

City Clerk File No. Ord. 08-173

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 08-173

TITLE: **AN ORDINANCE SUPPLEMENTING CHAPTER 332(VEHICLES AND TRAFFIC) ARTICLE XI(SCHEDULES) OF THE JERSEY CITY CODE AMENDING SCHEDULE XVI(PARKING PROHIBITED DURING CERTAIN HOURS, DAILY, EXCEPT SATURDAYS, SUNDAYS AND HOLIDAYS) DESIGNATING 22 FEET ON THE EAST SIDE OF ARLINGTON AVENUE SOUTH OF WILKINSON AVENUE AS NO PARKING MONDAY THROUGH FRIDAY, 8:00 A.M. TO 5:00 P.M.**

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

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

Section 332-10

### SCHEDULE XVI

#### PARKING PROHIBITED CERTAIN HOURS

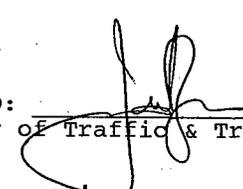
No person shall park a vehicle between the hours specified any day (except Saturdays, Sundays and Holidays) upon any of the streets or parts of streets described

Name of Street	Sides	Hours	Location
<u>Arlington Avenue</u>	<u>East</u>	<u>8:00 a.m. to 5:00 p.m. Monday thru Friday</u>	<u>Beginning at a point approximately 184 feet south of the southeast corner of Wilkinson Avenue and extending to a point 22 feet southerly therefrom.</u>

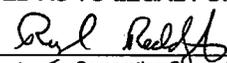
- All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.
- The City Clerk and the Corporation Counsel may change any chapter numbers, 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.

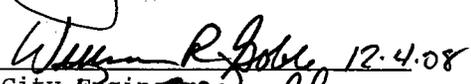
NOTE: All material to be inserted is new and underscored.

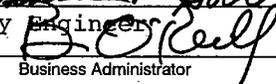
JDS:pcl  
(12/03/08)

APPROVED:   
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

  
Corporation Counsel

APPROVED:  12.4.08  
City Engineer

APPROVED:   
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/resolution/cooperation agreement:**

An ordinance supplementing Chapter 332(Vehicles and Traffic) Article VI(Schedules) of the Jersey City Code amending Schedule XVI (Parking Prohibited During Certain Hours, Daily, Except Saturdays, Sundays and Holidays) designating 22 feet on the east side of Arlington Avenue south of Wilkinson Avenue as no parking Monday through Friday, 8:00 a.m. to 5:00 p.m.

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

Joao D'Souza, Director of Traffic & Transportation

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

Prohibit parking on the east side of Arlington Avenue beginning 184 feet south of the southeast corner of Wilkinson Avenue and extending 22 feet southerly therefrom

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

The parking prohibition is necessary to facilitate 18 wheeler trucks getting to and from the loading dock located on Armstrong Avenue for Green Realty LLC Warehouse located at 15 Wilkinson Avenue. There is one parking space, measuring 22 feet, between the warehouse driveway and the driveway for the house next door. When a vehicle is parked at this location it makes it difficult for trucks to turn.

**5. Anticipated benefits to the community:**

Improve traffic safety and reduce the risk of accidents.

**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. (2 channels & 2 signs required)

**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

**10.Additional comments:**

Ordinance proposed at the request of Gautam Sagi on behalf of Green Realty LLC, 15 Wilkinson Avenue, JCNJ 07305, and 201.521.2008

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

Will R. Balle                      11.4.08  
City Engineer                      Date

\_\_\_\_\_  
Signature of Department Director                      Date



**CITY OF JERSEY CITY**  
**Division of Engineering**  
**Traffic and Transportation**  
**MEMORANDUM**

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**DATE:** December 4, 2008

**TO:** Brian O'Reilly, Business Administrator

**FROM:** Patricia Logan, Supervising Traffic Investigator  
Joao D'Souza, Director of Traffic & Transportation

**SUBJECT:** NO PARKING CERTAIN HOURS – ARLINGTON AVENUE

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Attached for your review and signature is an Ordinance proposed by this Division designating the east side of Arlington Avenue, beginning 184 feet south of Wilkinson Avenue and extending 22 feet southerly, as no parking Monday through Friday, 8:00 a.m. to 5:00 p.m.

This legislation was proposed at the request of Gautam Sagi on behalf of Green Realty LLC, 15 Wilkinson Avenue, to facilitate 18 wheeler trucks making deliveries at their loading dock on Arlington Avenue.

If you have any questions feel free to call Iris Esterbrook at ex. 4473.

  
William R. Goble, P.E., City Engineer

c: Chuck F. Lee, Asst. City Engineer  
Robert Byrne, City Clerk

City Clerk File No. Ord. 08-174

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 08-174

TITLE: **ORDINANCE AMENDING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE VI (DEPARTMENT OF ADMINISTRATION), OF THE CITY OF JERSEY CITY CODE TO INCLUDE A REQUIREMENT FOR THE PURCHASE OF GREEN VEHICLES**

**WHEREAS**, the City of Jersey City desires to protect the environment and health and safety of its residents, work force and visitors; and

**WHEREAS**, emissions from vehicles powered by conventional fossil fuels have detrimental effects on human health and the environment and the City's natural systems; and

**WHEREAS**, vehicles which are powered by means other than the combustion of conventional fossil fuels (Alternative Fuel Vehicles) exist and are commercially available; and

**WHEREAS**, the operation of such Alternative Fuel Vehicles often has a significantly less detrimental effect on human health and the environment; and

**WHEREAS**, the expense of purchasing fossil fuels for the City's fleet vehicles represents a significant expense in the City's annual budget; and

**WHEREAS**, in some cases the long-term cost of operating Alternative Fuel Vehicles may be lower than operating vehicles powered by conventional fossil fuels; and

**WHEREAS**, other municipalities throughout the United States have adopted legislation implementing the purchase of vehicles which utilize such Alternative Fuels instead of conventional fossil fuels.

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS

1) That the City's Code at Chapter 3, Article VI, Section 3-51 be and hereby is amended to include subsection (F)(3) "Green Product Procurement Policy" and (F)(4) "Green Vehicle Procurement Policy" as follows:

A. The following amendments to Chapter 3 (Administration of Government) Article VI (Department of Administration) are hereby adopted:

ADMINISTRATION OF GOVERNMENT

ARTICLE VI  
Department of Administration

§ 3-51. Purchasing; Division of Purchasing and Central Services.

A. Through E. No Change.

2008318

F. Division of Purchasing; Purchasing Agent in charge; qualifications; functions.

(1) No Change.

(2) No Change.

(3) **Green Product Procurement Policy.**

(4) **Green Vehicle Procurement Policy.** Under the direction of the Business Administrator, the Purchasing Agent in consultation with the Department of Public Works shall purchase Green Vehicles pursuant to the following policy:

(a) **Purpose.** This Subsection shall be known as the “Green Fleet Vehicle Initiative.” Its purpose is to promote the purchase of products which minimize damage to human health and the City’s natural environment, to reduce carbon and greenhouse gas emissions in the City, to reduce the City’s dependence on fossil fuels, and reduce the City’s costs by increasing the fuel efficiency of its fleet of non-emergency vehicles.

(b) **Definitions.** For the purposes of subsection F(4) the following definitions apply:

**“Alternative Fuel Vehicles”** mean vehicles which utilize any combination of one or more Alternative Fuels as a means to produce all of the energy necessary for their locomotion.

**“Alternative Fuels”** include 100% Biodiesel Fuel (B100), blends of 20% Biodiesel Blend Stock (B20) or higher, Ethanol, blends of 85% Ethanol (E85) or higher, compressed natural gas, propane, hydrogen, methanol, electricity or any fuel that is substantially non-petroleum in nature, is not gasoline or diesel, and is defined as an alternative fuel by the U.S. Dept of Energy through the authority granted by the Energy Policy Act of 1992.

**“Bio-based Automotive Lubricants”** mean motor oil and refined lubricants such as hydraulic and transmission fluid and similar oils that utilize biological products or renewable animal, marine, or forestry materials.

**“Biodiesel Fuel” or “Biodiesel”** is hereby defined as a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal matter, designated B100 or “neat biodiesel”, that meet the requirements for fuels and fuel additives established by the Federal Environmental Protection Agency and standards established by the American Society of Testing and materials (ASTM) according to ATSM D 6751.

**“B5”** means a blend of 5% Biodiesel and 95% petroleum that meets the most current applicable ASTM standards.

**“B10”** means a blend of 10% Biodiesel and 90% petroleum that meets the most current applicable ASTM standards.

**“B20”** means a mixture of 20% Biodiesel and 80% petroleum that meets the most current applicable ASTM standards.

**“E10”** means a blend of 10% Ethanol and 90% gasoline that meets the most current applicable ASTM standards.

**“E85”** means a blend of 85% Ethanol and 15% gasoline that meets the most current applicable ASTM standards.

“Diesel” means petroleum based liquid that is suitable for use as fuel in diesel powered vehicles.

“Ethanol” means ethyl alcohol, a flammable liquid used or sold for the purpose of blending or mixing with gasoline.

“Excessive costs” are hereby defined as costs of purchasing Green Vehicles where either the immediate cost of purchasing the Green Vehicle exceeds by 30% the immediate cost of purchasing a non-green vehicle in the current fiscal year, or where the projected average yearly cost of the Green Vehicle exceeds by 30% the average yearly cost of purchasing and operating the non-green vehicle. Average yearly cost is to be amortized over the entire lifetime of both the Green Vehicle and non-green vehicles and calculations shall compare purchase price, financing costs, shipping costs, maintenance and repair costs, cost of procuring or producing fuel or parts, purchasing discounts, projected economies of scale, and resale value.

“Fuel Efficient Vehicles” mean non-green vehicles which are rated at both 20 or more miles/gallon in city driving and 29 or more miles/gallon in highway driving according to the U.S. Environmental Protection Agency (EPA) and U.S. Department of Energy’s Fuel Economy Guide.

“Green Vehicles” mean either Alternative Fuel Vehicles and or Hybrid Electric Vehicles.

“Hybrid Electric Vehicles” mean vehicles that get a substantial percentage of the power necessary for their locomotion from an electric motor powered by a battery pack which supplements an internal combustion engine that runs on gasoline or Diesel, and which are rated by the U.S. Environmental Protection Agency (EPA) and U.S. Department of Energy’s Fuel Economy Guide at least 30 miles/gallon in city driving and 25 miles/gallon in highway driving.

“Purchasing Agent” is hereby defined as the Purchasing Agent for the City of Jersey City or his or her designees.

(c) Green Vehicles Required for New Purchases or Leases. Subject to subsections (d)-(f) below, the Purchasing Agent shall:

[1] Purchase or lease only Green Vehicles where such vehicles are available.

[2] Where such a Green Vehicle is not available or where purchase of a Green Vehicle has been waived pursuant to subsection (e), purchase or lease only Fuel Efficient Vehicles.

(d) Waiver of Green Vehicle Purchasing Requirement. Purchasing Agent may waive subsection (c)[1] requirements for purchasing Green Vehicles and may purchase, lease, or allow the purchase or lease of non-green vehicles where:

[1] There are significant concerns regarding the Green Vehicle’s safety, performance, effect on human health, or suitability for its intended use.

[2] A suitable Green Vehicle is not available within a reasonable period of time or available only at an Excessive Cost.

[3] Purchase of the Green Vehicle conflicts with federal, state or local law.

(e) **Waiver of Fuel Efficient Vehicle Requirement.** Where Green Vehicle purchasing requirement has been waived, Purchasing Agent may also waive subsection (c)[2] requirements for purchasing Fuel Efficient Vehicles and may purchase, lease, or allow the purchase or lease of non-fuel efficient vehicles where:

[1] There are significant concerns regarding the Fuel Efficient Vehicle's safety, performance, affect on human health, or suitability for its intended use.

[2] A suitable Fuel Efficient Vehicle is not available within a reasonable period of time or available only at an Excessive Cost.

[3] Purchase of the Fuel Efficient Vehicle conflicts with federal, state or local law.

(f) **Documentation of Waiver.** Reasons for any waiver pursuant to subsections (e) or (f) shall be detailed in writing by the Purchasing Agent and maintained in the contract file.

(g) **Vehicle Maintenance.** For maintenance, all City vehicles shall use recycled-content or Bio-based Automotive Lubricants and recycled oil unless these products are:

[1] not available; or

[2] not available within a reasonable time; or

[3] not able to meet appropriate performance, health or safety standards; or

[4] available only at price that exceeds by 30% the price of competing products.

(h) **Biodiesel Initiative for City-Owned Vehicles.** Department of Public works in conjunction with the Purchasing Agent shall develop and implement a plan whereby:

[1] City-owned diesel vehicles shall be converted to operate using blends of 20% Biodiesel (B20) or greater concentration, wherever practicable.

[2] All City-owned diesel vehicles not so converted shall be operated using B5 to the greatest extent practicable.

[3] The City shall make reasonable efforts to procure, produce, or otherwise acquire blends of B20 of greater as necessary for the operation of converted City-owned vehicles and B5 for the operation of non-converted city vehicles.

- 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 earliest possible time 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 **boldface** and repealed matter by *italics*.

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required

Not Required

City Clerk File No. Ord. 08-175

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 08-175

TITLE:

**AN ORDINANCE AMENDING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT), ARTICLE VI (DEPARTMENT OF ADMINISTRATION), OF THE CITY OF JERSEY CITY CODE TO INCLUDE A REQUIREMENT FOR THE PURCHASE OF GREEN PRODUCTS AND MATERIALS WHENEVER FEASIBLE**

**WHEREAS**, the City of Jersey City Municipal Council [City] desires to protect the environment and the health and safety of its residents, work force and visitors; and

**WHEREAS**, the City, whenever possible, wishes to purchase Green Products, which do minimal or no damage to the environment, present the least potential threat to human health and to the City's natural systems and offset carbon emissions; and

**WHEREAS**, the City intends to meet the foregoing goal by purchasing goods and services that minimize the negative impact on the environment and protect the environment through the use of efficient, renewable energy, recycled, and low toxicity products, which, when compared with competing products of the same nature, have a lesser or reduced effect on human health and the environment [Green products]; and

**WHEREAS**, the City Code at Chapter 3, Article VI, Section 3-51 (F) (q) already provides for development of "a comprehensive, consistent and effective procurement effort intended to stimulate the market for recycled products, reusable products and products designed to be recycled," and

**WHEREAS**, the City Code at Chapter 3, Article VI, Section 3-51 (F) (t) states: "This section establishes a recycled product procurement policy required pursuant to federal law (42 U.S.C. Section 6962 of the Resource Conservation and Recovery Act)"; and

**WHEREAS**, the City wishes to expand upon Chapter 3, Article VI, Section 3-51 (F) by setting forth a policy that establishes a requirement for the City to purchase or lease Green products, unless there are demonstrable reasons not to do so, such as health, safety, performance prohibitions, and/or cost considerations.

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS

1) That the City's Code at Chapter 3, Article VI, Section 3-51, subsection (F) (3) "Green Products Procurement Policy" be and hereby is amended to include be as follows:

A. The following amendments to Chapter 3 (Administration of Government) Article VI (Department of Administration) are hereby adopted:

ADMINISTRATION OF GOVERNMENT

ARTICLE VI

Department of Administration

**§ 3-51. Purchasing; Division of Purchasing and Central Services.**

A. Through E. No Change.

F. Division of Purchasing and Central Services; Purchasing Agent in charge; qualifications; functions.

(1) No Change.

(2) No Change.

(3) **Green Product Procurement Policy.** Under the direction of the Business Administrator, the Purchasing Agent shall purchase Green Products pursuant to the following policy:

(a) **Purpose.** This Subsection shall be known as the "Green Products Procurement Policy." Its purpose is to promote the purchase of products which minimize damage to human health and the City's natural environment, to reduce carbon emissions in the City and to stimulate the market for recycled, reused, and biodegradable products.

(b) **Definitions.** For the purposes of subsection F(3) the following definitions apply:

"Biodegradable" means the ability of a substance, material, or product ingredient to readily decompose by the action of microbes.

"Cleaning Product" means a dishwashing detergent or compound, household cleaner, commercial cleaner, industrial cleaner, metal cleaner, degreasing compound or other substance used or intended to be used for cleaning purposes.

"Conventional Products" are hereby defined as those products which the Purchasing Agent has evaluated for their effects on human health and the environment and has determined inappropriate for classification as Green Products, or those products that the Purchasing Agent has not yet so evaluated.

"Electronic Device" means:

[1] any cathode ray tube, any product containing a cathode ray tube, any liquid crystal display (LCD), plasma screen or other flat panel television or computer monitor or similar video display product, any battery containing lead, cadmium, lithium or silver, any computer central processing unit that contains one or more circuit boards and includes any desktop computer or any laptop computer or computer peripherals including but not limited to, any keyboard, mouse and other pointing device, printer, scanner, facsimile machine and card reader, and any copier, but not including any automobile, or large piece of commercial or industrial equipment containing a cathode ray tube, a cathode ray tube product, a flat panel display or similar video display device that is contained within, and not separate from, the larger piece of equipment, or any device used by emergency response personnel; or

[2] any other device powered by electricity designated by the Purchasing Agent.

“ENERGY STAR™ Products” are hereby defined as those products which meet the energy efficiency standards set forth by the United States Environmental Protection Agency (EPA) and the U.S. Department of Energy for compliance with its ENERGY STAR® program.

“ENERGY STAR™ Electronic Device” is hereby defined as any ENERGY STAR™ product that meets the definition of an Electronic Device.

“Excessive Costs” are hereby defined as costs of purchasing Green Products where either the immediate cost of purchasing the Green Product exceeds by 75% the immediate cost of the comparable Conventional Product in the current fiscal year, or where the average yearly cost of the Green Product exceeds by 75% the average yearly cost of comparable Conventional Product when amortized over the entire lifetime of both products. When evaluating the costs of Green Products and comparable Conventional Products, the Purchasing Agent shall compare total costs of each including, but not limited to: the costs of maintenance, insurance, disposal, replacement, safety and health, training, material management and potential liability costs.

“Green Products” are hereby defined as those products which the Purchasing Agent has determined would have a lesser or reduced negative effect on human health and the environment when compared with comparable Conventional Products and services, where such comparison includes consideration of all phases of the product’s life cycle, including raw materials acquisition, production, manufacturing, packaging, transportation, distribution, operation, maintenance, and disposal, including potential for reuse or ability to be recycled.

“Green Purchasing” is hereby defined as the practice of purchasing Green Products.

“Green Seal” is the non-profit organization, located at 1001 Connecticut Avenue, NW, Suite 827, Washington, DC 20036-5525 which evaluates and certifies products based on each product’s environmental impact throughout its life cycle.

“Green Seal™ Certified Products” are those products which Green Seal has evaluated and tested for environmental impact and has awarded the Green Seal™ certification, and which maintain such standards so as to allow such certification.

“Pre-Consumer Waste Material” means materials or by-products generated after manufacturing of a product is completed, but before the product reaches the end-use consumer. Pre-consumer waste material does not include home scrap, which is those scrap metals or by-products generated by a company that can be used by the generating company or parent company.

“Post-Consumer Waste Material” means only those materials generated by a consumer which have served their intended end use and which have been separated or diverted from solid waste. Wastes generated during production or an end product are excluded. All materials collected from residential sources in a municipal recycling program may be considered post-consumer.

“Recycled Content” means the total amount of Pre-Consumer Waste Material and Post-Consumer Recovered Material introduced as a feed

stock in a material production process, usually expressed as a percentage.

"Recyclable Product" means a product which, after its intended end use, twenty-five percent (25%) of the product has been diverted from the solid waste stream for use as a raw material in the manufacture of another consumer or procurable product. For the purposes of this definition, burning or composting of products may not be considered diversion.

"Recycled Material" means material and byproducts that have been recovered or diverted from solid waste and that can be utilized in place of raw or virgin material in manufacturing a product. It is derived from post-consumer recycled material, manufacturing waste, industrial scrap, agricultural waste, and other waste material, but does not include material or byproducts generated from, and commonly reused within, an original manufacturing process.

"Toxic or Hazardous Substance" means any substance that, because of its quantity or concentration, or physical or chemical characteristics, poses a significant present or potential harm to human health and safety or the environment if released into the workplace or environment."

"Purchasing Agent" is hereby defined as the Purchasing Agent for the City of Jersey City or his or her designees.

- (c) **Mandatory Product Evaluation.** The Purchasing Agent shall, in consultation with the City department(s) ordering or leasing the product(s), evaluate all products in the categories listed in subsections (l)-(n) below for their environmental impact. The Purchasing Agent shall then classify as Green Products those products which, considering the totality of their life cycle, have a reduced effect on human health and the environment, when compared with comparable products that serve a similar function.
- (d) **Permitted Product Evaluation.** The Purchasing Agent may, in consultation with the City department(s) ordering or leasing the product(s), evaluate for environmental impact such other products as he or she deems appropriate and may classify as Green Products those products which, considering the totality of their life cycle, have a reduced effect on human health and the environment when compared with comparable products that serve a similar function.
- (e) **Guidance for Green Product Classification.** The Purchasing Agent, when evaluating and classifying products as "Green products," shall consult:

[1] the Comprehensive Procurement Guideline for Products Containing Recovered Materials, as set forth in part 247 of Title 40 of the United States Code of Federal Regulations;

[2] the EPA's Affirmative Procurement Plan entitled "EPA's Final Guidance on Environmentally Preferable Purchasing"; and

[3] the U.S. Department of Health and Human Service's booklet entitled "Purchasing Green products and Services at the U.S. Department of Health and Human Services" issued by the office of the Assistant Secretary for Administration and Management, Office of Acquisition Management and Policy in July, 2006 (and as amended and supplemented).

[4] Any similar instructional materials recently or later made available by the EPA, the U.S. Department of Health and Human Services, or the N.J. Department of Environmental Protection which may be reasonably instructive in determining whether a product should qualify as a Green Product.

- (f) **Classification of Third-Party Certified, Recycled, and Biodegradable Products.** When determining whether to classify a product as a Green Product, the Purchasing Agent shall give substantial consideration to whether products which have achieved GreenSeal™ certification or equivalent third-party certification, whether products are Biodegradable, whether products are Recyclable Products and whether products are composed of 10% or greater Recycled Content. GreenSeal™ Certified Products and products which have achieved equivalent third-party certification shall be classified as Green Products unless they contain dangerous levels of Toxic or Hazardous Substances, as defined in section (i), or unless there is a compelling reason not to so classify them. Compelling reasons against classification of such products as Green Products may include, but are not limited to:

- [1] excessive distance a product must be shipped throughout its life-cycle
- [2] environmentally harmful packaging
- [3] product's lack of fuel efficiency or energy efficiency
- [4] product's emission of chlorofluorocarbons (CFCs); and
- [5] product's significant lack of durability.

- (g) **Requirement for Purchasing Green Products.** Subject to paragraph (h) below, the Purchasing Agent shall purchase Green Products over comparable Conventional Products whenever the cost of the Green Product does not exceed by 25% the cost of Comparable Conventional Product, and may purchase Green Products over comparable Conventional Products when the cost of Green Product does not exceed by 75% the cost of the comparable Conventional Product. When evaluating the cost of a Green Product and a comparable product, the Purchasing Agent shall compare total costs over the life of the item, including, but not limited to: the costs of maintenance, insurance, disposal, replacement, safety and health, training, material management and potential liability costs.

- (h) **Waiver of Green Product Preference.** Wherever there exists one or more significant concerns regarding the purchase or lease of a Green Product, including Excessive Costs, health, safety, performance, compatibility, lack of availability within a reasonable period of time, or statutory prohibitions the Purchasing Agent may waive the preference for purchasing a Green Product and may purchase, lease, or allow the purchase or lease of comparable Conventional Products to the extent such concerns require, subject to section (i)[3]. Reasons for such a waiver shall be detailed in writing by the Purchasing Agent and maintained in the Office of the Purchasing Agent.

- (i) **Toxic or Hazardous Substances.** The presence of Toxic or Hazardous Substances is to be considered in product classification and purchasing as follows:

[1] The Purchasing Agent shall not classify as Green Products any products which he or she determines contain dangerous levels of Toxic or Hazardous Substances, including, but not limited to lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers.

[2] The Purchasing Agent shall consider a product's achievement of Green Seal Certification or equivalent third-party certification as compelling evidence that the level of Toxic or Hazardous Substances in the product is not dangerous.

[3] The Purchasing Agent shall not select products with dangerous levels of Toxic or Hazardous Substances for purchase or lease except where:

[a] Purchasing Agent has waived the Green Product requirement pursuant to material concerns specified in subsection (h) above; and

[b] There is no comparable Conventional Product available that addresses the material concerns necessitating the waiver but does not contain dangerous levels of Toxic or Hazardous Substances.

(j) **Maintenance of Information about Green Products.** The Purchasing Agent shall develop and maintain lists, descriptions and other relevant documentary information about Green Products and recycled products and make such information available to all City departments whenever possible.

(k) **Purchasing or Lease Contract Specifications.** The Purchasing Agent shall review and modify current and future procurement requirements so that contract specifications, clauses and solicitation language address the standards of subsection F(3).

(l) **Electronic Devices.** In accordance with subsections [1]-[5] below, the Purchasing Agent shall evaluate all Electronic Devices purchased or leased by the City for environmental impact, and determine whether all such electronic devices shall be to classified as Green Products.

[1] Except as indicated in paragraph (i) above, Electronic Devices issued the ENERGY STAR™ title shall be considered Green Products for the purposes of this Ordinance.

[2] The Purchasing Agent may also classify Electronic Devices which are not ENERGY STAR™ products as Green Products. In determining such classification, the Purchasing Agent shall consult those guidelines and standards issued, or to be issued, by the New Jersey State agency which is, or will be, charged with establishing energy-efficient guidelines, in addition to the guidelines denoted in paragraph (e) & (f) above.

[3] Subject to sections [4] & [5] below, when purchasing or leasing new Electronic Devices or replacing existing Electronic Devices the City shall select those which are both ENERGY STAR™ products and Green Products, where available, over those which are Green Products but not ENERGY STAR™ Products.

[4] In accordance with section (i) above, wherever an ENERGY STAR™ electronic device contains dangerous levels of Toxic or Hazardous Substances, it shall not be considered a Green Product and shall not be selected over other Electronic Devices which are Green Products.

[5] Whenever valid concerns regarding the purchase or lease of a ENERGY STAR™ Electronic Device exist, including health, safety, performance, availability, statutory prohibitions and/or excessive costs, the Purchasing Agent may waive the requirement for purchasing the ENERGY STAR™ Electronic Device, and may purchase, lease, or allow the purchase or lease of comparable non-ENERGY STAR™ products to the extent such concerns require. Reasons for such a waiver shall be

detailed in writing by the Purchasing Agent and maintained in the contract file.

- (m) **Carpets.** In accordance with [1] & [2] below, the Purchasing Agent or his or her designee shall evaluate all carpets, carpet cushions, and carpet adhesives purchased or leased by the City for environmental impact, and determine whether all such products shall be classified as Green Products:

[1] The Purchasing Agent may consider any widely accepted industry recommendations for reduced volatile organic compounds when classifying carpeting products in addition to the guidelines denoted in paragraphs (e) and (f) above.

[2] No carpet, carpet cushion, or carpet adhesive purchased by any City department shall contain the following volatile organic compounds in any significant concentration:

[a] for carpet 4-phenylcyclohexene, formaldehyde or styrene;

[b] for carpet cushions, butylated hydroxytoluene, formaldehyde or 4 phenylcyclohexen e; and

[c] for carpet adhesives, folmaldehyde or 2-ethyl-hex anol.

- (n) **Miscellaneous Products.** The following are hereby designated for Green Product Evaluation. The Purchasing Agent, in consultation with the City department ordering the product, shall evaluate all products within each category as to each product's environmental impact to determine if each product shall be classified as a Green Product:

[1] Cleaning Products

[2] antifreeze

[3] insulation products

[4] recycled plastic products

[5] re-manufactured laser printer toner cartridges

[6] paint

[7] re-manufactured tires and products made from recycled tire rubber, including rubber mats and play field surfaces

[8] lights and light bulbs.

- (o) **Reclassification.** The Purchasing Agent shall have the authority to change classification status of any product by either adding or removing such product from the list of Green Products provided he or she has good cause to reclassify and does so according to the principles set forth in subsections (e)(f) & (i). Good cause to reclassify shall include but not be limited to:

[1] Changes in the physical makeup or manufacture of the product or packaging which result in a material change in the product's net impact on human health, safety, or the environment.

[2] Changes in the distribution or transportation of the product which result in a material change in the product's net impact on human health, safety, or the environment.

[3] Purchasing Agent's discovery of information previously unknown to him or her regarding the presence or absence of dangerous levels of Toxic or Hazardous Substances in the product, the threat any such substances impose, or newly discovered hazards of substances previously not considered hazardous.

[4] Purchasing Agent's discovery of information previously unknown to him or her regarding product's net impact on human health, safety, or the environment.

[5] Changes in the product's status as a Green Seal™ product, an ENERGY STAR™ product or other comparable changes in third-party certification status.

- 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 **boldface** and repealed matter by *italics*.

WM/igp

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required   
Not Required

City Clerk File No. Ord. 08-176

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 08-176

**TITLE: ORDINANCE ADOPTING SUSTAINABLE GREEN BUILDING STANDARDS FOR CITY-OWNED BUILDINGS AND MUNICIPAL PROJECTS IN THE CITY OF JERSEY CITY**

**WHEREAS**, the City of Jersey City desires to promote sustainable green building standards in accordance with U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED®) guidelines; and

**WHEREAS**, the City of Jersey City intends that sustainable green building practices will require resource conservation, reduce waste generated by construction projects, increase energy efficiency and promote the health and productivity of residents, workers and visitors to the City; and

**WHEREAS**, the City of Jersey City has determined that it is in the best interest of the City of Jersey City to enact an Ordinance stating that it shall be the policy of the City to undertake construction projects which incorporate the LEED® Rating System and to adopt and implement LEED® for Existing Buildings Standards

**WHEREAS**, it is the policy of the Mayor to establish green building standards and propose them to the Municipal Council of the City of Jersey City.

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

**Green Building Initiative for Municipal Projects.**

## 1. Definitions

**"USGBC"** is hereby defined as the U.S. Green Building Council, a non-profit organization located at 1015 18<sup>th</sup> Street, N.W., Suite 508, Washington, DC 20036.

**"LEED® Standards"** are hereby defined as the "Leadership in Energy & Environmental Design" standards and guidelines, as amended and supplemented by USGBC, which are on file with the Office of the City Clerk of the City of Jersey City.

**"LEED® Accredited Professional"** means a person who has been designated a LEED® accredited professional by the Green Building Certification Institute.

**"Construction"** is defined as the erection of a new principal or accessory building or structure on a lot or property; alterations and the act of creating an addition to an existing building.

**"Building"** is defined as a structure built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals, or property of any kind.

2008316

**“Structure”** is defined as that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner and permanently attached to the ground.

**“Municipal Project” or “Project”** means construction of New Buildings owned by the City of Jersey City, renovations to buildings owned by the City of Jersey City, or construction or renovation of other buildings funded more than 50% by the City of Jersey City, where cost of such construction or renovation meets or exceeds one-million dollars (\$1,000,000), as calculated on the date of enactment of this ordinance and as indexed for inflation using the Construction Consumer Price Index, as reported by Engineering News Record.

**“New Building”** means any Building not previously erected prior to construction.

**“Green Building”** means the design, construction, and operation of Buildings that mitigates the environmental, economic, and social impact of buildings.

**“Historic Building”** means a Building that is listed in or formally determined eligible for the National Register of Historic Places, the New Jersey Register of Historic Places, Buildings in Historic Districts, or Buildings identified in an adopted historic resources survey as eligible for designation.

**“Renovation”** means any rehabilitation, repair, remodeling, change, addition or modification to an Existing Building.

**“LEED®-NC Certified Rating”** means that a Building or other Project that has earned 26-32 points as such points as defined in the LEED® Standard entitled “LEED® for New Construction & Major Renovations” as amended and supplemented, and has satisfied all prerequisites as specified therein, thus meeting a “Certified Level.”

**“LEED®-NC Silver Rating”** means that a Building or other Project that has earned 33-38 points as such points as defined in the LEED® Standard entitled “LEED® for New Construction & Major Renovations” as amended and supplemented, and has satisfied all prerequisites as specified therein, thus meeting a “Silver Level.”

**“LEED®-EB Gold Rating”** means that a building or other project that has earned 40-47 points as such points as defined in the LEED® Standard entitled “LEED® for Existing Buildings” as amended and supplemented, and has satisfied all prerequisites as specified therein, thus meeting a “Gold Level.”

**“LEED®-NC Platinum Rating”** means that a Building or other Project that has earned 52-59 points as such points as defined in the LEED® Standard entitled “LEED® for New Construction & Major Renovations” as amended and supplemented, and has satisfied all prerequisites as specified therein, thus meeting a “Platinum Level.”

**ENERGY STAR™** is hereby defined as those products which meet the energy efficiency standards set forth by the United States Environmental Protection Agency (EPA) and the U.S. Department of Energy for compliance with its ENERGY STAR® program.

## **2. Application of LEED®-NC Green Building Rating System to Municipal Projects**

- (a) The “Leadership in Energy & Environmental Design (LEED®) Green Building Rating System and guidelines are herein incorporated by reference, as amended and supplemented, and as may be found by contacting the U.S. Green Building Council,

1015 18<sup>th</sup> Street, N.W., Suite 508, Washington, DC 20036, and as are on file with the Office of the City Clerk for the City of Jersey City.

- (b) Subject to sections (e) and (f) below, there is hereby adopted as the minimum standard for each Municipal Project the LEED®-NC Silver Rating. For all such Municipal Projects, A LEED® Accredited Professional must certify each Municipal Project as having achieved, at a minimum, the LEED®-NC Silver Rating.
  - (c) Subject to sections (e) and (f) below, all Municipal Projects must, in their design and construction, earn the U.S. EPA's Energy Star™ Building Label.
  - (d) Except where waived pursuant to sections (e) and (f) below, specifications and terms for all bids, contracts, or agreements for those Municipal Projects which require public advertisement for bids under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq, shall be modified to require adherence at a minimum to the LEED®-NC Silver Rating, and ENERGY STAR™ Building Label requirements above.
  - (e) The Chief Architect of the City of Jersey City shall review each Municipal Project and determine whether or not the total cost of adhering to the LEED®-NC Silver Rating and achieving the ENERGY STAR™ Building label on that project shall exceed by 20 % of the cost anticipated in the absence of the LEED® and ENERGY STAR™ requirements, in which case he or she shall recommend to the Business Administrator of the City of Jersey City such modifications for amendments to the Project necessary to assure that the costs remain within the amount appropriated for such Project, up to and including waiver of the LEED®-NC Silver Rating requirement, the ENERGY STAR™ Building Label Requirement or both.
  - (f) Where cost of the Project's adherence to the LEED®-NC Silver Rating and the ENERGY STAR™ Building Label Requirement exceeds by 20% of the cost otherwise anticipated in the absence of its application, the Business Administrator is hereby empowered to waive application of either or both requirements for the entire project or for any specifications or portions thereof as he or she deems necessary and appropriate.
  - (g) Where the Business Administrator has waived application of LEED® Silver Rating or the ENERGY STAR™ Building Label requirement pursuant to section (f) above, A LEED® Accredited Professional must certify each Municipal Project as having achieved, at a minimum, the LEED®-NC Certified Rating.
  - (h) The Business Administrator of the City of Jersey City shall select, from among the next three municipal projects, one project which will adhere to the LEED®-NC Platinum Rating and achieve the ENERGY STAR™ Building Requirement. That Project will be viewed as a pilot Project and will be evaluated by the City Chief Architect who will make further recommendations to the Municipal Council of the City of Jersey City, concerning the feasibility of application of the LEED® Platinum Rating to future municipal projects.
- 3. Application of LEED®-EB Green Building Rating System to Existing Municipal Buildings**
- (a) Subject to sections (c) and (d) below, there is hereby adopted as the minimum standard the LEED®-EB Silver Rating. All existing municipal buildings must be evaluated by a LEED® Accredited Professional to determine if LEED Standards may be applied to achieve, at a minimum, the LEED®-EB Silver Rating.

(b) The Chief Architect of the City of Jersey City, in consultation with Business Administrator, shall determine the estimated cost of modifying the existing municipal building and implementing the operational procedures necessary to achieve the LEED®-EB Silver Rating.

(c) The Business Administrator may waive application of the LEED®-EB Silver Rating requirement for the Existing Municipal Buildings where:

- (i) The total estimated cost of modifying the existing municipal building and devising and implementing the operational procedures necessary to achieve the LEED®-EB Silver Rating exceeds either 1% of the Building's current market value or \$20,000.
- (ii) Modification of the Existing Municipal Building or implementation of operational procedures necessary to achieve the LEED®-EB Silver Rating would be impracticable, or would materially compromise the health, safety, or general welfare of the public.

(d) Where the Business Administrator has waived application of LEED®-EB Silver Rating requirement pursuant to section (c) above, A LEED® Accredited Professional must evaluate each Existing Municipal Building to determine if LEED Standards may be applied to achieve, at a minimum, the LEED®-EB Certified Rating.

(e) The Business Administrator may waive application of the LEED®-EB Certified Rating requirement for the Existing Municipal Buildings where:

- i. The total estimated cost of modifying the Existing Municipal Building and devising and implementing the operational procedures necessary to achieve the LEED®-EB Certified Rating exceeds either 1% of the Building's current market value or \$20,000.
- ii. Modification of the Existing Municipal Building or implementation of operational procedures necessary to achieve the LEED®-EB Certified Rating would be impracticable, or would materially compromise the health, safety, or general welfare of the public.

**(f) Exemption for Historic Buildings.** The provisions of this section shall not apply to any Historic Building.

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

NOTE: All material is new, therefore underlining is omitted.

WM/igp  
APPROVED AS TO LEGAL FORM

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

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

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

Certification Required   
Not Required

City Clerk File No. Ord. 08-177

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 08-177

TITLE: **ORDINANCE CREATING INCENTIVES FOR VOLUNTARY COMPLIANCE WITH SUSTAINABLE GREEN BUILDING STANDARDS IN THE CITY OF JERSEY CITY**

**WHEREAS**, the City of Jersey City desires to encourage but not require sustainable green building standards in all building construction and rehabilitation projects; and

**WHEREAS**, the City of Jersey City intends that sustainable green building practices will encourage resource conservation, reduce waste generated by construction projects, increase energy efficiency and promote the health and productivity of residents, workers and visitors to the City; and

**WHEREAS**, the City of Jersey City has determined that it is in the best interests of the City of Jersey City to enact an Ordinance stating that it shall be the policy of the City to encourage construction projects which incorporate the LEED® Rating System; and

**WHEREAS**, U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED®) standards is one sustainable green building rating system and there are other sustainable green building rating systems, and the City of Jersey City should add additional acceptable rating systems to its incentive program as they are identified and reviewed; and

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

### **Green Building Incentives**

1. The City of Jersey City shall promote sustainable green building practices in accordance with U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) guidelines in the municipality through the methods provided in this section. The LEED standards are incorporated herein by reference, as amended and supplemented, and may be found at <http://www.usgbc.org>, or by contacting the U.S. Green Building Council, 1015 18th Street, NW, Suite 508, Washington, DC 20036.
2. Applications for development are encouraged, but are not required, to comply with LEED criteria.
3. Only projects involving an application for LEED accreditation meeting a minimum of 26 points for LEED - New Construction, and 32 points for LEED - Existing Buildings on the LEED rating system, or the minimum rating to be designated an LEED Certified development, whichever is greater, shall be eligible for the incentives in this section.
4. Review of applications proposing to meet a minimum accreditation level of LEED Certified shall be expedited by COJC staff by receiving priority review before other applications, except where the other applications are for affordable or workforce housing.
5. A refund of building permit application fees required and shall be provided upon the

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applicant's written request, accompanied by submission of proof of LEED certification by the USGBC, within one year of such certification, as follows: 1. LEED Platinum = 25 percent refund of fees; 2. LEED Gold = 20 percent refund of fees; 3. LEED Silver = 15 percent refund of fees; and 4. LEED Certified = 10 percent refund of fees.

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

Note: All material is new, therefore underlining is omitted.

WM/igp

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required   
Not Required