

City Clerk File No. Ord. 18-051

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 18-051

TITLE: ORDINANCE SUPPLEMENTING CHAPTER 21 (CONTRACTS AND INVESTMENTS) ARTICLE I (CONTRACTING AUTHORITY) OF THE JERSEY CITY MUNICIPAL CODE REQUIRING THAT THE HIRING OF FREELANCE WORKERS FOR SERVICES OF \$500 OR MORE BY PERSONS ENGAGED IN COMMERCIAL OR BUSINESS ACTIVITIES WITHIN THE CITY OF JERSEY CITY BE BY WRITTEN CONTRACT SPECIFYING THE TIME AND MANNER OF PAYMENT

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

A. The following amendments and supplements to Chapter 21 (Contracts and Investments), Article I (Contracting Authority), are hereby adopted:

**CHAPTER 21
Contract and Investments
ARTICLE I
Contracting Authority**

§21-1.- Through §21-2. - No Change.

§21-3.- Hiring of freelance workers for services of \$500 or more by persons regularly engaged in commercial or business activity requires written contract for services specifying date of payment; prohibition against coercive acts during course of services.

A. It shall be unlawful for any person engaged in any regular commercial or business activity in the City of Jersey City or for any person acting in behalf of such person to retain the services of a freelance worker, if the promised payment for such services is \$500 or more, either at the time of retention or within the prior 120 days, without a written contract in compliance with subsection B of this section; nor shall any such person:

1. fail or refuse to pay the agreed payment within thirty days after completion of the agreed services;
2. demand as a condition of timely payment after work has begun that the freelance worker accept less payment than the amount of the agreed compensation; or
3. deny or threaten to deny a work opportunity to, or discriminate against, a freelance worker, or take any other action that penalizes a freelance worker for, or is reasonably likely to deter a freelancer worker from, exercising or attempting to exercise any right guaranteed under this chapter, or from obtaining future work opportunity because the freelance worker has done so.

It shall be a defense to any violation charged under this ordinance that the freelance worker has not completed the agreed services unless the failure to complete the agreed services was caused by the hiring party's failure to cooperate in good faith with the freelance worker, provided, however, that timely payment for the value of completed services may not be withheld because of a disagreement over any additional payments claimed by the freelance worker.

B. The written contract shall include, at a minimum, the following information:

1. The name and mailing address of both the hiring party and the freelance worker;
2. An itemization of all services to be provided by the freelance worker, the value of the services to be provided pursuant to the contract and the rate and method of compensation; and
3. The date on which the hiring party must pay the contracted compensation or the mechanism by which such date will be determined.

C. For purpose of this law, a person regularly engages in commercial or business activity if he or she owns or operates any business or trade or commercial property within the city or holds himself or herself out as regularly engaging in any business or trade. The resident owner of residential real property with four or fewer units and no commercial unit is not considered to be engaged in commercial or business activity under this ordinance.

D. As used herein Freelance worker means any natural person or any organization composed of no more than one natural person, whether or not incorporated or employing a trade name, that is hired or retained as an independent contractor by a hiring party to provide services in exchange for compensation. This term does not include:

1. Any person who, pursuant to the contract at issue, is a sales representative as defined in Title 2A of the New Jersey Statutes;
2. Any licensed attorney; and
3. Any person who is a licensed medical professional.

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.

TF/he
5/09/18

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 resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE SUPPLEMENTING CHAPTER 21 (CONTRACTS AND INVESTMENTS) ARTICLE 1 (CONTRACTING AUTHORITY) OF THE JERSEY CITY MUNICIPAL CODE REQUIRING THAT THE HIRING OF FREELANCE WORKERS FOR SERVICES OF \$500 OR MORE BY PERSONS ENGAGED IN COMMERCIAL OR BUSINESS ACTIVITIES WITHIN THE CITY OF JERSEY CITY BE BY WRITTEN CONTRACT SPECIFYING THE TIME AND MANNER OF PAYMENT

Initiator

| | | |
|---------------------|----------------------------------|-----------------|
| Department/Division | LAW | |
| Name/Title | PETER BAKER, Corporation Counsel | |
| Phone/email | (201) 547-4667 | PBaker@jcnj.org |

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

Ordinance Purpose

With the increase in commercial activity in Jersey City, many people now earn their livelihood by freelance contracting, performing small and large jobs for businesses in the City. Recently, some of these freelance workers have sought the assistance of the city on the ground that they are often hired through oral (unwritten) agreements and must often wait for payment after completing their services. Sometimes they are not paid at all. NYC recently enacted a law which sets up an office of mediation in NYC government to mediate disputes between freelance workers and the persons hiring them. In NJ, claims filed in the Small Claims Div. of Superior Court are often resolved through mediation.

The proposed ordinance attempts to give freelance workers two rights: the right to a written contract specifying, at a minimum, the time for payment and the right to be paid in a timely manner (no later than thirty days after the day specified for payment). It applies in business and commercial settings. It would not apply, e.g., to a homeowner who hires a contractor to do work or to the resident owner of a multiple dwelling with fewer than four rental units.

I certify that all the facts presented herein are accurate.


Signature of Department Director

5/15/18
Date

City Clerk File No. Ord. 18-052

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 18-052

TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE MORGAN GROVE MARIN REDEVELOPMENT PLAN REGARDING STANDARDS AND REQUIREMENTS OF THE COMMUNITY BENEFIT BONUS ON BLOCK 11508

WHEREAS, the Local Redevelopment and Housing Law, NJSA 40A:12A-1 et seq. permits municipalities to adopt and amend regulations dealing with areas declared to be "in need of redevelopment" and "in need of rehabilitation"; and

WHEREAS, the Municipal Council of the City of Jersey City adopted the Morgan Grove Marin Redevelopment Plan in 2006; and

WHEREAS, the Morgan Grove Marin Redevelopment Plan has been amended periodically since its adoption, most recently by ordinance 15-051 and ordinance 15-053, both on May 13, 2015; and

WHEREAS, the Municipal Council of the City of Jersey City wishes to assure continued high quality design and development within the Morgan Grove Marin Redevelopment Plan area; and

WHEREAS, the amendments proposed herein to the Morgan Grove Marin Redevelopment Plan are limited to the paragraphs outlining the bulk and density requirements and design standards of the Community Benefit Bonus on Block 11508; and

WHEREAS, the Planning Board of Jersey City, at its meeting of May 8, 2018, reviewed this amendment and found there to be many advantages including an increase in the size of a publically accessible outdoor plaza on Block 11508; and

WHEREAS, the board recommended that the proposed amendments with a floor amendment be adopted by Municipal Council; and

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the proposed Amendments, attached hereto, as Amended and Recommended by the Jersey City Planning Board on May 8, 2018, be, and hereby is, adopted.

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 hereby 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

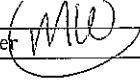
Certification Required
Not Required

ORDINANCE/RESOLUTION FACT SHEET – NON-CONTRACTUAL

Full Title of Ordinance/Resolution

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE MORGAN GROVE MARIN REDEVELOPMENT PLAN REGARDING STANDARDS AND REQUIREMENTS OF THE COMMUNITY BENEFIT BONUS ON BLOCK 11508

Initiator

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

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

The amendments proposed to Morgan Grove Marin Redevelopment Plan are limited to the paragraphs outlining the bulk and density requirements and design standards of the Community Benefit Bonus on Block 11508, an area located along Marin Blvd between Bay Street and First Street.

A prior amendment was made in May 2015 to implement the Community Benefit Bonus on Block 11508. No changes to the bonus requirements and qualifying criteria are proposed. Changes to the redevelopment are further limited to implementing a maximum permitted number of dwelling units, minimum dwelling unit size, increasing the permitted tower dimensions by 1,000 square feet per floor, design standards for the building façade and fenestration, and frontage requirements.


The Planning Board voted unanimously to recommend adoption of the proposed amendments inclusive of a floor amendment at its last regular meeting.

Public outreach was conducted in lead up to these amendments being scheduled before the Planning Board and have received support from the Harsimus Cove Association.

I certify that all the facts presented herein are accurate.


Signature of Division Director

5.14.18
Date


Signature of Department Director

5-14-2018
Date

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE MORGAN GROVE MARIN REDEVELOPMENT PLAN REGARDING STANDARDS AND REQUIREMENTS OF THE COMMUNITY BENEFIT BONUS ON BLOCK 11508

The amendments proposed to Morgan Grove Marin Redevelopment Plan are limited to the paragraphs outlining the bulk and density requirements and design standards of the Community Benefit Bonus on Block 11508, an area located along Marin Blvd between Bay Street and First Street.

A prior amendment was made in May 2015 to implement the Community Benefit Bonus on Block 11508. No changes to the bonus requirements and qualifying criteria are proposed at this time. Changes to the redevelopment plan are further limited to implementing a maximum permitted number of dwelling units, minimum dwelling unit size, increasing the permitted tower dimensions by 1,000 square feet per floor, design standards for the building façade and fenestration, and frontage requirements as it relates to the Community Benefit Bonus on Block 11508.

Proposed Amendments to the MGM Redevelopment Plan

January 30, 2018
(Planning Board Amended May 8, 2018)

Text to be added is shown as bold italics *like this*
Text to be deleted is shown as strikethrough ~~like this~~

Planning Board floor amendment:
Text to be added is shown as bold underline **like this**
Text to be deleted is shown in double strikethrough ~~~~like this~~~~

Section - VIII. SPECIFIC LAND USE REGULATIONS

NO CHANGES TO PARAGRAPHS A. THROUGH K.

- L. Community Benefit Bonus on Block 11508:
NO CHANGES TO QUALIFYING CRITERIA
1. Bonus Requirements –
 - a. NO CHANGE
 - b. The maximum permitted unit count shall be limited by the dwelling unit size and building bulk and design requirements specified below; ***and shall not exceed 507 dwelling units.***
 - c. NO CHANGE
 - d. NO CHANGE
 - e. NO CHANGE
 - f. NO CHANGE
 - g. NO CHANGE
 2. Permitted and Accessory Uses
NO CHANGE
 3. Minimum Dwelling Unit Size: ~~Same as Base Zoning Standards of Section VIII~~
 - a. ***Studio: 400square feet***
 - b. ***One Bedroom: 600 square feet***
 - c. ***Two Bedroom: 950 square feet***
 - d. ***Apartments with more than two bedrooms shall be a minimum of 950 square feet plus 250 square feet for each additional bedroom over two bedrooms.***
 4. Permitted Height:
NO CHANGE

5. Tower Dimensions and Location - The maximum floor plate of the tower shall not exceed ~~41,000~~ **12,000** square feet in area. The tower shall be situated on the Northeastern portion of the site.
6. Maximum Permitted Building Coverage –
NO CHANGE
7. Required Setbacks and Step-backs:
NO CHANGE
8. Parking Requirements:
NO CHANGE
9. Building Façade & Fenestration
 - a. The primary materials used on the facades of the building base shall be standard or Norman, non-jumbo brick or a material that the Planning Board determines to be consistent with the character of the low rise neighboring properties, however concrete block, EIFS or other cementitious concrete material are prohibited.
 - b. Where the façade of the building base along the interior property lines cannot contain windows or limited glazing, these facades shall contain recessed design elements to mimic windows and provide architectural interest.
 - c. Any blank walls may also employ the use of public art or a mural on the interior lot line walls of the building.
 - d. All facades of the tower shall be of equal design in detailing and materials. An exception may be requested for the façade treatment where a mural will be placed at the time of site plan application.
 - e. A significant top, (depicted by more than lighting) shall be incorporated into the building tower to provide a unique design element in the skyline.
 - f. *Pedestrian access to the building's commercial and residential uses ~~may~~ shall be provided from the required public plaza at the corner of Bay Street and Marin Boulevard in order to further activate this open space.***
 - g. *Notwithstanding any other requirement found elsewhere; the parking structure portion of the building shall be wrapped along the street frontages surrounding the building by active uses such as commercial and residential uses, and those stairways providing ingress and egress for building uses. Except that along Bay Street the parking use may adjoin the street frontage for a length of up to 75 feet, and along First Street the parking use may adjoin the street frontage for a length of up to 60 feet. Where an active use is not utilized to mask the parking within the building, the façade of the parking structure shall be designed to disguise the parking use within the structure through the use of architectural design treatments consistent with Sec. VII.C.3. of this Plan.***

City Clerk File No. Ord. 18-053

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 18-053

**TITLE: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 251
(PORNOGRAPHY AND OBSCENITY) OF THE JERSEY CITY MUNICIPAL CODE
REPEALING THE CURRENT VERSION IN ITS ENTIRETY AND ADOPTING A NEW
VERSION**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY DOES ORDAIN:

WHEREAS, Chapter 251 of the Municipal Code governs the sale, distribution or exhibition of obscene materials or devices and defines indecent exposure; and

WHEREAS, Chapter 251 of the Municipal Code was first adopted by the Municipal Council on May 27, 1982 as Ordinance MC-187 later amended and supplemented by Ordinance McC-131 on April 25, 1990 and amended again by Ordinance McC-197 on September 26, 1990; and

WHEREAS, the United States Supreme Court, ruling in the matter of Miller v. California, 413 U.S. 15 (1973), held that when establishing laws regulating obscene materials, the governing body must craft the regulation(s) in light of contemporary community standards as an average person within the community would judge them; and

WHEREAS, the Municipal Council finds that the current version of Chapter 251 no longer reflects the contemporary community standards and must be repealed in its entirety and a new version, reflecting contemporary community standards, must be adopted.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the existing version of Chapter 251 (Pornography and Obscenity) is repealed in its entirety and the following is hereby adopted:

CHAPTER 251 PORNOGRAPHY AND OBSCENITY

§ 251-1. - Definitions.

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

DISPLAY - To promote, issue, sell, give, provide, lend, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same.

FILM - Any motion picture, film, preview or trailer to a motion picture or film, not including any motion picture or film which portrays actual events or pictorial news.

LICENSED ESTABLISHMENT - any business licensed to sell alcoholic beverages for purchase or consumption.

MATERIAL - Anything tangible that is capable of being used, displayed or adapted for use.

OBSCENE - In accordance with the standards set forth in Miller v. California, 413 U.S. 15 (1973), any material, film or any performance which violates the accepted community standard for decency. The public display of material, film or a performance

shall be deemed obscene if an average resident of Jersey City, after having evaluated the display or performance as a whole, and after having applied contemporary community standards to the display or performance, would conclude that the display or performance (1) lacks any serious literary, artistic, political or scientific value and (2) appeals only to the prurient interest in sex.

Examples of obscenity include, but are not limited to, the public display of any material, any film or live performance which depicts:

- (1) reproductions or descriptions of intimate sexual acts, actual or simulated, including sexual intercourse and bestiality;
- (2) representations or descriptions of masturbation, excretory functions, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal or covered male genitals in a discernibly turgid state.

PERFORMANCE - A play, dance or other exhibition performed before an audience.

STATE OF NUDITY - The complete exposure of the anus or genitals or pubic area.

§ 251-2. - Display of Obscene Materials for sale, restrictions; fee.

- A. No person who operates a store, newsstand, booth, concession, movie and video sale or rental or similar business with unimpeded access for persons under 18 years of age or who is in business of making sales or rentals of movies, pictures, drawings, photographs or other visual depictions shall display or permit to be displayed at his or her business premises any Obscene Material at a height of less than five feet and without a blinder or other covering placed or printed on the material displayed. The public display of the Obscene Material shall constitute presumptive evidence that the retailer knowingly made or permitted this display.
- B. Every person who displays Obscene Materials as defined herein shall register with the Division of Commerce, identify the location of each site where such materials are displayed and thereafter notify the Division of Commerce of any change of location or change of address of the material displayed. There shall be a one-time registration fee as provided in Chapter 160, Fees and Charges, to offset the cost of registration and enforcement.

§ 251-3. - Unlawful acts.

A person commits an offense under this Chapter if that person:

- (1) displays any Obscene Material, or displays any Obscene Material for sale in a manner inconsistent with the provisions set forth in § 251-2;
- (2) publically presents an Obscene Film or Performance or participates in a part participates in a part of a performance that is obscene or that contributes to its obscenity;
- (3) appears or travels on any street, avenue, highway, road or waterway located in the City or to appears in any public place, store or business in a State of Nudity.

§ 251-4. - Licensed Establishments may be subject to more stringent restrictions.

Licensed Establishments are subject to the standards set forth in N.J.S.A. 33 et seq. governing the sale of Intoxicating Liquors and N.J.A.C. 13:2 et seq.. Nothing in this Chapter shall be construed as supplementing or superseding any of the regulations contained therein with respect to obscene or lewd behavior in or about a Licensed Establishment.

§ 251-5. - Violations and penalties.

The penalty for a violation of this article shall be as provided in Chapter 1, General Provisions, § 1-25.

- A. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- B. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance 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 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.

JJH 5/14/18

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

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 AMENDING AND SUPPLEMENTING CHAPTER 251 (PORNOGRAPHY AND OBSCENITY) OF THE JERSEY CITY MUNICIPAL CODE REPEALING THE CURRENT VERSION IN ITS ENTIRETY AND ADOPTING A NEW VERSION

Initiator

| | | |
|----------------------------|-----------------------|------------------------------------|
| Department/Division | The Municipal Council | Office of the Ward E Councilperson |
| Name/Title | James Solomon | Councilman, Ward E |
| Phone/email | 201-547-5315 | jsolomon@jcnj.org |

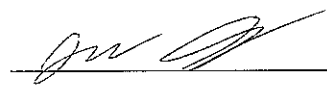
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

This Ordinance repeals the existing version of Chapter 251 and replaces it with an entirely new version more aligned with contemporary community standards.

Specifically, this new version updates and/or clarifies the definitions found in the existing version, removes any reference to sexual devices, and makes all references to the human anatomy gender-neutral. It also clarifies that events held within establishments which dispense alcoholic beverages are subject to the heightened standards set forth under the State's laws governing the sale of liquor.

I certify that all the facts presented herein are accurate.



**James Solomon
Councilman, Ward E**

May 14, 2018

Date

City Clerk File No. Ord. 18-054

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 18-054

TITLE: **ORDINANCE SUPPLEMENTING CHAPTER A351 (EXECUTIVE ORDERS AND ORDINANCES) OF THE JERSEY CITY CODE TO CREATE TWO (2) NEW CLASSIFIED POSITIONS FOR SUPERVISING PARKING ENFORCEMENT OFFICER AND DIRECTOR OF INSPECTIONS**

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

A. The following supplements to Chapter A351 (Executive Orders and Ordinances) of the Jersey City Code are adopted:

Labor Grade

Title

*
*

Supervising Parking Enforcement Officer
Director of Inspections

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 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 new material is underlined; words in [brackets] are omitted.
For purposes of advertising only, new matter is indicated by **boldface**
and repealed matter by *italic*.

*Pursuant to N.J.S.A. 40:69A-43a.

MB/sgp
05/14/18

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____

Business Administrator

Certification Required

Not Required

RESOLUTION/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 SUPPLEMENTING CHAPTER A351 (EXECUTIVE ORDERS AND ORDINANCES) OF THE JERSEY CITY CODE TO CREATE A NEW CLASSIFIED POSITION FOR THE TITLE OF SUPERVISING PARKING ENFORCEMENT OFFICER

Initiator

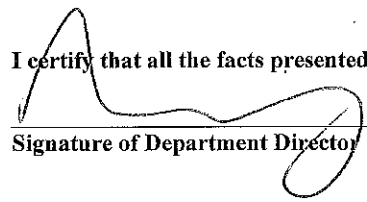
| | | |
|---------------------|-----------------|-----------------------------|
| Department/Division | Human Resources | Workforce Management |
| Name/Title | Mark Bunbury | Director of Human Resources |
| Phone/email | (201) 547-5217 | mbunbury@cnj.org |

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

Resolution Purpose

To establish a new title in accordance with New Jersey Civil Service Commission Rules and Regulations

I certify that all the facts presented herein are accurate.


Signature of Department Director

5/11/18
Date

New Title

Title: SUPERVISING PARKING ENFORCMENT OFFICER

Department: PUBLIC SAFETY

Division: PARKING AUTHORITY

Labor Grade: 18

Min: \$ 13,350

Max: \$ 48,548

Union: JCSA

RESOLUTION/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 SUPPLEMENTING CHAPTER A351 (EXECUTIVE ORDERS AND ORDINANCES) OF THE JERSEY CITY CODE TO CREATE A NEW CLASSIFIED POSITION FOR THE TITLE OF DIRECTOR OF INSPECTIONS

Initiator

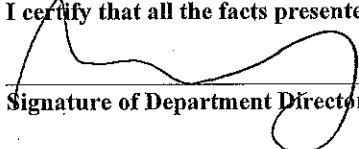
| | | |
|---------------------|-----------------|-----------------------------|
| Department/Division | Human Resources | Workforce Management |
| Name/Title | Mark Bunbury | Director of Human Resources |
| Phone/email | (201) 547-5217 | mbunbury@jcnj.org |

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

Resolution Purpose

To establish a new title in accordance with New Jersey Civil Service Commission Rules and Regulations

I certify that all the facts presented herein are accurate.


Signature of Department Director

5/14/18
Date

New Title

Title: Director of Inspections

Department: Health & Human Services

Division: Health

Labor Grade: 40

Min: \$ 29,400

Max: \$ 79,675.0

Union: Mgt

City Clerk File No. Ord. 18-055

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 18-055

TITLE: ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT), ARTICLE XII (DEPARTMENT OF HEALTH AND HUMAN SERVICES), OF THE JERSEY CITY MUNICIPAL CODE ESTABLISHING THE JERSEY CITY MUNICIPAL IDENTIFICATION CARD PROGRAM

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

WHEREAS, the City of Jersey City finds that many residents are unable to obtain government issued identification that is required to fully participate in Jersey City's society. This barrier leaves thousands of individuals, including immigrants, homeless people, formerly incarcerated people, transgender people, senior citizens, and young people without access to critical services, benefits, cultural, educational, and civic opportunities; and

WHEREAS, it is the intent of the City of Jersey City to build Jersey City's standing as a welcoming and inclusive center for all residents, without regard to a person's race, national origin, religion, sex, sexual orientation, gender identity, disability, or immigration, housing, or financial status. Further, it is the intent of the Council that the municipal identification card should affirm the identity and resident status of all Jersey City residents; and

WHEREAS, the City of Jersey City offers an array of cultural, educational, and civic opportunities meant to be accessible to all members of our community. The City Council intends to create a municipal identification card that can be used to expand access and incorporate more members of Jersey City's diverse community into the rich fabric of civic life. By authorizing the creation of this program, the City Council does not intend to expand identification requirements for access to basic services for exercise of constitutional rights. The program should not be used as a proxy to require individuals to produce government issued identification to access services and benefits where such identification is not presently required, such as registering to vote, casting a ballot, or accessing government buildings; and

WHEREAS, the City of Jersey City further recognizes that transgender and gender non-conforming individuals may have particular challenges in obtaining identification cards that reflect their gender identify, due to stigma and burdensome administrative policies for changing gender on other identification documents. This increases the likelihood they will experience discrimination in seeking employment or housing, or otherwise participating in cultural or civil life. It is the City of Jersey City's intention to make the program affirming to transgender residents by allowing for applicants to obtain identification that reflects their gender identity, regardless of assigned birth sex or gender designation on previously issued identity documents.

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 XIII (Department of Health and Human Services) are hereby adopted:

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

§3-105.1 – Municipal Identification Card Program

The Bureau of Licensing will be responsible to implement and execute the “Jersey City Municipal Identification Card Program”.

§3-105.2- Definitions.

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

Municipal Identification Card: shall mean an identification card issued to residents of the City of Jersey City by the City of Jersey City that shall, at a minimum, display the cardholder’s photograph, name, date of birth, address, and an expiration date. Such card shall also, at the cardholder’s option, display the cardholder’s self-designated gender. Such identification card shall be designed in a manner to deter fraud.

Resident: shall mean a person who can establish that he or she is a current resident of Jersey City.

Administering Authority: shall mean the Director of the Department of Health and Human Services or designee.

§3-105.3- Establishment of the Jersey City Municipal Identification Card Program.

- A. Chapter 3 of the Jersey City Municipal Code, entitled “Municipal Identification Card Program”, shall be established in accordance with the terms of this ordinance, which shall be liberally interpreted.
- B. The Bureau of Licensing shall administer the municipal identification card program and shall promulgate all rules necessary to effectuate the purposes of this subchapter. The cards will be issued at the City of Jersey City.
- C. The City of Jersey City Municipal Identification Card shall be available to any resident of Jersey City, age 14 and over, regardless of race, color creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, partnership status; any lawful source of income; housing status, status as a victim of domestic violence or status as a victim of sex offenses or stalking; or conviction or arrest record, provided that such resident is able to meet the requirements for establishing his or her identity and residency as set forth in this section.
- D. The Municipal Identification Card shall be valid for a period of two (2) years from the date of issuance. Residents of the City of Jersey City age fourteen (14) and over, but under eighteen (18) years of age may apply for a card with permission from a parent or legal guardian.
- E. The fee for the issuance of the Municipal Identification Card shall be \$15.00 for adults over the age of 18 and \$7.00 for children under 18 years of age, veterans, disabled, and senior citizens over the age of 62 years. In the event the Municipal Identification Card expires, the resident may present the expired Municipal Identification card and obtain another Municipal Identification Card. The renewal fees shall be \$10.00 for residents 18 years of age and older and \$5.00 for residents under 18 years of age, veterans, disabled, and senior citizens. The fee may be waived if the applicant attaches a financial hardship affidavit with their application.
- F. The original and any copies of the application will be returned to the applicant after the Municipal Identification Card is printed.

§3-105.4 Jersey City Municipal Identification Card Program Eligibility.

A. Proof of Identity: In order to obtain a municipal identification card, an applicant must establish proof of identify and proof of residency within the city as follows:

1. Proof of identity to establish identity, requires a minimum 4 points:
 - a. US or foreign passport;
 - b. US state driver's license or limited license issued by any US state;
 - c. US state identification card;
 - d. US permanent resident card;
 - e. Consular identification card;
 - f. Certified copy of US or foreign birth certificate;
 - g. Social Security card;
 - h. Individual Taxpayer ID Number (ITIN #), if available;
 - i. School identification card, if available;
 - j. Foreign driver's license;
 - k. US or foreign military identification card;
 - l. Current visa issued by a governmental agency;
 - m. Electronic benefit transfer card; or
 - n. Religious organization ID or a notarized letter from the governing board of a religious organization. The religious organization must be tax exempt pursuant to N.J.S.A. 54-3.6; or
 - o. Any other documentation that the administering agency deems acceptable.

The City of Jersey City shall determine the weight to be given to each type of document. A complete list of documents with a point value is available at the Bureau of Licensing.

2. Proof of Residency: In order to establish residency, an applicant shall be required to produce one or more of the following items, each of which must show the applicant's name and residential address located within the city and must be dated no more than sixty days prior to the date such document is presented, except as otherwise indicated in this paragraph. The application requires a minimum 2 points:
 - a. A utility bill;
 - b. A current residential property lease;
 - c. Local property tax statement dated within one (1) year of the date it is submitted;
 - d. Local real property mortgage payment receipt;
 - e. Bank account statements;
 - f. Proof that the applicant has a minor child currently enrolled in a school within the City;
 - g. An employment paystub;
 - h. Jury summons or court order issued by any type of court;
 - i. Federal or state income tax or refund statement dated within one year of the date it is submitted;
 - j. An insurance bill such as home insurance, rental insurance, health insurance, life insurance, or automobile insurance;
 - k. Written verification issued by a homeless shelter that receives city, state, or federal funding confirming at least fifteen (15) days residency;
 - l. Written verification issued by a hospital, health clinic, or social services agency located within Jersey City confirming at least fifteen (15) days residency; or
 - m. City of Jersey City shall determine the weight to be given to each type of document.

A complete list of documents with a point value is available at the Bureau of Licensing.

§3-105.5 Records to be kept by the City of Jersey City.

Any documentation provided by the applicant during the application process shall be immediately returned to the applicant after the Municipal Identification Card is printed. The City of Jersey City will not be retaining any records.

§3-107.10- Access to Services.

- A. All municipal agencies and offices, and all municipal employees, including law enforcement officers, shall accept such card as proof of identity and residency.
- B. The City of Jersey City may seek to expand the benefits associated with the Municipal Identification Card, including encouraging eligible persons to apply for the card and promoting the acceptance of the municipal identity card by banks and other public and private institutions.
- C. The City of Jersey City agencies and officers shall not require the possession of a City of Jersey City Municipal Identification Card where identification is not already required to obtain city services. Provided, however the agencies may require the possession of a Municipal Identification Card to obtain benefits or privileges offered exclusively to those who possess a Municipal Identification Card as an incentive to apply for a Municipal Identification Card.
- D. No City of Jersey City agencies or officers shall discriminate against or draw any inference about an individual's national origin, race, language proficiency, immigration status, religion, sexual orientation, disability, housing status, financial status, marital status, status as a victim of domestic violence, criminal history, or gender identity (although an inference about an individual's gender identity is permissible if the cardholder has elected to designate a gender on the card), based upon the fact that the individual holds or presents a municipal identity card issued under this ordinance.

§3-105.6- Community Outreach.

The City of Jersey City shall, consistent with all federal, state and local laws, provide language assistance to applicants for the municipal identity cards to facilitate access thereto. The City of Jersey City shall identify and implement measures, including but not limited to staff training, community outreach, and language assistance tools, to address the needs of limited English proficient individuals in the administration of the Municipal Identification Card program.

§3-105.7- Immunities.

The City of Jersey City is providing the Municipal Identification Card for identification and access to services provided by or in the City of Jersey City. The City of Jersey City does not guaranty or warrant either the information provided by the applicant or of/against acts, criminal or otherwise committed by the individual while possessing or using the City of Jersey City Municipal Identification Card. The city of Jersey City does not waive any of its protections afforded under Federal, State or Local Laws, including immunities under the New Jersey Tort Claim Act N.J.S.A 59: -1 et seq., by processing or issuing the City of Jersey City Municipal Identification Card.

§3-105.8- Counterfeit and Fraudulent Cards.

It is a violation of the Jersey City Municipal Code under this section for any person or entity to undertake any of the following acts:

1. to knowingly present false information in the course of applying for a City of Jersey City Municipal Identification Card;
2. to alter, copy, or replicate the Jersey City Municipal Identification Card; or
3. to use the Jersey City Municipal Identification Card issued to another person, with the intent to cause a third person or entity to believe the holder of the Card is the person to whom the card was issued.

Except as otherwise provided, any person who violates any provision of this Ordinance shall, upon conviction, be punished by a fine not exceeding five hundred (\$500.00) dollars. Separate offenses shall be deemed to be committed on each day during which or on which a violation occurs or continues.

B. The following amendments and supplements to Chapter 160 (Fees and Charges) are hereby adopted:

**CHAPTER 160
Fees and Charges**

§160-1. - Fee schedule established.

Fees shall be as follows:

A. Chapter 3, Administration of Government, Office of the City Clerk.

(1) Through (14). No Change.

(15) Jersey City Municipal Identification Card Fees.

(a) The fee for the issuance of the Municipal Identification Card shall be:

[1] \$15 for adults over the age of 18; and

[2] \$7 for children under 18 years of age, veterans, disabled, and senior citizens over the age of 62 years.

[3] The renewal fees shall be \$10.00 for residents 18 years of age and older and \$5.00 for residents under 18 years of age, veterans, disabled, and senior citizens.

The fee may be waived if the applicant attaches a financial hardship affidavit with their application.

A.1. Through UU. No Change.

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

D. 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.

E. This ordinance shall take effect subject to the terms of this ordinance at the time and in the manner as provided by law.

F. 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.
5/14/18

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required

Not Required

City Clerk File No. Ord. 18-056

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 18-056

TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 332(VEHICLES AND TRAFFIC) ARTICLE III(PARKING, STANDING AND STOPPING) OF THE JERSEY CITY CODE AMENDING SECTION 332-24(PARKING PROHIBITED CERTAIN HOURS) DESIGNATING 165 FEET AS NO PARKING, SCHOOL DAYS, EXCEPT HOLIDAYS, 7:30 A.M. TO 8:30 A.M. AND 2:30 P.M. TO 3:30 P.M. ON THE EAST SIDE OF NELSON AVENUE

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

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

Section 332-24

PARKING PROHIBITED CERTAIN HOURS

No person shall park a vehicle between the hours specified upon any of the streets or parts thereof listed below.

| Name of Street | Side | Days of Week | Hours | Limits |
|----------------|----------------------|--------------|---------------------|--|
| Nelson Av | East | School Days | <u>7:30 a.m. to</u> | <u>225 feet north of Kennedy Blvd 165 feet north</u> |
| | | Except | <u>8:30 a.m.</u> | |
| | | Holidays | <u>2:30 p.m. to</u> | <u>348 feet north of Kennedy Blvd 25 feet north</u> |
| | | | <u>3:30 p.m.</u> | |
| | <u>[7:30 a.m. to</u> | | | |
| | <u>[4:00 p.m.]</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 fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- This ordinance shall take effect at the time and in the manner provided by law.
- 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 new material to be inserted is underscored; material to be repealed is in [brackets].

AV:pci
(04.25.18)

APPROVED: [Signature]
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

APPROVED: [Signature]
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) ARTICLE III(PARKING, STANDING AND STOPPING) OF THE JERSEY CITY CODE AMENDING SECTION 332-24(PARKING PROHIBITED CERTAIN HOURS) DESIGNATING 165 FEET AS NO PARKING, SCHOOL DAYS, EXCEPT HOLIDAYS, 7:30 A.M. TO 8:30 A.M. AND 2:30 P.M. TO 3:30 P.M. ON THE EAST SIDE OF NELSON AVENUE

Initiator

| | | |
|---------------------|---|---|
| Department/Division | Administration | Engineering, Traffic and Transportation |
| Name/Title | Andrew Vischio, P.E. at the request of Councilman Michael Yun | 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 east side of Nelson Avenue, beginning at the southern building line of the Global Charter School and extending to Congress Street, as "No Parking School Days, Except Holiday, 7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 3:30 p.m. Clearing this area of parked vehicles will facilitate the drop-off and pick-up of the students, transported by bus and passenger vehicles in both the morning and afternoon hours.

I certify that all the facts presented herein are accurate.


Director of Traffic & Transportation

4/26/18
Date


Signature of Department Director

5/2/18
Date



STEVEN M. FULOP
MAYOR OF JERSEY CITY

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



BRIAN D. PLATT
BUSINESS ADMINISTRATOR

MEMORANDUM

DATE: April 25, 2018

TO: Peter J. Baker, Corporation Counsel ✓
Brian D. Platt, Business Administrator
Robert Byrne, City Clerk
James Shea, Director, Department of Public Safety
Councilman Michael Yun, Ward D

FROM: Patricia Logan, Engineering Aide
Division of Engineering, Traffic and Transportation

SUBJECT: **PROPOSED ORDINANCE: NELSON AVENUE-NO PARKING SCHOOL DAYS**

At the request of Councilman Yun, on behalf of the residents in the area of the Global Charter School, please be advised, this Division has proposed legislation (for the Council's consideration) amending Chapter 332(Vehicles and Traffic) Section 332-24 (No Parking Certain Hours) of the Jersey City Traffic Code.

The purpose of this Ordinance is to designate the east side of Nelson Avenue, beginning at the southern building line of the Global Charter School and extending to Congress Street, as "No Parking School Days, Except Holiday, 7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 3:30 p.m. Clearing this area of parked vehicles will facilitate the drop-off and pick-up of the students, transported by bus and passenger vehicles in both the morning and afternoon hours.

Councilman Yun has been made aware of the proposed Ordinance by Email as well (copy attached). The recommended amendment should appear on the Agenda for the May 9, 2018 Municipal Council Meeting.

Feel free to contact me at extension 4419 or at AVischio@icnj.org if you have any questions regarding this matter.

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

- C: Jose R. Cunha, P.E., C.M.E., C.P.W.M., C.R.P., Municipal Engineer
 Andrew Vischio, P.E.
 Chief of Staff Mark Albiez
 Captain Edgar Martinez, Commander, North District
 Mary Spinello-Paretti, Director, Division of Enforcement, Department of Public Safety
 Council President LaVarro, Jr. Councilwoman Watterman Councilman Rivera
 Councilwoman Ridley Councilwoman Prinz-Arey Councilman Boggiano
 Councilman Solomon Councilman Robinson

Patricia Logan

From: Patricia Logan
Sent: Friday, April 27, 2018 12:41 PM
To: Michael Yun
Cc: Andrew Vischio; Joe Cunha; Brian Platt
Subject: Legislation

Good afternoon Councilman

We are proposing legislation for the May 9th Municipal Council meeting designating "no parking, school days, 7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 3:30 p.m." on the east side of Nelson Avenue from the south building line of the Global Charter School, north to Congress Street. This no parking area will facilitate the drop-off and pick-up of students attending the school in the morning and afternoon hours.

If you have any questions regarding this legislation feel free to contact me.

This Division has also proposed legislation for the following street closing which should be listed on the Agenda for the May 9th Municipal Council meeting:

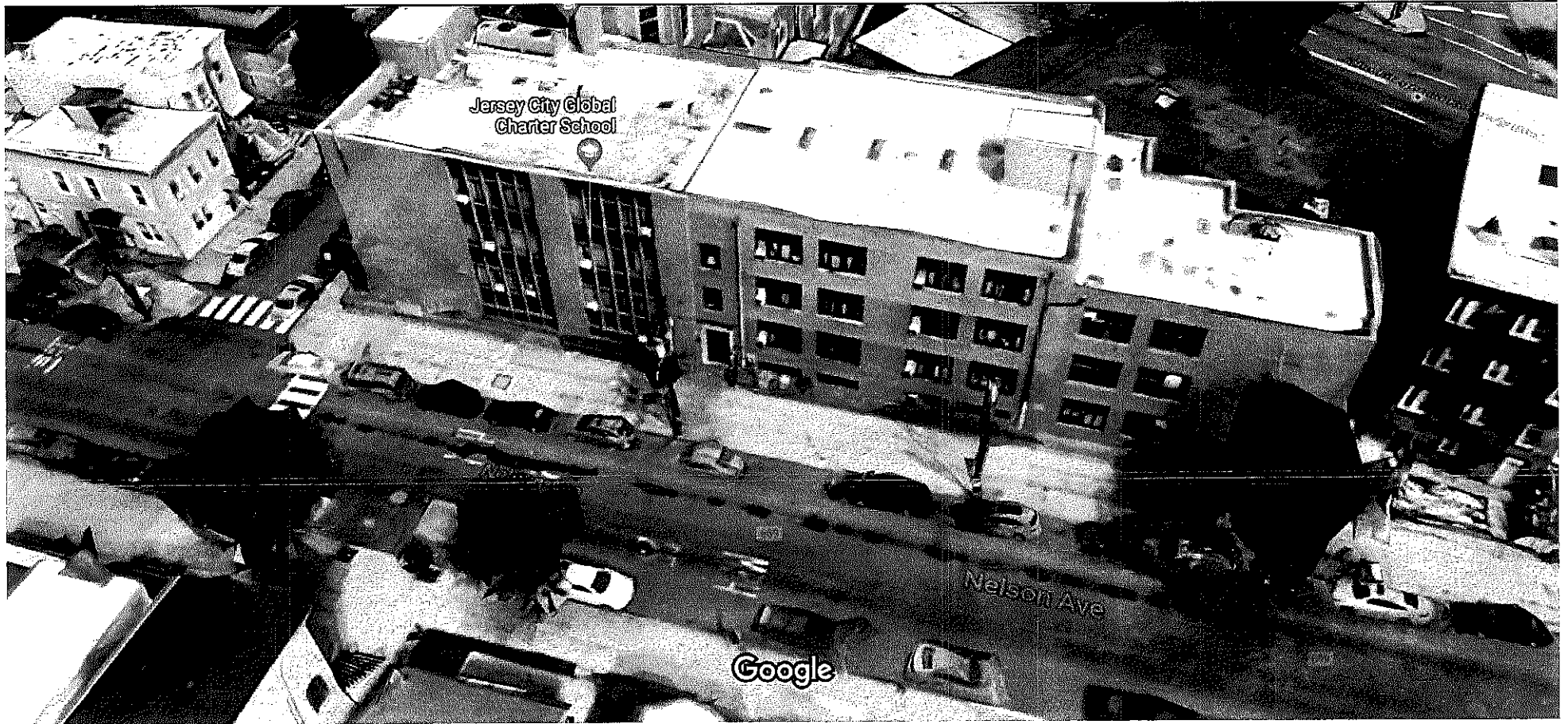
- Ogden Avenue from Griffith Street to Bowers Street beginning Noon and ending 11:00 p.m., Saturday, June 10, 2017.

The street closing was requested by Bryan Beninghove on behalf of the Riverview Jazz.org for the purpose of the Riverview Jazz Fest.

Please advise if you have any objection to proposing this legislation. Feel free to contact Monte Zucker at Monte@icnj.org or at 4469 if you have any questions.

Respectfully,
The City of Jersey City
Department of Administration
Patricia Logan, Engineering Aide
Division of Engineering, Traffic and Transportation
Municipal Services Complex/13-15 Linden Avenue East
Jersey City, New Jersey 07305
201.547.4492

Google Maps John Fitzgerald Kennedy Blvd & Nelson Ave



Imagery ©2018 Google, Map data ©2018 Google 20 ft

City Clerk File No. Ord. 18-057
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 18-057

TITLE: AN ORDINANCE (1) REAFFIRMING THE ACCEPTANCE OF THE KATYN FOREST MASSACRE MEMORIAL AS A GIFT TO THE CITY FROM THE KATYN FOREST MASSACRE MEMORIAL COMMITTEE; (2) RESCINDING ORDINANCE MCC-299 WHICH APPROVED THE PLACEMENT OF THE KATYN FOREST MASSACRE MEMORIAL ON THE MEDIAN STRIP DIRECTLY OPPOSITE 75 MONTGOMERY STREET WEST OF THE INTERSECTION OF MONTGOMERY STREET & WASHINGTON STREET; (3) RELOCATING THE KATYN FOREST MASSACRE MEMORIAL TO THE EASTERN TERMINUS OF YORK STREET AND (4) AUTHORIZING THE CITY TO ENTER INTO A 99-YEAR AGREEMENT WITH THE KATYN FOREST MASSACRE MEMORIAL COMMITTEE ALLOWING THE COMMITTEE TO MANAGE AND MAINTAIN THE MEMORIAL AT THE EASTERN TERMINUS OF YORK STREET

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY DOES ORDAIN:

WHEREAS, on September 25, 1986, the Municipal Council approved Ordinance McC-299 accepting the Katyn Forest Massacre Memorial ("Memorial") as a gift to the City from the Katyn Forest Massacre Memorial Committee ("Committee"); and

WHEREAS, Ordinance McC-299, attached hereto as Exhibit "A", specified that the Memorial would be installed on the median strip opposite 75 Montgomery Street just west of the intersection of Montgomery Street and Washington Street; and

WHEREAS, the sheer size of the Memorial made installing it at this location impossible; and

WHEREAS, on April 13, 1989, without having rescinded Ordinance McC-299, the Municipal Council approved Resolution C-4271, attached hereto as Exhibit "B", and which specified that the Memorial would be installed in the Exchange Place Plaza directly across from the southern entrance to the Exchange Place PATH Station; and

WHEREAS, the Memorial was never installed where the Resolution dictated it should go either but rather the Memorial was installed at the eastern terminus of Exchange Place Plaza instead; and

WHEREAS, the Municipal Council never approved installation of the Memorial at the eastern terminus of Exchange Place Plaza nor did it ever rescind Ordinance McC-299 but nonetheless the Memorial has stood in its current location since 1989; and

WHEREAS, due to the need to improve the existing public right of way at Exchange Place, including improvements to the public walkway and the plaza at the foot of Exchange Place, the Memorial needs to be relocated; and

WHEREAS, the City wishes to ensure that the Memorial will be preserved and placed in a location more befitting its significance; and

WHEREAS, the City, in consultation with various interested parties, including the Polish American community, worked together to determine a more suitable location in which to display the Memorial and thus better educate the public about the horrific event it commemorates; and

WHEREAS, the City, in collaboration with the Polish American community, determined that the eastern terminus of York Street (the York Street Site) would be the best location for those visiting the Memorial to experience the Memorial in a more meditative space and develop a more meaningful appreciation of this tragic event; and

WHEREAS, the York Street Site, depicted on the Tax Map and in the Aerial Photograph attached hereto as Exhibit "C" and "D" respectively, will be a superior site for the Memorial and provide a more prominent, appropriate and permanent site in which to display it; and

WHEREAS, once the Memorial has been relocated, the City will enter into an agreement with the Katyn Forest Massacre Memorial Committee allowing the Committee to manage and maintain the Memorial.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that (1) the City reaffirms its acceptance of the Katyn Forest Massacre Memorial as a gift to the City from the Katyn Forest Massacre Memorial Committee; (2) the Municipal Council hereby rescinds Ordinance McC-299; (3) the Municipal Council hereby approves the relocation of the of the Katyn Forest Massacre Memorial to the eastern terminus of York Street and (4) authorizes the City to enter into a 99-Year agreement with the Katyn Forest Massacre Memorial Committee, once the Memorial has been relocated, allowing the Committee to manage and maintain the Memorial subject to the terms of the agreement which have yet to be negotiated.

- I. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- II. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- III. This ordinance shall take effect at the time and in the manner as provided by law.
- IV. The City Clerk and 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

EXHIBIT A

City Clerk File No. C-1268 (A)
Agenda No. H.F. 1st Reading
Agenda No. S.E. 2nd Reading & Final Passage

ORDINANCE
OF
JERSEY CITY, N.J.



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

CITY ORDINANCE-299
TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 21. (SPECIAL ORDINANCES) ARTICLE VII (MISCELLANEOUS ORDINANCES) OF THE JERSEY CITY CODE ACCEPTING A GIFT OF THE KATYN FOREST MASSACRE MEMORIAL BY THE CITY OF JERSEY CITY

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

A. The following supplements to Chapter 31 (Special Ordinances) Article VII (Miscellaneous Ordinances) of the Jersey City Code are adopted.

ARTICLE VII. MISCELLANEOUS ORDINANCES.

Sec. 31-7. Reserved for Miscellaneous Ordinances.

WHEREAS, pursuant to N.J.S.A. 40A:12-5 the City of Jersey City does hereby provide for the acquisition of the Katyn Forest Massacre Memorial by gift donated by the Katyn Forest Massacre Memorial Committee; and

WHEREAS, the Katyn Forest Massacre Memorial Committee will be responsible for all costs including, but not limited to, those incurred in connection with construction of the foundation and erection of the memorial.

WHEREAS, the Katyn Forest Massacre Memorial will face the Hudson River and be located on the west side of Washington Street at the intersection of Montgomery Street on the median strip directly in front of 75 Montgomery Street.

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 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 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.
For purposes of advertising only, new matter is indicated by bold face and repealed matter by italic.

860317

M/pb
1/8/86

APPROVED AS TO LEGAL FORM

APPROVED: _____

Thomas DeLuca 9-7-86
Corporation Counsel

APPROVED: John P. Hall
Business Administrator

Certification Required
Not Required

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

ORDINANCE NO. C-299



TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 21 (SPECIAL ORDINANCES) ARTICLE VII (MISCELLANEOUS ORDINANCES) OF THE JERSEY CITY CODE ACCEPTING A GIFT OF THE KATYD FOREST ASSACRE, SERIAL BY THE CITY OF JERSEY CITY.

INTRODUCED 9-0

RECORD OF COUNCIL VOTE ON INTRODUCTION SEPTEMBER 11, 1986

| COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. |
|-------------------------------------|-----|-----|------|----------------|-----|-----|------|-------------------|-----|-----|------|
| FRICCHIONE <i>Aviles</i> | ✓ | | | KAMINSKI | ✓ | | | THOMPSON | ✓ | | |
| FRICCHIONE | ✓ | | | O'REILLY LANDO | ✓ | | | VAZQUEZ | ✓ | | |
| HART | ✓ | | | O'DEA | ✓ | | | CUNNINGHAM, Pres. | ✓ | | |

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

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING SEP 25 1986

Councilperson Hart moved, seconded by Councilperson Aviles to close RH: 8-0

| COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. |
|-------------------------------------|-----|-----|------|----------------|---------------|-----|------|-------------------|-----|-----|------|
| FRICCHIONE <i>Aviles</i> | ✓ | | | KAMINSKI | ✓ | | | THOMPSON | ✓ | | |
| FRICCHIONE | ✓ | | | O'REILLY LANDO | ✓ | | | VAZQUEZ | ✓ | | |
| HART | ✓ | | | O'DEA | <i>absent</i> | | | CUNNINGHAM, Pres. | ✓ | | |

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

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY

Councilperson _____ moved to amend Ordinance, seconded by Councilperson _____ & adopted

| COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. |
|-------------------------------------|-----|-----|------|----------------|-----|-----|------|-------------------|-----|-----|------|
| FRICCHIONE <i>Aviles</i> | | | | KAMINSKI | | | | THOMPSON | | | |
| FRICCHIONE | | | | O'REILLY LANDO | | | | VAZQUEZ | | | |
| HART | | | | O'DEA | | | | CUNNINGHAM, Pres. | | | |

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

RECORD OF FINAL COUNCIL VOTE SEP 25 1986 *Adopted: 8-0*

| COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. |
|-------------------------------------|-----|-----|------|----------------|---------------|-----|------|-------------------|-----|-----|------|
| FRICCHIONE <i>Aviles</i> | ✓ | | | KAMINSKI | ✓ | | | THOMPSON | ✓ | | |
| FRICCHIONE | ✓ | | | O'REILLY LANDO | ✓ | | | VAZQUEZ | ✓ | | |
| HART | ✓ | | | O'DEA | <i>absent</i> | | | CUNNINGHAM, Pres. | ✓ | | |

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

Adopted on first reading of the Council of Jersey City, N.J., on SEPTEMBER 11, 1986

Adopted on second and final reading after hearing on SEP 25 1986

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting of the 25th day of SEPTEMBER, 19 86

James F. Smith
City Clerk

APPROVED: Henry D. Cunningham
Council President

Date SEP 25 1986

CERTIFIED to be a true copy of RESOLUTION adopted by the Municipal Council of the City of Jersey City at its meeting of

SEP 25 1986
James F. Smith
City Clerk

APPROVED: Anthony P. Cianci
Mayor

Date Oct. 4, 1986

Date To Mayor SEP 29 1986

EXHIBIT B

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

City Clerk File No. C-4271
 Agenda No. 10.z.87



TITLE:

COUNCIL as a whole (except Fricchione & Kaminski, O'Reilly, Lando, Cunningham absent) OFFERED AND MOVED ADOPTION FOLLOWING RESOLUTIONS

RESOLUTION ESTABLISHING A PLAZA FOR THE PLACEMENT OF A MONUMENT TO HONOR THE BRAVE MEMBERS OF THE POLISH OFFICER CORP. WHO WERE SUBJECT TO MASS EXECUTION AT THE HANDS OF THE SOVIET GOVERNMENT IN APRIL OF 1940

WHEREAS, the brave members of the Officer Corp of the free Polish Army, who had bravely and tenaciously stood in the path of the Nazi onslaught in defense of Polish Independence, were taken prisoner by the Russian Army only to be subject to mass execution and burial at the hands of evil Stalinist Empire under the auspices of the Russian Army in April of 1940; and

WHEREAS, the Polish American Community and the citizens of the City of Jersey City wish to permanently honor the memory of these brave soldiers and to erect a monument in their memory .

NOW THEREFORE BE IT RESOLVED, by the Municipal Council of the City of Jersey City that there is hereby established a Plaza for the placement of a monument to honor the brave deceased members of the Polish Officer Corp. which Plaza shall be known as the Katyn Monument Plaza and which shall be located on the southerly side of Exchange Place opposite the Path Station in the area designated on the attached Exchange Place Center Engineering drawing and map.

APPROVED: _____

APPROVED AS TO LEGAL FORM

APPROVED: [Signature]
 Business Administrator

[Signature] 4-13-89
 Corporation Counsel

Certification Required
 Not Required

890359

APPROVED 5-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE

4/13/89

| COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. |
|---------------|--------|-----|------|----------------|--------|-----|------|-------------------|--------|-----|------|
| AVILES | ✓ | | | KAMINSKI | ABSENT | | | THOMPSON | ✓ | | |
| FRICCHIONE | ABSENT | | | O'REILLY LANDO | ABSENT | | | VAZQUEZ | ✓ | | |
| HART | ✓ | | | O'DEA | ✓ | | | CUNNINGHAM, Pres. | ABSENT | | |

✓ Indicates Vote

N.V.--Not Voting (Abstain)

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

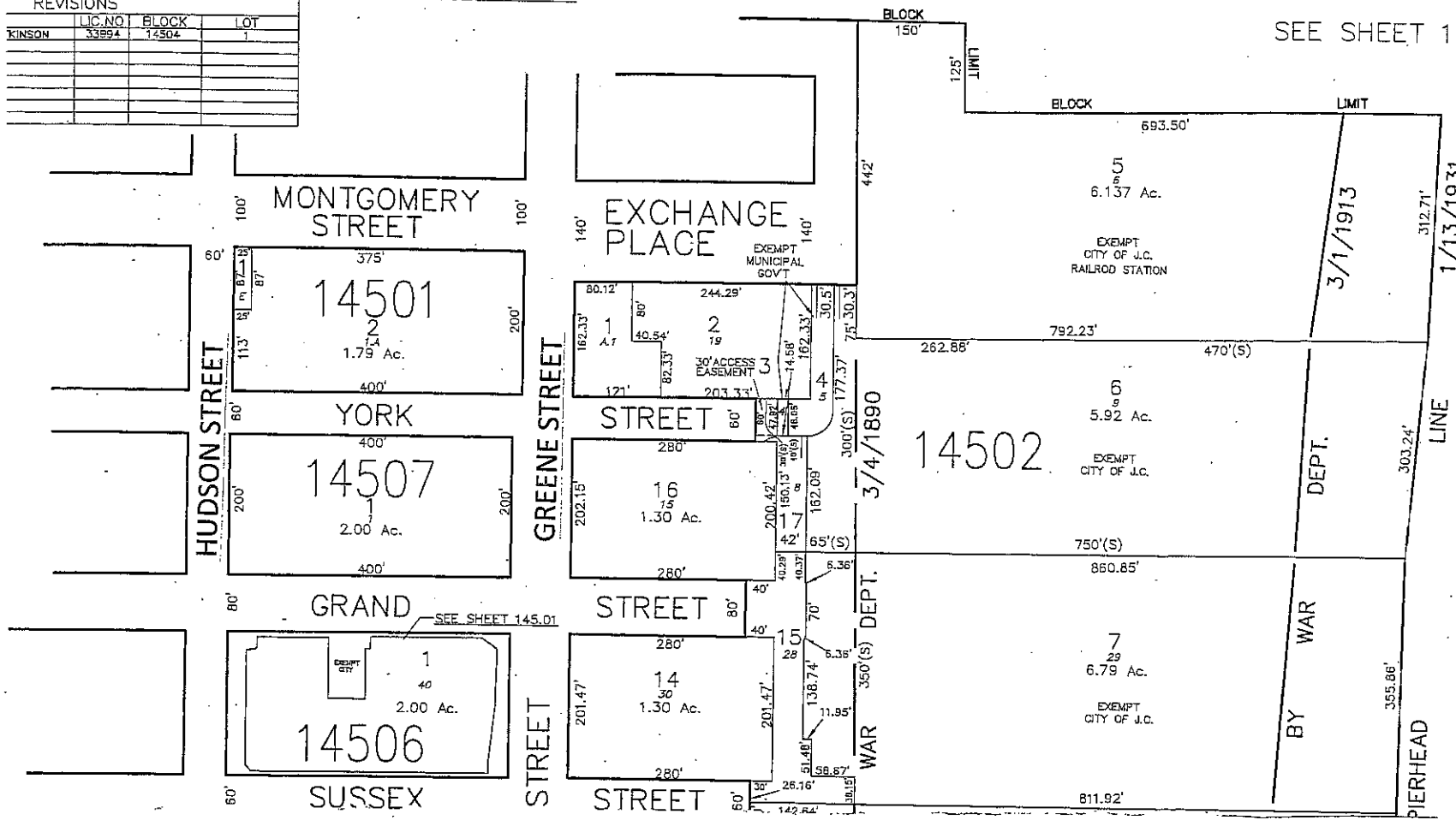
[Signature]
 President of Council

[Signature]
 City Clerk

EXHIBIT C

| REVISIONS | | | |
|-----------|----------|-------|-----|
| KINSON | LIC. NO. | BLOCK | LOT |
| | 33894 | 14504 | 1 |
| | | | |
| | | | |
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SEE SHEET 116



HUDSON RIVER

EXHIBIT D



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 (1) REAFFIRMING THE ACCEPTANCE OF THE KATYN FOREST MASSACRE MEMORIAL AS A GIFT TO THE CITY FROM THE KATYN FOREST MASSACRE MEMORIAL COMMITTEE; (2) RESCINDING ORDINANCE McC-299 WHICH APPROVED THE PLACEMENT OF THE KATYN FOREST MASSACRE MEMORIAL ON THE MEDIAN STRIP DIRECTLY OPPOSITE 75 MONTGOMERY STREET WEST OF THE INTERSECTION OF MONTGOMERY STREET & WASHINGTON STREET; (3) RELOCATING THE KATYN FOREST MASSACRE MEMORIAL TO THE EASTERN TERMINUS OF YORK STREET AND (4) AUTHORIZING THE CITY TO ENTER INTO A 99-YEAR AGREEMENT WITH THE KATYN FOREST MASSACRE MEMORIAL COMMITTEE ALLOWING THE COMMITTEE TO MANAGE AND MAINTAIN THE MEMORIAL AT THE EASTERN TERMINUS OF YORK STREET

Initiator

| | | |
|----------------------------|------------------------------|--------------------------------------|
| Department/Division | Department of Administration | Office of the Business Administrator |
| Name/Title | Brian D. Platt | Business Administrator |
| Phone/email | 201-547-4513 | bplatt@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 (1) reaffirms its acceptance of the Katyn Forest Massacre Memorial as a gift to the City from the Katyn Forest Massacre Memorial Committee; (2) rescinds Ordinance McC-299; (3) approves the relocation of the of the Katyn Forest Massacre Memorial to the eastern terminus of York Street and (4) authorizes the City to enter into a 99-Year agreement with the Katyn Forest Massacre Memorial Committee, once the Memorial has been relocated, allowing the Committee to manage and maintain the Memorial subject to the terms of the agreement which have yet to be negotiated.

I certify that all the facts presented herein are accurate.



Brian D. Platt
Business Administrator

May 17, 2018

Date