

City Clerk File No. Ord. 15.096

Agenda No. 3.I 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.096

TITLE:

ORDINANCE IMPLEMENTING CHAPTER 67 (PEDESTRIAN MALLS), ARTICLE 1 (NEWARK AVENUE PEDESTRIAN MALL)

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

- A. The following implementation to Chapter 67 (Pedestrian Malls) Article 1 (Newark Avenue Pedestrian Mall) are hereby adopted:

PEDESTRIAN MALLS ARTICLE 1 Newark Avenue Pedestrian Mall

§1-1. Definitions.

The following terms shall have the meanings indicated:

- A. "Pedestrian Mall" or "Pedestrian Mall Improvement" or "Pedestrian Plaza" or "Mall": Pursuant to N.J.S.A. 40:56-65 et seq., any local improvement designed to be used primarily for the movement, safety, convenience and enjoyment of pedestrians, whether or not a part of a street is set apart for roadway or emergency vehicles, transit vehicles and private vehicles, or any of them. A Pedestrian Mall Improvement shall include but not be limited to pedestrian thoroughfares, perimeter parking, public seating, park areas, outdoor cafes, shelters, trees, flower plantings, sculpture, newsstands, telephone booths, traffic signs, kiosks, fire hydrants, street lighting, ornamental signs, ornamental lights, trash receptacles, display cases, marquees, awnings, canopies, overhead radiant heating fixtures, underground radiant heating pipes and devices, walls, bollards and chains and all such other fixtures, equipment, facilities and appurtenances which in the judgment of the governing body of a municipality will enhance the movement, safety, convenience and enjoyment of pedestrians and benefit the municipality and adjoining properties.

§1-2. Findings.

- A. The Mayor and Council find and declare:
- (1) The City of Jersey City may undertake development and maintenance of a Pedestrian Mall as a local improvement pursuant to this act and provisions of N.J.S.A. 40:56-69 et seq.
 - (2) That a Newark Avenue Pedestrian Mall will enhance the movement, safety, convenience and enjoyment of pedestrians.
 - (3) That Newark Avenue between Christopher Columbus Drive and Erie Street is not a part of any state highway, is located primarily in a business district and is improved to its maximum feasible width with regard to adjoining buildings and improvements.

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(NEWARK AVENUE PEDESTRIAN MALL)**

- (4) That a reasonably convenient alternate route to other parts of the City and state exist for private vehicles.
- (5) That continued unlimited use of the street or part thereof by private vehicles may constitute a hazard to the health and safety of pedestrians.
- (6) That abutting properties can reasonably and adequately be provided with emergency vehicular services and receive and deliver merchandise and materials from other streets and alleys or by provisions for limited use of the streets by emergency vehicles and carriers of such merchandise and materials.
- (7) That it is in the best interests of the City and the public and of benefit to adjacent properties to use such street primarily for pedestrian purposes, and that pedestrian use is determined to be the highest and best use of such street or part thereof.

§1-3. Limitations.

- A. A Pedestrian Mall shall be created on the following street(s) or portion thereof:
 - (1) **Newark Avenue, between Christopher Columbus Drive and Erie Street**, as indicated on the street map on file in the office of the City Clerk.
- B. The use of the surface of the above described portion of Newark Avenue shall be limited at all times to pedestrians and also emergency, public works, and other maintenance and service vehicles as required, as well as other vehicles explicitly permitted by the City under §1-4 below.
- C. The Business Administrator shall maintain a Newark Avenue Pedestrian Mall Operating Plan that shall contain rules and regulations regarding the specific permitted uses of the Mall, including but not limited to special events, food and beverage service, and improvements and maintenance of the Mall. See §1-4 below.
- D. There shall be no limit of vehicular use on either Grove Street, Christopher Columbus Drive, or Erie Street.
- E. The City acknowledges that there is access to other streets for delivery of or receiving merchandise or materials.

§1-4. Uses of pedestrian mall; control and regulation.

- A. Under the direction of the Mayor and governing body, a Pedestrian Mall may be used for any purpose or activity which will enhance the movement, safety, convenience or enjoyment of pedestrians, subject to the limitations set forth in this section.
- B. The Business Administrator shall maintain a Pedestrian Mall Operating Plan, to be enforced by the Department of Public Safety and the Division of Commerce, that will provide for the control and regulation of:
 - (1) The distribution and location of movable furniture, sculpture or pedestrian traffic control devices, landscaping and other facilities belonging to the Mall and not otherwise located or fixed by plans and specifications.
 - (2) The uses to be permitted on the Mall by occupants of abutting property, including but not limited to transit or telephone utilities and other concessionaires.
 - (3) The issuance of permits to conduct any special activity(ies) or operation(s) consistent with the broad purposes of the Mall, subject to the limitations set forth in this section.

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- (4) The operation of any heating or other facilities and replacing landscaping and maintaining furniture and facilities in the Mall.
- (5) The designation of parking spaces and/or other specifically reserved uses of the Mall or portions thereof.
- (6) Pursuant to N.J.S.A. 40:56-69 et seq., the regulation of a limited amount of local vehicle traffic in order to allow for deliveries, pickups and/or drop-offs of business patrons or employees, and/or other loading and unloading of personnel, materials, or other goods to be used directly or indirectly by a business and/or residence along the Pedestrian Mall.

C. The following minimum restrictions and regulations shall be in effect at all times within the Mall and shall be noted in the Pedestrian Mall Operating Plan:

- (1) Any person(s) creating undue amounts of noise, waste, and/or a potentially dangerous or threatening environment for any Mall patrons will be subject to removal from the Pedestrian Mall and subject to additional penalties allowed by law, if applicable.
- (2) No person may loiter in the Pedestrian Mall between the hours of 11:00 P.M. and 6:00 A.M., whether or not that person is making use of any Pedestrian Mall public seating, fixtures, or any other Pedestrian Mall features. Any person in violation of this section will be subject to removal from the Pedestrian Mall in addition to any other penalties allowed by law.
- 3) Amplified music or other amplified sounds shall not be allowed within 50 feet of the portion of Newark Avenue between Erie Street and Grove Street (not including the portion of Newark Avenue between Grove Street and Christopher Columbus Drive). Any other limits on music or noise (including, without limitation, maximum permitted decibel levels) that would otherwise be applicable to this portion of Newark Avenue with or without the establishment of the Mall shall remain in full force and in effect within this area.

§1-5. Notice to owners and public meeting.

A. At least 10 days prior to the date fixed for a public hearing, a copy of the proposed ordinance and notice of the date, time and place of the hearing shall be mailed to the owners of the lots and parcels of land abutting or directly affected by the Pedestrian Mall.

B. The City shall hold a public feedback review meeting between 6 and 8 months after approval of this ordinance and full implementation and construction of the Mall. The purpose of this meeting will be to discuss issues and any possible changes and/or improvements to the Mall. This public feedback review session shall occur at City Hall. Adequate notice shall be provided to all property owners within 600 feet of any Mall boundary, the Historic Downtown Special Improvement District, the Harsimus Cove Association, and other adjacent communities and community groups.

§1-6. Operating plan.

A. The Mall shall be operated and maintained pursuant to the regulations and restrictions set forth in this ordinance and also the Pedestrian Mall Operating Plan maintained by the Business Administrator and also pursuant to provisions of N.J.S.A. 40:56-65 et seq.

§1-7. Specifications for construction.

A. The Jersey City Division of Architecture and Engineering and the Jersey City Department of Public Works shall approve the materials or combinations thereof of which the pedestrian mall

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shall be constructed if applicable. The City may in its discretion narrow any roadway to be kept and maintained in connection with any Pedestrian Mall, may cause any street vaults to be reconstructed or removed, may construct crosswalks at any point within a block and may cause the roadway to curve and meander within the limits of the street to enhance the usefulness and appearance of the Pedestrian Mall.

§1-8. Municipal powers retained.

A. Notwithstanding the improvement of any street as a Pedestrian Mall, the City of Jersey City shall retain all its powers relating to the street or part thereof constituting the Mall.

B. No such action shall be construed as a vacation in whole or in part; the establishment of a Pedestrian Mall is a matter of regulation only.

§1-9. Abandonment of operation.

A. Nothing shall prevent the City, from subsequently abandoning the operation of the Pedestrian Mall, changing special assessments or taxes for annual costs or changing or repealing any limitation on the use of the mall for a particular purpose by ordinance.

§1-10. Procedures incident to development and maintenance.

A. Condemnation proceedings and all other procedures incident to the development and maintenance of a Pedestrian Mall shall be authorized under N.J.S.A. 40:56-69 et seq., if required.

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.
- E. The Jersey City Division of Planning 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.A. 40:55D-15 and N.J.S.A. 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.A. 40:55D-a16. 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.A. 40:49-2.1.

Note: All matter is new therefore underlining has been omitted.

APPROVED AS TO LEGAL FORM

Joanne Monahan
for Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required

Not Required

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



ORDINANCE NO. Ord. 15.096

TITLE:

3.1 JUN 24 2015 4.1

JUL 15 2015

Ordinance implementing Chapter 67 (Pedestrian Malls),
Article 1 (Newark Avenue Pedestrian Mall).

RECORD OF COUNCIL VOTE ON INTRODUCTION											
JUN 24 2015 8-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
JUL 15 2015 8-0											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	ABSENT			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

YVONNE BALCER
MARTIN SEIGEL
JOHN REICHERT
ROBYN SCHNEIDER
ERIC FLEMING
DAVID HOHENSEE
AARON MORRILL
PAUL BERMAN
LAYERNE WASHINGTON
JEANNE DALY
ABDUL MALIK
WILLIAM DORRITY
DANIEL LEVIN

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.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
JUL 15 2015 6-3											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA		✓	
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	✓		

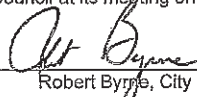
✓ Indicates Vote

N.V.--Not Voting (Abstain)


Adopted on first reading of the Council of Jersey City, N.J. on JUN 24 2015

Adopted on second and final reading after hearing on JUL 15 2015

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUL 15 2015


Robert Byrne, City Clerk

APPROVED:


Rolando R. Lavarro, Jr., Council President

Date JUL 15 2015

APPROVED:


Steven M. Fulop, Mayor

Date JUL 20 2015

Date to Mayor JUL 15 2015

*Amendment(s):