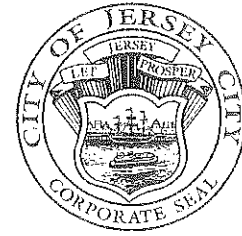


City Clerk File No. Ord. 18-093

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 18-093

TITLE:

**AN ORDINANCE RESCINDING ORDINANCE 17-111 PROVIDING THE SECTION OF 5<sup>TH</sup> STREET FROM MONMOUTH STREET WEST TO BRUNSWICK STREET WITH THE COMMEMORATIVE DESIGNATION "NICHOLAS ARCURI WAY" AND APPROVING AN ORDINANCE PROVIDING THE SECTION OF 5<sup>TH</sup> STREET FROM MONMOUTH STREET WEST TO BRUNSWICK STREET WITH THE COMMEMORATIVE DESIGNATION "PVT. NICK ARCURI WAY"**

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

**WHEREAS**, Paul Maiellaro and Vincent Calamito applied to have the section of 5<sup>th</sup> Street, from Monmouth Street west to Brunswick Street, commemoratively designated "Nicholas Arcuri Way"; and

**WHEREAS**, Nicholas Michael Arcuri was born in 1931 and grew up near the intersection of 5<sup>th</sup> Street and Brunswick Street in the "Italian Village" section of Jersey City; and

**WHEREAS**, Nicholas Michael Arcuri joined the U.S. Marines at the start of the Korean War and was assigned to Company E, 2<sup>nd</sup> Battalion, 7<sup>th</sup> Marines, 1<sup>st</sup> Marine Division; and

**WHEREAS**, Private Nicholas Michael Arcuri participated in the Battle of Chosin Reservoir, a decisive engagement of the Korean War; and

**WHEREAS**, on November 27, 1950 120,000 Chinese troops attacked and nearly encircled 30,000 United Nations and American troops near the Chosin Reservoir; and

**WHEREAS**, for seventeen straight days, the United Nations and American troops fought their way out of the encirclement enduring bitter cold and difficult terrain; and

**WHEREAS**, on December 2, 1950 Private Nicholas Michael Arcuri was killed in action fighting the enemy and his body was never recovered; and

**WHEREAS**, Private Nicholas Michael Arcuri was posthumously awarded the Purple Heart, the National Defense Service Medal, the Korean Service Medal, the Republic of Korea Presidential Unit Citation, the Republic of Korea War Service Medal, the United Nations Service Medal, the Korean War Service Medal and the Combat Action Ribbon; and

**WHEREAS**, the Municipal Council Street Name Subcommittee met on June 30, 2017 to evaluate the Arcuri application; and

**WHEREAS**, the Municipal Council Street Name Subcommittee deemed that the application satisfied the standards and requirements set forth in Chapter 3-38.1 of the Municipal Code; and

**WHEREAS**, on June 30, 2017 the Municipal Council Street Name Subcommittee voted unanimously to recommend that the Municipal Council provide the section of 5<sup>th</sup> Street from Monmouth Street west to Brunswick Street with the commemorative designation "Nicholas Arcuri Way"; and

**AN ORDINANCE RESCINDING ORDINANCE 17-111 PROVIDING THE SECTION OF 5<sup>TH</sup> STREET FROM MONMOUTH STREET WEST TO BRUNSWICK STREET WITH THE COMMEMORATIVE DESIGNATION "NICHOLAS ARCURI WAY" AND APPROVING AN ORDINANCE PROVIDING THE SECTION OF 5<sup>TH</sup> STREET FROM MONMOUTH STREET WEST TO BRUNSWICK STREET WITH THE COMMEMORATIVE DESIGNATION "PVT. NICK ARCURI WAY"**

**WHEREAS**, on September 13, 2017 the Municipal Council adopted Ordinance 17-111 providing the section of 5<sup>th</sup> Street from Monmouth Street west to Brunswick Street with the commemorative designation "Nicholas Arcuri Way"; and

**WHEREAS**, shortly thereafter, the original applicants, Paul Maiellaro and Vincent Calamito petitioned the Municipal Council Street Name Subcommittee to change the commemorative designation "Nicholas Arcuri Way" to "Pvt. Nick Arcuri Way"; and

**WHEREAS**, the Municipal Council Street Name Subcommittee met on June 12, 2018 to evaluate the applicants' request and voted unanimously to grant it; and

**WHEREAS**, the applicants will reimburse the City for the cost of fabricating the new commemorative street signs as well as for their installation.

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

Ordinance 17-111 providing the section of 5<sup>th</sup> Street from Monmouth Street west to Brunswick Street with the commemorative designation "Nicholas Arcuri Way" is hereby repealed; and

The section of 5<sup>th</sup> Street from Monmouth Street west to Brunswick Street shall be commemoratively designated "Pvt. Nick Arcuri Way".

- I. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- II. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- III. This Ordinance shall take effect twenty (20) days after enactment.
- IV. The City Clerk and the Corporation Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

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

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

JJH 8/6/18

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required

Not Required

**ORDINANCE FACT SHEET**

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

**Full Title of Ordinance**

**AN ORDINANCE RESCINDING ORDINANCE 17-111 PROVIDING THE SECTION OF 5<sup>TH</sup> STREET FROM MONMOUTH STREET WEST TO BRUNSWICK STREET WITH THE COMMEMORATIVE DESIGNATION "NICHOLAS ARCURI WAY" AND APPROVING AN ORDINANCE PROVIDING THE SECTION OF 5<sup>TH</sup> STREET FROM MONMOUTH STREET WEST TO BRUNSWICK STREET WITH THE COMMEMORATIVE DESIGNATION "PVT. NICK ARCURI WAY"**

**Initiator**

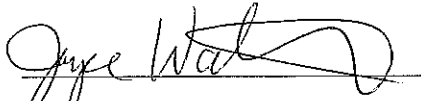
<b>Department/Division</b>	Office of the Municipal Council	Office of Councilperson-at-Large Watterman
<b>Name/Title</b>	Joyce Watterman	Councilperson-at-Large
<b>Phone/email</b>	201-547-5134	jwatterman@icnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Ordinance Purpose**

This Ordinance will provide the portion of 5<sup>th</sup> Street between Monmouth Street and Brunswick Street with the commemorative designation "Pvt. Nick Arcuri Way" after Pvt. Nicholas Michael Arcuri, a resident of Jersey City who enlisted in the Marines at the outbreak of the Korean War, died in combat during the Battle of Chosin Reservoir, and whose body was never recovered.

**I certify that all the facts presented herein are accurate.**



**Joyce Watterman  
Councilperson-at-Large**

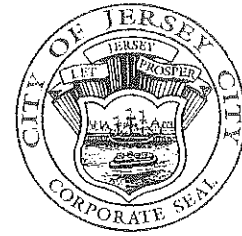
August 6, 2018

**Date**

City Clerk File No. Ord. 18-094

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 18-094

TITLE:

**ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO  
AMEND A LEASE AGREEMENT FROM HARWOOD CORPORATION  
FOR THE USE OF AN ADDITIONAL FIFTEEN PARKING SPACES  
LOCATED AT 808 PAVONIA AVENUE**

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

**WHEREAS, N.J.S.A. 40A:12-5(a)(1)** authorizes the City to acquire real property by lease; and

**WHEREAS, pursuant to Municipal Ordinance 17-064, the City of Jersey City ("City")** executed a lease from Harwood Corporation ("Lessor") to acquire twenty unreserved parking spaces located at 808 Pavonia Avenue for the Department of Public Safety personnel working at 1 Journal Square Plaza; and

**WHEREAS, the City requires fifteen (15) additional parking spaces at 808 Pavonia Avenue for** Department of Public Safety personnel; and

**WHEREAS, the cost of the parking spaces shall continue to be \$120.00 per space, for a monthly** total of \$4,200.00 to be paid to Lessor.

**WHEREAS, Lessor agrees to amend the existing lease to include fifteen (15) additional parking** spaces, for a total of thirty-five (35) parking spaces; and

**WHEREAS, the parking spaces leased by the City will be exempt from the City's tax on parking** lot spaces pursuant to section 304-1 et seq. of the City Code; and

**WHEREAS, pursuant to N.J.A.C. 5:30-5.5(e), the execution of the leases shall be subject to the** availability and appropriation of sufficient funds in the 2017 fiscal year temporary and permanent budgets and in subsequent fiscal year budgets.

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

1. The Mayor or Business Administrator is authorized to execute a lease amendment substantially in the form attached hereto with Lessor for an additional fifteen (15) parking spaces located at 808 Pavonia Avenue.
2. The term of Lease Agreement shall be effective for a maximum of one (1) year upon execution by City officials.
3. The City and Lessor will have the right to terminate the Lease Agreement without cause by providing thirty (30) days' written notice.
4. The monthly rents for a total of thirty-five (35) parking spaces shall continue to be \$120.00 per space, for a monthly total of \$4,200.00 to be paid to Lessor.

5. The parking spaces leased by the City will be exempt from the City's tax on parking lot spaces pursuant to section 304-1 et seq. of the City Code.
6. Pursuant to N.J.A.C. 5:30-5.5(e), the execution of the leases shall be subject to the availability and appropriation of sufficient funds in the 2017 fiscal year temporary and permanent budgets and in subsequent fiscal year budgets.

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required   
Not Required

**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance/Resolution**

**ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO AMEND A LEASE AGREEMENT FROM HARWOOD CORPORATION FOR THE USE OF AN ADDITIONAL FIFTEEN PARKING SPACES LOCATED AT 808 PAVONIA AVENUE**

**Initiator**

Department/Division	Business Administrator	
Name/Title	Brian Platt	Business Administrator
Phone/email	(201) 547-5147	BPlatt@jenj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Purpose**

To authorize the Mayor or Business Administrator to execute a lease amendment substantially in the form attached hereto with Lessor for an additional fifteen (15) parking spaces located at 808 Pavonia Avenue

I certify that all the facts presented herein are accurate.

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

\_\_\_\_\_  
Date

**First Amendment to Lease Agreement by and between the City of Jersey City  
and the Hardwood Corporation for the use of an additional fifteen parking  
spaces located at 808 Pavonia Avenue**

This First Amendment to the Lease, dated \_\_\_\_\_, 2018 (the "Amendment"), amends that certain Lease Agreement dated June 2, 2017 (the "Original Agreement"), by and between the City of Jersey City (the "City"), a municipal corporation with offices located at 280 Grove Street, Jersey City, NJ 07302 and the Harwood Corporation located at 26 Journal Square, Suite 804, Jersey City, New Jersey 07306 ("Lessor").

**RECITALS**

**WHEREAS**, pursuant to Municipal Ordinance 17-064, the City executed a lease from Lessor to acquire twenty unreserved parking spaces located at 808 Pavonia Avenue for the Department of Public Safety personnel working at 1 Journal Square Plaza; and

**WHEREAS**, the City requires fifteen (15) additional parking spaces at 808 Pavonia Avenue for Department of Public Safety personnel; and

**WHEREAS**, the cost of the parking spaces shall continue to be \$120.00 per space, for a monthly total of \$4,200.00 to be paid to Lessor.

**WHEREAS**, Lessor agrees to amend the existing lease to include fifteen (15) additional parking spaces, for a total of thirty-five (35) parking spaces; and

**WHEREAS**, the parking spaces leased by the City will be exempt from the City's tax on parking lot spaces pursuant to section 304-1 et seq. of the City Code.

**NOW, THEREFORE**, in consideration of the premises, and of the mutual obligations undertaken in this Amendment, the Parties, intending to be legally bound, hereby agree as follows:

1. Article III is stricken and amended to read as follows:

"Under the terms of this lease, the City shall have the right to use and occupy thirty-five (35) parking spaces located at 808 Pavonia Avenue, Jersey City, New Jersey.

2. The first two lines of Article IV are stricken and amended to read as follows:

"The City covenants and agrees to pay the Harwood Corporation rent for and during the term hereof the sum of Four Thousand Two Hundred Dollars (\$4,200.00) per month during the term of this Lease. The sum of Four Thousand Two Hundred Dollars (\$4,200.00) represents the monthly rent due for thirty-five (35) parking spaces at One Hundred Twenty Dollars (\$120.00) per parking space per month.

3. Except as set forth in this Amendment, the Original Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this amendment and the Agreement or any earlier amendment, the terms of this

amendment will prevail.

4. Each party hereby represents and warrants to the other party that (i) the execution and delivery of this Amendment and the performance by such party of its obligations hereunder have been duly authorized by all requisite action on the part of such party and such party has the full legal power to execute, deliver and perform the terms of this Amendment and the Original Agreement as amended hereby; (ii) no consent or approval of any person is required in connection with the execution, delivery or performance by such party of this Amendment except such as have already been obtained and remain in full force and effect; and (iii) this Amendment has been duly executed and delivered by such party, and (assuming due authorization, execution and delivery by the other party hereto) this Amendment constitutes a legal, valid and binding obligation of such party enforceable against such party in accordance with its terms except as limited by applicable bankruptcy and insolvency laws and general equitable principles.
5. This Amendment may be executed in any number of counterparts, each of which will be deemed an original, but all of which taken together shall constitute one single amendment. This Amendment may be duly executed and delivered by a party by execution and facsimile or electronic delivery of the signature page of a counterpart to the other party, and any such delivery shall be effective as delivery of a manually executed counterpart to this Amendment.
6. This Amendment constitutes the entire agreement between the City and lessor relating to the subject matter hereof and may not be modified or amended orally but only by a writing signed by all of the parties hereto.



The parties have executed the foregoing Amendment and intend that it become effective and binding from and after the date of its execution.

**IN WITNESS WHEREOF**, the Parties have duly executed and delivered this Amendment, effective as of the date first written above.

**The City Of Jersey City**

By: \_\_\_\_\_

Printed Name: Brian Platt

Title: Business Administrator

Dated: \_\_\_\_\_

**The Harwood Corporation**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_

City Clerk File No. Ord. 18-095

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 18-095

TITLE:

## ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE RIGHT TO REQUEST A PRE- APPLICATION CONFERENCE OF THE JERSEY CITY LAND DEVELOPMENT ORDINANCE

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

WHEREAS, the Municipal Council adopted the Land Development Ordinance, Chapter 345 of the Code of the City of Jersey City, on April 11, 2001, (Ordinance No. 01-042), and several amendments since then; and

WHEREAS, attendees of the pre-application conference in Chapter 345-15 need to be delineated and regulated in order to prevent unauthorized individuals from attending the pre-application conference; and

WHEREAS, the Municipal Council, pursuant to N.J.S.A. 40:55D-64, has sought and received the recommendations of the Jersey City Planning Board relative to these issues; and


WHEREAS, the Planning Board at its meeting of July 10, 2018 did vote to recommend that the Municipal Council amend the Right to request a pre-application conference (§ 345-15) of the Land Development Ordinance; and

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

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the Land Development Ordinance, be and hereby is amended as per the attached document;

**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 Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson 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 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.

  
Annisia Cialone, PP, AICP  
Director, Division of City Planning

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required   
Not Required

**RESOLUTION FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance/Resolution**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE REGARDING THE RIGHT TO REQUEST A PRE-APPLICATION CONFERENCE**

**Initiator**

Department/Division	HEDC	City Planning
Name/Title	Annisia Cialone, PP, AICP	Director
	Matt Ward, PP, AICP	Principal Planner
Phone/email	201-547-5010	acialone@jcnj.org / mward@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Resolution Purpose**

Please be advised that on July 10, 2018, at the Regular Meeting of the Planning Board of the City of Jersey City, the Board reviewed and commented on the Proposed Ordinance entitled "Ordinance of the Municipal Council of the City of Jersey City adopting amendments to the Land Development Ordinance regarding the right to request a pre-application conference." The purpose of the amendments to the Ordinance is to improve transparency by keeping a record of those attending these pre-application conferences and to limit those who are permitted to attend. The proposed amendments will add new measures (**§ 345-15. 3) in the Land Development Ordinance** regarding completion of an attendance form prior to scheduling of a pre-application conference (§ 345-15. 3G).

The Planning Board discussed, were provided the opportunity to ask questions and reviewed the amendment and its conformance to the Master Plan. After the comments, the Board voted unanimously to recommend to the Council that this Ordinance amending the Land Development Ordinance be adopted.

See attached memo.

I certify that all the facts presented herein are accurate.

  
Signature of Division Director

8.6.18  
Date

  
Signature of Department Director

8-6-18  
Date

Summary Sheet:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF  
JERSEY CITY ADOPTING AMENDMENTS TO THE RIGHT TO  
REQUEST A PRE-APPLICATION CONFERENCE OF THE LAND  
DEVELOPMENT ORDINANCE**

The proposed amendments will add new conditions (§ 345-15) regarding attendance at a pre-application conference (§ 345-15. 3G) in the Land Development Ordinance. The purpose of the amendments to the Ordinance is to regulate the attendees by keeping a record of those attending these pre-application conferences and to limit those who are allowed to attend.

## Proposed amendments to chapter 345-15 – Right to request a pre-application conference.

Version 6/18/2018

Text to be deleted is indicated as a ~~strikethrough~~.

Text to be added is indicated as ***Bold Italic***.

A yellow highlight has been added to proposed amendments for ease of identification.

### § 345-15. - Right to request a pre-application conference.

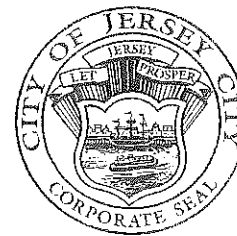
#### A. Filing Procedures.

1. The applicant shall submit all necessary documents to the Clerk of the Board of Adjustment or Planning Board. Clerks shall be employed by the Division of City Planning and designated by resolution of their respective Boards.
2. The Director of the Division of City Planning shall determine that an application is complete for the purpose of commencing the time period for action by the Municipal Agency per N.J.S.A. 40:55D-10.3. The applicant will be notified in writing of any deficiencies within forty-five (45) days of receipt by the Department. If a submission is deemed incomplete, no tolling of time shall occur, nor shall deficient applications be scheduled for a hearing.
3. For the purpose of expediting applications and reducing development costs, a developer may request a pre-application conference, the purpose of which is to:
  - a. Acquaint the applicant with the substantive and procedural requirements of the Land Development Ordinance.
  - b. Exchange information about the proposed development plan and applicable elements of the Master Plan, this Chapter and other development regulations.
  - c. Advise the applicant of any public sources of information that may aid the application.
  - d. Review the conditions of existing service facilities, the impact of the proposed project on those facilities and improvements necessary to accommodate the project and the areas affected by the project.
  - e. Meet with any of the appropriate municipal representatives designated to participate in the review process to identify policies and regulations that create opportunities for or pose significant constraints to the proposed development, including but not limited to the staffs of the:
    - i. Division of City Planning;
    - ii. Construction Code Official;
    - iii. Division of Engineering;
    - iv. Historic Preservation Commission;
    - v. Department of Public Safety;
    - vi. Municipal Utilities Authority;
    - vii. Division of Traffic and Street Maintenance;
    - viii. Environmental Commission;
    - ix. United Water Company.
  - f. Permit input into the general design of the project.
  - g. ***Attendees at the pre-application conferences shall complete attendance forms as required by the City and shall be limited to City staff, the property owner and/or designated owner representatives including, but not limited to, the property owner's Licensed Professional(s), Agent(s) Contractor(s) and/or Permit Processor(s), as such terms are defined in Chapter 134.***

City Clerk File No. Ord. 18-096

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 18-096

**TITLE:** **ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT), ARTICLE XII (DEPARTMENT OF HEALTH AND HUMAN SERVICES), OF THE JERSEY CITY MUNICIPAL CODE ALLOWING FOR VOLUNTEER COMMUNITY CHAPLAINS TO ASSIST THE RESIDENTS OF JERSEY CITY**

**COUNCIL** offered and moved adoption of the following Ordinance:

**WHEREAS**, the City of Jersey City recognizes that both sworn and non-sworn law enforcement personnel are subjected to stresses that are unique to law enforcement. Police Chaplain Programs are nationally recognized as a vital component of a department's response to employee stress; and

**WHEREAS**, the Department of Public Safety for the City of Jersey City employs a number of Police Chaplains to provide spiritual and psychological support to our officers. In their capacity, they contribute to a workplace culture by demonstrating moral conduct, compassion, and decency; and

**WHEREAS**, it is shown that Police Chaplains can serve as an important resource to the community as well. They can create partnerships with various faith-based leaders of a community and can assist agencies; and

**WHEREAS**, they can perform marriages for the residents, participate in the communities ceremonial functions, speak at community organizations, visit victims in hospitals, provide spiritual guidance, and provide moral support to the residents of Jersey City; and

**WHEREAS**, the residents of Jersey City would benefit from supplementing our existing Chaplain program with Community Chaplains to serve the community under the Department of Health and Human Services with assignment from the Chief of Police or his designee.

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

- A. The following amendments and supplements to Chapter 3 (Administration of Government) Article XII (Department of Health and Human Services) are hereby adopted:

**CHAPTER 3**  
**Administration of Government**  
**ARTICLE XII**  
**Department of Health and Human Services**

**§3-107.5- Community Chaplain**

This position is created in accordance with N.J.S.A. 40A:14-141. The position will be a volunteer position and under the supervision of the Director of Health and Human Services. However, all Community Chaplain tasks will be at the direction of the Chief of Police or his designee.

**§3-107.5.1- Qualifications**

Any person appointed as a Community Chaplain shall be a clergyman or clergywoman in good standing in the religious body from which he/she is selected. He or she shall be trained in accordance with the rules and regulations of the Jersey City Police Department and N.J.S.A. 40A:14-141.

**§3-107.5.2- Rank and salary**

Any person appointed as Community Chaplain shall serve in that capacity without rank or salary or any benefits.

**§3-107.5.3- Term of office**

A person appointed as Community Chaplain shall serve for a period of one year from date of appointment. Upon the expiration of one year, he/she shall continue to serve until reappointed or notified that he/she will not be reappointed.

**§3-107.5.4- Appointment**

The Mayor shall appoint Chaplains in accordance with this chapter.

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. 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.
- D. This ordinance shall take effect subject to the terms of this ordinance at the time and in the manner as provided by law.

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

**NOTE:** All material is new. Therefore, underlining has been omitted.

APPROVED AS TO LEGAL FORM

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

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

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

\_\_\_\_\_  
Business Administrator

Certification Required

Not Required



**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

**Full Title of Ordinance**

**ORDINANCE PROVIDING FOR THE VOLUNTEER POSITION OF COMMUNITY CHAPLAIN**

**Initiator**

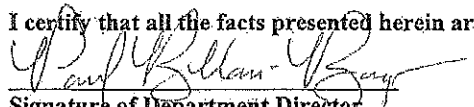
Department/Division	HEALTH & HUMAN SERVICES	
Name/Title	Stacey Flanagan	Director
Phone/email	(201) 547 6505	SFlanagan@cnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Ordinance Purpose**

N.J.S.A. 40A:14-141 authorize and govern the appointment of Chaplains working with municipal Police services. This ordinance establishes a volunteer Community Chaplain position under the supervision of the Director of Health and Human Services, with all Chaplain operations at the direction of the Chief of Police.

I certify that all the facts presented herein are accurate.

 AUGUST 8, 2018  
Signature of Department Director Date  
FOR DIRECTOR STACEY FLANAGAN

City Clerk File No. Ord. 18-097

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 18-097

TITLE: **ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT), ARTICLE X (DEPARTMENT OF HOUSING, ECONOMIC DEVELOPMENT & COMMERCE), § 3-74, § 3-78, AND § 3-82.2 OF THE JERSEY CITY MUNICIPAL CODE**

**COUNCIL offered and moved adoption of the following Ordinance:**

**WHEREAS**, the past two decades have witnessed a sharp increase in housing costs, both for the construction of new housing and the rehabilitation of existing housing; and

**WHEREAS**, this increase in housing costs has resulted in both an increase in rents and tightening of the rental market; and

**WHEREAS**, these changing economic conditions have required the City of Jersey City to devote increasing financial and staff resources to the creation and preservation of affordable homes and rental housing within the City; and

**WHEREAS**, because of these expanding needs of Jersey City residents, the Mayor and Council have concluded that residents can be better served by the creation of a new Division of Housing Preservation under a single director, which will be responsible for the preservation of existing housing and the construction of new housing, the regulation of rents and assistance to tenants and landlords.

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

A. The following amendments and supplements to CHAPTER 3 (Administration of Government), Article X (Department Of Housing, Economic Development & Commerce), § 3-74, § 3-78 and §3-82.2 are hereby adopted:

**§3-74.- Organization of Department.**

Within the Department of Housing, Economic Development and Commerce, there shall be the following divisions, bureaus and boards:

- A. Division of Economic Development.
- B. Division of Construction Code Official.
  - (1) Bureau of Plumbing Subcode Official.

- (2) Bureau of Electrical Subcode Official.
- (3) Bureau of Building Subcode Official.
- C. Division [of Tenant/Landlord Relations.] Housing Preservation.
  - (1) Rent Leveling Board. Office of Housing Code Enforcement
  - (2) Office of Rent Leveling.
    - (a) Bureau of Rent Leveling
    - (b) Rent Leveling Board
    - ~~[(3) Bureau of Tenant Assistance.]~~
- D. Division of Community Development.
- E. Division of City Planning.
  - (1) Urban Research and Design.
  - (2) Planning Board.
- F. Division of the Zoning Officer.
- G. Division of Commerce.

§ 3-75 – Division of Construction Code Official – No change

§ 3-76 – Division of Economic Development – No change

§ 3-77 – (Reserved) – No change

**§ 3-78. -~~Division of Tenant/Landlord Relations.~~ Division of Housing Preservation.**

- A. Creation of the Division of Housing Preservation; ~~Tenant/Landlord relations~~; Director of Housing Preservation ~~Tenant/Landlord Relations~~ in charge. There is hereby created within the Department of Housing, Economic Development and Commerce the Division of Housing Preservation, ~~Tenant/Landlord Relations~~, the head of which shall be the Director of Housing Preservation. Rent Regulation Officer.
- B. Division of Housing Preservation ~~Tenant/Landlord Relations~~; functions. Under the supervision of the Director of Housing Preservation ~~Housing, Economic Development and Commerce~~, the Division of Housing Preservation ~~Tenant/Landlord Relations~~ shall administer the following:
  - a. Through the Bureau of Housing Code Enforcement, administer and enforce the Property Maintenance Code and ordinances which relate to housing and neighborhoods as may be assigned to it for administration.
  - b. Through the Bureau of Rent Leveling, administer, and enforce the Rent Control Ordinance Chapter 260; provide education, information and referrals to city residents in connection with Landlord/Tenant related issues; provide

appropriate personnel to attend all meetings of the Rent Leveling Board; and assist the Rent Leveling Board in its duties.

- ~~(1) The Bureau of Rent Leveling.~~
- ~~(2) The Rent Leveling Board.~~
- ~~(3) The Bureau of Tenant Assistance.~~
  - ~~(a) The Tenant Interim Lease Program.~~

~~C. Bureau of Rent Leveling. There is a Bureau of Rent Leveling within the Department of Housing, Economic Development and Commerce which shall administer and enforce Chapter 260, Rent Control.~~

~~D. Rent Leveling Board. There is a Rent Leveling Board within the Department of Housing, Economic Development and Commerce, which shall administer and enforce Chapter 260, Rent Control.~~

~~E. The Bureau of Tenant Assistance; functions of the Bureau of Tenant Assistance. There is hereby established within the Department of Housing, Economic Development and Commerce and under the direction of the Division of Tenant/Landlord Relations the Bureau of Tenant Assistance, which shall:~~

- ~~(1) Provide and distribute information to landlords and tenants regarding federal, state and municipal laws affecting the rights and duties of landlords and tenants.~~
- ~~(2) Distribute information specifically dealing with tenants' legal rights.~~
- ~~(3) Write and publish information pamphlets, leaflets and/or booklets providing information on tenant/landlord rights and duties.~~
- ~~(4) Operate a tenant hot line to provide advice to tenants.~~
- ~~(5) Promote, sponsor and organize tenants' rights workshops to disseminate information.~~
- ~~(6) Train tenants and tenant groups and assist tenants and tenant groups in tenants' rights and organization to protect tenants' rights.~~
- ~~(7) Establish a tenant resource library.~~
- ~~(8) Assist tenant groups to publish information, including newsletters, flyers, etc.~~
- ~~(9) Develop individual budget counseling programs for the purpose of assisting tenants and landlords in public and private rental housing to:
  - ~~(a) Develop better rent-paying habits.~~
  - ~~(b) Make regular payments or consolidate payments of other financial obligations.~~
  - ~~(c) Improve and stabilize their financial condition.~~
  - ~~(d) Improve their personal credit records.~~~~
- ~~(10) Assist tenant groups in the purchase, ownership, rehabilitation and management of their own buildings or of city-owned buildings.~~

- ~~(11) Develop a budget management program for tenant-owned and managed buildings.~~
- ~~(12) Receive and forward to appropriate agencies of the city complaints from tenants and landlords relating to the administrative action or inaction of any city departments.~~
- ~~(13) Refer individuals and groups to appropriate city agencies for information and assistance.~~
- ~~(14) Identify illegal and/or discriminatory housing practices.~~
- ~~(15) Refer specific complaints of housing discrimination to the Human Rights Commission of the City of Jersey City.~~
- ~~(16) Create and maintain a registry of rental tenants who are displaced by state or city action, cooperative or condominium conversion or rental increases.~~
- ~~(17) Assist the above rental tenants in securing new residences.~~

§ 3-79. - Division of Community Development - No change

§ 3-80. - Division of City Planning - No change

§ 3-81. - Division of the Zoning Officer - No change

§ 3-82. - (Reserved) - No change

§ 3-82.1. - Division of Commerce - No change

~~§ 3-82.2. - Division of Housing Code Enforcement.~~

~~A. - Creation of the Division of Housing Code Enforcement; Director of Housing Code Enforcement in charge. There is hereby created within the Department of Housing, Economic Development and Commerce, the Division of Housing Code Enforcement, the head of which shall be the Director of Housing Code Enforcement.~~

~~B. - Division of Housing Code Enforcement; functions. Under the supervision of the Director of the Division of Housing Code Enforcement shall administer and enforce the Property Maintenance Code and ordinances which relate to housing and neighborhoods as may be assigned to it for administration.~~

~~C. - Bureau of Rent Receivership.~~

~~(1) - Director of Housing Code Enforcement in charge.~~

~~(2) - Bureau of Rent Receivership; functions. Under the supervision of the Director of Housing Code Enforcement, the Bureau of Rent Receivership shall administer and enforce the Receivership Program.~~

~~D. - Housing Clinic; functions.~~

~~(1) - There is hereby established a Housing Clinic, the head of which shall be the Coordinator of the Housing Clinic.~~

- (2) ~~Under the supervision of the Coordinator of the Housing Clinic, the Housing Clinic shall perform the following functions:~~
  - (a) ~~Inspect properties for Housing Court violations, prepare reports for the Municipal Court and present evidence to the Court.~~
  - (b) ~~Establish and administer schedules for the abatement of Housing Court violations in cooperation with the Municipal Court.~~
  - (c) ~~Establish inspection procedures for the Division of Housing Code Enforcement.~~
  - (d) ~~Handle references from other municipal agencies.~~
  - (e) ~~Provide technical assistance to both the general public and City officials.~~

- 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*.

NS/SS/mma  
 8/8/2018

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required   
 Not Required

**ORDINANCE FACT SHEET –**

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance/Resolution**

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT), ARTICLE X (DEPARTMENT OF HOUSING, ECONOMIC DEVELOPMENT & COMMERCE), § 3-74, § 3-78 AND § 3-82.2 OF THE JERSEY CITY MUNICIPAL CODE**

**Initiator**

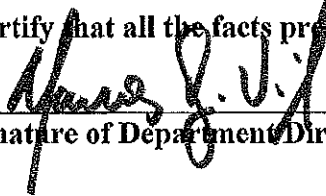
Department/Division	HEDC/Division of Housing Preservation	
Name/Title	Dinah Hendon, Esq.	Director of Housing Preservation
Phone/email	201-547-4637	DHendon@jenj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Ordinance Purpose**

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT), ARTICLE X (DEPARTMENT OF HOUSING, ECONOMIC DEVELOPMENT & COMMERCE), § 3-74, § 3-78 AND § 3-82.2 OF THE JERSEY CITY MUNICIPAL CODE**

I certify that all the facts presented herein are accurate.

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

8-6-2018  
Date

# **Department of Housing, Economic Development & Commerce**

## **Division of Housing Code Enforcement / Division of Tenant/Landlord Relations**

**Date: August 8, 2018**

**To: Council President Lavarro and Municipal Council**

**From: Dinah E. Hendon, Esq.**

**Subject: Ordinance Amending and Supplementing Chapter 3 (Administration of Government), Article X (Department of Housing, Economic Development & Commerce), Article 3 § 3-74, § 3-78, and § 3-82.2 of the Jersey City Municipal Code**

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The purpose of the Amendment and Supplement to Chapter 3 of the Jersey City Municipal Code is to create the Division of Housing Preservation (the "Division"), which Division will be responsible for enforcing Chapters of the Municipal Code that affect the lives of residents literally where they live, the Property Maintenance Code (Chapter 254) and the Rent Control Ordinance (Chapter 260). Under the current Code structure, two Divisions, the Division of Housing Code Enforcement and the Division of Tenant/Landlord Relations are responsible for enforcing these Chapters. The proposed restructuring will provide for the work of these two divisions through the Office of Housing Code Enforcement, the Office of Landlord/Tenant Relations (the "Offices") and, within the Office of Landlord/Tenant Relations the Bureau of Rent Leveling and the Rent Leveling Board.

The proposed restructuring will provide the residents of Jersey City with immediate as well as long-term benefits. Residents who have issues with their landlords are often uncertain about which division to call for assistance. With one central telephone number for the Division, residents' inquiries and complaints will be easily forwarded to personnel best able to assist. This streamlining of initial telephone contact for our constituents will alleviate much of the frustration experienced under the current structure. For example, currently a call mistakenly placed to Tenant/Landlord Relations involving a potential Housing Code violation, has to be placed on hold while the intake person at Tenant/Landlord Relations, calls Housing Code Enforcement. In the best case, the call is then transferred to Housing Code Enforcement. Unfortunately, this does not always happen and such a caller is routinely given the telephone number for Housing Code Enforcement and told to call back him/herself. In either case, the caller has to repeat the issue and assistance is



delayed unnecessarily. With one new Division, personnel will quickly learn the roles of all staff and will be able to forward calls to the appropriate staff member. This same streamlining will also improve response time to issues coming into the Division through SeeClickFix.

In addition, the work of Housing Code Enforcement and Tenant/Landlord Relations often affects the same tenants, landlords, and property. In many cases, tenants complaining about illegal rents are living in substandard buildings where there are Housing Code violations. In other circumstances, a complaint by a tenant of a Housing Code violation leads to retaliatory conduct constituting a violation of the Rent Control Ordinance which provides penalties for harassment by landlords. The Division's staff, Housing Code inspectors along with case workers in the Office of Landlord/Tenant Relations, will be able to coordinate with the Municipal Prosecutor to ensure complete and speedy prosecutions of all Code violations.

The Division of Housing Preservation will be moving to a one-story building, formerly a retail building, on Martin Luther King Drive, south west of the City Hall Annex at One Jackson Square. This move will accomplish several important goals. With large storefront windows, residents will soon learn that the Division is housed near the Annex and that walk-ins are welcome and easily accommodated. A trained receptionist will be able to make proper referrals to personnel within the Division.

Additionally, with the staff of both Offices working from workstations in one large office, if a constituent is meeting with a staff member from one Office and an issue arises that falls under the enforcement power of the other Office, staff from the latter Office will be called into the meeting immediately without the constituent having to return for a separate meeting.

In very short order, the Division will become a cohesive agency. Once the Division is under one roof, the personnel will learn firsthand the types of matters that each Office handles. When personnel work in the same space, they naturally share information about their work. This easy flow of information within the Division, from one Office to the other, can only serve to help in addressing the often critical issues facing the City's constituents.

City Clerk File No. Ord. 18-098

Agenda No. 3.F 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 18-098

**TITLE:** AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE III (PARKING, STANDING AND STOPPING) AND ARTICLE IX (PARKING FOR THE DISABLED) OF THE JERSEY CITY CODE DESIGNATING A RESERVED PARKING SPACE AT 61 DUNCAN AVENUE; 527 GARFIELD AVENUE; 25 NELSON AVENUE; OPPOSITE 190 NORTH STREET; 91 THORNE STREET AND 85 VAN REYPEN STREET AND AMENDING THE RESERVED PARKING SPACE AT 257 RANDOLPH AVENUE; 82 STERLING AVENUE AND 218-220 WEGMAN PARKWAY AND REPEALING THE RESERVED PARKING SPACE AT 196 NORTH STREET; 90-88 THORNE STREET AND 77-79 VAN REYPEN STREET

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

1. Chapter 332 (Vehicles and Traffic) Article III (Parking, Standing and Stopping) and Article IX (Parking for the Disabled) of the Jersey City Code is hereby supplemented as follows:

Section 332-29 Disabled Parking Manual  
Section 332-69 Restricted parking zones in front of or near residences of disabled drivers.

### 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>Donna Ambos</u>	<u>61 Duncan Av</u>
<u>Barbara Lawson</u>	<u>527 Garfield Av</u>
<u>Judith Waddleton</u>	<u>25 Nelson Av</u>
Dionisio Chua	[196] <u>opposite 190 North St</u>
<u>Jean [Richard] Johnston</u>	<u>257 Randolph Av</u>
<u>Joan [Dennis] Mulrooney</u>	<u>82 Sterling Av</u>
David Wood	[90-88] <u>91 Thorne St</u>
Barsoum Israel	[77-79] <u>85 Van Reypen St</u>
[ <u>Saraphine</u> ] <u>Celestine</u>	<u>218-220 Wegman Pkwy</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:** All new material to be inserted is underscored; material to be repealed is in [brackets].

AV:pcl  
(08.02.18)

APPROVED:   
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

APPROVED:   
Municipal Engineer

Corporation Counsel

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

Certification Required

Not Required

**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE III (PARKING, STANDING AND STOPPING) AND ARTICLE IX (PARKING FOR THE DISABLED) OF THE JERSEY CITY CODE DESIGNATING A RESERVED PARKING SPACE AT 61 DUNCAN AVENUE; 527 GARFIELD AVENUE; 25 NELSON AVENUE; OPPOSITE 190 NORTH STREET; 91 THORNE STREET AND 85 VAN REYPEN STREET AND AMENDING THE RESERVED PARKING SPACE AT 257 RANDOLPH AVENUE; 82 STERLING AVENUE AND 218-220 WEGMAN PARKWAY AND REPEALING THE RESERVED PARKING SPACE AT 196 NORTH STREET; 90-88 THORNE STREET AND 77-79 VAN REYPEN STREET**

**Initiator**

Department/Division	Administration	Engineering, Traffic and Transportation
Name/Title	Andrew Vischio, P.E. on behalf of the Municipal Council Committee for Disabled Parking	Director of Traffic & Transportation
Phone/email	201.547.4419	AVischio@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

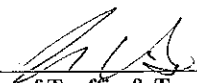

**Ordinance Purpose**

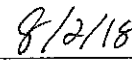

Designate/Delete or Amend a reserved parking space at various locations throughout the City. All applicants have submitted applications for a reserved parking space and have been reviewed and recommended for approval by the Committee. Each reserved parking space will have a two-year mandatory renewal, October 1, 2020.

This ordinance proposes 6 new reserved parking spaces, three of which are being relocated closer to the disabled individual's residence or because of new construction which includes a driveway. The other three are new applicants, however, the u-posts exist from a reserved parking space that was removed.

There are three locations where the signs are existing, however, the individual for whom the space is designated for has changed.

I certify that all the facts presented herein are accurate.

  
\_\_\_\_\_  
Director of Traffic & Transportation  
  
\_\_\_\_\_  
Signature of Department Director

  
\_\_\_\_\_  
Date  
  
\_\_\_\_\_  
Date

City Clerk File No. Ord. 18-099

Agenda No. 3.6 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 18-099

**TITLE:** AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) OF THE JERSEY CITY CODE ARTICLE VIII (PERMIT PARKING) AMENDING 332-58 (PARKING RESTRICTIONS IN RESIDENTIAL ZONES) EXTENDING THE EASTERN LIMITS FOR STREETS IN ZONE 16 TO THE WESTERN SIDE OF PATERSON PLANK ROAD

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

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

Article VIII PERMIT PARKING

Sec. 332-58 Parking restrictions in residential zones.

Zone 1 through Zone 15 No Change.  
A Through C.1 No Change.  
D Through L. No Change.

C.2 No person shall park a vehicle in excess of four (4) hours within Parking Zone 16, Monday through Saturday, except Public Holidays, without a valid permit upon any of the streets or parts of the streets as described below.

### ZONE 16

<u>STREET</u>	<u>LIMITS</u>
<u>All Streets in the JC Heights</u>	<u>State Highway 139 to Paterson Plnk Rd/Secaucus Rd</u> <u>Western side of Paterson Plnk Rd to Eastern side of Tonnel Avenue</u>

*[The entire area of the Jersey City Heights, Parking Zone 16 shall be bounded by State Highway 139 to the border of Union City/North Bergen (Paterson Plank Road and Secaucus Road), and from the Eastern side of Tonnel Avenue to Ogden Avenue.]*

Residents within Parking Zone 16 will be eligible for a "Zone 16-1" parking permit that will allow them to park anywhere within Parking Zone 16, 24 hours a day, Monday through Saturday, except Sundays and Holidays.

Any person that demonstrate that they are currently working for any employer located within Parking zone 16 will be eligible to purchase a "Zone 16-2" permit every six months that will allow them to park anywhere within Parking Zone 16, 24 hours a day, Monday through Saturday, except Sundays and Holidays.

D Through L. No Change.

- 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 be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.
- NOTE:** New material to be inserted is underscored; material to be repealed is in *[brackets]*.

AV:pcl  
(07.20.18)

APPROVED:   
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

APPROVED:   
Municipal Engineer

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

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

Certification Required   
Not Required

**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance**

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) OF THE JERSEY CITY CODE ARTICLE VIII (PERMIT PARKING) AMENDING 332-58 (PARKING RESTRICTIONS IN RESIDENTIAL ZONES) EXTENDING THE EASTERN LIMITS FOR STREETS IN ZONE 16 TO THE WESTERN SIDE OF PATERSON PLANK ROAD

**Initiator**

Department/Division	Administration	Engineering, Traffic and Transportation
Name/Title	Andrew Vischio, P.E . at the request of the Business Administrator, Brian Platt	Director of Traffic & Transportation
Phone/email	201.547.4419	AVischio@jcnj.org

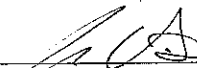
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Ordinance Purpose**

Zone 16 has been extended for the streets that are east of Ogden Av to the western side of Paterson Plank Road to allow the residents or employees of these streets to be eligible to apply for a Zone 16 residential parking permit.

The other changes to this Ordinance were done so that Zone 16 would have the same formatting as the other zones listed in Chapter 332-58.

I certify that all the facts presented herein are accurate.

  
\_\_\_\_\_  
Director of Traffic & Transportation

8/8/18  
\_\_\_\_\_  
Date

146  
\_\_\_\_\_  
Signature of Department Director

8/18/18  
\_\_\_\_\_  
Date

# Google Maps Ogden Ave



Map data ©2018 Google 1000 ft

City Clerk File No. Ord. 18-100

Agenda No. 3.H 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 18-100

TITLE: **AN ORDINANCE SUPPLEMENTING CHAPTER 332(VEHICLES AND TRAFFIC) ARTICLE II (TRAFFIC REGULATIONS) SECTION 332-9 (STOP INTERSECTIONS) OF THE JERSEY CITY CODE DESIGNATING MERRITT STREET/MULCAHY STREET AND AVENUE C AS A MULTI-WAY STOP INTERSECTION**

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

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

Section 332-9

### SCHEDULE STOP INTERSECTION

The intersections listed below are hereby designated as a stop intersection. Stop signs shall be installed as provided therein.

Street 1 (Stop Sign On)	Direction of Travel	Street 2 (At Intersection)
Mulcahy St	East	Avenue C - <u>Multi</u>
Merritt St	<u>West</u>	Avenue C - <u>Multi</u>
Avenue C	North	MulcahySt/Merritt St - <u>Multi</u>

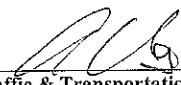
2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

3. 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.

4. 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.

NOTE: All new material to be inserted is underscored.

AV:pcl  
(08.01.18)

APPROVED:   
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

APPROVED:   
Municipal Engineer

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

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

Certification Required

Not Required

**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**AN ORDINANCE SUPPLEMENTING CHAPTER 332(VEHICLES AND TRAFFIC) ARTICLE II (TRAFFIC REGULATIONS) SECTION 332-9 (STOP INTERSECTIONS) OF THE JERSEY CITY CODE DESIGNATING MERRITT STREET/MULCAHY STREET AND AVENUE C AS A MULTI-WAY STOP INTERSECTION**

**Initiator**

Department/Division	Administration	Engineering, Traffic and Transportation
Name/Title	Andrew Vischio, PE	Director of Traffic & Transportation
Phone/email	201.547.4419	AVischio@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)


**Ordinance Purpose**

The purpose of this Ordinance is to designate the following intersection as an all way stop control:


Merritt Street/Mulcahy Street and Avenue C as an all-way stop.

Designating this intersection as an all-way stop control will improve traffic safety and operational characteristics at the intersection based on a detailed review of traffic conditions and guidance outlined within the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration.

I certify that all the facts presented herein are accurate.

  
\_\_\_\_\_  
Director of Traffic & Transportation

8/1/18  
\_\_\_\_\_  
Date

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

8/8/18  
\_\_\_\_\_  
Date





**CITY OF JERSEY CITY**  
**DEPARTMENT OF ADMINISTRATION**  
**DIVISION OF ENGINEERING, TRAFFIC & TRANSPORTATION**

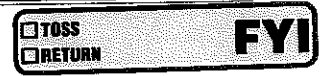


BIA

Municipal Services Complex  
 13-15 Linden Avenue East | Jersey City, NJ 07305  
 Engineering Desk: 201-547-4411 | Traffic Desk: 201-547-4470

STEVEN M. FULOP  
 MAYOR OF JERSEY CITY

BRIAN D. PLATT  
 ACTING BUSINESS ADMINISTRATOR



August 1, 2018

Bureau of Traffic Engineering  
 New Jersey Department of Transportation  
 PO Box 600  
 1035 Parkway Avenue  
 Trenton, New Jersey 08625

Attention: Chris Barretts, Manager

**SUBJECT: ALL-WAY STOP DESIGNATION**  
**CITY OF JERSEY CITY**  
**MERRITT STREET/MULCAHY STREET AND AVENUE C**

Dear Mr. Barretts:

The Division of Engineering, Traffic and Transportation, for the City of Jersey City, has proposed legislation designating the intersection of Merritt Street/Mulcahy Street and Avenue C as an "all-way" stop intersection. The purpose of this Ordinance is to designate the southbound approach of Avenue C, at its intersection with Merritt Street and Mulcahy Street as a stop street. The eastbound approach of Mulcahy Street, where it intersects with Avenue C, is already designated as a stop street. We will forward a certified copy of this Ordinance to you upon adoption by the Jersey City Municipal Council.

Designating this intersection as an all-way stop will increase traffic safety and operational characteristics of the subject intersection based on a detailed review of traffic conditions and guidance outlined within the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration.

Since the aforementioned intersection is within approximately 500 feet of the State Road, Route 440, pursuant to N.J.S.A. 39:4-8 please accept this letter as notice to the DOT of the impending change in traffic control at the intersection of Merritt Street/Mulcahy Street and Avenue C.

Please feel free to contact Andrew Vischio, PE, Director of Traffic & Transportation at 201.547.4419 or at [AVischio@jcnj.org](mailto:AVischio@jcnj.org) if you have any questions regarding this matter.

Sincerely,

The City of Jersey City  
 Division of Engineering, Traffic and Transportation

Andrew Vischio, P.E., Director of Traffic & Transportation

AV:pcl

C: Jose R. Cunha, P.E., C.M.E., C.P.W.M., C.R.P., Municipal Engineer  
 Robert Byrne, City Clerk

B/A



CITY OF JERSEY CITY  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF ENGINEERING, TRAFFIC & TRANSPORTATION



Municipal Services Complex  
13-15 Linden Avenue East | Jersey City, NJ 07305  
Engineering Desk: 201-547-4411 | Traffic Desk: 201-547-4470

STEVEN M. FULOP  
MAYOR OF JERSEY CITY

BRIAN D. PLATT  
ACTING BUSINESS ADMINISTRATOR



August 1, 2018

City of Bayonne  
Office of the Chief of Police  
630 Avenue C  
Bayonne, New Jersey 07002

Attention: Robert Geisler, Chief of Police

**SUBJECT: ALL-WAY STOP DESIGNATION  
CITY OF JERSEY CITY  
MERRITT STREET/MULCAHY STREET AND AVENUE C**

Dear Chief Geisler:

The Division of Engineering, Traffic and Transportation, for the City of Jersey City, has proposed legislation designating the intersection of Merritt Street/Mulcahy Street and Avenue C as an "all-way" stop intersection. The purpose of this Ordinance is to designate the southbound approach of Avenue C, at its intersection with Merritt Street and Mulcahey Street as a stop street. The eastbound approach of Mulcahy Street, where it intersects with Avenue C, is already designated as a stop street. We will forward a certified copy of this Ordinance to you upon adoption by the Jersey City Municipal Council.

Designating this intersection as an all-way stop will increase traffic safety and operational characteristics of the subject intersection based on a detailed review of traffic conditions and guidance outlined within the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration.

Since the aforementioned intersection is within approximately 500 feet of the Municipality of Bayonne, pursuant to N.J.S.A. 39:4-8 please accept this letter as notice to Bayonne of the impending change in traffic control at the intersection of Merritt Street/Mulcahy Street and Avenue C.

Please feel free to contact Andrew Vischio, PE, Director of Traffic & Transportation at 201.547.4419 or at [AVischio@jcnj.org](mailto:AVischio@jcnj.org) if you have any questions regarding this matter.

Sincerely,

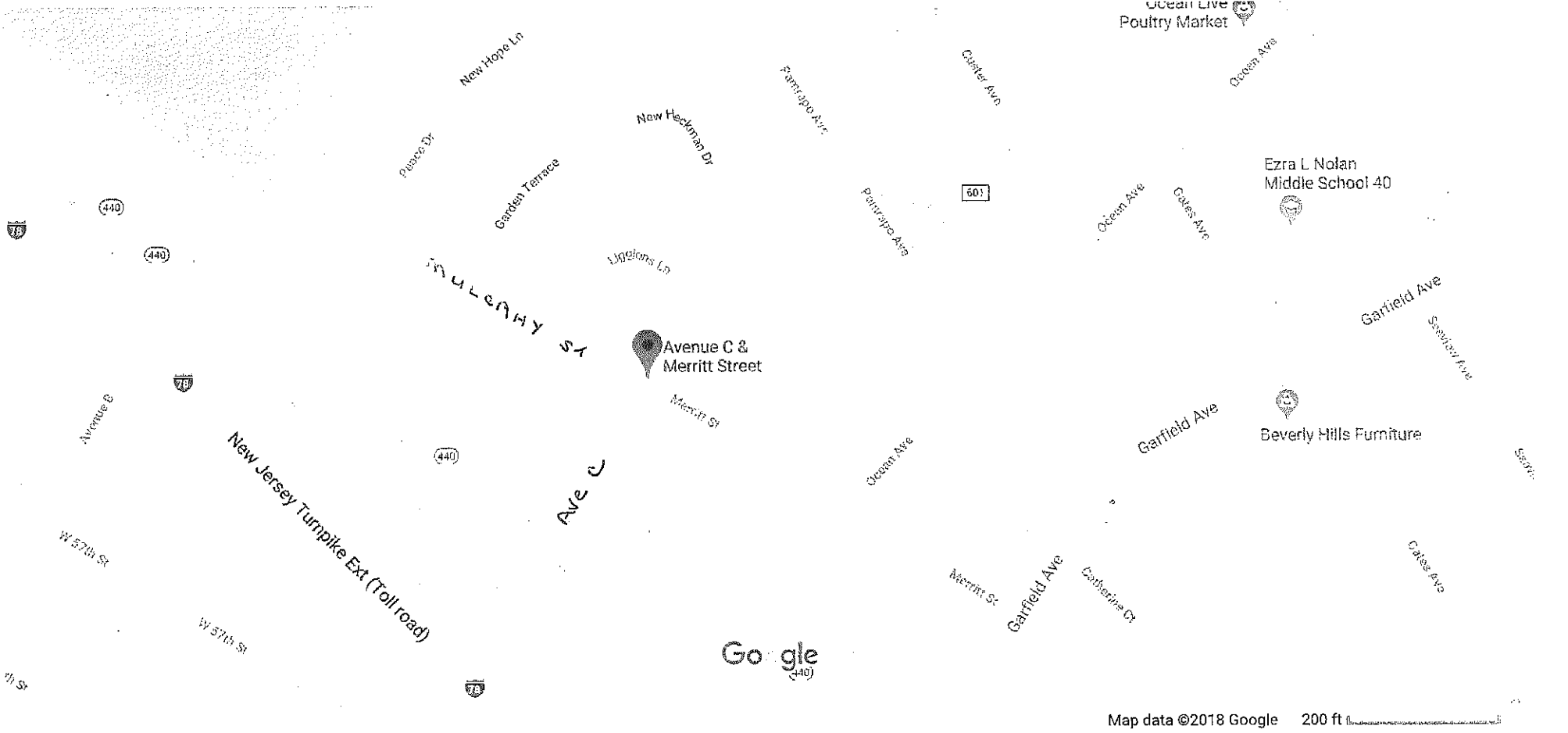
The City of Jersey City  
Division of Engineering, Traffic and Transportation

Andrew Vischio, P.E., Director of Traffic & Transportation

AV:pcl

C: Jo e R. Cunha, P.E., C.M.E., C.P.W.M., C.R.P., Municipal Engineer  
Robert Byrne, City Clerk

# Google Maps Avenue C & Merritt Street



Map data ©2018 Google 200 ft

City Clerk File No. 18-10f

Agenda No. 3.I. 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 *18-10f*

TITLE:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF  
JERSEY CITY ADOPTING AMENDMENTS TO CHAPTER 5 - FILMING  
AND PHOTOGRAPHY PERMITS AND CHAPTER 160 -- FEES AND  
CHARGES**

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

**WHEREAS**, the City of Jersey City (the "City") currently implements fees for film permits that no longer adequately address the varying size and scope of film production crews and film projects that require the expenditure of City resources; and

**WHEREAS**, the City desires to establish a modernized fee schedule for film permits that continue to be friendly to parties that desire to film on location in the City; and

**WHEREAS**, the modernized fee schedule will better offset the additional expenses incurred by the City to accommodate film projects.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that Chapter 5 of the Jersey City Municipal Code, be and is hereby amended as follows (Material indicated by strikethrough ~~like this~~ is existing material that is intended to be deleted. Material indicated by bold and underline like this is new material that is intended to be enacted):

§ 5-1. No changes.

§ 5-2. - Definitions.

**APPLICANT or APPLICANT OF PERMIT** — Any person, organization, corporation, association or other entity applying for a film permit from the City of Jersey City.

**CITY** — The City of Jersey City.

**FILM** — As used in this Chapter, any film, including a movie, television program, commercial, still photography, video documentary, music video, internet video or other visual recording medium, used in whole or in part for sale, lease, or other commercial exchange, including the advertisement or promotion of any product, service or organization. A recurrent television or internet series is a film. ~~A film which is not sold or leased in whole or part, or is not otherwise part of a commercial exchange, is a "non-profit film."~~

**FILM CREW MEMBERS** — Shall include, but not be limited to: directors, actors, set or costume designers, camera crew members, lighting crew members, sound crew members, boom operators, pyrotechnics experts, stunt performers, extras, stage hands, security personnel, production or personal assistants, contractors and subcontractors, interns (whether or not paid) and agents.

**MAJOR FILM** — Major motion pictures, commercials, TV series, network, cable, streaming services (e.g. Netflix, Hulu, Amazon, etc.) that consist of either a filming crew size of 20 or more people, a casting size of 15 or more people, or the presence of greater

~~than~~ A film made using ~~thirty (30) or more film crew members or ten (10) or more production vehicles on city streets.~~

**INTERMEDIATE FILM – Commercial still photo shoots, web series, independent films, short films that consist of either a filming crew size that is between 10 and 19 people, a casting size that is between 10 and 14 people, or the presence of 9 or fewer production vehicles on city streets.**

~~MINOR FILM — Commercial still photo shoots, web series, independent films, short films that consist of either a filming crew size that is between 4 and 9 people, a casting size that is between 4 and 9 people, or the presence of 3 or fewer production vehicles on city streets. A film made using less than thirty (30) film crew members or ten (10) or less vehicles.~~

NEWS MEDIA — As used in this chapter, filming for the purpose of spontaneous, unplanned television news reporting by journalists, reporters, photographers or camera operators.

PRIVATE PROPERTY — As used in this chapter, any property not owned by the City of Jersey City, but rather is owned by or assessed to a private person or entity in which filming would not interfere with public right of way, access or safety.

PUBLIC PROPERTY — Any public street, road, sidewalk, public park or playground, City-owned building or property or any other public place which is maintained and within the control of the City of Jersey City.

STILL PHOTOGRAPH — Photographs or other visual impressions which are not films which are sold or leased or otherwise commercially exchanged and all activity related to the staging or shooting of such photographs or other visual impressions.

STUDENT FILM — A not-for-profit film, filmed in eight (8) hours or less, made by currently-enrolled students under the sponsorship of an accredited school or institution of higher learning, who have evidenced such sponsorship with a letter written on school letterhead, signed by a school administrator, and who present a certificate of insurance.

§ 5-3. No changes.

§ 5-4. - Permit fees.

- A. Permit Fees. Applicant shall pay a non-refundable fee, and other applicable fees ~~such as fees for street closing permits, parking restrictions and off duty police officers~~, as set forth in Chapter 160 (Fees and Charges). **The imposition of fees pursuant to Chapter 160 shall not preclude the City from seeking payment or reimbursement for additional expenses incurred by the City.**
- B. Form of payment. Permit fees shall be paid in cashier's checks, postal money orders made out to the City of Jersey City or using the payment system on the City's website.

§ 5-5. - Exceptions to permit requirements.

A. No permit shall be required for:

- (1) Filming by news media as defined in this chapter.
- (2) Filming for private social activities, including weddings, unless the filming or photographing of such events is sold, leased, rented or used for any commercial purposes, including reality television, in which case, a permit shall be obtained and all fees paid.
- (3) Filming activities or still photography conducted for use in a criminal investigation or civil or criminal court proceeding, but not including films or photographs which are sold, leased or used for any commercial purpose.
- (4) Filming or still photography conducted solely for private ~~non-profit~~, personal or family use, including real estate sales purposes of selling an individual residence
- (5) Filming activities or still photography conducted by or for the City of Jersey City.
- (6) Filming which requires no more than three crew members and no other equipment except two (2) cameras and two (2) tripods.

- (7) A student film, provided that the makers and the school shall agree in writing that if the student film is ever released for commercial purposes, all permit costs and fees shall be due and payable as provided for in this Chapter. All fees other than the permit fee, set forth in Section 5-4, shall apply.

**(8) Permit fees may be waived for non-profit organizations with a valid 501c3 status.**

- B. In the event that any of the above activities require the use of commercial vehicles, a permit shall be obtained notwithstanding the fact that no fee is imposed.

§ 5-6. No Changes.

§ 5-7. - Granting of a permit; rules and regulations.

- A. Permits shall not be transferrable.

- B. A permit may be denied if:

- (1) The Director of Public Works determines that closing a street will cause a substantial risk to public safety or interfere with street maintenance work, or a previously authorized excavation permit.
- (2) The filming activity will substantially interfere with municipal functions or the scheduled maintenance of city buildings or grounds.
- (3) The activity creates a substantial risk of injury to persons or damage to property.
- (4) The applicant failed to complete the application after being requested to do so, or the information contained in the application is found to be false in any material detail.
- (5) The activity violates federal, state, or local law including licensing or permit requirements.
- (6) The applicant has failed to obtain or provide proof of insurance, as required in Subsection 5-6.A above.
- (7) The applicant has failed to submit the appropriate application fee in the manner required in Subsections 5-4.A and 5-4.B above.
- (8) Filming may violate any regulation in Subsection 5-7.B below.

When the grounds for permit denial can be corrected by imposing reasonable conditions, the City may impose such conditions rather than denying the permit.

- C. Regulations upon Receipt of Permit.

[Amended 11-12-2014 by Ord. No. 14-017.]

- (1) The permit holder shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Department of Public Safety with respect thereto.
- (2) The permit holder shall conduct its activities in such a manner so as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets. The permit holder shall avoid any interference with previously scheduled activities upon City property and, limit, to the extent possible, any interference with normal activities.
- (3) Where a permit holder's activities, by reason of location or otherwise, affect any business(es), merchants or residents, the permit holder will give these parties at least three (3) days' notice prior to the film/photography shooting date(s).
- (4) The permit holder shall make every effort to minimize the inconvenience caused by filming and shall provide a designee who will respond to residents' concerns and for ensuring the obtaining of off-duty Police assistance, the placing of "no parking" signs and other traffic control devices (under the direction of the Division of Parking Enforcement, but at the applicant's expense), providing advance notice to affected property owners/businesses and cleanup and restoration of all property, including streets, affected by the filming.

- (5) All filming and/or photography must be completed by the time specified in the permit. Any extension to this time must be approved by the film liaison.
- (6) The permit holder shall pay all fees, and obtain all permits and licenses required for its activity under local, state and federal law and pay any fees associated therewith.
- (7) The permit holder shall abide by all governmental fire regulations.
- (8) The permit holder shall disclose to the City and obtain permission for any: use of stunts, pyrotechnics, open flames, vehicle crashes or hazardous materials.
- (9) The permit holder shall conceal police, fire and other official uniforms worn by actors, when the actors are not on camera.
- (10) The applicant shall abide by City restrictions on the use of City logos, insignias, badges or decals as set forth in the information packet provided by the film liaison.
- (11) The City shall receive credit on the project that shall read: "Thanks to the Residents ~~of the~~ City of Jersey City." The credit shall have a blank space above and below the credit so that it stands apart from and not on a list of like credits.
- (12) The permit holder shall provide the City with five (5) different publicity stills for each scene shot. The stills will be used by the City solely for promotional purposes, including, but not limited to encouraging tourism and film-making. The applicant shall give the City proper acknowledgment for any assistance provided in making feature, television, or commercial productions.
- (13) The permit holder shall immediately report all accidents, injuries, health incidents or damage to property to the appropriate public authority.

**BE IT FURTHER ORDAINED THAT** that Chapter 160, Section A.1 of the Jersey City Municipal Code, be and is hereby amended as follows (Material indicated by strikethrough ~~like this~~ is existing material that is intended to be deleted. Material indicated by bold and underline like this is new material that is intended to be enacted):

A.1. Chapter 5, Filming and Photography Permits.

- (1) Major film permit: ~~\$300 non-refundable application fee that shall be payable one time per calendar year; \$1500.00 a day. \$1000 expedited permit (fewer than 4 business days prior to shoot date)~~ **\$500.00 a day; (\$250 for a bona fide City resident or business).**
- (2) **Intermediate film permit: \$200 non-refundable application fee that shall be payable one time per calendar year; \$1000 a day. \$1000 expedited permit (fewer than 4 business days prior to shoot date)**
- (32) Minor film permit: ~~\$100 non-refundable application fee that shall be payable one time per calendar year; \$250.00 a day; \$1000 expedited permit (fewer than 4 business days prior to shoot date)~~ **(\$0 for a bona fide City resident or business).**

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 repeaters of existing provisions.

SD/JMcK - Draft 3

APPROVED AS TO LEGAL FORM

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

\_\_\_\_\_  
Corporation Council

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

Certification Required

Not Required



**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
ADOPTING AMENDMENTS TO CHAPTER 5 - FILMING AND PHOTOGRAPHY  
PERMITS AND CHAPTER 160 – FEES AND CHARGES**

**Initiator**

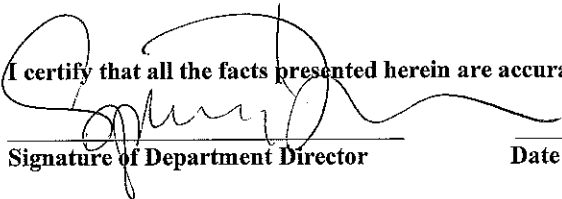
Department/Division	Office of Communications	
Name/Title	Stephanie Daniels	Director
Phone/email	(201) 547-4493	SDaniels@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Purpose**

To authorize amendments to Chapter 5, Filming and Photography Permits regarding refundable application fees.

**I certify that all the facts presented herein are accurate.**

  
Signature of Department Director

8.8.18  
Date

City Clerk File No. 18-102

Agenda No. 3. J 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 18-102

TITLE:

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 53 (PERSONNEL), § 53-11 OF THE JERSEY CITY MUNICIPAL CODE**

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

**WHEREAS**, the City Of Jersey City is committed to modernizing its employment practices and policies to be better able to attract competent, engaged and accountable employees and leaders. This, in part, requires competitive, market-based compensation for the city's executive leadership; and

**WHEREAS**, the City of Jersey City (the "City") is currently paying Council Aides pursuant to N.J.S.A. 40:69A-60.5 which explicitly limits the salary for Council Aides to \$15,000 any municipality having a population of more than 200,000, but less than 270,000, which, prior to January 9, 1982, had adopted the form of government designated as "Mayor-Council Plan C" provided for in article 5 of P.L.1950, c.210; and

**WHEREAS**, N.J.S.A. 40:69A-60.5 only affects the City of Jersey City and Newark and will never affect any other municipality in the State of New Jersey; and

**WHEREAS**, the hourly rate of pay for Council Aides based on a 40 hour work week is currently less than the State of New Jersey's current minimum wage of \$8.60 per hour; and

**WHEREAS**, the City of Jersey City's population has exceeded 270,000 people according to the official estimate of the United States Census Bureau as of 2017; and

**WHEREAS**, N.J.S.A. 40:69A-60.5 does not limit the salary of Council Aides to \$15,000 per year for municipalities with a population of greater than 270,000; and

**WHEREAS**, the City desires to pay Council Aides a salary of \$32,000 that is in harmony with the City's current \$15 an hour minimum required wage for all municipal employees; and

**WHEREAS**, it is necessary to retain the best possible personnel in leadership roles in the departments of the City; and

**WHEREAS**, salary increases for department directors are necessary to ensure the stability of department leadership and to provide the leadership necessary to continue to make Jersey City the best and most progressive mid-size city in the United States.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that the following amendments and supplements to CHAPTER 53 (PERSONNEL), SECTION 11 (FIXED SALARIES) are hereby adopted (Material indicated by strikethrough ~~like this~~ is existing material that is intended to be deleted. Material indicated by bold and underline like this is new material that is intended to be enacted):

**§ 53-11 -- Fixed Salaries**

Fixed Salaries (Based with CPI)	Title
<del>\$139,340</del> <b><u>\$150,000</u></b>	Business Administrator
<del>\$133,282</del> <b><u>\$150,000</u></b>	City Clerk
<del>\$133,282</del> <b><u>\$150,000</u></b>	Corporation Counsel
<del>\$121,165</del> <b><u>\$150,000</u></b>	Director, Department of Health and Human Services
<del>\$121,165</del> <b><u>\$150,000</u></b>	Director, Department of Housing, Economic Development, and Commerce
<del>\$121,165</del> <b><u>\$150,000</u></b>	Director of Public Works
<del>\$121,165</del> <b><u>\$150,000</u></b>	Director of Recreation
<del>\$121,166</del> <b><u>\$150,000</u></b>	Tax Assessor
<b><u>\$32,000</u></b>	<b><u>Council Aide (1 per Councilperson)</u></b>

- 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 repeaters of existing provisions.

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required

Not Required

**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance/Resolution**

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 53 (PERSONNEL), § 53-11 OF THE JERSEY CITY MUNICIPAL CODE**

**Initiator**

Department/Division	Human Resources	
Name/Title	Mark Bunbury	Director
Phone/email	(201) 547-5732	MBunbury@icnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Purpose**

To authorize the City of Jersey City to amend and supplement Chapter §53-11 of the Municipal Code.

I certify that all the facts presented herein are accurate.

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

  
\_\_\_\_\_  
Date

City Clerk File No. 18-103

Agenda No. 3. K 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 18-103

TITLE:

ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GIFT OF AN EASEMENT FOR ACCESS PURPOSES IN CONNECTION WITH THE PRELIMINARY AND FINAL MAJOR SUBDIVISION OF LANDS DESIGNATED AS BLOCK 21901, LOTS 5-10 AND BLOCK 24601, LOTS 1-12 ON THE APPLICATION OF BAYFRONT REDEVELOPMENT LLC

**WHEREAS**, on June 30, 2003, the district court for the District of New Jersey (the "Court") issued a Final Judgment in Interfaith Community Organization v. Honeywell International Inc., Civ. No. 95-2097 (DMC), ordering the remediation of an area designated by the New Jersey Department of Environmental Protection ("NJDEP") as Study Area 7 by excavation of all chromium impacted soils on Study Area 7; and on January 13, 2012 the Court issued an Amended Order Modifying Injunction, recognizing the completion of the soil excavation portion of the Final Judgment and vacating the portion of the Final Judgment addressing the excavation of soils; and

**WHEREAS**, on December 23, 2005, the Jersey City Municipal Utilities Authority ("JCMUA") filed Jersey City Municipal Utilities Authority v. Honeywell International Inc., D.N.J., Civ. No. 05-5955 (DMC), against Honeywell International Inc. ("Honeywell") under the Resource Conservation and Recovery Act ("RCRA"), and seeking remediation of chromium impacted soils on property owned by JCMUA within an area designated by NJDEP as Study Area 6 North; and

**WHEREAS**, on December 28, 2005, the Jersey City Incinerator Authority ("JCIA") filed Jersey City Incinerator Authority v. Honeywell International Inc., D.N.J., Civ. No. 05-5993 (DMC), bringing claims against Honeywell under RCRA, and seeking remediation of chromium impacted soils on property owned by JCIA within Study Area 6 North; and

**WHEREAS**, on January 4, 2006, the Hackensack Riverkeeper, Inc., Captain William Sheehan, Reverend Winston Clark, and Lawrence Baker (collectively, the "Riverkeeper") filed Hackensack Riverkeeper, Inc. v. Honeywell International Inc., D.N.J., Civ. No. 06-022 (DMC), bringing a claim against Honeywell under RCRA and seeking remediation of chromium impacted soils as to soils, groundwater, surface waters, and sediments associated with various properties collectively designated by NJDEP as Study Areas 5 and 6; and

**WHEREAS**, in Riverkeeper v. Honeywell, Riverkeeper alleged that Honeywell bears responsibility for the presence and remediation of chromite ore processing residue and chromium in soils and groundwater on the Study Area 5 and 6 properties; and

**WHEREAS**, Riverkeeper named as defendants in Riverkeeper v. Honeywell, all owners of the properties that comprise Study Areas 5 and 6, as it was legally required to do; the property owners include the City of Jersey City (the "City"), JCMUA, and JCIA (collectively, the "Jersey City Entities"); and

**WHEREAS**, the Jersey City Entities and Honeywell also asserted cross-claims against each other in Riverkeeper v. Honeywell; and

**WHEREAS**, JCMUA v. Honeywell, JCIA v. Honeywell, and Riverkeeper v. Honeywell and related litigation were consolidated by the United States District Court for the District of New Jersey (the "Consolidated Litigation"); and

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Redevelopment Law") provides for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

**WHEREAS**, Study Areas 6 and 7 (the "Redevelopment Area") consists of parcels which by Resolution 08-130 adopted by the Council of the City of Jersey (the "City Council") on February 27, 2008 and by Resolution 08-172 adopted on March 12, 2008, have been determined to be "areas in need of redevelopment" under the criteria of the Redevelopment Law because of conditions prevalent in those parcels; and

**WHEREAS**, by Ordinance 08-25 adopted by the City Council on March 12, 2008 and signed into law on March 19, 2008, the City adopted the Bayfront 1 Redevelopment Plan as the redevelopment plan for the Redevelopment Area (the "Redevelopment Plan"); and

**WHEREAS**, the Redevelopment Plan contemplates creation of a major mixed use project in an important section of the City; and

**WHEREAS**, under the Redevelopment Plan, portions of the Redevelopment Area are to be developed, following remediation, as open space parks with recreation and other facilities and a portion of the Redevelopment Area is to be developed primarily as hardscape open space and roadways; and

**WHEREAS**, the City desires to contribute to the development of aesthetically pleasing open space parks for its residents in a revitalized West Side, dubbed the "Green Coast"; and

**WHEREAS**, the City recognizes that public parks and open spaces are key components to urban communities and neighborhoods that are essential to the quality of life of all Jersey City residents; and

**WHEREAS**, increasing acreage in the City's ROSI is an important public benefit; and

**WHEREAS**, on April 21, 2008, the United States District Court for the District of New Jersey the ("District Court") entered the Consent Decree Regarding the Remediation and Redevelopment of Study Area 6 North (the "North Consent Decree") resolving issues between Honeywell, the Jersey City Entities; and Riverkeeper related to chromium impacted soils at Study Area 6 North; and

**WHEREAS**, under the North Decree, Bayfront Redevelopment LLC ("Bayfront"), whose sole member is Honeywell, agreed to donate an open space park (the "AOC 1 Open Space Area") to Jersey City following remediation and Jersey City agreed to accept this donation and to add the park to its Green Acres Program Recreation and Open Space Inventory ("ROSI"); and

**WHEREAS**, the AOC 1 Open Space Area is generally shown as "Central Park" in the Redevelopment Plan; and

**WHEREAS**, on August 15, 2012 the District Court entered a First Amended Consent Decree Regarding Remediation and Redevelopment of Study Area 6 North in the Litigation (the "First Amended 6 North Decree") which amended the terms of the settlement between Honeywell, the Jersey City Entities and the Riverkeeper as to remediation of chromium impacted soils at Study Area 6 North; and

**WHEREAS**, on December 19, 2008, the District Court entered the Consent Decree Regarding the Remediation and Redevelopment of Study Area 6 South in the Consolidated Litigation (the "South Consent Decree") resolving issues between Honeywell, Jersey City and Riverkeeper related to chromium impacted soils at Study Area 6 South; and

**WHEREAS**, pursuant to the South Consent Decree, Bayfront agreed to donate an open space park area (the "Open Space AOC") to the City following remediation and the City agreed to accept this donation and to add the park to its ROSI; and

**WHEREAS**, the Open Space AOC is generally shown as "The Promenade" in the Redevelopment Plan; and

**WHEREAS**, on August 13, 2012 the District Court entered a First Amended Consent Decree Regarding Remediation and Redevelopment of Study Area 6 South in the Consolidated Litigation (as same may be further amended from time to time, the "First Amended South Consent Decree") which amended the terms of the settlement between Honeywell, Jersey City and the Riverkeeper as to remediation of chromium impacted soils at Study Area 6 South; and

**WHEREAS**, the First Amended North Consent Decree and the First Amended South Consent Decree both contemplate that Study Areas 6 and 7 will be subdivided to facilitate (a) the creation of the public parks referenced as Central Park and the Promenade in the Redevelopment Plan and the hardscape areas and the conveyance of those areas to Jersey City and (b) the conveyance of certain development parcels to the "Vertical Developer" who will redevelop the Redevelopment Area;

**WHEREAS**, Bayfront made application to the Planning Board of the City of Jersey City (the "Planning Board") for preliminary and final major subdivision approval to subdivide portions of the Redevelopment Area into the following nine (9) lots:

- Lot 1            Development lot to be conveyed to the Vertical Developer;
- Lot 2            "Central Park" to be conveyed Jersey City for a park;
- Lot 3            Development lot to be conveyed to the Vertical Developer;
- Lot 4            The "Promenade" to be conveyed Jersey City for a park;
- Lot 5            Development lot to be conveyed to the Vertical Developer;
- Lot 6            Lot to be conveyed to the City for hardscape open space and roads;
- Lot 7            Lot to be conveyed to Vertical Developer for riverfront walkway;
- Lot 8            Lot to be conveyed to Vertical Developer for riverfront walkway;
- Lot 9            JMCUA parcel

**WHEREAS**, on June 5, 2018 the Planning Board heard and approved the application of Bayfront for preliminary and final major subdivision approval, subject to conditions; and

**WHEREAS**, June 19, 2018 the Planning Board adopted a Resolution memorializing its approval of the application of Bayfront for preliminary and final subdivision approval (the "Planning Board Resolution"); and

**WHEREAS**, the Planning Board Resolution contained the following condition of approval:

1.     The Applicant shall execute a Private Easement Agreement, which creates the private easements shown on the Subdivision Plan. The form of the Private Easement Agreement shall be in a form reasonably

satisfactory to counsel for the Planning Board. The City of Jersey City shall be a beneficiary of the Private Easement. The Private Easement Agreement shall be recorded with the Hudson County Register prior to perfection of the subdivision.

**WHEREAS**, it is necessary for the City to adopt this Ordinance for the acceptance of a gift of an interest as a beneficiary of the Private Easement Agreement contemplated by the Planning Board Resolution in order to facilitate (a) the creation of the public parks referenced as Central Park and the Promenade in the Redevelopment Plan and the hardscape areas and the conveyance of those areas to Jersey City and (b) the conveyance of certain development parcels to the Vertical Developer who will redevelop the Redevelopment Area;

**WHEREAS**, it is also necessary for this Ordinance to authorize the execution and delivery of the Private Easement Agreement, substantially in the form annexed hereto, subject to such revisions as the Corporation Counsel and the Mayor may deem appropriate.

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

- (1) the Mayor or Business Administrator is authorized to accept as a gift of an interest as a beneficiary of the Private Easement Agreement contemplated by the Planning Board Resolution;
- (2) the Mayor or the Business Administrator is authorized to execute and deliver a Private Easement Agreement, substantially in the form annexed hereto, subject to such revisions as the Corporation Counsel and the Mayor may deem appropriate.

1061766.2

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required   
Not Required



**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance/Resolution**

**ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GIFT OF AN EASEMENT FOR ACCESS PURPOSES IN CONNECTION WITH THE PRELIMINARY AND FINAL MAJOR SUBDIVISION OF LANDS DESIGNATED AS BLOCK 21901, LOTS 5-10 AND BLOCK 24601, LOTS 1-12 ON THE APPLICATION OF BAYFRONT REDEVELOPMENT LLC**

**Initiator**

Department/Division	Business Administrator	
Name/Title	Brian Platt	Business Administrator
Phone/email	(201) 547-5147	BPlatt@icnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Purpose**

To authorize the Mayor or Business Administrator to accept and execute an easement agreement for access purposes in connection with the preliminary and final major subdivision of lands designated as block 21901, lots 5-10 and block 24601, lots 1-12 on the application of Bayfront Redevelopment LLC.

I certify that all the facts presented herein are accurate.

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

\_\_\_\_\_  
Date

## PRIVATE EASEMENT AGREEMENT

This **PRIVATE EASEMENT AGREEMENT** (“**Agreement**”) is made this        day of \_\_\_\_\_, 2018 between by **BAYFRONT REDEVELOPMENT LLC**, a Delaware Limited Liability Company, (“**Bayfront**”) and **CITY OF JERSEY CITY** (“**City**”), a municipal corporation of the State of New Jersey.

### RECITALS:

- A.     The City Council of the City (the “**City Council**”) has designated certain lands and premises commonly known as the Bayfront 1 Redevelopment Area (the “**Redevelopment Area**”) as an area in need of redevelopment by Resolution 08-130 dated February 27, 2008 and corrected by Resolution 08-172 dated March 12, 2008. By Ordinance 08-025 adopted by the City Council on March 12, 2008 and signed into law on March 19, 2008, the City adopted the Bayfront 1 Redevelopment Plan dated February 13, 2008 (the “**Redevelopment Plan**”) as the redevelopment plan for the Redevelopment Area. By Resolution 08-04-03 dated April 15, 2008, the Jersey City Redevelopment Agency (the “**JCRA**”) designated Bayfront as the redeveloper of the Redevelopment Area, subject to the execution of a mutually acceptable redevelopment agreement between Bayfront and the JCRA. Bayfront and the JCRA entered into a redevelopment agreement dated as of May 12, 2008.
- B.     Bayfront owns the portions of the Redevelopment Area described in Exhibit “A” attached hereto (the “**Property**”).

- C. Bayfront, as applicant, and the JCRA and the Jersey City Municipal Utilities Authority as co-applicants made application to the Planning Board of the City of Jersey City (the “**Planning Board**”) for a preliminary and final major subdivision to subdivide portions of the Redevelopment Area into nine (9) lots. The subdivision is shown on a plat entitled “Final Major Subdivision for Bayfront Redevelopment, LLC Block 21901, Lots 5 through 10 (including Block 6) & Block 24601, Lots 1 through 12, City of Jersey City, Hudson County, New Jersey”, prepared by Maser Consulting, P.A., dated August 1, 2016, last revised \_\_\_\_\_ the (“**Subdivision Plat**”). A copy of the Subdivision Plat is attached hereto as Exhibit “B”. The Subdivision Plat shows the various roads required by the Redevelopment Plan to be provided by private easements, and it includes a note stating “No new public roads are being created by this Subdivision”.
- D. The subdivision was approved by the Planning Board, which approval was memorialized in a Resolution of the Planning Board dated \_\_\_\_\_ (the “**Resolution**”). The Resolution contains a condition requiring that Bayfront to enter into a written easement agreement which creates the private easements for all of the roads on the Property shown on the subdivision plat (the “**Approval Condition**”).
- E. This Agreement is being made to comply with the Approval Condition;
- NOW, THEREFORE**, Bayfront and the City agree as follows:

## ARTICLE I

### INTERPRETATION

**1.1 Interpretation.** This Agreement be interpreted and construed in accordance with the substantive and procedural laws of the State of New Jersey.

**1.2 Severability.** If any clause, sentence, provision or other portion of this Agreement shall become illegal, null or void for any reason, the remaining portions shall constitute this Agreement and this Agreement shall remain in full force and effect.

**1.3 Defined Terms.** Certain terms (whether consisting of one or more words) use herein, and designated as a defined term by having the first letter of each word of the term capitalized (not to include proper names and places), shall have the meaning set forth below:

**1.3.1 Agreement:** The meaning set forth in the introductory paragraph to this Agreement.

**1.3.2 Approval Condition:** The meaning set forth in the Recitals.

**1.3.3 Bayfront:** The meaning set forth in the introductory paragraph to this Agreement.

**1.3.4 Bayfront Parcel:** The meaning set forth in the Recitals.

**1.3.5 City:** The meaning set forth in the introductory paragraph to this Agreement.

**1.3.6 City Council:** The meaning set forth in the Recitals.

**1.3.7 JCRA:** The meaning set forth in the Recitals.

**1.3.8 Legal Requirements:** The requirements of all laws, ordinances, rules, regulations and orders of all federal, state, county, municipal or other governmental

authorities. Legal requirements shall include, without limitation, (a) the First Amended Consent Decree Regarding Remediation and Redevelopment of Study Area 6 South entered by the United States District Court for the District of New Jersey (the "Court") on August 15, 2012, Document No. 1140 and the First Amended Consent Decree Regarding Remediation and Redevelopment of Study Area 6 North, both entered by the Court in Jersey City Municipal Utilities Authority v. Honeywell International Inc. Case No. 2:95-cv-02097 JLL (and the cases consolidated therewith) as either may be amended from time to time (collectively, the "Consent Decrees") and (b) the Open Space Design Standards adopted pursuant to the Consent Decrees, as same may be amended from time to time

**1.3.9 Lot:** Any plot or parcel of land in the Property shown on any recorded subdivision map of the Property approved by the Planning Board by Resolution of the Planning Board dated June 19, 2018 or any amendment thereto approved by the Planning Board by any Resolution adopted subsequent thereto.

**1.3.10 Mortgage:** Any mortgage encumbering, or any real estate financing lease of, any portion of the Property.

**1.3.11 Mortgagee:** The holder of any Mortgage (or the landlord of any real estate financing lease that is a Mortgage).

**1.3.12 Occupant:** Any Person or Persons from time to time entitled to use and occupy any floor area in the Property under any lease, license, concession agreement or other instrument or arrangement.

**1.3.13 Owner:** Any Person or Persons holding title in fee simple to any Lot located on the Property. Where there is more than one Person holding title to a Lot, the

Owner shall be the Person designated in writing by all such Persons holding title. In the case of a condominium, the Board of Directors (or its equivalent) of the Condominium Association shall be considered the Owner for purposes of this Agreement and any amendments thereto, and the individuals holding title to the condominium units shall not be considered an Owner for purposes of this Agreement and any amendments thereto.

**1.3.14 Person:** Any individual, partnership, association, corporation, limited liability company or other form of business entity.

**1.3.15 Property:** The portion of the Redevelopment Area owned by Bayfront, as more particularly described in Exhibit B.

**1.3.16 Planning Board:** The meaning set forth in the Recitals.

**1.3.17 Redevelopment Area:** The meaning set forth in the Recitals.

**1.3.19 Redevelopment Plan:** The meaning set forth in the Recitals.

**1.3.19 Roadway System:** Those roads or ramps in the Property shown on the Subdivision Plat and maintained for the use of the Occupants of the Property and their employees and invitees for ingress and egress to and from the Property and for internal circulation within the Property.

**1.3.20 Subdivision Plat:** The meaning set forth in the Recitals.

**1.3.21 Term:** Shall have the meaning set forth in Section 8.1.

## ARTICLE II

### CONSTRUCTION OF ROADWAYS

**2.1 Construction by Owner.** Subject to compliance with all Legal Requirements and the provisions of this Agreement, each Owner shall commence construction of that portion of the Roadway System located on its Lot, on (a) not later than sixty (60) days after the date when the first building permit is obtained pursuant to a final site plan approval for that particular Lot or (b) such earlier date required by the Planning Board in a development approval for that particular Lot. After commencement of construction of that portion of the Roadway System, the Owner shall diligently continue and complete construction of that portion of the Roadway System on that particular Lot.

**2.2 Permits.** Each Owner shall be responsible for obtaining all building permits required for the work to be done by it pursuant to the provisions of this Agreement.

## ARTICLE III

### MAINTENANCE AND USE OF THE PROPERTY

**3.1 Maintenance of Roadway System.** After construction of any portion of the Roadway System and the issuance of a Certificate of Approval (or its equivalent) as to same, each Owner shall keep and maintain or cause to be kept and maintained that portion of the Roadway System located on its Lot, in a safe and clean condition, in good order and repair and free from snow and ice. Such maintenance shall be at the sole cost and expense of the Owner of the Lot where the portion of the Roadway System is located.

## ARTICLE IV

### EASEMENTS

**4.1 Ingress and Egress Easement.** Each Owner hereby grants to every other Owner, for the benefit of the other Owners and their respective officers, employees, agents, Occupants and invitees, the mutually reciprocal and non-exclusive right, privilege and easement to use the Roadway System for vehicular and pedestrian ingress to and from the Property and for vehicular and pedestrian internal circulation within the Property.

**4.2 Other Easements.** Nothing in this Agreement is intended to limit the right of any Owner to grant utility easements over its own Lot to one or more public utilities, governmental entities or to third parties.

**4.3 Right to Prevent Dedication or Prescriptive Rights.** Each Owner shall have the right, upon at least 30 days' notice to the other Owners, to designate a non-business day for the erection of barriers or chains for the purpose of blocking access to the roads on its Lot, for the minimum period of time under the laws of this State, in order to avoid the possibility of dedicating same to public use or creating prescriptive rights.

**4.4 Dedication of Roads** Notwithstanding the provisions of Section 4.3, upon completion of the installation of any portion of the roads and compliance with the City's design and construction requirements as to same, the developer shall offer to dedicate such roads to the City. This Agreement shall terminate as to all or any portion of the Roadway System that is dedicated for public use upon acceptance of the dedication by the City.



## ARTICLE V

### INSURANCE

**5.1 Commercial General Liability Insurance.** Each Owner shall maintain a policy of commercial liability insurance, naming itself as the insured, insuring against claims on account of death, bodily injury and property damage incurred on or about its Lot. Such insurance to be written with limits of not less than \$5,000,000 per occurrence and aggregate in respect of bodily injury or death and property damage.

**5.2 Commercial Automobile Liability Insurance.** Each Owner shall maintain a policy of commercial automobile liability insurance, naming itself as the insured, insuring against claims on account of death, bodily injury and property damage incurred on or about its Lot. Such insurance to be written with limits of not less than \$5,000,000 per occurrence in respect of bodily injury or death or property damage.

**5.3 Workers Compensation and Employers Liability.** Each Owner shall maintain a policy of workers compensation as required by law and employers liability with a limit of not less than \$1,000,000 per accident, covering their own employees.

**5.4 Mutual Indemnification.** Each Owner ("Indemnitor") shall indemnify, defend and hold harmless each other Owner (and the Occupants of each other Owner's Lot) (an "Indemnitee"), from and against all suits, proceedings, claims actions, damages, losses, costs, liabilities and expenses (including reasonable attorneys' fees) incurred by or instituted against the Indemnitee arising from or relating to the use, maintenance, repair, replacement, enhancement or improvement of the Roadway System located on the Indemnitor's Lot, or breach of this Agreement by Indemnitor or its agents, employees, or

contractors, except to the extent arising out of Indemnitee's (and the Occupants of such Indemnitee's Lot) negligence or willful misconduct.

**5.5 Policies of Insurance.** All such policies shall be issued by insurers authorized to do business in the State of New Jersey and having a Best rating of A- or better. Each Owner shall deliver, upon request, to the other Owners, a certificate of insurance evidencing coverage required to be maintained under this Article 5 and evidence of the renewal of such insurance as from time to time may be requested. Coverage may be provided under a blanket policy provided that the requirements of this Article are met in all respects.

## **ARTICLE VI**

### **EMINENT DOMAIN**

**6.1 Condemnation.** After the entry of any final order condemning any part of the Property, or after any taking without such order by right of eminent domain or any other authority of law, of any part of the Property, each Owner shall promptly restore the Lot owned by it to a safe and visually pleasing condition. Nothing contained in this Article 7 shall in any manner limit any Mortgagee's use of any condemnation award as provided in its Mortgage.

Notwithstanding anything in this Agreement to the contrary, in the event any part or portion of the Property upon which any Owner shall have any easements or rights hereunder, shall be taken by condemnation or eminent domain, the Owner of the Lands taken hereby agrees that every other such Owner shall be deemed to have suffered independent damage to its own rights. To the maximum extent allowable by applicable law, each other Owner shall have the right to make an application to such condemning

authority for an appropriate award to the other Owner with respect to same, which said application may be made together with any application of the Owner of the lands taken or, if other Owner so elects, independently thereof.

## **ARTICLE VII**

### **TERM**

**7.1 Term.** The term of this Agreement (the “**Term**”) shall commence upon the date hereof, and shall be perpetual, unless terminated sooner by subsequent written agreement of all Owners at the time.

Notwithstanding the foregoing, this Agreement shall terminate as to all or any portion of the Roadway System that is dedicated for public use upon acceptance of the dedication by the City.

## **ARTICLE VIII**

### **MISCELLANEOUS PROVISIONS**

**8.1 Independent Contractors.** Nothing contained in this Agreement shall be construed to make the Owners hereto partners or joint venturers, or to render any of said owners liable for the debts or obligations of any other owner.

**8.2 Covenants Running With the Land.** All the covenants, agreements, conditions and restrictions set forth in this Agreement are intended to be and shall be construed as covenants running with the land, binding upon, inuring to the benefit of, and enforceable by, the Owners (including their heirs, executors, administrators, successors and assigns), all subsequent Owners of their respective Lots or any parts thereof and the holders of any first Mortgage on any Lot and the respective tenants, subtenants, licensees, invitees, servants, agents, employees and contractors of any Owner.

However, the obligation of any Owner of all or part of the Property shall continue only during such period of time as it shall be the Owner of title to its respective portion of the Property. If any Owner sells, conveys or otherwise disposes of title to its respective portion of the Property, upon such sale, conveyance or other disposition of title all obligations thereafter accruing, shall become the obligation of the new Owner of such portion without the requirement of any further documentation. The Owner which has divested itself entirely of ownership in the Property shall be forever freed from any future obligations hereunder arising after the date of such sale or conveyance. Notwithstanding the foregoing, no such sale or conveyance shall relieve the transferring Owner of any obligation under this Agreement for (a) any amounts covered by its insurance; or (b) fraud or misrepresentation.

**8.3 City as Beneficiary.** As required by the Approval Condition, the City shall be a beneficiary of this Agreement and shall have the right to enforce same.

**8.4 Non Merger.** If the ownership of any Lot or any leasehold estate created therein, shall be or become vested in any Person, then and in that event, the respective estates involved and the covenants, easements and restrictions contained herein shall not merge by operation of law, it being the intent of the parties that no such merger shall occur.

**8.5 No Termination.** No breach of this Agreement or default by any Owner shall entitle any other Owner to terminate or cancel this Agreement.

**8.6 Notices.** Every notice, demand, consent, approval or other document or instrument required or permitted to be served upon any Owner shall be in writing and shall be deemed to have been duly served on the day of receipt and shall be hand delivered or

sent by certified United States Mail, postage prepaid, return receipt requested, or by nationally recognized overnight courier service, addressed to the respective Owner at its addresses set forth below. Any Owner may change the place of serving of notices on it by serving a ten (10) day prior written notice to that effect upon all other Owners and the City. Any new Owner may provide the address for serving notices on it by ten (10) days' prior written notice informing all other Owners and the City of the change in address to which notices shall be sent.

To Bayfront: Bayfront Redevelopment LLC,  
c/o Honeywell International Inc.  
[to be supplied]  
  
ATTN: Daniel Kirschner  
Vice President, Global Real Estate

With copy to: Bayfront Redevelopment LLC  
c/o Honeywell International Inc.  
115 Tabor Road  
Morris Plains, New Jersey 07950  
ATTN: Thomas Byrne  
Associate General Counsel/Chief  
Environmental Counsel

To Owner: Bayfront Redevelopment LLC,  
c/o Honeywell International Inc.  
[to be supplied]  
  
ATTN: Daniel Kirschner  
Vice President, Global Real Estate

To the City:

**8.7 Exculpation.** The liability of an Owner in the event of a breach or default by such Owner (the "**Defaulting Owner**") pursuant to the provisions of this Agreement shall

be limited to the Defaulting Owner's equity in the Defaulting Owner's Lot. No other assets of the Defaulting Owner or of any partner, member, shareholder, officer, director or manager of the Defaulting Owner will be subject to levy, execution or other enforcement procedures for the satisfaction of any judgment (or other judicial process) arising out of, or in connection with this Agreement. Notwithstanding the foregoing, the aforesaid exculpation provisions shall not apply and the Defaulting Owner shall retain personal liability for (a) any amounts covered by its insurance or (b) fraud.

**8.8 Condominiums.** If one or more Lots in the Property are developed in a condominium form of ownership, any and all rights conferred and obligations imposed by this Agreement shall be conferred and imposed on the Condominium Association and not on the Persons holding title to the individual condominium units.

**8.9 Exhibits, Recitals.** The exhibits attached hereto and the introductory recital are both integral parts of this Agreement.

**8.10 Recording.** Promptly after the complete execution and delivery of this Agreement, Bayfront shall cause this Agreement to be recorded in the appropriate land records office.

**8.11 Article and Section Headings.** The Article and Section headings of this Agreement are for convenience of reference only and in no way define or limit the scope or content of this Agreement, or in any way affect this Agreement.

**8.12 Number and Gender.** The use herein of (a) the singular number shall be deemed to also include the plural, (b) the masculine gender shall be deemed to also include the feminine or neuter, and (c) the neuter gender shall be deemed to also include the masculine or feminine whenever the sense of this Agreement so requires.

**8.13 No Dedication Intended.** Nothing contained herein shall be construed to constitute or create a dedication of the Roadway System or any portion thereof to the City as a public road. It is the intention of the parties that this Agreement shall create private access easements and not public roads.

**8.15 Amendments.** This Agreement may be amended only by an instrument signed and delivered by all Owners and by the City. Except as provided in Section 7.1, this Agreement may be terminated only by an instrument signed and delivered by all Owners and by the City.

Notwithstanding the foregoing, the City agrees that Bayfront shall have the right to make any de minimus, non-material revisions to this Agreement without the prior consent of the City.

The City shall not unreasonably (a) refuse to enter into any other amendments proposed by all of the Owners of the Bayfront Parcel, (b) condition its agreement to such amendment or (c) delay its consent to such amendment. Any amendment which revises the location of the roads shown on the approved Subdivision Plat shall require the approval of the Planning Board following an application for an amendment to the approved Subdivision Plat and a public hearing re same.

**8.16 Governing Law** This Agreement shall be governed by the laws of the State of New Jersey.

**INTENDING TO BE LEGALLY BOUND**, Bayfront Redevelopment LLC and the City of Jersey City have executed this Agreement on the day and year first above written.

**BAYFRONT REDEVELOPMENT LLC**  
a Delaware limited liability company

By: **HONEYWELL INTERNATIONAL INC.**  
a Delaware corporation, Sole Member

By: \_\_\_\_\_  
Daniel Kirschner  
Vice President, Global Real Estate

**THE CITY OF JERSEY CITY**  
a municipal corporation of the State of New Jersey

By: \_\_\_\_\_  
Steven M. Fulop  
Mayor



ACKNOWLEDGEMENT

STATE OF :  
                  :  
                  : SS  
COUNTY OF :

I CERTIFY, that on this \_\_\_\_ day of \_\_\_\_\_, 2018, Daniel Kirschner personally came before me and this person acknowledged under oath, to my satisfaction that:

- a. he is the Vice President, Global Real Estate of Honeywell International Inc. which is the sole member of Bayfront Redevelopment LLC named in this document;
- b. that the execution and making of this document has been duly authorized by Honeywell International Inc. in its capacity as sole member of Bayfront Redevelopment LLC; and
- c. this document was signed and delivered by the voluntary act and deed of Honeywell International Inc. in its capacity as sole member of Bayfront Redevelopment LLC.

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Notary Public

ACKNOWLEDGEMENT

STATE OF NEW JERSEY :

SS

COUNTY OF HUDSON :

I CERTIFY, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2018, Steven M. Fulop personally came before me and this person acknowledged under oath, to my satisfaction that:

- a. this person is the Mayor of the City of Jersey City, a municipal corporation of the State of New Jersey;
- b. this person was authorized to execute this instrument on behalf of the City of Jersey City; and
- c. this person executed this instrument as the act of the City of Jersey City.

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Attorney-at-Law  
State of New Jersey

**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF THE PROPERTY**

**EXHIBIT "B"**  
**SUBDIVISION PLAT**

See attached

1042403.5