap ramp for the benefit of Lot E in Block 866 a.k.a. 3438 J. F. Kennedy Boulevard. Said description is in accordance with a survey entitled "E xhibit A Lot E, Block 866, 3438 Kennedy Boulevard" prepared by DMC Associates, Inc. Land Surveyors. Said survey/exhibit is to be made part of this description. Said lands being more particularly described as follows:

Beginning at a point, said point being North 48 degrees 30 minutes 00 seconds West for a distance of 1.00 feet from the point of intersection formed by the southeasterly R.O.W. line of J. F. Kennedy Boulevard, an 80.00 feet wide R.O.W. formerly known as both Hudson Boulevard and Grand Avenue and the southwesterly R.O.W. line of Bowers Street, a 66.00 feet wide R.O.W. formerly known as Ludlow Place and running thence;

- (1) North 41 degrees 30 minutes 00 seconds East for a distance of 3.50 feet to a point, thence;
- (2) South 48 degrees 30 minutes 00 seconds East for a distance of 16.50 feet to a point, thence;
- (3) South 41 degrees 30 minutes 00 seconds West for a distance of 3.50 feet to a point, thence;
- (4) North 48 degrees 30 minutes 00 seconds West for a distance of 16.50 feet to the point and place of beginning herein described.

  
Robert L. Cigol, P.L.S.

N.J. License No. 24GS04026100

Certificate of Authorization No. 24GA27919000

"A"



# City of Jersey City Office of the City Clerk

## FRANCHISE/VACATION ORDINANCE REPLY SHEET

Franchise Ordinance 3438 Kennedy Blvd. Construction of a handicap ramp.					
DEPARTMENT	DATE	COMMENT	YES	NO	REVISE
Business Administrator Brian O'Reilly - 5147	12/15		X		
Construction Official Raymond Meyer - 5697	12/17		X		
Engineering William Goble, Mun. Engineer - 4413					
Fire Department Armando Roman, Director - 4239	1/4		X		
Housing, Economic Dev. & Commerce Carl Czaplicki, Director - 5070					
Div. of Planning Robert Cotter, Director - 4499	12/29		X		
Law Department Ext. 5229 William Matsikoudis, Corp. Counsel	1/7		X		
Police Department Samuel Jefferson, Director - 5300	1/4		X		
Public Works John Yurchak, Director - 4402	12/24		X		
Risk Manager Peter Soriero - 6929	12/13		X		
Tax Assessor Ed Toloza - 4707	1/4		X		
Tax Collector Maureen Cosgrove - 5120	12/16		X		
Traffic & Transportation Joao D'Souza - 4530					

*Last Updated: January 8, 2010  
by Tolonda Griffin-Ross, Deputy City Clerk*

Charles J. Harrington, Esq. Of Connell Foley  
Harborside Financial Center  
2510 Plaza Five  
Jersey City, New Jersey 07311  
Tel. 201-521-1000 : Fax 201-521-0100  
[Charrington@connellfoley.com](mailto:Charrington@connellfoley.com).



**City of Jersey City**  
**Office of the Business Administrator**  
**Interdepartmental Memorandum**

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**DATE:** December 15, 2009  
**TO:** Tolonda Griffin-Ross, Deputy City Clerk  
**FROM:** Brian O'Reilly, Business Administrator   
**SUBJECT:** Proposed Franchise Ordinance- One LLC, 3438 Kennedy Boulevard

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Please be advised that I have no objectives in regards to the handicap ramp for access.

Thank You.

RECEIVED  
2009 DEC 16 A 10:18  
CITY CLERK'S OFFICE  
JERSEY CITY, N.J.

**From:** Raymond Meyer  
**To:** Tolonda Griffin-Ross  
**Date:** 12/17/2009 3:53 PM  
**Subject:** 3438 Kennedy Blvd

I have no objections for the ramp installation



**CITY OF JERSEY CITY**  
**FIRE DEPARTMENT**



**INTERDEPARTMENTAL MEMORANDUM**

To: ROBERT BYRNE, CITY CLERK

From: Armando Roman, Director of Fire & Emergency Services 

Date: December 16, 2009

Re: PROPOSED FRANCHISE ORDINANCE  
PETITIONER: ONE LLC  
ADDRESS 3438 KENNEDY BLVD. - BLOCK 866, LOT E  
DESCRIPTION: THE PETITIONER IS RENOVATING THE EXISTING BUILDING AND WILL CONTINUE ITS USE FOR RETAIL PURPOSES (A DUNKIN DONUTS), AND PROPOSES THE CONSTRUCTION OF A HANDICAP RAMP AND LANDING TO FACILITATE HANDICAP ACCESS WITHIN THE SIDEWALK AREA OF THE BOWERS STREET RIGHT OF WAY.

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The Fire Department has reviewed the above proposed Franchise Ordinance and has no objections to it's approval.

Additionally, we want to insure that the Fire Department has accessability to the fire hydrants located within the proposed plan.

Thank you for your assistance.

AR:ef

## Sean Gallagher - 3438 Kennedy Boulevard

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**From:** Robert Cotter  
**To:** Franchise Ord Committee  
**Date:** 1/6/2010 10:55 AM  
**Subject:** 3438 Kennedy Boulevard  
**CC:** Charles Harrington

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Please be advised that the Division of City Planning has no objection to this franchise request.

Robert D. Cotter, PP, AICP  
Jersey City Planning Director  
Division of City Planning  
30 Montgomery Street, Suite 1400  
Jersey City, NJ 07302  
Phone: 201-547-5050  
Fax: 201-547-4323  
email: [bobbyc@jcnj.org](mailto:bobbyc@jcnj.org)

**Tolonda Griffin-Ross - Franchise ordinance for ONE, LLC for property at 3438 Kennedy Blvd.**

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**From:** Raymond Reddington  
**To:** tolonda@jcnj.org  
**Date:** 1/7/2010 3:49 PM  
**Subject:** Franchise ordinance for ONE, LLC for property at 3438 Kennedy Blvd.

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The legal form of the proposed franchise ordinance is acceptable.



# JERSEY CITY POLICE DEPARTMENT

## OFFICE OF THE DIRECTOR

8 Erie Street – Jersey City, NJ 07302  
Office # (201) -547-5300 – Fax # (201) 547-4283

### Memorandum

**Date:** December 29, 2009

**To:** Tolonda Griffin- Ross, Deputy City Clerk

**From:** Samuel Jefferson, Director of Police

A handwritten signature in black ink, appearing to be "SJ", written over the "From:" line.

**Subject:** Proposed Franchise Ordinance 3438 Kennedy Boulevard

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The attached Franchise Ordinance Proposal for 3438 Kennedy Boulevard has been reviewed. There are no problems with the handicap ramp being proposed for the site.

SJ/do  
Cc: file

Attachment



**JERSEY CITY POLICE DEPARTMENT  
OFFICE OF THE CHIEF**

8 Erie Street – Jersey City, NJ 07302  
201-547-5301

TO: SAMUEL JEFFERSON  
DIRECTOR OF POLICE

FROM: DEPUTY CHIEF PETER NALBACH   
OFFICE OF THE CHIEF, O.D.C.

DATE: 12/23/09

SUBJECT: PROPOSED FRANCHISE ORDINANCE 3438 KENNEDY BOULEVARD

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The attached Franchise Ordinance Proposal for 3438 Kennedy Boulevard was forwarded to the attention of Captain Philip Zacche, North District Commander. He reports no impediment to pedestrian traffic should the handicap ramp be constructed.

North District  
282 Central Ave  
Jersey City, NJ 07306

**Jersey City  
Police Department**

# Memo

**To: D/C Peter Nalbach, Chief's Office**

**From:** Captain Phil Zacche North

**Date:** 12/23/09

**Re: 3438 Blvd. Dunkin Donuts**

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Sir,

The undersigned had the location above checked and there should be no problem with the handicap ramp being proposed for the site. There appears to be ample room for pedestrian traffic on the sidewalk.

Respectfully



Capt. Phil Zacche



**JERSEY CITY POLICE DEPARTMENT**  
**OFFICE OF THE CHIEF**

8 Erie Street – Jersey City, NJ 07302  
201-547-5301

TO: CAPTAIN PHILIP ZACCHE  
NORTH DISTRICT COMMANDER

FROM: DEPUTY CHIEF PETER NALBACH   
OFFICE OF THE CHIEF, ODC

DATE: 12/21/09

SUBJECT: PROPOSE FRANCHISE ORDINANCE – 3438 KENNEDY BLVD.

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Attached please find copies of a proposed franchise ordinance allowing the petitioner to erect a handicap on the Bowers Street side of the property. The property will house a Dunkin Donuts franchise. Please have the property inspected to determine if the construction of the handicap ramp, as proposed in the drawings, will negatively affect the right of way of pedestrians. Please return your evaluation to this office. Thank you.



# JERSEY CITY POLICE DEPARTMENT

## OFFICE OF THE DIRECTOR

8 Erie Street – Jersey City, NJ 07302  
Office # (201) -547-5300 – Fax # (201) 547-4283

### Memorandum

**Date:** December 15, 2009

**To:** Thomas Comey, Chief of Police

**From:** Samuel Jefferson, Director of Police

**Subject:** Proposed Franchise Ordinance Petitioner  
3438 Kennedy Blvd. – Block 866, Lot E

A handwritten signature in black ink, appearing to be "SJ", written over the "From:" line.

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See the attached Franchise Ordinance for your review and opinion. A prompt response will be appreciated.

SJ/do  
Cc: file

**I N T E R**

# MEMO

## Department of Public Works Office of the Director

**O F F I C E**

**To:** Tolonda Griffin-Ross, Deputy City Clerk

**From:** John Yurchak, Director, Department of Public Works 

**Subject:** Proposed Franchise Ordinance - Proposal for Handicap Ramp at  
3438 Kennedy Blvd. Block 866, Lot E  
Petitioner One LLC

**Date:** December 28, 2009

I reviewed the above referenced petitioner's proposal for construction of a handicap ramp at 3438 Kennedy Blvd. Block 866, Lot E and I do not have any objection.

JMY/ak  
File

RECEIVED  
2009 DEC 29 A 10:05  
CITY CLERK'S OFFICE  
JERSEY CITY, N.J.

**CITY OF JERSEY CITY**

INTERDEPARTMENTAL MEMORANDUM

**OFFICE OF RISK MANAGEMENT**

PHONE 201-547-5034

FAX 201-547-4761

*Franchise Ordinance: 3438 Kennedy Blvd- Blk 866, Lot E*

*The insurance requirements, as requested in the reference, are:*

*(A) General Liability Insurance Requirements:*

- ( ) No insurance required*
- (x ) Comprehensive General Liability Insurance, including*
  - ( ) a Contractual Liability Endorsement*
  - (X) the inclusion of the City of Jersey City as Additional Insured*
  - ( ) the Immunity Clause*
  - ( ) A Broad Form Property Damage Endorsement*
  - ( ) other:*
    - (x) Liability limits for the above: \$2.0 million combined single limit per occurrence for bodily injury and property damage liability.*
    - ( ) Comprehensive Automobile Liability covering owned, non-owned and hired vehicles, as applicable. \$ million combined single limit per accident for bodily injury and property damage liability.*

*(b) Property Damage Insurance Requirements:*

- ( ) Real Property to be insured at 100% of Replacement Cost covering All Risks of physical loss or damage including Flood and Earthquake. The City of Jersey City shall be included as a Named Insured, and the policy shall be endorsed to include losses adjusted with, and payable to, the City of Jersey City.*
- ( ) Builders' Risk Insurance (All Risk coverage) on a completed value form covering new construction, or existing property, and new construction covered under one form until construction is completed.*

*(c) Special Instructions:*

- ( ) The above insurance requirements are preliminary requirements pending Risk Management's review of the draft agreement from originating department. Risk Management must receive a copy of the final draft agreement and the executed agreement in order to advise of the insurance submitted is in proper order.*

**INTERDEPARTMENTAL MEMORANDUM**  
**OFFICE OF THE ASSESSOR**  
(201) 547-5131

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DATE: December 28, 2009  
TO: Tolanda Griffin-Ross, Deputy City Clerk  
FROM: Ed Toloza, Assessor  
SUBJECT: **Proposed Franchise Ordinance**  
**Petitioner: One LLC**

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I have reviewed the above subject Proposed Franchise Ordinance and find that the contemplated improvement will advance the public interest. Therefore, this Office recommends adoption.

## **Tolonda Griffin-Ross - Franchise Ordinance**

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**From:** Lorraine Cecchini  
**To:** Tolonda Griffin-Ross  
**Date:** 12/16/2009 11:36 AM  
**Subject:** Franchise Ordinance

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Hi Tolanda

Regarding 3438 Kennedy Boulevard/One LLC the Tax Collector's Office has no objection.

If you need any further information regarding the above, please do not hesitate to contact us.

Lorraine

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 10-043

Agenda No. 10.A

Approved: \_\_\_\_\_

TITLE:



## RESOLUTION AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION

**COUNCIL**  
**adoption of the following resolution:**

**offered and moved**

WHEREAS, it is necessary to provide an additional appropriation in the Fiscal Year 2010 temporary budget to make available the money necessary for the continuance of City services during the temporary budget period, and

WHEREAS, no adequate provision has been made in the Fiscal Year 2010 temporary budget for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose mentioned above, and

WHEREAS, the total temporary budget resolutions adopted in Fiscal Year 2010 pursuant to the provisions of N.J.S.A. 40A:4-19,20, including this resolution, totals \$428,205,115.

NOW THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Jersey City (not less than two thirds of all members thereof affirmatively concurring) that in accordance with the aforementioned statutes;

1. An emergency temporary appropriation is hereby created for:

	FROM	TO
20-112 ARCHITECTURE OE	9,375	10,875
20-145 TAX COLLECTOR OE	80,000	108,000
26-290 PUBLIC WORKS DIRECTOR'S OFFICE OE	48,800	49,200
28-375 PARK MAINTENANCE OE	387,875	407,075
26-291 BUILDING & STREET MAINTENANCE OE	886,675	946,675
26-315 AUTOMOTIVE SERVICES OE	1,698,425	1,908,425
23-220 EMPLOYEE GROUP INSURANCE	38,166,000	51,535,500
30-415 ACCUMULATED ABSENCES	3,500,000	5,500,000
26-305 JERSEY CITY INCINERATOR AUTHORITY	18,700,000	20,000,000
36-487 POLICE & FIRE RETIREMENT FUND O/S	0	18,898,155
36-488 POLICE & FIRE RETIREMENT FUND	0	15,862,058
36-470 PUBLIC EMPLOYEES RETIREMENT FUND O/S	0	914,395
36-472 PUBLIC EMPLOYEES RETIREMENT FUND	0	1,187,712
NJDOT- SIP AVENUE RESURFACING	0	208,659
URBAN AREAS SECURITY INITIATIVE(UASI)	0	1,978,970
EMERGENCY MANAGEMENT ASSISTANCE	0	40,000
HCOS- PERSHING FIELD HISTORIC ARCH PRESERVATION	0	25,000

TITLE:

**RESOLUTION AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION**

2. Said emergency temporary appropriation will be provided for in the Fiscal Year 2010 Municipal Budget.

APPROVED: *Karlyn D. Deale*  
APPROVED: *[Signature]*  
Business Administrator

APPROVED AS TO LEGAL FORM

*[Signature]*  
Corporation Counsel

Certification Required

Not Required

**APPROVED**

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
1/27/10											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				VEGA			
DONNELLY				FULOP				FLOOD			
LOPEZ				RICHARDSON				BRENNAN, PRES			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

City Clerk File No. Ord. 10-010

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 10-010

TITLE: **ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 (ALCOHOLIC BEVERAGES)  
ARTICLE I (PLENARY RETAIL CONSUMPTION AND DISTRIBUTION LICENSES) OF THE  
JERSEY CITY CODE**

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

A. The following amendments and supplements to Chapter 84 (Alcoholic Beverages) Article I (Plenary Retail Consumption and Distribution) of the Jersey City Code are adopted:

### ARTICLE I Plenary Retail Consumption and Distribution

#### §84-6.1 Redevelopment Areas.

- A. No Change.
- B. Without limiting the generality of the foregoing, any transfer of a plenary retail consumption license or a plenary retail distribution license that complies with the provisions of this subsection shall be permitted, notwithstanding that:
  - (1) The new building, renovated building, new mixed-use apartment building, renovated mixed-use apartment building or new retail shopping area is within ~~{750}~~ 520 feet of an existing plenary retail consumption license or an existing plenary retail distribution license; or
  - (2) The new building, renovated building, new mixed-use apartment building, renovated mixed-use apartment building or new retail shopping area is more than 1,000 feet from the premises from which the license is transferred.
- C. No Change.
- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

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

RR/he  
1/05/10

2009153

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required

Not Required