

3
1st Reading
4-18-620

Introduced by: [Signature]
Seconded by: David M...

CITY OF HOBOKEN
RESOLUTION NO. : Z-178

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 136 (NUISANCES)
SECTION 136.2 (PROHIBITED ACTS) OF THE CITY OF HOBOKEN MUNICIPAL CODE**

WHEREAS, language in the subject chapter/section has been found to be ambiguous, redundant, and in some cases overreaching, making administration of the chapter difficult; and

WHEREAS, the most recent updates to the section were made more than fifteen years ago, and the City Council wishes to update this section to keep pace with contemporary quality of life issues.

Now **THEREFORE**, be it ordained by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, as follows:

SECTION ONE: AMENDMENT

Chapter 136 (Nuisances) is amended as follows; additions noted in underline ~~deletions noted in strikethrough.~~

§ 136-1. Definitions.

~~AUTHORIZED AGENT~~

~~A licensed Sanitary First Grade Inspector or public health investigator.~~

ENFORCEMENT AGENCIES

The Hoboken Health Department, including Health Officer, Registered Environmental Health Specialist and Public Health Nuisance Investigator; Environmental Services Division, including Sanitation Inspectors; Hoboken Housing Inspectors; Construction Code Inspectors; Taxi and Limousine Inspectors; Zoning Officer; Hoboken Police Department; and Hoboken Fire Prevention Inspectors.

All other definitions in the section shall be unchanged.

§ 136-2. Prohibited acts.

- A. The following matter, things, conditions, or acts are hereby declared to be a nuisance and injurious to the health and safety of the inhabitants of the City of Hoboken, and are therefore prohibited. ~~prohibited within the City of Hoboken and shall constitute nuisances for purposes of this chapter. This is not to be considered an exclusive list, and the Health Officer may, within his reasonable discretion, apply the provisions of this chapter to any place or matters that may be a detriment, annoyance or menace to the general public.~~

- (1) Depositing, accumulating or maintaining any matter or thing which serves as food for insects or rodents and to which they may have access or which serves or constitutes a breeding place or harborage for insects or rodents in or on any land, premises, building or other place. Any container maintained for the short-term collection of refuse, recycling, composting or rainwater must have a properly fitting lid, be access resistant to insects and rodents, and must be maintained in good working order at all times, and must be kept in a clean and sanitary way. The placing or depositing, or allowing to remain in or upon any street or public place, or in any open lot or public or private property any dead animal or any part of the same, or any offal or garbage, or refuse or abandoned or improperly stacked building materials, or any carrion or putrid meat, or manure or compost, all of which are potential breeding places and harborage for flies, mosquitos, insects, rodents or other vermin, or any foul or offensive or obnoxious substances whatsoever.
- (2) Burying, depositing, maintaining or permitting to be maintained or to accumulate upon any public or private property any wastewater, sewage, garbage, refuse, offal or excrement; any dead animals; or any foul, putrid or noxious substance. The throwing upon, or allowing to flow from any premises or device upon any street or public place, open lot or public or private property, or the allowing to collect upon the surface of any premises, any waste water, dirty water, slops, liquid filth, overflow from cesspool, or any offensive liquid whatsoever.
- (3) Allowing or suffering to allow any waste container in which garbage, offal, scraps, food waste, and any other putrescible material, or recyclable material is held in or upon any premises which is not watertight, tightly covered and so kept at all times. Containers designed for the specific purpose of composting are permitted provided they are of a closed type with an air-tight lid and catch basin for collection of compost tea. Any foul or leaky privy vault or cesspool, or other receptacles for filth; also any privy vault cesspool or catch basin which is beneath any dwelling or other building, or is attached to the foundation wall of any dwelling or other building.
- (4) Pollution or the existence of a condition or conditions which cause or threaten pollution of any water, including stormwater, in such a manner as to cause or threaten injury to any inhabitants of this municipality either in their health, comfort or property. Allowing or permitting any night soil, or refuse, garbage or any offensive or decomposing solid or fluid matter or substance to leak or ooze, or escape from any vehicle, cart or wagon, or vessel in which the same may be conveyed or carried.
- (5) The existence or presence of any open standing water or other liquid in which mosquito eggs, larvae or pupae may breed or exist. This regulation does not prohibit the use of covered, enclosed and properly maintained rain barrels. Allowing any building to be occupied as a tenement house, apartment house, dwelling house, rooming house, factory building or food establishment, without a plentiful supply of pure water suitable for domestic or personal requirements, by any person who is responsible for such provision, by reason of ownership, possession or agreement, or in which the water supply has been turned off for any reason except to repair faulty plumbing.

- (6) The escape of such quantities of smoke, fly ash, dust, fumes, vapors, mist or gas into the open air from any stack, vent, chimney or any entrance or from any non-accidental fire as to cause injury, respiratory distress, watering of eyes or other physical malady to persons or damage to property. The discarding of household or trade dirt or waste from any roof, window or porch of any building in the city.
- (7) The use of property, substances, or things within the city, emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stenches, repulsive to the physical senses which annoy, discomfort, injure or inconvenience the health of persons within the municipality. Failing to keep the flooring of the halls, stairs and lands and rooming houses cleaned and free from filth, ashes, garbage, rubbish, refuse, junk, soil, water, drainage water, slop, wood, paper, and other material of a putrefactive or combustible nature and free from fire and accident hazards.
- (8) Allowing any building to be occupied as a tenement house, apartment house, dwelling house, rooming house, factory building or food establishment, without a plentiful supply of potable water suitable for domestic or personal requirements, by any person who is responsible for such provision, by reason of ownership, possession or agreement, or in which the water supply has been turned off for any reason except to repair faulty plumbing. Failing to keep the porches, stairways, landings, steps, floors, cellars, fire escapes, courts, yards, alleys, arcways, passageways, and all surrounding exterior surfaces of any dwelling, rooming house, or place of business, free from any accumulation of filth, ashes, garbage, refuse, junk, paper, wood, solid matter, waste matter, drainage and other material of a combustible or putrefactive nature. Such places shall at all times be kept free from fire and accident hazards.
- (9) Failing to make and maintain any dwelling or dwelling unit, rooming house, property, or place of business reasonably vermin proof and rodent proof and exterminate the same. Failing to keep every dwelling and rooming house and every part thereof, including the roof, walls, floors, provided carpeting, ceilings, attics, cellars, halls, stairs, stairways, porches, plumbing, provided heating plants or units and provided fixtures and equipment for heating water, including chimneys and smoke pipes and rubbish containers in a state of sound repair and in a clean and sanitary condition.
- (10) Allowing or suffering to allow the occupancy of any structure, dwelling or place of business that does not meet the minimum health, safety and habitability standards set forth in the municipal code, including but not limited to Chapter 80 – Building or Dwelling; Dangerous or Unfit, Chapter 95 – Dwellings; Minimum Standards, Chapter 115 – Health / Sanitary Code, Chapter 116 – Heating of Buildings, and Chapter 120 – Maintenance of Hotels and Multiple Dwellings, and all applicable fire safety and construction codes as established by the State of New Jersey. Failing to keep the rain leaders, gutters, sewers and drains of dwellings, rooming houses or places of business in good working order and in a state of sound repair, and failing to keep contents thereof from flowing onto or into adjacent premises.
- (11) The placing of any household, commercial or industrial waste or refuse, or construction or demolition materials into city litter receptacles. Failing to make and

~~maintain any dwelling or dwelling unit, rooming house, property, or place of business reasonably vermin proof and rodent proof and exterminate the same.~~

- (12) ~~The dissipation into the air of dirt, debris, dust, or materials from any construction site or any public or private place where such materials are stored. Maintaining water in which mosquito larvae breed, or maintaining untreated water in cellars, yards, or other public or private places or in barrels, cans, bottles or other containers in which mosquito larvae may breed.~~
- (13) ~~Failing to keep the rain leaders, gutters, sewers and drains of any structure, dwelling or place of business in good working order and in a state of sound repair, and failing to keep contents thereof from flowing onto or into adjacent premises or property. Washing tank trucks or other business vehicles or the commercial washing of private passenger cars on public streets, or in empty lots or other places which are not properly surfaced, drained and sewer connected.~~
- (14) ~~Discarding or throwing of any food product or waste, upon any sidewalk, street or public thoroughfare on in any park or other public or private place. Placing of food for animal consumption, in any public place, is also prohibited. All sunken lots or marsh lands, or lots below grade, where stagnant water gathers or is collected.~~
- (15) Weeds and other growths of vegetation upon private or public property at any state of maturity which:
 - (a) Exceed six inches in height, except for healthy specimen trees, ~~other than weed trees~~, shrubs or plants grown in a tended and cultivated garden.
 - (b) Regardless of height, harbors, conceals or invites deposits or accumulations of refuse, trash or animal wastes.
 - (c) Harbors or may harbor rodents, insects or other vermin.
 - (d) Gives off unpleasant or noxious odors.
 - (e) Constitute a fire or traffic hazard.
 - (f) Weeds that have grown to tree height.
- (16) ~~Trees that are damaged or dead to the extent that a falling limb or tree part could fall or cause injury or property damage. ~~an insect or rodent harborage.~~~~
- (17) ~~The growth, existence or presence of ragweed on any plot of land, lot, street, highway, right-of-way or any other public or private place. Waters or wastes containing toxic or poisonous solids, particles, liquids or gases, in sufficient quantity, either singly or by interaction with other wastes to constitute a hazard to humans or animals or to cause corrosion, discoloration or deposition on structures, equipment, sidewalks and streets.~~
- (18) ~~The growth, existence or presence of poison ivy on any property, public or private. Any solid or viscous substances in such quantities or of such size capable of causing~~

~~obstruction to the flow in the storm water drainage system or other interference with the proper operation of the drainage system of the City of Hoboken.~~

- (19) ~~All wires, ropes, or lines over streets, alleys or public grounds which are not authorized or permitted by the city or which are strung so that the lowest portion is less than 15 feet above the surface of the ground.~~
- (20) ~~Idling of commercial vehicles for more than three (3) minutes in any district, or by any vehicle; commercial, public or private, for any amount of time in a posted school zone. All buildings, walls and other structures which have been damaged by fire, decay or otherwise and which are so situated as to endanger public safety or to be contrary to ordinance.~~
- (21) ~~Spitting upon any public sidewalk or crossing or upon the floor or any part of a building or public conveyance. All loud or unusual or unnecessary noises and annoying vibrations which offend the peace and quiet of persons of ordinary sensibilities. This shall include the continuous barking or crying of dogs, birds or other animals.~~
- (22) ~~The keeping of any animal or animals under unsanitary conditions. The escape of smoke, soot, cinders, vapors, sprays, fumes, gases, fly ash or dust within the city limits in such quantities as to endanger the health of persons or to threaten or cause injury to property, but excluding smoke emanating from residential fireplaces.~~
- (23) ~~The continuous barking or crying of dogs, birds or other animals. Any use of property, substances, or things within the city, emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stenches, repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of persons within the City of Hoboken.~~
- (24) ~~No person shall keep or harbor any livestock or unlawful wildlife unless specifically licensed to do so from by the Health Officer or pursuant to law. The throwing of any food product, whether animal or human consumption, upon any sidewalk, street, park or other public or private place.~~
- (25) ~~Any other matter, thing, condition or act which is or may become injurious, detrimental, a menace or endanger the health of the inhabitants of this municipality. Loading and unloading docks, similar areas. The person owning, operating or in control of a loading or unloading dock shall maintain authorized private receptacles for collection of litter, and shall at all times maintain the dock area free of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.~~
- (26) ~~Parking lots — litter receptacles required. Any public place or private premises containing any provision for parking vehicles shall be equipped with litter receptacles. Such premises shall include, but not be limited to such places as shopping centers, outdoor theaters, drive-in restaurants, gasoline service stations. Apartment developments, parking lots, and any other place where provision is made for vehicles to stop or park in a designated area for any purpose. Two containers shall be~~

implemented in an easily accessible location for up to 25 spaces and at least one container for each additional 50 spaces.

- (27) ~~The growth, existence or presence of ragweed or poison ivy or other noxious plants on any plot of land, lot, street, highway, right of way or any other public or private lot.~~
- (28) ~~Leaking sewer lines and other sewage existing in an unsanitary manner and which could cause disease transmission.~~
- (29) ~~No person shall keep or harbor any livestock or unlawful wildlife unless specifically licensed to do so from the Health Officer or pursuant to law.~~
- (30) ~~No person shall place household, commercial or industrial refuse, construction or demolition refuse or street dirt into city litter receptacles.~~
- (31) ~~Any dirt, debris, dust, or construction material piled or maintained in a public or private place, in a manner so as to allow the dissipation of particles into the air.~~
- (32) ~~Any matter, thing, condition or act which is or which may become injurious, a detriment, a menace, a nuisance or endanger the health or general well being of the inhabitants of this municipality or the general public.~~
- (33) ~~Any matter, thing, condition or act which is or may become an annoyance, or interfere with the comfort, repose, health or general well being of the inhabitants of this municipality or the general public.~~

B. It shall be unlawful for any person or persons to commit, maintain or allow any nuisance as declared and described in this section.

B-C. Each prohibited act shall constitute a separate violation.

§ 136-3. Rules and orders; promulgation.

No change.

§ 136-4. Hearings.

No change.

§ 136-5. Inspections.

No change.

§ 136-6. Summary of abatement of nuisance by Health Officer.

No change.

§ 136-7. Enforcement.

No change.

§ 136-8. Violations and penalties.

No change.

§ 136-9. Repealer.

No change.

§ 136-10. Severability.

No change.

SECTION TWO: EFFECTIVE DATE

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

SECTION THREE: 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: _____

Approved as to Legal Form:

Approved

Mark A. Tabakin, Corporation Counsel

Arch Liston, Business Administrator

RECORD OF COUNCIL VOTE ON 1 ST READING			
Council Person	Aye	Nay	N.V.
Castellano	✓		
Cunningham	✓		
Giattino	✓		
Marsh	✓		
Mason			✓
Mello	✓		
Occhipinti			✓
Russo	✓		
Pres. Bhalla	✓		

RECORD OF COUNCIL VOTE ON 2 ND READING			
Council Person	Aye	Nay	N.V.
Castellano			
Cunningham			
Giattino			
Marsh			
Mason			
Mello			
Occhipinti			
Russo			
Pres. Bhalla			

I hereby certify the above vote on this ____ day of _____, 2012.

James Farina, City Clerk

Approved by the Mayor on the _____ day of _____, 2012.

Dawn Zimmer, Mayor

-or-

Vetoed by the Mayor for the following reasons:

(6) 1st reading, 4-18-12

Sponsored by:
Seconded by:

CITY OF HOBOKEN
ORDINANCE NO. Z-181

**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, additions after first reading noted in double 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 commercial 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 18, 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

① 1st reading 5-2-12

Sponsored By: David Myers
Seconded By: Pete H. ...

City of Hoboken Ordinance No Z-182

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 190 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED (PARKING FOR HANDICAPPED)
Approval; (**General Handicapped Parking for the Multi Service Center**)

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

General Handicapped Parking

Section 190-30 (B) is hereby amended to add the following restricted handicapped parking spaces:

Grand Street: west side of Grand Street, beginning at a point of 55 feet north of the southerly curblin of Second Street and extending 22 feet southerly 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

City Clerk

Mayor

Meeting Date:

Approved as to Legal form
Corporation Counsel

1st reading 5-2-12
②

Sponsored by: Patricia C. ...

Seconded by: David ...

CITY OF HOBOKEN
ORDINANCE NO. 2-183

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: May 2, 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
Assistant Business Administrator	\$75,000.00	\$125,000.00
Code Enforcement Officer Supervisor - HPU	\$30,000.00	\$50,000.00