

City Clerk File No. Ord. 10-106

Agenda No. 3.D 1st Reading

Agenda No. 4.A. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 10-106

TITLE:

**ORDINANCE OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE
LAND DEVELOPMENT ORDINANCE DEALING WITH HISTORIC PRESERVATION
PROCEDURES AND APPLICATIONS**

WHEREAS, the Land Development Ordinance contains provisions to preserve and protect the Historic Districts and Designated Landmarks of Jersey City; and

WHEREAS, certain procedures and requirements of the Land Development Ordinance with regard to historic preservation warrant revision to make them consistent internally and to improve our ability to preserve the historic resources of the City of Jersey City, our state and our nation;

WHEREAS, the proposed amendments to the Land Development Ordinance have been reviewed and recommended for Municipal Council adoption by both the Historic Preservation Commission and the Planning Board;

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

The Land Development Ordinance shall be amended as follows.

New material intended to be enacted is indicated by bold italics *thusly*.
Material intended to be deleted is indicated by strikethrough ~~thusly~~.

Article I, Section 345-6 Definitions

CAPABLE OF EARNING A REASONABLE RETURN – Having the capacity, under reasonable, efficient and prudent management, of earning a reasonable return. ~~The net annual return yielded by an improvement parcel during the test year shall be presumed to be the earning capacity of such improvement parcel, in the absence of substantial ground for a contrary determination by the Historic Preservation Commission.~~

REASONABLE RETURN - ~~A net annual return of 12% of the current valuation of an improvement parcels~~ *Such return on investment as required by the New Jersey and United States Constitutions.*

Article III. Sections 345-30. Historic Preservation Review Procedures

345-30.D. Certificate of Economic Hardship

2. Criteria

- a. ~~Commercial property. In order for the Commission to issue a Certificate of Economic Hardship, the applicant must establish to the satisfaction of the~~

**ORDINANCE OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE
LAND DEVELOPMENT ORDINANCE DEALING WITH HISTORIC PRESERVATION
PROCEDURES AND APPLICATIONS**

~~Commission that the improvement parcel with such improvements as exist at the time of the request is not capable of earning a reasonable return as herein defined. If such a finding is made by the Commission, it shall approve the application for a Certificate of Economic Hardship and any pending application for a Certificate of Appropriateness for that improvement parcel. The Preservation Commission shall review all the evidence and information submitted by the applicant for a Certificate of Economic Hardship and shall make determination within forty-five (45) days of receipt of the application.~~

- b. ~~Non-commercial property.~~ The Preservation Commission may solicit expert testimony or require that the applicant for a Certificate of Economic Hardship make submissions concerning any or all of the following information before it makes a determination on the application.
- (1) Estimate of the cost of the proposed construction, alteration demolition or removal or an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a Certificate of Appropriateness.
 - (2) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the rehabilitation.
 - (3) Estimated market value of the property in its current condition; after completion of the proposed construction, alternation, demolition or removal; after any changes recommended by the Preservation Commission; and in the case of a proposed demolition, after renovation of the existing property for continued use.
 - (4) In the case of proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
 - (5) Amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased any terms of financing between the seller and buyer. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any for the previous two (2) years.
 - (6) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years.
 - (7) Assessed value of the property according to the two (2) most recent assessments and real estate taxes for the previous two (2) years.
 - (8) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other.
 - (9) Any other information, including the income tax bracket of the owner, applicant or principal investors in the property considered necessary by the Commission for a determination as to whether a commercial property does yield or may yield a reasonable return to the owners or whether, in the case of new commercial property, an economic hardship exists.
- e. The Preservation Commission shall review all of the evidence and information required of an applicant for a Certificate of Economic Hardship and make a determination within forty-five (45) days of receipt of a completed application whether the denial of a Certificate of Appropriateness has deprived or, or will deprive, the owner of the property of reasonable use *and enjoyment* of the property.

Article III. Application Requirements, Development Procedures and Checklists

Section 345-30. Historic Preservation Review Procedures

E Application for Demolition Permit

ORDINANCE OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE DEALING WITH HISTORIC PRESERVATION PROCEDURES AND APPLICATIONS

- 1. The following shall be considered in regard to an application to demolish an individual landmark building, structure, site or object or any **building, structure, site or object** contained within a historic district:

Article V. Zoning and Design Standards

Section 345-71. Historic Design Standards

J. Demolition

- 1. The following shall be considered in regard to an application to demolish an individual landmark building, structure, site, or object or **one any building, structure, site or object** contained within a historic district:

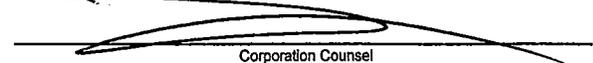
BE IT FURTHER ORDAINED THAT:

- 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.
- E. The City Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.



Robert D. Cotter, P, AICP
Planning Director

APPROVED AS TO LEGAL FORM


Corporation Counsel

APPROVED: 

APPROVED: 
Business Administrator

Certification Required
Not Required

Michele R. Donato

A Professional Corporation
Attorney at Law

P. O. Box 145
106 Grand Central Avenue
Lavallette, NJ 08735

Phone: (732) 830-0777
Telefax: (732) 830-0778
Email: mdonato@MicheleDonatoEsq.com

September 14, 2010

BY FEDERAL EXPRESS

Mayor Jeremiah Healy
City Council of the City of Jersey City
Department of Law, City Hall
280 Grove Street
Jersey City, NJ 07302

Re: Ordinance No. 106

Dear Mayor Healy and Members of City Council:

I represent the owners of the Sixth Street Embankment, who are 247 Manila Avenue, LLC, owner of property designated as Block 247, Lot 50A; 212 Marin Boulevard, LLC, owner of property designated as Block 212, Lot M; 354 Cole Street, LLC, the owner of property known as Block 354.1, Lot 50 A; 280 Erie Street, LLC, the owner of property known as Block 280, Lots B.1 and 50 A; 317 Jersey Avenue, LLC, the owner of property known as Block 317.5, Lot 50 A; and 389 Monmouth Street, LLC, the owner of property known as Block 389.1, Lot 50. ("the Owners of the Sixth Street Embankment Properties"). In this letter, we will refer to these separate properties collectively as "the Embankment."

The purpose of this letter is to present opposition to Ordinance No. 106, which is scheduled for second reading on September 15, 2010. We believe that Ordinance No. 106 is not valid and that it is targeted at my clients in order to undermine pending applications for certificates of economic hardship. We are requesting that Ordinance No. 106 not be adopted or at the least, not be adopted until after my clients' applications are completed. If Ordinance No. 106 is not aimed at the Owners of the Sixth Street Embankment Properties, a delay in enactment will have no consequences but will instead avoid unnecessary and costly litigation.

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BACKGROUND

Since my clients purchased the Embankment properties, there have been numerous disputes and much litigation, all at great expense to taxpayers and my clients. With the civil rights litigation, the taxpayers will be faced with reimbursing the Owners of the Sixth Street Embankment Properties for the costs incurred in obtaining as-of-right approvals and other expenses resulting from a series of frivolous lawsuits that the City has pursued.

It would be a tremendous undertaking to summarize the series of efforts on the part of the City, and its officers and agencies to prevent development of the Embankment. Suffice it to say that to date, the City prevailed in only one lawsuit that challenged the first ordinance designating the Embankment as a historic landmark, and the only reason was that the time to challenge the ordinance had passed. This letter will focus on the efforts to obtain approvals to remove the Embankment blocks and the fill or alternatively to obtain certificates of economic hardship.

On May 31, 2007, the Owners of the Sixth Street Embankment filed applications with the Historic Preservation Commission ("Commission") for certificates of appropriateness to demolish the Embankment. Alternatively, the Owners of the Sixth Street Embankment applied for certificates of economic hardship pursuant to the commercial provisions of the ordinance because, without demolition, there is no economic return.

In December 2007, the Commission simply refused to hear the applications. Plaintiffs filed another action in lieu of prerogative writs challenging the refusal. The City filed a Notice of Removal to the federal court, which remanded to the state court. The United States District Court Judge Stanley R. Chesler found a significant lack of merit in the City's removal of the case to federal court.

After the remand and after almost two years of litigation, the Commission entered into a consent order agreeing to hear and decide the applications within certain time frames. On April 1, 2009, the Commission then denied the applications for certificates of appropriateness. After denial of the certificates of appropriateness, the

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Owners of the Sixth Street Embankment pursued the applications for hardship relief on both the commercial and non-commercial bases.

Before the Owners of the Sixth Street Embankment could even finish the applications on the certificates of appropriateness, one Commissioner announced that the commercial provisions for certificates of economic hardship were not applicable. The Commission had already retained a witness at City expense to take that position, thus demonstrating that the Commission had no intention of granting hardship relief under this provision of the Jersey City Land Development Ordinance ("LDO"). The Commission also denied the certificates of economic hardship.

These actions were consistent with the statements of Commissioner Stephen Gucciardo, an active member of the Embankment Coalition and an original advocate for the designation of the Embankment as a historic site, who announced in the newspaper in the spring of 2009 that the classification in the LDO for commercial hardship was outdated and should be amended.

Plaintiffs appealed the decisions of the Commission to the Zoning Board of Adjustment. Contrary to established law, the Zoning Board refused to allow a *de novo* plenary hearing on the appeal.

On appeal to the Superior Court, in June 2010, the Honorable Maurice J. Gallipoli reversed the action of the Zoning Board of Adjustment in refusing to grant a *de novo* hearing on the appeals. In his decision, Judge Gallipoli harshly commented about the conduct of attorneys specially employed by the City in opposing my clients' applications and appeals. In his written opinion, Judge Gallipoli noted that the Commission's basis for denying hardship certificates on the commercial basis because of the residential zoning of the Embankment blocks was incorrect.

The Owners of the Sixth Street Embankment have procured hearings before the Zoning Board on the certificates of appropriateness and certificates of economic hardship. The scheduling of hearings is complicated by the untimely introduction and consideration of Ordinance No. 106, an ordinance that is specifically intended to undermine Judge

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Gallipoli's decision and to eliminate a longstanding basis for hardship relief contained in the LDO. This is exactly what Mr. Gucciardo declared should be done, acting as a tenth member of the City Council. Ordinance No. 106 is targeted specifically at my clients in another effort to prevent them from getting a fair hearing or having any use of their properties.

As you should be fully aware, there is pending civil rights litigation against the City and certain individuals, including members of the Corporation Counsel's office, because of the long and checkered history of unlawful and shocking actions by the City and its officials working in conjunction with special-interest groups. The City has joined with and supported these groups and paid years of legal bills but has not prevailed due to poor, self-interested advice and the unreasonable, bad faith conduct that has been repeatedly exhibited. The recommendation of Ordinance No. 106 is but the latest misstep in years of litigation.

Claiming that it wants to preserve relics of the past, the City administration nonetheless ignored a signed offer from my clients and Consolidated Rail Corporation that would have preserved most of the Embankment at no out of pocket cost to the City. The inescapable conclusion from this is that Ordinance No. 106 and City Council's continued funding of special interests with taxpayer dollars has no legitimate public purpose. We hope that the fact that the civil rights litigation is stayed while the City funds litigation in Washington, D.C. and elsewhere is not erroneously interpreted as an indication that repeating past mistakes will produce worthwhile results for the City or its taxpayers. To the contrary, there is a certainty of more legal fees and expenses, and a real risk of substantial monetary damages, particularly if the past efforts to deny my clients their property rights are endorsed and continued.

ORDINANCE NO. 106

The current provisions of the LDO allow property owners to apply for certificates of economic hardship on commercial or noncommercial bases. Ordinance No. 106 completely eliminates the commercial basis and its guaranteed 12% return and substitutes a vague and meaningless standard that purports to be a constitutional standard. One need only review the decisions of the United States Supreme Court to recognize that the standard is uniquely suited for judicial determination. It is

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highly inappropriate to allow a municipal agency to engage in determinations of this nature. In fact, the New Jersey Attorney General has disallowed such hardship provisions in historic preservation ordinances that seek Certified Local Government status.

Further, a determination of hardship is not authorized as a power of a historic preservation commission under the Municipal Land Use Law ("MLUL"). In its unending zeal to preserve the Embankment without paying for it, the City proposes to adopt a patently invalid ordinance. There are no other applications for commercial hardship relief and just as with the Fulop ordinance that the Court invalidated, Ordinance No. 106 is targeted at my clients' development rights. Enactment of Ordinance No. 106 may void the entire ordinance to the detriment of other legitimate historic interests. As an attorney that worked for passage of the original and the amendatory provisions of the Municipal Land Use Law to enable historic preservation, I am confident that the legislative history does not support the hardship provisions of Ordinance No. 106.

The proposed amendment also adds the words "structure, site or object" to the criteria for demolition to assure that the Embankment is included in its reach. This is clearly an ordinance written solely for the purpose of continuing the controversy. This newest effort to prevent the Owners of the Sixth Street Embankment from obtaining development rights blindly ignores that Ordinance No. 106 is not only wrong, but also costly. Litigation will surely result if Ordinance No. 106 is passed and the City will incur expenses at a time when the City is forced to make hard financial choices. This should not be a hard choice for the City Council.

For these reasons, we ask that Ordinance No. 106 be rejected. Alternatively, if Ordinance No. 106 is not targeted at my clients, Council can defer adoption until after completion of my clients' appeals.

PRESERVATION OF THE EMBANKMENT

Despite the controversies, we understand that there is a desire to save the Embankment. My clients have attempted for over five years to develop the Embankment in a manner that would preserve most of the structure and provide very significant public use. Unfortunately, these efforts have been consistently rebuffed because the Embankment Coalition has united with the

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City and others to prevent any reasonable use. The Coalition, seemingly as an arm of City government, refused to allow any of the stones to be touched, while the Mayor and his administration prefer to see a light rail constructed out of thin air with non-existent public transportation funding.

While the Embankment Coalition touts the High Line as an example of how the Embankment could be used, there are significant differences between the two. Most notably, the Embankment is a series of unconnected structures, with the bridges having been removed at the request of the City to accommodate redevelopment of the waterfront. Replacement of the bridges, maintenance of the deteriorating walls, construction of access, and other additional costs associated with developing and maintaining the Embankment will result in an expensive public park. The current cost for the High Line based on public planning information is \$150 million with only \$20 million of that coming from federal sources committed before the present economic crisis. Connecting bridges were not necessary with the High Line and there are many economic uses that complement and support the High Line. Sole use as a public park with City resources is not an option, even if we were not in these difficult economic times.

The City has adamantly refused to disclose to the public the total amount of money expended in the City's unreasonable efforts to deprive the Owners of the Sixth Street Embankment of their rights to develop the Embankment. Nor has it budgeted funds to continue to pay outside counsel, consultants, and internal expenses. Significant costs will be incurred to defend this additional ill-conceived effort to prevent my clients from obtaining the approvals to which they are entitled. The City can no longer afford to, nor should it ever cater to, special interests that make arbitrary and capricious development decisions outside of public scrutiny.

If the Embankment is to remain, it will continue to be a barrier between the Hamilton Park and Harsimus Cove Historic Districts. The negative effects of the Embankment on both these historic districts are demonstrated by the fact that in 1998, Jersey City Council determined that the Embankment was an area in need of redevelopment because of its blighting influence on the area. The determination of blight remains in full force and effect. Conditions have worsened over the years, yet it is now ignored without explanation or any rational reason.

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Perhaps some would prefer to see the Embankment remain as is so that it continues to form a barrier between the more elite Hamilton Park District and the ethnically diverse neighborhood of Harsimus Cove. The City should not become a participant in such discriminatory animus.

The bottom line in this unfortunate dispute is that the Embankment is owned by private parties. The only way that the City will acquire ownership of the Embankment is to condemn it and pay fair market value. This will require the Council to transparently put the public interest first and to put special interests aside.

The City has pursued a course attempting to use federal and state laws that apply to railroad properties. We hope that the City will retain independent counsel in this regard. Charles Montagne, who is not a licensed New Jersey attorney, has engaged in a reprehensible conflict of interest by representing divergent interests and numerous clients, including the City, the Coalition and other groups in the federal proceedings at the expense of the City.

We ask that you refrain from taking another unwise step.

Very truly yours,

Michele R. Donato

MRD:md

cc: (by email transmission only)

Mr. Steven L. Hyman
Carmine R. Alampi, Esq.
Daniel Horgan, Esq.
John Fiorilla, Esq.
Edward McKirdy, Esq.
Jeffrey Lewis, Esq.
Stephen Plotnick, Esq.
William Matsikoudis, Esq.
Robert Byrne, City Clerk

City Clerk File No. Ord. 10-112

Agenda No. 3.A. 1st Reading

Agenda No. 4.B. 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

TITLE: **Dedicating That Eighth Street Between Manila Avenue and Marin Boulevard Be Also Known as "Bob Hurley Sr. Way"**

WHEREAS, Bob Hurley Sr. was born in Jersey City on July 31, 1947 to Robert and Eleanor Hurley. He graduated from St. Paul's Grammar School in Greenville, St. Peter's Prep and St. Peter's College; and

WHEREAS, Bob Hurley Sr. has been the St. Anthony High School Boys Basketball Coach for 38 years and has amassed 984 career victories; and

WHEREAS, during his years at St. Anthony High School, Bob Hurley Sr.'s teams have won 25 state parochial titles and USA Today national titles in 1989, 1996 and 2008; and

WHEREAS, Bob Hurley Sr. has sent more than 100 graduates to Division I Schools on basketball scholarships. His own sons, Bobby Jr. and Danny played for his St. Anthony's Friars. Bobby Jr. was a four-year starter at Duke University where he earned All-American honors leading Duke to two national championships. Danny starred at Seton Hall University and then began a coaching career at St. Benedicts Prep in Newark. Danny Hurley was recently named Coach of Wagner College; and

WHEREAS, Bob Hurley Sr. is chiefly responsible for the fact that St. Anthony High School with a student body of just 235 is still in existence. His national stature and fundraising efforts have kept St. Anthony open for many years; and

WHEREAS, Bob Hurley Sr. was inducted into the Naismith Basketball Hall of Fame on August 13, 2010 becoming only the third high school basketball coach to be so recognized. His proud wife, Chris, daughter Melissa and his sons and grandchildren were in attendance to see Bob Hurley Sr. receive this great honor.

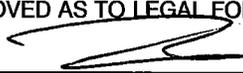
WHEREAS, Bob Hurley Sr. has been and continues to be a great source of pride to the City of Jersey City and the Municipal Council of the City of Jersey City deems it fitting and proper to give honor to a man who has given so much to our community.

NOW THEREFORE BE IT ORDAINED, that Eighth Street between Manila Avenue and Marin Boulevard be also known as "Bob Hurley Sr. Way."

- 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 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.

G:\WPDOC\TOLONDA\RESOS\RENAME\Pastor Erwin Lanier Way.wpd

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____

APPROVED: 

Business Administrator

Certification Required

Not Required

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 10-112

TITLE: 3. A. AUG 25 2010 4. B. SEP 15 2010



An Ordinance dedicating that Eighth Street between
Manila Avenue and Marin Boulevard be also known as
"Bob Hurley Sr. Way".

RECORD OF COUNCIL VOTE ON INTRODUCTION											
AUG 25 2010 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	ABSENT		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
SEP 15 2010 8-0											
Councilperson <u>SOTTOLANO</u>				moved, seconded by Councilperson <u>GAUGHAN</u>				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓						

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____				moved to amend* Ordinance, seconded by Councilperson _____				& adopted _____			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				FLOOD			
LOPEZ				RICHARDSON							

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
SEP 15 2010 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓						

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on AUG 25 2010
 Adopted on second and final reading after hearing on SEP 15 2010

This is to certify that the foregoing Ordinance was adopted by
 the Municipal Council at its meeting on SEP 15 2010

Robert Byrne, Deputy City Clerk
 Robert Byrne, City Clerk

*Amendment(s)

APPROVED:
Peter M Brennan
 Peter M. Brennan, Council President

Date: SEP 15 2010

APPROVED:
Jerramiah T. Healy
 Jerramiah T. Healy, Mayor

Date 9/16/2010

Date to Mayor 9/16/2010

City Clerk File No. Ord. 10-113

Agenda No. 3.B. 1st Reading

Agenda No. 4.C. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 10-113

TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 26 (VEHICLES AND TRAFFIC) ARTICLE X (SCHEDULES) SCHEDULE 22 (PARKING FOR THE DISABLED) OF THE JERSEY CITY CODE DESIGNATING A RESERVED PARKING SPACE AT 88A ARLINGTON AVENUE; 373-375 ARMSTRONG AVENUE; 167 BEACON AVENUE; 59 BIDWELL AVENUE; 474 BRAMHALL AVENUE; 58 CLARKE AVENUE; 139A DWIGHT STREET; 333 FAIRMOUNT AVENUE; 84 FULTON AVENUE; 124A GRANT AVENUE; 99 IRVING STREET; 430 MANILA AVENUE; 282 NEW YORK AVENUE; 58 1/2 OAK STREET; 14 SKYLINE DRIVE AND 365 VAN NOSTRAND AVENUE AND AMEND THE RESERVED PARKING SPACE AT 291 MONTICELLO AVENUE AND 76 NEWKIRK STREET

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

1. Chapter 26 (Vehicles and Traffic) Article X (Schedules) of the Jersey City Code is hereby supplemented as follows:
Section 26-95 SCHEDULE 22

PARKING FOR THE DISABLED

Restricted parking spaces, (measuring approximately 22 feet in length) in front of residential building for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles and handicapped parking permits issued by the Traffic Division.

- | | |
|------------------------------------|---------------------------------|
| <u>Albert Thomas</u> | <u>88A Arlington Avenue</u> |
| <u>Sally Medeiros</u> | <u>373-375 Armstrong Avenue</u> |
| <u>Walter Conklin</u> | <u>167 Beacon Avenue</u> |
| <u>Ruth Lancaster-Davis</u> | <u>59 Bidwell Avenue</u> |
| <u>Jean Macenat</u> | <u>474 Bramhall Avenue</u> |
| <u>Christopher Hellinger</u> | <u>58 Clarke Avenue</u> |
| <u>Guy Oliver</u> | <u>139A Dwight Street</u> |
| <u>Charles Ward</u> | <u>333 Fairmount Avenue</u> |
| <u>Gladys Flournoy</u> | <u>84 Fulton Avenue</u> |
| <u>Jeanette Caceres-Smith</u> | <u>124A Grant Avenue</u> |
| <u>Priyanka Atul Parekh</u> | <u>99 Irving Street</u> |
| <u>Monserate Gierbolini</u> | <u>430 Manila Avenue</u> |
| <u>John [Barbara] Colarusso</u> | <u>291 Monticello Avenue</u> |
| <u>Angel Samaniego</u> | <u>282 New York Avenue</u> |
| <u>Dorothea [Dean] Polychronis</u> | <u>76 Newkirk Street</u> |
| <u>Denise May</u> | <u>58 1/2 Oak Street</u> |
| <u>Sterling Jefferson</u> | <u>14 Skyline Drive</u> |
| <u>Nicholas Litterio</u> | <u>365 Van Nostrand Avenue</u> |

- All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.
- This ordinance shall take effect at the time and in the manner as prescribed by law.
- The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

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

JDS:pc1
(07.28.10)

APPROVED: [Signature]
Director of Traffic & Transportation

APPROVED: [Signature] 7/28/10
Municipal Engineer

APPROVED AS TO LEGAL FORM

[Signature]
Corporation Counsel

APPROVED: [Signature]
Director, Dept. of Public Works

APPROVED: [Signature]
Business Administrator

Certification Required

Not Required

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The Department, Division or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

1. Full title of ordinance:

An ordinance supplementing Chapter 26(Vehicles and Traffic) Article V(Schedules) Schedule 22(Parking for the Disabled) of the Jersey City Code designating a reserved parking space for the disabled at 88A Arlington Avenue; 373-375 Armstrong Avenue; 167 Beacon Avenue; 59 Bidwell Avenue; 474 Bramhall Avenue; 58 Clarke Avenue; 139A Dwight Street; 333 Fairmount Avenue; 84 Fulton Avenue; 124A Grant Avenue; 99 Irving Street; 430 Manila Avenue; 282 New York Avenue; 58 1/2 Oak Street; 14 Skyline Drive and 365 Van Nostrand Avenue and amend the reserved parking space at 291 Monticello Avenue and 76 Newkirk Street

2. Name and title of person initiating the ordinance:

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

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

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

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

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

5. Anticipated benefits to the community:

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

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

Approximately \$200.00 per sign/post installation for an approximate total of \$6,200.00
36 disabled parking signs @ 100.00 ea. \$3,600.00
26 channels @ \$100.00 ea. \$2,600.00

7. Date proposed program, or project will commence:

Pending adoption by the Jersey City Municipal Council

8. Anticipated completion date:

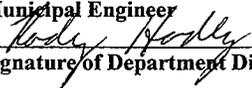
Twenty days after adoption by the Jersey City Municipal Council

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

Patricia Logan, Supervising Traffic Investigator, Division of Engineering, Traffic and Transportation ex. 4492

10. Additional comments:

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

	<u>7/30/10</u>
Municipal Engineer	Date
	<u>6/30/11</u>
Signature of Department Director	Date

Ordinance of the City of Jersey City, N.J.

Ord. 10-113

ORDINANCE NO. _____

3.B. AUG 25 2010

4.C. SEP 15 2010

TITLE: _____



An Ordinance supplementing Chapter 26 (Vehicles and Traffic) Article X (Schedules) Schedule 22 (Parking for the Disabled) of the Jersey City Code designating a reserved parking space at 88A Arlington Avenue; 333-375 Armstrong Avenue; 167 Beacon Avenue; 59 Bidwell Avenue; 474 Bramhall Avenue; 58 Clarke Avenue; 139A Dwight Street; 333 Fairmount Avenue; 84 Fulton Avenue; 124A Grant Avenue; 99 Irving Street; 430 Manila Avenue; 282 New York Avenue; 58 1/2 Oak Street; 14 Skyline Drive and 365 Van Nostrand Avenue and amend the reserved parking space at 291 Monticello Avenue and 76 Newkirk Street.

RECORD OF COUNCIL VOTE ON INTRODUCTION AUG 25 2010 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	ABSENT		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING SEP 15 2010 8-0											
Councilperson RICHARDSON			moved, seconded by Councilperson GAUGHAN						to close PH.		
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓						

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____			moved to amend* Ordinance, seconded by Councilperson _____						& adopted		
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				FLOOD			
LOPEZ				RICHARDSON							

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE SEP 15 2010 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓						

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **AUG 25 2010**

Adopted on second and final reading after hearing on **SEP 15 2010**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **SEP 15 2010**

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s): _____

APPROVED:

Peter M. Brennan
Peter M. Brennan, Council President

Date: **SEP 15 2010**

APPROVED:
JR Healy
Jerranlah T. Healy, Mayor

Date **9/16/2010**

Date to Mayor **9/16/2010**

City Clerk File No. Ord. 10-114

Agenda No. 3.C. 1st Reading

Agenda No. 4.D. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE *10-114*

**ORDINANCE ADOPTING AND CODIFYING CHAPTER 332, VEHICLES AND
TRAFFIC, OF THE JERSEY CITY MUNICIPAL CODE AND
REPEALING CHAPTER 26, VEHICLES AND TRAFFIC**

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

WHEREAS, The City of Jersey City has over the years passed through a process of legislative change common to many American communities; and

WHEREAS, the recording of local law is an important step in this ever-continuing process of maintaining an orderly and just community; and

WHEREAS, legislation must be available and logically arranged for convenient use and must be kept up-to-date; and

WHEREAS, because of the rapid development and changes within the City of Jersey City, the Vehicles and Traffic Code of the City was not in final form for codification at the time the present Municipal Code was re-codified; and

WHEREAS, the Municipal Council on June 23, 2010 introduced Ordinance No. 10-087 and after further review by the Office of the City Clerk and the Division of Engineering, Traffic and Transportation additional edits, reformatting, technical and substantive amendments have been made to Chapter 332, Vehicles and Traffic of the Jersey City Municipal Code; and

WHEREAS, to ensure the proper adoption of Chapter 332, Vehicles and Traffic of the Jersey City Municipal Code, this ordinance has been submitted to the Municipal Council for their consideration and is available for public inspection in the Office of the City Clerk.

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

1. Chapter 332 Vehicles and Traffic, attached hereto and incorporated herein, is hereby adopted;
2. Chapter 26, Vehicles and Traffic, Sections 26-1 through 26-96, are hereby repealed in their entirety;
3. Chapter 332, Vehicles and Traffic, shall become effective upon adoption and publication as required by law; provided, however, that any sections of this chapter which require the approval of the New Jersey Department of Transportation shall become effective upon receipt of such approval.

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____

APPROVED: 

Business Administrator

Certification Required

Not Required

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 10-114
3.C. AUG 25 2010 4.D. SEP 15 2010



Ordinance adopting and codifying Chapter 332, Vehicles and Traffic, of the Jersey City Municipal Code and repealing Chapter 26, Vehicles and Traffic.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
AUG 25 2010 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓			VEGA	ABSENT		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
SEP 15 2010 8-0											
Councilperson <u>RICHARDSON</u>				moved, seconded by Councilperson <u>SOTTOLANO</u>				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓						

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____				moved to amend* Ordinance, seconded by Councilperson _____				& adopted _____			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				FLOOD			
LOPEZ				RICHARDSON							

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
SEP 15 2010 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			FLOOD	✓		
LOPEZ	✓			RICHARDSON	✓						

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on AUG 25 2010

Adopted on second and final reading after hearing on SEP 15 2010

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on SEP 15 2010

Robert Byrna
 Robert Byrna, City Clerk

APPROVED:
Peter M. Brennan
 Peter M. Brennan, Council President

Date: SEP 15 2010

APPROVED:
Jerramiah T. Healy
 Jerramiah T. Healy, Mayor

Date 9/16/2010

Date to Mayor 9/16/2010

*Amendment(s):