

Sponsored by:

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① 1st reading
9-4-12

City of Hoboken
Ordinance No.

An Ordinance is introduced within Chapter 168 "Streets and Sidewalks" to establish rules, regulations, and fees governing opening of roads within the City, entitled "Article VIII – Road Opening Permits"

The Council of the City of Hoboken does hereby ordain as follows:

Section One: Additions to Chapter 168

ARTICLE VIII – ROAD OPENING PERMITS

The following are the rules and regulations, including fees which shall govern road opening permits within the City of Hoboken:

I. GENERAL REQUIREMENTS & RESPONSIBILITIES

No person, firm, corporation, public utility, authority or municipality will not hereinafter tear up, open, remove, construct, reconstruct, tunnel, bore, probe, obstruct, or excavate any portion of any road, street, curb, sidewalk, utility, facility, or any portion thereof, in the City of Hoboken (City), owned, maintained or controlled by the City as part of the City's infrastructure system, for the purpose whatsoever without first making application for, and receiving a permit thereof, signed in the name of the City by the Director (hereinafter "Director") of the Department of Environmental Services (hereinafter "Environmental Services").

Any road, street, curb, sidewalk, bridge, utility, facility, structure under the jurisdiction of the City, that is obstructed, opened, removed, constructed, reconstructed, tunneled, bored, probed, excavated, damaged or destroyed without prior approval of Environmental Services will result in a fine and repairs shall be made by the applicant to the satisfaction of Environmental Services.

II. ROAD OPENING PERMITS

Application for a road opening permit should allow seven (7) days for review (with exceptions to emergencies) by Environmental Services or its authorized agent(s). Application should state name, address, phone contact of applicant, name, address, phone contact of property owner(s), name, address, email address, 24 hour phone contact of contractor(s)/subcontractor(s) performing work, with name of City road to be opened (with notation to cross streets and immediately adjacent street address(es), nature of work to be performed, and anticipated start and completion dates. The permit application shall be accompanied by three (3) copies of a reasonably accurate sketch or plans, as well as a traffic control plan, certificate of liability insurance(in accordance with Section VII. Insurance), Zoning Board approval, Planning Board approval, and, or county or state approval, as applicable. Environmental Services reserves the right to require plans or drawings to be drawn by a licensed professional engineer. Where the road opening permit involves a site plan or a subdivision plan approved by the City Planning Board or City Zoning Board, a copy of the approved site plan or subdivision plan will be submitted with the application. The permittee will comply with the ordinance and regulations herein and laws related to the proposed work and any other data as may be reasonably required by Environmental Services or its authorized agent(s). All construction shall be governed by the current edition of the "New Jersey Department of Transportation (NJDOT) Standard

Specifications for Roads and Bridge Construction", latest edition and any amendments thereto. Permits are valid for one year from date of issue unless otherwise noted. The validity of the permit may be extended if so requested in writing by the applicant prior to its expiration period thereof for such additional periods as requested by the applicant. Environmental Services may, in its sole discretion, approve the extension subject to conditions and/or limitations, or deny the extension and declare said permit to be null and void. A permit fee payment shall be in the form of a check or money order payable to the "City of Hoboken", or in the form of a valid credit card."

No Cash Will Be Accepted

In the event of an emergency, the advanced filing period may be waived. Any event in which a structure, sewer, water main, conduit or utility, in, under, or over any road, street, sidewalk, breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health, or safety of any individual, the person, company, or utility owning or controlling such structure, sewer, water main, conduit, or utility shall constitute an emergency, which shall allow for road opening without first applying for and obtaining a permit hereunder. Any individual attempting to utilize the emergency waiver provision shall immediately take proper emergency measures to secure or remedy the dangerous conditions for the protection of property, life, health, and safety of individuals; and, Environmental Services must be notified immediately of the occurrence. In the event that the Environmental Services Office is closed, (after hours, weekends, and holidays) a written notice shall be directed to the Hoboken Police Department and by fax copy to the Environmental Services Office stating the nature of said emergency and the individual's utilization of the waiver provision hereunder. However, such person owning or controlling such facility, structure, or utility will apply for a permit not later than the next business day and will not proceed with the permanent repairs and inspection without first obtaining a permit hereunder.

The City will charge the Permittee according to the "Fee Schedule" as attached. The Permittee, to whom a permit has been issued, will not perform any work other than that for which the permit provides. A separate permit will be required for each and every opening. The applicant will sign the permit application and will be bound by all obligations of the permit and ordinance and will be referred to as the "Permittee". A permit may not be transferred except upon written consent of the Director of Environmental Services.

If the application for a permit, or any extension thereof, is denied, Environmental Services will send the applicant a written notification of the denial, and will state the reason of denial. Any permit issued under this ordinance may be revoked at any time by Environmental Services for work conducted outside of the submitted permit area, work plans, and/or failure to comply with this ordinance, and conditions of the permit application. Environmental Services also reserves the right to stop work for failure to comply with the ordinance and/or to order the completion of sufficient work to ensure the safety of individual's and vehicular traffic.

III. GENERAL FINANCIAL OBLIGATIONS

All Permittees (excluding Public Utilities, their contractor(s)/subcontractor(s), agents, or contractor(s)/subcontractor(s) of County, State or Federal agencies) will deposit a guarantee of credit with the Department of Environmental Services in the form of a Bond, or note of certified funds, acceptable to Environmental Services. One (1) year after final restoration of work, pending the approval of Environmental Services, the guarantee will be released, with exception to newly paved roads, where the bond must be for two (2) years. However, should Environmental Services, upon final inspection determine that the construction and/or reconstruction done under the permit was unsatisfactory, and/or otherwise in violation of the approved plans or conditions attached to the permit, and should the Permittee upon receipt of written notice of deficiencies fail to remedy same in thirty (30) days, then the City shall deduct from the Permittee's guarantee, all expenses incurred by the City in performing the necessary repairs to remediate same.

Environmental Services shall have the right to perform borings in the pavement, cut cores in the pavement or to perform other investigations as deemed necessary to confirm that the provisions of the road opening permit have been satisfied. Upon a finding that the Permittee failed to satisfy the provisions of the permit and/or this ordinance, the cost of such investigation shall be billed to the Permittee.

Environmental Services may require an extended maintenance period in excess of one (1) year, and an additional maintenance guarantee depending upon the nature of the work involved. This additional obligation shall be noticed to the Permittee at the time of approval of the application, and shall be released upon completion of the work, and acceptance of the work by Environmental Services or its authorized agent(s).

When a maintenance bond is posted, it will be executed by the Permittee as principal and Surety Company licensed to do business in the State of New Jersey as surety.

The release of the guarantee will also be conditioned upon the Permittee restoring the surface, and any damage to the streets abutting the work site, and those streets which had sustained damage through the use of construction equipment, and vehicles.

For utility main construction, other or additional conditions may be prescribed by the City. Plans for such projects must have the approval of Environmental Services and the City Engineer's office before a permit may be issued.

If the work involves the temporary displacement or loss of on-street parking, then the Permittee shall be required to provide proof of purchase of Temporary No Parking signs to the extent that both the proposed work area and the days and hours planned are properly reserved and demarcated. If Temporary Parking Signs are obtained, the Hoboken Parking Utility may relieve the area of unmoved parked vehicles.

IV. REQUIRED NOTIFICATION

Public utility providers shall maintain active status and current contact information on record with the Department of Environmental Services to ensure proper communication of annual paving programs. The Department of Environmental Services shall notify, once a year, to public utility providers on record of the dates and locations of planned work on City sidewalks/streets/roads. Any utility work to be performed on these sidewalks/streets/roads shall be completed prior to the start of construction or paving. Such notice will state that no "Road Opening Permit" will be issued for openings, cuts, or excavations in said City road for a period of five (5) years (hereafter referred to "5 Year Embargo") after the date of paving, unless in the judgment of Environmental Services, an emergency or hardship exists, which makes it absolutely essential, that a "Road Opening Permit" be issued. The notice will also notify such Permittee that application for "Road Opening Permits" for work to be completed prior to such construction/paving, shall be submitted promptly in order that the work covered by the permit may be completed prior to planned construction/paving.

Environmental Services is authorized to request a surety bond or equivalent in the amount often thousand (\$10,000.00) dollars, or as determined by Environmental Services or their designated representative, to assure that any road opening on roadways paved within the past five (5) years is restored satisfactorily. The restoration will include milling and paving, or infrared repaving of the area so as to blend uniformly with the adjacent roadway, as per the conditions stated in the permit, including restoration of roadway and crosswalks, striping, raised pavement markings, signage and all other appurtenances.

V. EXCEPTION FOR PUBLIC UTILITY

With the exception of the "5 Year Embargo" limitation described above, the provisions of this ordinance shall not apply to openings or excavations made by a public utility

corporation subject to regulations by the Board of Public Utility Commissioners, which has the right to lay, construct, install, maintain and operate its work or facilities, or any of them, in any public road or street of the City, which are to be made for the purpose of laying, relaying, constructing, reconstructing, installing, maintaining, opening or repairing any such works or facilities, if such public utility corporation shall, prior to the doing of any such work, have filed with the City Clerk its bond running to the City of Hoboken in the sum of thirty thousand dollars (\$30,000.) conditioned for the temporary and permanent restoration of any road, street or pavement therefore which may be opened or excavated by such utility, its employees or contractors, without undue delay to as good condition as the same was at the time of the opening therefore and to the satisfaction of Environmental Services, which bond, hereafter referred to as the "Utility Expediting Bond", shall further provide that the obligation therefore shall be a continuing obligation to the full amount thereof of each opening of any road or pavement. In the event the "Utility Expediting Bond" described above is exhausted due to a failure of the public utility to return an area to as good condition as the same was at the time of the opening therefore and to the satisfaction of Environmental Services, then said utility shall no longer be eligible for the exceptions described in this section.

The utility corporation shall, except in case of emergency, give at least twenty-four (24) hours' notice to Environmental Services of its intention to open or excavate. In the case of emergency openings, the notice shall be given to Environmental Services within one (1) business day after such opening is made.

VI. WORK SITE SAFETY PROVISIONS AND GUARANTEES

Construction on City streets/roads/sidewalks, pursuant to this Ordinance will conform to the most recent design standards, plans, details, specifications, method of construction and traffic control. All permits issued shall be subject to the following rules regulations. All work shall be conducted within a work zone, and conforming to the latest edition of "Manual on Uniform Traffic Control Devices" as published by the USDOT - FHA.

SAFETY

All work will be conducted in such a manner as to cause the least public inconvenience and to permit the use of the sidewalk by pedestrians, the roadway by vehicles, and the flow of water in the gutters. The Permittee shall plan and carry out their work to provide for the safe and convenient passage of such traffic and to cause as little inconvenience as possible to the occupants of adjoining properties. (See Sec XI. MISCELLANEOUS REQUIREMENTS) All openings, digging, excavations, piles of material, equipment, machinery, barricades, scaffolds/pedestrian sheds, or obstructions, including earth and stone removed from excavations, will be removed immediately or properly guarded at all times to prevent accidents. A sufficient number of lights and/or lanterns shall be maintained between sunset and sunrise by the person whom such permit has been issued to designate such openings, excavations, construction or obstructions during the hours of darkness. Reflective barrels, blinking lights, warning signs, flagman, uniformed traffic officers and all other manpowered equipment as required by, or directed by, Environmental Services shall be provided for by the Permittee or its designated contractor(s)/subcontractor(s).

The work area will be made passable to all emergency vehicles during all phases of work.

In the event that the work zone requires the detour of vehicular and pedestrian traffic, the Permittee will submit a detour plan for review and approval by Environmental Services, or its authorized agent(s), who at the sole discretion may require the approval of the municipalities involved prior to any road closings. All detours are to be coordinated with the Hoboken Police Department. The detour signage must be properly installed and maintained at all times. Any damage to the detour route must be corrected by the Permittee.

If the sidewalk is blocked by any work, a temporary sidewalk will be constructed or provided, which will be safe for travel and convenient for all users.

TRAFFIC DIRECTORS

Police Traffic Directors will be off-duty police officers from within the City of Hoboken. Police Traffic Directors will be located at specific locations designated in the permit or as described by Environmental Services during construction hours. Contact the City in order to obtain the services of Police Traffic Directors. The name, address, and telephone number of the local representative is listed below:

Chief of Police
City of Hoboken
Police Department
One Police Plaza
Hoboken, New Jersey 07030
Tel: (201) 420-2100

The Permittee must provide payment for Police Traffic Directors which include the use of police equipment and services, as required for and by the police. Payment will be separate from fees associated with the "Road Opening Permit." Payment must only be made only for the direct compensation of the police to perform their duties as Police Traffic Directors for the work as directed by Environmental Services or one of its authorized agent(s).

PROVISIONS

All existing pavements, road surfaces, pavement markings, signs, sidewalks, brick pavers, curbs, gutters, pipes, manholes, drains, conduits, or other installation or fixtures, and property damaged or destroyed by Permittee's activity or his/her contractor(s)/subcontractor(s) will be corrected or repaired by the Permittee or his/her contractor(s)/subcontractor(s).

No person will divert or discharge dirt, stone, grass, brush, leaves, excavation material, water, or any other matter into, upon, or across any City road or sidewalk so as to create a nuisance or a hazardous condition, or cause the adjacent drainage and pavement to be clogged and/or damaged. All water pumped and bailed from the trench or other excavation will be conveyed in a proper manner to a suitable point of discharge. Hay bales, screening or other methods approved by the Hudson County Soil Conservation District will be placed at inlets to prevent sand and silt infiltration by the Permittee and at their expense.

It will be unlawful to make any such excavation, or tunnel in any way contrary to, or at a variance with the terms of the permit thereof. Proper bracing (trench boxing or sheeting) will be maintained to prevent the collapse of adjoining ground and protection of the workers will be in accordance with the regulations of the New Jersey Department of Labor and Industry, and the Occupational Safety and Health Administration. (OSHA) The Permittee will assign supervising personnel to be responsible for the work safety on the project, performed under the "Road Opening Permit."

No injury will be done to any pipes, cables, conduits or other facilities during the work performed under the "Road Opening Permit." During excavation, if Permittee discovers any damage to other utilities or underground structures, they must notify Environmental Services or its representative immediately. Notice will be given beforehand to the utility company maintaining any such pipes, cables or conduits as prescribed by law. The Permittee will not proceed with any road opening until he/she submits to Environmental Services the proof of notification (One Call 1-800-272-1000) to all utility mark outs. It is the sole responsibility and duty of the Permittee to make such investigation and effort to locate all utilities. The City will not be held responsible for any damage to any utilities (seen or unseen) above ground, underground, or overhead.

All work by the Permittee will be done in accordance with the provisions of NJSA 34:6-47.1 et seq., NJAC 12:186 and in accordance with the provisions of the Federal Occupational Safety and Health Act of 1970, and subpart N, paragraph 1926.550 of the rules and regulations issued under said acts.

The Permittee will clean up and remove promptly and continuously from the work site, all excavated material and debris, and upon completion of the project, will leave the work site in a neat and orderly condition as good as it was previously.

Where topsoil, seeded areas, sod or landscaping is disturbed in the course of the work, the Permittee will restore such ground surfaces to a condition equal to that prior to commencement of work.

Trenches and other excavations will be backfilled with clean granular soil, free of excessive fines in lifts, not to exceed twelve (12") inches in height. Compaction will be done with vibratory tampers, such as jumping jacks, hoe packs, dynapacks, or other equipment acceptable by Environmental Services. Vibratory plate compactors will not be used. Puddling of backfills is strictly prohibited. Excess backfill will be removed from the site. If there is a deficiency of backfill material, additional backfill will be supplied by the Permittee.

(See sec. VIII. WORK SITE RESTORATION)

If Permittee has failed to comply with the rules and regulations as provided in this ordinance after receipt of written notice, then the City reserves the right to take any action to ensure compliance with this ordinance. In the event, the Permittee will be charged with the cost of same, at a rate determined by Environmental Services, based on current contract rates, if such are in effect, or a schedule of costs accepted by Environmental Services, based on the rates as published by NJDOT, or the actual cost of repairs paid to a contractor selected by Environmental Services, plus fifteen (15%) percent overhead. Any monies due to the City in excess of the permit fee will be billed upon completion of the work, and will be paid by the Permittee within thirty (30) days after the receipt of the bill. Failure to pay such dues will result in the Permittee paying the maximum interest rate allowed by law, as well as any attorney's fees and costs incurred by the City in furtherance of the collection of said monies.

Environmental Services will also have the authority to deny all future permits until differences identified as above are corrected to the satisfaction of the Department.

The City will not be liable for damages, or for any personal injuries, or damages to property sustained as the result of any excavation or opening in any road, street, bridge, sidewalk or curb work made by any person by virtue of the provisions of this chapter.

Neither the City nor any of its employees will be deemed to be the agent or the servant of the Permittee for any purpose of this section.

VII. INSURANCE

The Permittee will provide insurance as follows:

Work will not commence until all insurance as required under the following subparagraphs is submitted, and until such insurances have been approved by Environmental Services, nor will the Permittee allow any of his/her contractor(s)/subcontractor(s) to commence work on his/her subcontract, until all similar insurances required have been obtained and approved. All certificates of insurance shall be presented prior to the permit being approved and released. All certificates of insurance, except workers compensation insurance, as required herein, shall name the City, and all of its officers, employees, agents and assignees as additional insured. All

certificates of insurance shall include a thirty day notice to the City of Hoboken prior to termination of the insurance. All insurance coverages shall be with an insurance carrier licensed to provide insurance of the nature offered in the State of New Jersey.

The Permittee will take out and maintain during the work under the permit, Workmen's Compensation Insurance for all of his/her employees at the site of the project, and in case any work is sublet, the Permittee will require the subcontractor(s) similarly to provide Workmen's Compensation Insurance for all of the latter's employees unless such employees are covered by the protection afforded by the Permittee. In case any class of employees engaged in hazardous work under the permit at the site of the project is not protected under the Workmen's Compensation Insurance status, the Permittee will provide and will cause each subcontractor(s) to provide Workmen's Compensation Insurance statute for the protection of his/her employees not otherwise protected.

The Permittee will obtain and keep in force during the work under the permit, general and public liability and property damage insurance coverage(s), in a form to be approved by the City of Hoboken Office of Corporation Counsel. Said insurance will provide coverage to the Permittee, any contractor(s)/subcontractor (s) performing work provided by the Permittee, and the City. The City and its officers, agents, servants, and employees as their interest shall appear, will be named as additional insured on said policy insofar as the work and obligations performed under the permit concerned with address and location of the work site. The coverage so provided shall protect against claims for personal injuries, including death, as well as claims for property damage which may arise from any act or omission of the City, the Permittee, or the contractor(s)/subcontractor(s), or by anyone directly employed by either of them, the minimum policy limits of such insurance will be as follows:

1. Bodily injury liability coverage with limits of not less than One Million (\$1,000,000.00) Dollars per occurrence.
2. For bodily injury, including accidental death to any one person, and subject to that limit each person in the amount not less than One Million (\$1,000,000.00) Dollars.
3. For each accident; and property damage coverage in an amount of not less than One Million (\$1,000,000.00) Dollars for each accident.

The Permittee, its employees, and agents agree to save the City, its officers, agents, servants, and employees from all lost damage's occasioned to it, or to any third person, or property by reason of any carelessness, or negligence on the part of the Permittee, its contractor(s)/subcontractor(s), agents, employees in the performance of the work under the permit, and will after reasonable notice thereof, defend and pay the expense of defending any suit which may occur against the City, its officers, agents, servants, and employees as their interest may appear, by the third person alleging injury by reason of such carelessness, or negligence, and will pay any judgment which may be obtained against the City, its officers, agents, servants, and employees as their interest may appear in such suit. The Permittee will furnish the insurance required.

Automobile and truck insurance, covering vehicles owned, leased, rented, loaned, and/or operated by the Permittee, and vehicles operated for the Permittee, including those employees when so operated, will be provided as follows:

1. One person in anyone accident - amount of One Million (\$1,000,000.00) Dollars.
2. Two or more persons in anyone accident – aggregate minimum amount of Three Million (\$3,000,000.00) Dollars.
3. Property damage in anyone accident - amount of Five Hundred Thousand (\$500,000.00) Dollars, with an aggregate property damage policy limit of One Million (\$1,000,000.00) Dollars.

VIII. WORK SITE RESTORATION

Immediately after the work is performed for which the permit had been issued, road repair and backfilling will be done in accordance with details prepared by Environmental Services which accompanied the permit. Excavated material will not be used as backfill, unless approved by Environmental Services. Temporary pavement or patch work will be removed approximately one month after installation, and the opening will be restored (Infrared Paving) to the grade, slope and profile that prevailed at the time of the opening, or as directed by Environmental Services. The Permittee is responsible for the full restoration of the roadway surface, including restriping and installing raised pavement markings before its opening to vehicle and pedestrian traffic. Upon completion of the work, the applicant is responsible for notifying Environmental Services when all work has been completed and is ready for final inspection. All inspections will be performed during the City's normal business hours. Inspections after hours and weekends will be charged accordingly as determined by Environmental Services.

1. Backfill is to be done with quarry stone; Type I-5 or DGA for the full depth of the trench. All opening cuts to be squared, and cut on a vertical plane to a width and length of not less than twelve (12") inches greater than the original cut/opening. The surface restoration shall extend twelve (12") inches wider and longer than the area of the base.
2. The pavement is to be restored with ten (10") inch of Bituminous Stabilized Mix I-2, and two (2") inch Bituminous Surface Course Mix I-4, properly compacted.
3. Disturbed pavement markings must be restored immediately to original or better condition using the same or equivalent materials (3M-380 IES) as originally installed. Restoration may be temporary until the permanent markings are applied within thirty (30) days.
4. Restoration to concrete sidewalk openings must be full square (flag) replacement. No partial patching will be accepted.
5. Brick pavers to street and sidewalk openings must be replaced to their original pattern.
6. Road openings to historical sites that contain Belgium block streets and/or sidewalks must be restored as per the local and/or state historical society requirements under the guidance of Environmental Services.

IX. NOTIFICATION AND PROGRESS OF WORK

The Permittee will notify Environmental Services by phone, letter, fax, e-mail, at least forty-eight (48) hours in advance of any activity, and likewise, at the completion of the activity, or project. Failure to provide such notification may result in the cancellation of the permit. The Permittee will keep a copy of the permit at the job site at all times. The Permittee will retain full responsibility for any damages which may result from any construction activity notwithstanding any approvals from Environmental Services. Trenches will not be kept open when work is not in progress. If work is stopped for more than twenty-four (24) hours, the trench will be temporarily backfilled, and capped with temporary pavement.

X. MAINTENANCE OF TRAFFIC FLOW

The Permittee will maintain vehicular and pedestrian traffic in the work area as per conditions stated in the permit.

The Permittee will backfill all excavated areas within the roadway to a grade compatible with the existing traveled road, at such times when work is not actively being done. This will include nights, weekends, and periods of shut down. Trenches will not remain open overnight under any circumstances. The work area must be maintained in a safe and neat condition at all times.

Roadways, shoulders, and sidewalks in areas which the Permittee has actually commenced construction operations, and which are reserved for vehicular and pedestrian traffic, will be maintained by the Permittee at their expense, free from obstructions and in a smooth riding or walking condition at all times, including seasonal shutdowns.

If the excavation extends the full width of the City road, only one-half (1/2) of the road will be excavated at one time, and will be backfilled and a temporary pavement placed before the other half is excavated, unless otherwise permitted by the permit conditions. Where considered necessary, work under a permit will be carried on only within such hours as allotted by Environmental Services and/or City ordinance. If work cannot be completed within the time specified, open trenches will be backfilled or covered with steel plates of sufficient strength to carry all traffic safely. Plates must be recessed and pinned, and can only be left out with the approval of Environmental Services. If, in the Department's judgment, traffic conditions, the safety or convenience of the traveling public or the public interest requires that the excavation work be performed as emergency work, Environmental Services will have full power to order at the time the permit is granted, that a crew of workers and adequate facilities be employed by the Permittee twenty-four (24) hours a day to the end, that such excavation work may be completed as soon as possible. Environmental Services will also have full power to limit the hours of work as the public interest may require.

"ALL PLATES IN ROADWAY ARE TO BE COUNTERSUNK BETWEEN THE DATES OF NOV.15TH - APR. 15TH"

XI. MISCELLANEOUS REQUIREMENTS

Each Permittee will conduct and carry out the work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring properties. There will be no encroachment to adjoining properties, without the prior written consent of the property owner(s). The Permittee will take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise,

dust, soil erosion and unsightly debris. All work conducted must also be in compliance to City and/or State ordinances.

Users of subsurface street space will maintain accurate drawings and plans, showing the location and character of all underground structures, including abandoned installations. Said drawings and plans are to be kept on file in the office of said users and will at all times be available to Environmental Services for inspection.

XII. ORDINANCE NOT APPLICABLE TO CITY WORK

The provisions of this ordinance will not be applicable to any work under the direction of the City, by employees of the City, or by any contractor(s)/subcontractor(s) of the City performing work for, and on behalf of the City necessitating openings, or excavations in City roads, streets, sidewalks, curbs, parks, utilities, facilities, or any portion thereof, in the City of Hoboken, owned, maintained or controlled by the City of Hoboken's infrastructure.

XIII. WORK BY MUNICIPALITIES AND GOVERNMENTAL AGENCIES

Any work done by the county and/or state governmental agencies, their departments, and divisions, must be performed under the provisions of this ordinance, except that the City may waive any and all fees.

XIV. LIABILITY OF THE CITY

This ordinance will not be construed as imposing upon the City, or any official, or employees any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder, nor will the City or employees thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work.

XV. RIGHT-OF-WAY ENCROACHMENT

No part of the City road right-of-way will be used for the conducting of private business. The City road right-of-way is to be kept clear of buildings, sales or merchandise displays, vehicle parking areas, servicing of vehicles, service of equipment, and appurtenances thereto.

Under no circumstances, will objects create an obstacle, and/or line of sight obstruction to motorists and pedestrians to observe oncoming traffic, signals, signing, striping, pavement markings and/or any other hazardous conditions. The City reserves the right to remove items deemed to be obstructive and/or hazardous objects not under permit work may also be removed by the City and subject to violation.

XVI. SOIL BORINGS - MONITORING WELLS - GEO-PROBES

The location of soil borings, monitoring wells and/or geo-probes will be shown on a site plan, at a scale of one (1") inch equals fifty (50') feet minimum, and will be included with the application.

The construction detail of soil borings, monitoring wells and/or geo-probes will be included with

the application.

The permit will expire one (1) year from date of the completion of the removal of the monitoring wells and/or geo-probes, unless extended for good cause, in writing by Environmental Services and/or its duly authorized representative, at the written request of the Permittee. Removal of monitoring wells and/or geo-probes immediately after work is performed will be subject to "Work Site Restoration" ordinance.

XVII. UNDERGROUND STORAGE TANKS (UST)

Underground storage tank inspections and removals will fall under all rules, regulations and guidelines of this ordinance, with exception to the following. Tank abandonment and removal may be conducted by business licensed by the State of New Jersey to perform such work.

Abandoned tanks found not to be leaking of any petroleum fluids and only after NJDEP inspection, may be back filled as per NJDEP guidelines. Abandoned tanks found to be leaking will be removed, along with its contaminated soil. No permanent backfilling may be conducted prior to the approval of a NJDEP inspection. The Permittee will provide to the Department of Environmental Services office a signed release and report from the NJDEP, with the name and location of disposal site to the removed tank and contaminated soil. "Work Site Restoration" ordinance will prevail.

XVIII. DEFINITIONS

APPLICANT - Any public or private utility company making application to the Department of Environmental Services for a "Road Opening Permit" hereunder. If the "applicant" is a contractor who will be performing the excavation work on behalf of another party, the contractor shall be a co applicant, and the party on whose behalf the work is being performed shall be the "applicant."

CO-APPLICANT - A contractor who will be performing excavation work on behalf of the applicant, and who is jointly and severally responsible and liable along with the applicant for compliance with all items and conditions of this Ordinance and any penalty or claim filed by the City as a result of any violation of this Ordinance.

CITY- Shall mean the City of Hoboken.

CITY ENGINEER - Is the person appointed to the position of City Engineer, or any person authorized to act as his or her representative.

DEPARTMENT, THE –refers to the City of Hoboken Department of Environmental Services, who has the sole responsibility of the review and approval of a "Road Opening Permit" as described herein.

ENVIRONMENTAL SERVICES -refers to the City of Hoboken Department of Environmental Services, who has the sole responsibility of the review and approval of a "Road Opening Permit" as described herein.

EXCAVATION - The digging, displacing, undermining, opening, boring, tunneling, auguring, or in any manner breaking up any improved or unimproved road, street, curb, sidewalk, gutter, or other public property in any roadway or any portion of a City

"Right-Of-Way."

INFRARED - A paving restoration method utilizing infrared heat to properly restore existing asphalt.

LINER FOOT - Common unit of English measurement used to determine openings in City roads, is equal to twelve (12") inches.

MAINTENANCE GUARANTEE - Security in the form of either a bond, letter of credit, or a certified check posted by an applicant or co-applicant to guarantee proper maintenance of the reconstruction of the site of any road opening for a period of two (2) or five (5) years after final acceptance.

MUTCD - Manual on Uniform Traffic Control Devices.

PERFORMANCE GUARANTEE - Security in the form of either a bond, letter of credit or a certified check posted by an applicant or co-applicant to guarantee proper closure and satisfactory reconstruction of the road opening.

PERMITTEE - Any person who has been granted and has in full force and effect a permit issued hereunder.

PERSON - Any person, firm, partnership, association, corporation, municipality, company or organization of any kind.

RESIDENTIAL DRIVEWAY - Is an excavation for a single-family dwelling, duplex or common driveway, which serves two single-family residences in accordance with a subdivision approval requirement of the City's Planning Board.

SQUARE FOOT - Shall mean the surface area of the opening made in the City roadway or property by the permit applicant. It shall be the product of the length and width of the opening measured in feet. In case of irregular openings, the City may at its sole discretion choose to average the length and/or width.

STREET - Any street, highway, road, roadway, sidewalk, alley, avenue, pavement, shoulder, gravel base, sub grade, curb, gutter, including drainage structures, utility structures, and all other appurtenant structures, trees and landscaping; or any other public "Right-Of-Way" or public ground in the City of Hoboken and under control of the City of Hoboken.

UTILITY COMPANY - Includes telephone, fiber optic, cable, wireless, water, sewer, gas, and electric.

Fee Schedule

Road Opening Permits:	
Application Fees	
Normal:	\$50.00
All Non-reported Openings:	\$200.00
Permit Fees: (Opening Size)	
Up to 20 S.F.	\$100.00
Between 20 and 100 S.F.	\$200.00
Additional over 100 S.F.	\$10.00/Ea Addt'l S.F.
Multiple Openings (Minimum)	\$100.00/Ea Up to 20 S.F.
	\$200.00/Ea Over 100 S.F.
Bond Fees:	
Up to 20 S.F.	\$2,000.00
Over 20 S.F.	\$2,000.00 plus \$100.00
	Per. S.F. over 80 S.F.
Multiple Openings (Minimum)	\$2,000.00/Ea Up to 20 S.F.
Newly Paved Roads (5 Yrs or Less)	\$10,000.00 - \$50,000.00
(As determined by City Engineer)	
Curbing-Driveway-Sidewalk	
Application Fee:	\$50.00
Sidewalk Openings	\$100.00
Permit Fees: Driveway/Residential	\$200.00/Ea Opening (Min 10 L.F.)
Driveway/Commercial	\$500.00/Ea Opening (Min 20 L.F.)
	\$100.00/Ea Addt'l L.F.
Full Height Curbing:	\$200.00 (Min 10 L.F.)
	\$50.00/Ea Addt'l L.F.
Bond Fees: Curbing/Driveway	\$2,000.00 (Min) (Up to 10 L.F.)
	\$100.00/Ea Addt'l L.F. (Over 10 L.F.)
Borings/Monitoring Wells/Geo Probes (Min 2 Openings)	
Permit Fees:	\$150.00
	\$75.00/Ea Addt'l
	Boring/Well/Probe
Bond Fees:	\$2500.00 (Min 2 Borings)
	\$1000.00 (Ea Addt'l Boring)
Inspection Fees: (Normal Hours)	\$75.00
(After hours + Sat-Sun-Holidays)	\$150.00

Section Two: Repeal of Inconsistent Provisions

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section Three: Severability

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section Four: Effective Date

This Ordinance shall take effect upon passage and publication as provided by law.

Section Five: Codification

This Ordinance shall be a part of the code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Introduction: April 4, 2012

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano	✓			
Peter Cunningham	✓			
Jen Giattino	✓			
Carol Marsh	✓			
Elizabeth Mason	✓			
David Mello	✓			
Tim Occhipinti	✓			
Michael Russo	✓			
President Ravi Bhalla	✓			

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				

Approved as to Legal Form:

 Mark A. Tabakin, Corporation Counsel

Adopted by the Hoboken City Council
 By a Vote of ____ Yeas to ____ Nays
 On the ____ day of _____, 2012

 James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

-or-

Approved by the Mayor
 On the ____ day of _____, 2012

 Dawn Zimmer, Mayor

② 1st Reading
4-4-12

Sponsored by: [Signature]
Seconded by: [Signature]

CITY OF HOBOKEN
ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 190 ENTITLED
"VEHICLES AND TRAFFIC" TO AMEND PARKING
REGULATIONS RELATING TO TIME LIMIT PARKING FOR
THE NORTHWEST SECTION OF THE CITY**

WHEREAS, the municipality has found that specific sections of Chapter 190 currently requires amendments in order to best effectuate parking in the City; and,

WHEREAS, the City Council wishes to more closely align the City's actual parking practices with the best practices for parking and transportation.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby Ordain as follows (additions noted in underline, deletions noted in strikethrough):

**SECTION ONE: AMENDMENTS TO HOBOKEN CODE SECTIONS 190-29.8
AND ESTABLISHMENT OF 190-29.9**

§ 190-29.8. Time limit parking locations and fees.

In accordance with the provisions of this Article XVII, no person shall park or stand a vehicle for longer than the time limit posted upon any of the herein described streets or parts of streets, subject only to the exceptions and conditions in 190-29.9:

Street Location	Side	Hours/Time Limits	Rate
<u>Fifteenth Street from Madison Street to Willow Avenue</u>	<u>Both</u>	<u>9:00 a.m. to 9:00 p.m./ 4.0 hours</u>	<u>\$0.25/15 min.</u>

§190-29.9. Conditional Time Limit Parking Locations and Fees

In accordance with the provisions of this Article XVII, no person without a valid parking permit issued by the City of Hoboken Parking Utility shall park or stand a vehicle for longer than the time limit posted upon any of the herein described streets or parts of streets; persons with a valid parking permit issued by the City of Hoboken Parking Utility may park and stand a vehicle upon any of the herein described streets or parts of streets without being subject to the provisions of Article XVII:

Street Location	Side	Hours/Time Limits	Rate
<u>Clinton Street from Fifteenth Street to Sixteenth Street</u>	<u>East</u>	<u>9:00 a.m. to 9:00 p.m./ 4.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Grand Street from Sixteenth Street to Fifteenth Street</u>	<u>East</u>	<u>9:00 a.m. to 9:00 p.m./ 4.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Adams Street from Fifteenth Street to Sixteenth Street</u>	<u>East</u>	<u>9:00 a.m. to 9:00 p.m./ 4.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Jefferson Street from Sixteenth Street to Fifteenth Street</u>	<u>East</u>	<u>9:00 a.m. to 9:00 p.m./ 4.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Fifteenth Street from Madison Street to Willow Avenue **</u>	<u>Both</u>	<u>9:00 a.m. to 9:00 p.m./ 4.0 hours</u>	<u>\$0.25/15 min.</u>

**Note: This Street Location is temporarily included in § 190-29.9 until 11:50p.m. on December 31, 2013. Beginning at 12:00a.m. on January 1, 2014 this Street Location shall be automatically removed from the provisions §190-29.9, and shall become exclusively subject to the provisions of § 190-29.8.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION THREE: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance

shall stand notwithstanding the invalidity of any part.

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by law.

SECTION FIVE: CODIFICATION

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Date of Introduction: April 4, 2012

Introduction:

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano	✓			
Peter Cunningham	✓			
Jen Giattino	✓			
Carol Marsh	✓			
Elizabeth Mason	✓			
David Mello	✓			
Tim Occhipinti	✓			
Michael Russo	✓			
President Ravi Bhalla	✓			

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				

Approved as to Legal Form:

Mark A. Tabakin, Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of ____, 2012

James Farina, City Clerk

Vetoed by the Mayor for the following
reasons: _____

-or-

Approved by the Mayor
On the ____ day of ____, 2012

Dawn Zimmer, Mayor

3 1st reading
4-4-12

Sponsored by: [Signature]
Seconded by: [Signature]

CITY OF HOBOKEN
ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 141A ENTITLED
"PARKING PERMITS", AND AMENDING CHAPTER 190
ENTITLED "VEHICLES AND TRAFFIC" TO AMEND PARKING
REGULATIONS RELATING TO RESIDENT PARKING
PERMITS, NO PARKING ZONES, BUS STOPS, AND TIME LIMIT
PARKING**

WHEREAS, Chapter 141A of the General Code of the City of Hoboken establishes the rules and regulations associated with parking permits within City borders; and,

WHEREAS, the municipality has found that specific sections of Chapter 141A and Chapter 190 currently requires amendments in order to best effectuate parking in the City; and,

WHEREAS, the City Council wishes to more closely align the City's actual parking practices with the best practices for parking and transportation.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby Ordain as follows (additions noted in underline, ~~deletions noted in strikethrough~~):

SECTION ONE: AMENDMENTS TO HOBOKEN CODE CHAPTER 141A

§ 141A-2. Resident permits.

H. The resident permit parking only areas, unless otherwise indicated by signage in said areas, include, but are not necessarily limited to:

Name of Street	Side	Limits	Locations
Harrison Street	West	24 hours	Beginning at the southerly curbline of Fourth Street and extending to the most southerly terminus.
<u>Harrison Street</u>	<u>West</u>	<u>24 hours</u>	<u>Beginning at the southerly curbline of Fourth Street and extending to the southern terminus.</u>

Southwest

Name of Street	Side	Limits	Locations
<u>Jackson Street</u>	<u>West</u>	<u>24</u> <u>hours</u>	<u>Beginning at the northerly curbline of Observer Highway and extending to the southerly curbline of Paterson Avenue</u>
<u>Observer Highway</u>	<u>North</u>	<u>24</u> <u>hours</u>	<u>Beginning at the easterly curbline of Jackson Street and extending to the westerly curbline of Paterson Avenue.</u>

SECTION TWO: AMENDMENTS TO HOBOKEN CODE SECTION 190-29.8

§ 190-29.8. Time limit parking locations and fees.

In accordance with the provisions of this Article XVII, no person shall park or stand a vehicle for longer than the time limit posted upon any of the herein described streets or parts of streets:

Street Location	Side	Hours/Time Limits	Rate
<u>Jackson Street from Newark Street to Observer Highway</u>	<u>West</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Observer Highway from the Jackson Street to Monroe Street</u>	<u>South</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Third Street from Clinton Street to Willow Avenue</u>	<u>North</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>

SECTION THREE: AMENDMENTS TO HOBOKEN CODE SECTION 190-6

§ 190-6. No stopping or standing.

Southwest

In accordance with the provisions of this AA 190-6, no person shall stop or stand a vehicle upon the following streets or portion thereof for the hours indicated herein:

Third Street North ~~Beginning at the easterly curbline of Clinton Street and extending to the westerly curbline of Willow Avenue~~

SECTION FOUR: AMENDMENTS TO HOBOKEN CODE SECTION 190-13

Article VII. Bus Stops

§ 190-13. Bus stops designated.

The locations described are hereby designated as bus stops. No vehicle other than an omnibus picking up or discharging passengers shall be permitted to occupy said location between the hours indicated:

N. Jackson Street, northbound on the easterly side at:

Street/Location	Hours/Days
<u>Observer Highway (near side), beginning at the southerly curbline of Observer Highway and extending 100 feet southerly therefrom</u>	<u>6:00 a.m. to 11:00 p.m. Monday to Friday</u>

SECTION FIVE: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION SIX: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION SEVEN: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by law.

SECTION EIGHT: CODIFICATION

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Date of Introduction: April 4, 2012

Introduction:

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano	✓			
Peter Cunningham	✓			
Jen Giattino	✓			
Carol Marsh	✓			
Elizabeth Mason	✓			
David Mello	✓			
Tim Occhipinti	✓			
Michael Russo	✓			
President Ravi Bhalla	✓			

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				

Approved as to Legal Form:

Mark A. Tabakin, Corporation Counsel

Vetoed by the Mayor for the following reasons: _____

Southwest

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of _____, 2012

James Farina, City Clerk

-or-

Approved by the Mayor
On the ____ day of _____, 2012

Dawn Zimmer, Mayor

revised
21 of 4-4-12

④ 1st reading
4-4-12

Sponsored by: [Signature]
Seconded by: [Signature]

CITY OF HOBOKEN
ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND SUPPLEMENT SUBSECTION 86-3 ENTITLED "SCHEDULE OF FEES: SURCHARGES" OF CHAPTER 86 ENTITLED "UNIFORM CONSTRUCTION CODE" OF THE GENERAL CODE OF THE CITY OF HOBOKEN

WHEREAS, Chapter 86 of the Hoboken City Code describes the City's obligations and rights under the Uniform Construction Code; and,

WHEREAS,

NOW, THEREFORE, BE IT ORDAINED by the Hoboken City Council, County of Hudson, in the State of New Jersey as follows:

Section One: Amendments/Additions to Chapter 86

Section 86-3 the General Code of the City of Hoboken, currently titled "Uniform Construction Code; Schedule of Fees: Surcharges" is hereby amended as follows (deletions noted by ~~strikethrough~~, additions noted by underline):

H. Waivers and Exclusions of Fees

A.

All private nonprofit entities having as one of their purposes the development of single room occupancy housing, certified in writing by the Director of the Department of Housing, Economic Development and Commerce as affordable to low- and moderate-income individuals and families according to the definitions and affordability controls contained in the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and in the regulations of the Council on Affordable Housing, N.J.A.C. 5:91 and 5:92, specifically Subchapter 12 of N.J.A.C. 5:92, shall only pay the surcharges listed in Subsection 86-3(G)(1), and the fee as provided Subsection 86-3 for any construction permit or certificate of occupancy required for the development and/or each certified affordable residential dwelling unit.

B.

Any entity to which this legislation is applicable which paid fees between January 1, 2012 and the effective date of this legislation which were excess of those required in this Subsection 86-3(H), shall have the excess fees reimbursed upon written request.

C.

Pursuant to N.J.S.A. 52:27D-126e, there shall be no fee for construction permits for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by the disabled to public or private structures or any facilities contained therein.

Section Two: Repeal of Inconsistent Provisions

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section Three: Severability

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section Four: Effective Date

This Ordinance shall take effect upon passage and publication as provided by law.

Section Five: Codification

This Ordinance shall be a part of the code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Introduction: April 4, 2012

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano	✓			
Peter Cunningham	✓			
Jen Giattino	✓			
Carol Marsh	✓			
Elizabeth Mason	✓			
David Mello	✓			
Tim Occhipinti	✓			
Michael Russo	✓			
President Ravi Bhalla	✓			

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				

Approved as to Legal Form:

Mark A. Tabakin, Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ___ Yeas to ___ Nays
On the ___ day of ____, 2012

James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

-or-

Approved by the Mayor
On the ___ day of ____, 2012

Dawn Zimmer, Mayor

⑤ 1st reading
4-4-12

Sponsored By: [Signature]

Seconded By: [Signature]

City of Hoboken

Ordinance No _____

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED (PARKING FOR HANDICAPPED) Approval; (933 Park Avenue, 54-11th Street)

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DOES HERE BY ORDAIN AS FOLLOWS:

Handicapped Parking

Section 192-4 (A) is hereby amended to add the following restricted handicapped parking spaces:

James Tarabocchia

933 Park Avenue:

east side of Park Avenue, beginning at a point of 105 feet south of the southerly curblineline of Tenth Street and extending 22 feet southerly therefrom.

Angel Cardenas

54-11th Street:

north side of Eleventh Street, beginning at a point of 103 feet west of the westerly curblineline of Hudson Street and extending 22 feet westerly therefrom.

Section 2: This ordinance shall be part of the Administrative Code of the City of Hoboken as though codified and fully set forth therein.

Section 3: The City Clerk shall have this ordinance codified and incorporated in the official copies of the Hoboken code. All ordinance and parts of ordinances inconsistent herewith are hereby repealed.

Section 4: this ordinance shall take effect as provided by Law.

Date of Introduction: April 4, 2012

Introduction:

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano	✓			
Peter Cunningham	✓			
Jen Giattino	✓			
Carol Marsh	✓			
Elizabeth Mason	✓			
David Mello	✓			
Tim Occhipinti	✓			
Michael Russo	✓			
President Ravi Bhalla	✓			

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				

Approved as to Legal Form:

 Mark A. Tabakin, Corporation Counsel

Adopted by the Hoboken City Council
 By a Vote of ____ Yeas to ____ Nays
 On the ____ day of ____, 2012

 James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

-or-

Approved by the Mayor
 On the ____ day of ____, 2012

 Dawn Zimmer, Mayor

⑥ 1st reading
4-4-12

Sponsored by: [Signature]
 Seconded by: [Signature]

CITY OF HOBOKEN
 ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND SUPPLEMENT DESIGNATION OF ONE WAY STREETS WITHIN CHAPTER 190 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED VEHICLES AND TRAFFIC, ADOPTED SEPTEMBER 4, 1991 AS ORDINANCE #2278

THE CITY COUNCIL OF THE CITY OF HOBOKEN DOES HEREBY ORDAIN AS FOLLOWS:

**ARTICLE III
 ONE WAY STREETS**

190-7 One way streets designated

Section 1: The following Street is hereby **deleted** as a two-way street.

Name of Street	Direction	Limits
Madison Street	North/South Bound	Eleventh Street to Twelfth Street

Section 2: The following described street or parts of street are hereby **added** as designated one way streets in the direction indicated. Parking on these streets will be permitted on the sides indicated.

Name of Street	Direction	Limits	Parking Permitted
Madison Street	North Bound	Newark Street to Twelfth Street	Both sides
Twelfth Street	East Bound	Madison Street to Hudson Street	Both Sides
Twelfth Street	West Bound	Madison Street to Monroe Street	

Section 3: All ordinances and parts of ordinances inconsistent herewith are hereby repealed. This ordinance shall be part of the Hoboken 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 Hoboken code. Proper signs shall be erected in accordance with the current "Manual on Traffic Control Devices." This ordinance shall take effect as provided by law.

Date of Introduction: April 4, 2012

Introduction:

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano	✓			
Peter Cunningham	✓			
Jen Giattino	✓			
Carol Marsh	✓			
Elizabeth Mason	✓			
David Mello	✓			
Tim Occhipinti	✓			
Michael Russo	✓			
President Ravi Bhalla	✓			

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				

Approved as to Legal Form:

Mark A. Tabakin, Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of ____, 2012

James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

-or-

Approved by the Mayor
On the ____ day of ____, 2012

Dawn Zimmer, Mayor

7 1st reading
4-4-12

Sponsored by: [Signature]
Seconded by: [Signature]

CITY OF HOBOKEN
ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 190 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED VEHICLES AND TRAFFIC, ADOPTED SEPTEMBER 4, 1991 AS ORDINANCE #2278 TO DELETE AND ADD ONE WAY STREETS .

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DOES HEREBY ORDAIN AS FOLLOWS:

ARTICLE III
ONE WAY STREETS

190-7 One way streets designated

Section 1: The Following described street or part of streets are hereby deleted as one way streets.

Name of Street	Direction	Limits
Clinton Street	North Bound	Thirteenth Street to Fifteenth Street

Section 2: The following described street or parts of street are hereby added and designated as two way streets in the direction indicated.

Name of Street	Direction	Limits
Clinton Street	North/South Bound	Thirteenth Street to Fourteenth Street
Clinton Street	North/South Bound	Fourteenth Street to Fifteenth Street

Section 3: All ordinances and parts of ordinances inconsistent herewith are hereby repealed. This ordinance shall be part of the Hoboken 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 Hoboken code. Proper signs shall be erected in accordance with the current "Manual on Traffic Control Devices." This ordinance shall take effect as provided by law.

Mayor _____

City Clerk _____

Meeting Date:

Approved as to legal from
Corporation Counsel

Sponsored by: Peter H. Knight

Seconded by: Dawn Zimmer

1st reading
4-4-12

CITY OF HOBOKEN
ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE
ESTABLISHING A SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF
TITLE FOR ALL POSITIONS IN THE CITY OF HOBOKEN

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DO ORDAIN AS FOLLOWS;

1. The Alphabetical List of Titles, City of Hoboken, set forth in City Code to which this Ordinance is an amendment and supplement shall be, and the same is hereby, amended and supplemented so that the titles, salaries and ranges contained herein shall be amended as follows on the attached list, which is incorporated by reference. The remainder of the Alphabetical List of Titles, City of Hoboken, set forth in the City Code shall remain unchanged as a result of this Ordinance.
2. If the Alphabetical List of Titles, City of Hoboken, herein set forth contains any position or positions which are not enumerated in the Plan for the Standardization of Municipal Class Titles, which is a part of the Code to which this Ordinance is an amendment, then in that event, the duties of the said position or positions shall be those which pertain to the particular position and positions set forth in any other ordinance adopted and now in force and effect in any statute of the State of New Jersey.
3. The provisions of this Ordinance shall in no way affect the tenure or Civil Service status of any employees presently employed by the City of Hoboken in any of the various positions set forth in the Alphabetical List of Titles, City of Hoboken.
4. The Alphabetical List of Titles referred to herein as well as the salary ranges for all positions in the City shall be on file in the Office of the City Clerk.
5. All ordinances or parts of ordinances inconsistent herewith are herewith repealed.
6. This ordinance shall take effect as provided by law.

Date of Introduction: April 4, 2012

Approved as to Legal Form:

Vetoed by the Mayor for the following reasons: _____

Mark A. Tabakin, Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of _____, 2012

-or-
 Approved by the Mayor
On the ____ day of _____, 2012

James Farina, City Clerk

Dawn Zimmer, Mayor

Title	Minimum	Maximum
Special Law Enforcement Officer Class II	\$20.00/hour	\$25.00/hour
Fire Prevention Specialist (Part Time)	\$20.00/hour	\$25.00/hour
Public Works Repairer	\$20,000.00 annually	\$40,523.00 annually

⑨ 1st reading
4-4-12

Sponsored by:

Seconded by:

CITY OF HOBOKEN
ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 110 ENTITLED
"GARBAGE RUBBISH AND LITTER" TO CLARIFY
OBLIGATIONS UNDER SECTION 110-45 AND TO AMEND THE
PENALTY AND VIOLATIONS SECTION OF THE CHAPTER**

WHEREAS, Chapter 110 of the General Code of the City of Hoboken establishes the rules and regulations associated with disposal and removal of garbage and refuse within City borders; and,

WHEREAS, the City Council believes a change in the penalties is necessary to effectuate higher rates of compliance with the ordinance; and,

WHEREAS, the City Council wishes to amend the language of the handbill section to more efficiently clarify the obligations of the general public with regards to the section.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby Ordain as follows (additions noted in underline, ~~deletions noted in strikethrough~~):

SECTION ONE: AMENDMENTS TO HOBOKEN CODE SECTION 110-45

Section 110-45: ~~Distribution~~ of Handbills and Circulars

No person shall throw, cast or distribute, or place, or cause to be thrown, cast or distributed, or placed any handbill, circular, card or other advertising matter whatsoever, (1) in or upon any street or public place or (2) in or upon a front yard or (3) in or upon any vehicle or (4) in the vestibule or hall of any building or (5) in any place from which such matter may be blown by the wind onto a street or public place, or nor shall any person place or cause to be placed on any pole, vehicle or public sign any advertising matter unauthorized by the owner of the said pole, vehicle or public sign.

SECTION TWO: AMENDMENTS TO HOBOKEN CODE SECTION 110-55

Section 110-55: Violations and Penalties

A.

Any person found guilty of violating any of the provisions of this chapter shall be liable to a fine not to exceed \$1,000 or imprisonment for a period not to exceed 90 days, or both, but no fine imposed on any person for the violations of any of the provisions of this chapter shall be less than \$500 ~~\$100~~.

B.

Each day that a violation of the provisions of this chapter is permitted to continue shall constitute a separate violation and be punishable as such.

C.

Any person who is convicted of violating Section **110-55** within one year of the date of a previous violation of Section **110-55** and who was fined for the previous violation, shall be sentenced to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than \$100 nor shall it exceed the maximum fine fixed for a violation of the section, but shall be calculated separately from the fine imposed for the violation of the section, as provided for by N.J.S.A. 40:69A-29.

SECTION THREE: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FOUR: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FIVE: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by law.

SECTION SIX: CODIFICATION

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers

of existing provisions not intended to be repealed.

Date of Introduction: April 4, 2012

Introduction:

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano	✓			
Peter Cunningham	✓			
Jen Giattino	✓			
Carol Marsh	✓			
Elizabeth Mason	✓			
David Mello	✓			
Tim Occhipinti	✓			
Michael Russo	✓			
President Ravi Bhalla	✓			

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Theresa Castellano				
Peter Cunningham				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Ravi Bhalla				

Approved as to Legal Form:

Mark A. Tabakin, Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of _____, 2012

James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

-or-

Approved by the Mayor
On the ____ day of _____, 2012

Dawn Zimmer, Mayor