1st reading 8-6-14 (3)

Sponsored by: _____

Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. Z-308 Z-308

AN ORDINANCE AMENDING HOBOKEN CODE § 93-20 ENTITLED 'LEASHING OF DOGS" TO PROHIBIT AND/OR MINIMIZE CERTAIN CRUEL RESTRAINT OF DOGS ON PUBLIC PROPERTY

WHEREAS, the City recognizes that cruel restraint of animals, and particularly dogs, is harmful to the animal's physical and mental wellbeing, and an unnecessary measure to protect the general welfare; and,

WHEREAS, the City now seeks to amend its Code to minimize and/or prohibit certain forms of dog restraints in an attempt to minimize unnecessary harms to dogs within the City boundaries.

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 93-20

§ 93-20 Leashing and Restraining of dogs.

A.

No person owning, keeping or harboring a dog shall suffer or permit it to be upon the sidewalk, public streets, City parks, walkways, public building or public place, within the City of Hoboken, unless the dog is accompanied by its owner or keeper and is safely confined and controlled by an adequate leash not more than six feet long, except if the dog is in a City dog run.

B.

Dogs shall be permitted only upon the paved areas of the Designated Waterfront Walkway, so long as the dog is safely confined and controlled by an adequate leash of no more than six feet long. No dog shall be permitted on any grass, gravel or other unpaved area of the Designated Waterfront Walkway.

C.

A person is guilty of cruelly restraining a dog if, on any public property within the City boundaries, the person:

(1) chains, ties, fastens or otherwise tethers a dog to a dog house, tree, stake, pole, fence, wall or other stationary object outdoors or indoors for more than 10 hours in a 24-hour period;

(2) regardless of how long a period of time, chains, ties, fastens or otherwise tethers a dog with any collar or similar device other than a properly fitted harness or buckle-type collar for the dog, with a chain or other tether less than 15 feet;

(3) regardless of how long a period of time, uses a choke or prong collar on the dog when chaining, tying, fastening, or otherwise tethering the dog; or

(4) regardless of how long a period of time, uses a choke or prong collar on a dog, whether tethered or untethered, within a dog park.

D. ~~C.~~

No violation of this section shall exist for any Guide dog.

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 affect 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: August 6, 2014

Introduction:

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

Final Reading:

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

Approved as to Legal Form:

_____

Mellissa Longo, Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of _____, 2014

_____

James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

_____

_____

_____

_____

-or-

Approved by the Mayor
On the ___ day of _____, 2014

_____

Dawn Zimmer, Mayor

1st reading 9-3-14 (1) Z-309

Sponsored by: _____
Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO.: Z-309

AN ORDINANCE AMENDING THE NORTHWEST REDEVELOPMENT PLAN AND APPENDIX A OF CHAPTER 196 OF THE CODE OF THE CITY OF HOBOKEN

WHEREAS, by Ordinance adopted May 20, 1998, the City Council of the City of Hoboken ("City Council") adopted a Redevelopment Plan known as the Northwest Redevelopment Plan for the redevelopment of an area in the City of Hoboken known as the Northwest Industrial Area ("Northwest Redevelopment Plan"), which was determined to be an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law ("Redevelopment Law"), N.J.S.A. 40A:12A-1 et seq.;

WHEREAS, the Northwest Redevelopment Plan is reprinted in Appendix A of Chapter 196 of the Code of the City of Hoboken; and

WHEREAS, the real property located at Block 100, Lot 10 on the tax map of the City of Hoboken, otherwise known as 1024 Adams Street, is situated within the Northwest Industrial Area; and

WHEREAS, the City Council has prepared certain proposed amendments to the Northwest Redevelopment Plan, which proposed amendments are in furtherance of the redevelopment of the Northwest Industrial Area; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the proposed amendments to the Northwest Redevelopment Plan were referred to the Planning Board for review and recommendations; and

WHEREAS, the City Council has reviewed and considered the recommendations of the Planning Board regarding the proposed amendments to the Northwest Redevelopment Plan; and

WHEREAS, the proposed amendments to the Northwest Redevelopment Plan meet the statutory requirements of, and can be adopted in consistency with, the applicable provision of the Redevelopment Law.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Hoboken as follows:

SECTION ONE: AMENDMENT

The "Zone 1" portion of the Northwest Redevelopment Plan is hereby amended to read as follows; deletions to the current ordinance are noted in ~~strikethrough~~, additions to the current ordinance are noted in underline:

196 Zoning
Attachment 1
City of Hoboken
Appendix A - Redevelopment Plan for the Northwest Industrial Area

Zone 1
[Amended 10-4-2006 by Ord. No. DR-275;
12-6-2006 by Ord. No. DR-285; 12-7-2011 by Ord. No. Z-146; 6-19-2013 by Ord. No. Z-243]

The following blocks will be permitted to have residential buildings: (Blocks B.88; B.89; B.95; B.99; B.100; B.103: Lots 1-6 & 27-32; B.104; B.109; B.110; B.114: Lots 1-13, 20-33, and parts of Lots 14-17 consisting of the southerly one-third 25 feet of these lots; B.115: Lots 1-14 & 19-32; B.150; B.151; B.156).

Sub-Area 1: All Sites With The Exception of Block 95, Lots 11-16 and 17-18 and Block 100, Lot 10

Where a redeveloper chooses to combine residential use with permitted nonresidential principal uses such as community facility or office or commercial recreation in a single building, all residential use– except for lobby access – must be located on floors above the other uses and have separate secure entrances. In such a case the floor area of each use must be prorated relative to the site. Such prorating shall also apply to instances where preexisting nonresidential buildings remain, whether for continued nonresidential use or renovated for residential use. Residential floor area may abut parking areas which are physically separated but technically on the same level. Maximum building height shall be the maximum permitted for residential use and all residential floors shall have rear yards as required for residential buildings. See bulk regulations in Table 1: "Sub-Area 1, Building Design".

Where such a mixed-use building directly abuts an off-site residential development, the design shall be evaluated by the Planning Board as to potential negative impact on the access to light and air of the adjoining building's residential floors.

Sub-Area 2: Block 95, Lots 11-16

Where the redeveloper of Block 95, lots 11-16 proposes to create a mixed-use building which includes a music recording studio with special requirements for sound insulation, the following special conditions shall apply: in addition to the base 3.0 FAR permitted for residential use on the site, the redeveloper may also create up to 1.55 FAR of space for such music recording studio and its ancillary space (including transient overnight accommodations as approved previously by the
Zoning Board of Adjustment) provided that for every 2.0 square feet of commercial space built, a minimum of 1.0 square feet of programmable public space is also built on-site. It is further provided that so long as at least 12,000 square feet of public space is built, for each 1.0 square feet of public space created, the builder may also create 1.0 square feet of additional residential floor area beyond the base 3.0 FAR. In no event, shall the total number of dwelling units created for the entire site exceed the maximum permitted at the base 3.0 FAR. Special bulk and parking regulations and urban design guidelines for this site can be found following the standard zone regulations immediately below. See bulk regulations in Table 2: "Sub-Area 2, Building Design".

Where such a mixed-use building directly abuts an off-site residential development, the design shall be evaluated by the Planning Board as to potential negative impact on the access to light and air of the adjoining building's residential floors.

Sub-Area 3: Block 95, Lots 17-18

The parcel identified as Block 95, Lots 17-18 constitutes a substandard sized building site within the Plan Area. Whereas the Plan requires a minimum of 10,000 sq. ft., the subject site measures 5,000 square feet as it existed at the time of the adoption of the Plan. The Council wishes to accommodate the project by permitting certain exceptions to a number of bulk regulations such as lot coverage, rear yard and related regulations, parking and floor area for corner buildings. Permitted density and building height will remain the same as in Sub-Area 1. See bulk regulations in Table 3: "Sub-Area 3, Building Design".

Sub-Area 4: Block 100, Lot 10

The parcel identified as Block 100, Lot 10 constitutes a substandard sized building site within the Plan Area. Whereas the Plan requires a minimum site size of 10,000 sq. ft., the subject site measures 5,000 square feet as it existed at the time of the adoption of the Plan. The City Council wishes to accommodate the project by permitting certain exceptions to a number of bulk regulations such as lot coverage, rear yard and related regulations, and floor area to accommodate the size of the site and to promote larger and more three bedroom units to accommodate the demand for housing for families. Urban Design Guidelines shall apply as a whole but where a conflict appears between the Urban Design Guidelines and Table 4, Table 4 regulations shall control. Special bulk regulations for this site can be found in Table 4: "Sub-Area 4, Building Design".

Table 1: "Sub-Area 1, Building Design"

In Sub-Area 1, residential buildings shall be designed pursuant to Table 1. Note that the Urban Design Guidelines for the Plan as a whole apply to Sub-Area 1. However, where a conflict appears between the Urban Design Guidelines for the Plan and those in Table 1, Table 1 regulations shall control:

Building Height	Five residential floors 50 feet over one floor 10 feet of parking (maximum total building height 60 feet) except as varied below where residential floor area is used to mask the parking, the ground floor residential use shall not be counted as a "residential floor" so long as maximum FAR and density have not been exceeded; in such a design, the parking may occupy up to two levels so long as the parking floors are completely masked and so long as all other regulations specified herein are complied with; the ground floor height may exceed 10 feet only to the extent necessary to raise the first residential floor level to base flood elevation.
Bonus Building Height	Where stoops are provided pursuant to the bonus provisions described below, maximum total building height may exceed 60 feet: Alternate A: where stoops are provided along the north-south frontage(s) of a site at least once every 50 feet, floor-to-floor heights may be increased to 11 feet; no fewer than two such stoops per north-south frontage may be provided to qualify for the bonus; in such a case, maximum building height is 65 feet; if a parapet is required by BOCA or local Fire Department regulations, it shall not exceed in height the minimum required. Alternate B: where residential floor area is used to mask parking floors and stoops are provided along the north-south frontage(s) of a site at least once every 50 feet, floor-to-floor heights may be increased to 11 feet; the ground floor height may exceed 10 feet only to the extent necessary to raise the first residential floor level to base flood elevation or to create a minimum four-step stoop; no fewer than two such stoops per north-south frontage may be provided to qualify for the bonus; if a parapet is required by BOCA or local Fire Department regulations, it shall not exceed in height the minimum required.

Residential buildings in Block 104, Lots 13 to 21 only within Zone 1 may be designed with an alternate Building Height as follows:

Building Height	Five residential floors 50 feet over one floor 16 feet of parking (maximum total building height 66 feet) except as varied below where residential floor area is used to mask the parking, the ground floor residential use shall not be counted as a "residential floor" so long as maximum FAR and density have not been exceeded; in such a design, the parking may occupy up to two levels so long as the parking floors are completely masked and so long as all other regulations specified herein are complied with; the ground floor height may exceed 16 feet only to the extent necessary to raise the first residential floor level to base flood elevation.
Bonus Building Height	Where stoops are provided pursuant to the bonus provisions described below, maximum total building height may exceed 66 feet: Alternate A: where stoops are provided along the north-south frontage(s) of a site at least once every 50 feet, floor-to-floor heights may be increased to 11 feet; no fewer than two such stoops per north-south frontage may be provided to qualify for the bonus; in such a case, maximum building height is 71 feet; if a parapet is required by BOCA or local Fire Department regulations, it shall not exceed in height the minimum required. Alternate B: where residential floor area is used to mask parking floors and stoops are provided along the north-south frontage(s) of a site at least once every 50 feet, floor-to-floor heights may be increased to 11 feet; the ground floor height may exceed 16 feet only to the extent necessary to raise the first residential floor level to base flood elevation or to create a minimum four-step stoop; no fewer than two such stoops per north-south frontage may be provided to qualify for the bonus; if a parapet is required by BOCA or local Fire Department regulations, it shall not exceed in height the minimum required.
Floor Area Ratio	3.0 for residential floor area; to be calculated using only those lots located within the residential zone boundary to be used for the residential structure (except as varied below).
Bonus FA:	Where public recreation space is created within the footprint of the residential structure or on adjacent lots within the residential zone boundaries (unless granted special exception by the City Council), the builder may add an equivalent amount of floor area to the building in the form of one penthouse level occupying no more than half the area of the roof below and set back a minimum of 10 feet from the front facade subject to the following controls: The public recreation space may be no smaller than 50 feet by 50 feet in size if open, 25 feet by 25 feet if enclosed. Penthouse may not rise higher than 10 feet above maximum building height permitted for the site.
Corner Buildings:	Any residential building which "wraps around" a corner may exceed the maximum floor area permitted for the principal portion of that structure only to the extent necessary to allow such building structure to be located anywhere within a square defined by a line drawn 70 feet

	along the lot lines extending in each direction from the street intersection and two perpendicular lines drawn to connect them, provided that all setback, density and parking requirements have been met; also see lot coverage exception.
Density:	Maximum dwelling units permitted on the site shall be calculated by dividing permitted FA (to be calculated at 3.0 as described above – whether the site is an interior or corner location) by 1,000; bonus FA may be translated into additional dwelling units by dividing it by 1,000.
Lot coverage:	60% for the residential portion of building (except on corner sites as described in the discussion of building depth and rear yards; see Urban Design Guidelines: General Building Bulk and Yard Requirements).
	90% for parking level up to 10 feet above grade as required for second level as described above.
Parking:	One space for each dwelling unit except for bonus units; no spaces required for public recreation space or any publicly accessible activity areas required in the building base so long as no individual activity area exceeds 1,000 square feet gross.

Table 2: "Sub-Area 2, Building Design"

In Sub-Area 2, where the redeveloper proposes to create a mixed-use building which includes a music recording studio and its ancillary space (including transient overnight accommodations as approved previously for this site by the Zoning Board of Adjustment) with special requirements for sound insulation, the following special regulations shall apply (note: hereinafter, such development will be referred to as "studio"):

Building Height:	One building mass may contain up to six residential floors (maximum: 60 feet) which may be increased by a seventh partial floor (up to a maximum: 70 feet in height) if bonus floor area is granted, supported over a base building which contains no more than one level of parking and one or two levels of studio space (maximum total height: 30 feet) separated by an open volume of space not to exceed 13 feet in height. Maximum height of the entire mixed-use structure may not exceed 112 feet to the top of the roof slab.
Floor Area Ratio:	3.0 for residential floor area; additional floor area pursuant to the bonus described below:
Bonus FA:	In addition to the base 3.0 FAR permitted for residential use on the site, the redeveloper may also create up to 1.55 FAR of space for the studio provided that for every 2.0 square feet of studio space built, a minimum of 1.0 square feet of programmable public space shall be built onsite. It is further provided that so long as at least 12,000 square feet of public space is built, for each 1.0 square feet of public space created, the

builder may also create 1.0 square feet of additional residential floor area beyond the base 3.0 FAR.

Density: Maximum dwelling units permitted on the site shall be calculated by dividing permitted base FA by 1,000 (to be calculated at 3.0 FAR). In no event, even if bonus floor area, is granted, shall the total number of dwelling units created exceed the maximum permitted at the base 3.0 FAR

Lot coverage: 60% for the residential portion of the building
100% for the base building containing the parking and the music recording studio up to 30 feet above grade as required

Parking: Five spaces for the music studio (pursuant to the previous variance granted); 0.5 spaces for each dwelling unit; no spaces required for public recreation space or any publicly accessible activity areas provided in the building base

Urban Design Guidelines: The following regulations apply specifically to Sub-Area 2; where a conflict appears between these and the Urban Design Guidelines for the Plan as a whole, the following regulations shall control:

General Building Bulk and Yard Requirements:
Minimum front yard setback from north-south street: zero feet
Minimum side street setback from east-west street: zero feet

Building Base Design:
Door/Window/Stoop frequency: every 80 feet on Madison Street; every 50 feet on Tenth Street
Windows: see activity areas

Parking and Parking Design:
Window openings: may be satisfied per streetscape requirements (see below)
Garage roof may be developed for public recreation use (see below)

Streetscape Requirements:
Street trees: single row of trees every 25 feet on all streets
Activity areas; activity area requirement may be satisfied by provision of interactive glass wall extending not less than 50% of the length of each street facade at sidewalk level

Public Recreation Space:
Design, availability and programming to be approved by the City's Department of Cultural Affairs in conjunction with the Department of Community Development with permanent public easements per Corporation Counsel
Whereas the proposed public space occupies the 30% of the site normally attributed to required private open space, the roof above the topmost residential floor shall be developed as a "green" roof which shall allow access to tenants

Table 3: "Sub-Area 3, Building Design"

In Sub-Area 3, residential buildings shall be designed pursuant to Table 3. Note that the Urban

Design Guidelines for the Plan as a whole apply to Sub-Area 3. However, where a conflict appears between the Urban Design Guidelines for the Plan and those in Table 3, Table 3 regulations shall control:

Site size, minimum	5,000 sq. ft.
Front yard, minimum	none required
Side-street setback	none required from east-west streets
Rear yard, minimum	20 ft.
Rear wall, maximum	80 ft. from front lot line
Building Height	See Sub-Area 1
Bonus Building Height	See Sub-Area 1
Floor Area Ratio	3.0 for residential floor area; to be calculated using only those lots located within the residential zone boundary to be used for the residential structure (except as varied below).
Bonus FA:	See Sub-Area 1
Corner Buildings:	Any residential building which "wraps around" a corner may exceed the maximum floor area permitted for the principal portion of that structure only to the extent necessary to allow such building structure to be located anywhere within a square defined by a line drawn 80 feet along the lot lines extending in each direction from the street intersection and two perpendicular lines drawn to connect them.
Density:	Maximum dwelling units permitted on the site shall be calculated by dividing permitted FA (to be calculated at 3.0 as described above – whether the site is an interior or corner location) by 1,000; bonus FA may be translated into additional dwelling units by dividing it by 1,000.
Lot coverage:	70% for the residential portion of building; see Urban Design Guidelines: General Building Bulk and Yard Requirements). 90% for parking level up to 10 feet above grade as required for second level as described above.
Parking:	One space for each of the first twelve dwelling units except for bonus units; no spaces required for public recreation space or any publicly accessible activity areas required in the building base so long as no individual activity area exceeds 1,000 square feet gross.

Table 4: "Sub-Area 4, Building Design"

The following regulations apply specifically to Sub-Area 4:

Minimum Site Size	5,000 sq. ft.
Front yard, minimum	Minimum front yard setback from east-west street: zero feet
Side yard, minimum	Minimum side yard setback from north-south street: zero feet
Rear yard, minimum	No required setback on first floor parking level in order to accommodate required parking on substandard sized lot. All floors above first floor parking level to have 30 ft. measured from the interior corner of the lot not abutting the street.
Rear wall, maximum	No maximum on first floor parking level in order to accommodate required parking on substandard sized lot.

	80 ft. from front lot line on 11th Street for all floors above first floor parking level, where main entrance/lobby to the building is on 11th Street.
Streetscape Requirements:	Street trees: single row of trees every 25 feet on north-south streets.
Building Height	Five residential floors 55 feet over one floor 12 feet of parking (maximum total building height 67 feet) except as varied below regarding bonus building height to provide for larger and more three bedroom units to accommodate the demand for housing for families.
Bonus Building Height:	If the project contains more than 50% of the units as 3 bedroom or larger units to accommodate family sized units, an additional residential floor may be permitted. In such case, six residential floors 67 feet over one floor 12 feet parking (maximum total building height 79 feet).
Floor Area Ratio	3.0 for residential floor area; to be calculated using only those lots located within the residential zone boundary to be used for the residential structure (except as varied below).
Bonus FA:	In addition to the base 3.0 FAR permitted for residential use on the site, if the project contains more than 50% of the units as 3 bedroom or larger units, to provide the footprint necessary to accommodate family sized units, the redeveloper may also create up to an additional 1.70 FAR within the site. The total FAR is not to exceed 4.70.
Density:	Maximum dwelling units permitted on the site shall be calculated by dividing permitted FA (to be calculated at 3.0 as described above – whether the site is an interior or corner location) by 1,000; bonus FA may not be translated into additional dwelling units.
Lot coverage:	82% for the residential portion of building. 100% for the first floor containing the parking.
Urban Design Guidelines:	
Bay Windows:	Bay window encroachments into the north-south street setback area may be below a height of 10 feet above grade. Bay windows may encroach onto the east-west street setback area at 40 feet above grade. Bay window and Movable Window Screening may extend and encroach a maximum of 40" into the street right of way.
Parking:	A minimum of one space for each dwelling unit.

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 not withstanding 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.

Date of Introduction: September 3, 2014

Approved: Approved as to Legal Form:

Quentin Wiest, Business Administrator Mellissa Longo, Corporation Counsel

RECORD OF COUNCIL VOTE ON 1ST READING				
Councilperson	**Yea**	**Nay**	**Abstain**	**No Vote**
Councilman Bhalla	✓			
Councilwoman Castellano	✓			
Councilman Cunningham	✓			
Councilman Doyle	✓			
Councilwoman Mason	✓			

Councilman Mello	✓			
Councilman Occhipinti		✓		
Councilman Russo	✓			
Council President Giattino	✓			

RECORD OF COUNCIL VOTE ON 2ND READING				
Councilperson	**Yea**	**Nay**	**Abstain**	**No Vote**
Councilman Bhalla				
Councilwoman Castellano				
Councilman Cunningham				
Councilman Doyle				
Councilwoman Mason				
Councilman Mello				
Councilman Occhipinti				
Councilman Russo				
Council President Giattino				

I do hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted by the City Council of the City of Hoboken, in the County of Hudson on this _____ day of _____, 2014.

_____
James Farina, City Clerk

Approved by the Mayor of the City of Hoboken on the _____ day of _____, 2014.

_____
Dawn Zimmer, Mayor
-or-
Vetoed by the Mayor for the following reasons:
_____
_____
_____

1st reading 10-1-14

(1)

Introduced by: Peter H. Cunningham
Seconded by: Ravi S. Bhalla

Z-313

CITY OF HOBOKEN, NEW JERSEY

ORDINANCE NO. Z-313

BOND ORDINANCE AUTHORIZING THE ACQUISITION AND INSTALLTION OF AUTOMATED PARKING PAY STATIONS IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF $5,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO $5,000,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the City Council of the City of Hoboken, County of Hudson, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Hoboken, County of Hudson, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

(a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is $5,000,000; and

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is $5,000,000.

Section 3. The sum of $5,000,000, to be raised by the issuance of bonds or bond anticipation notes is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed $5,000,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed $5,000,000 is hereby

authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of $900,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

	Purpose/Improvement	Estimated Total Cost	Down Payment	Amount of Obligations	Period of Usefulness
A.	Acquisition and Installation of Automated Parking Pay Stations throughout the City, all as more particularly described in the documentation on file in the Office of the Director of the City Transportation and Parking Department and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	$5,000,000	$0	$5,000,000	10 years

Section 8. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 10.00 years.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by $5,000,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this

Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: October 1, 2014

Introduction:

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

Final Reading:

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

Approved as to Legal Form:

_____

Mellissa Longo, Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of _____, 2014

_____

James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

_____

_____

_____

_____

-or-

Approved by the Mayor
On the ___ day of _____, 2014

_____

Dawn Zimmer, Mayor

Notice of Pending Bond Ordinance and Summary

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the City Council of the City of Hoboken, in the County of Hudson, State of New Jersey, on October 1, 2014. It will be further considered for final passage, after public hearing thereon, at a meeting of the City Council to be held at City Hall, 94 Washington Street, Hoboken, New Jersey on _____ __, 2014 at _____ o'clock __M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the City Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE ACQUISITION AND INSTALLTION OF AUTOMATED PARKING PAY STATIONS IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF $5,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO $5,000,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

	Purpose/Improvement	Estimated Total Cost	Down Payment	Amount of Obligations	Period of Usefulness
A.	Acquisition and Installation of Automated Parking Pay Stations throughout the City, all as more particularly described in the documentation on file in the Office of the Director of the City Transportation and Parking Department and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	$5,000,000	$0	$5,000,000	10 years

Appropriation:	$5,000,000
Bonds/Notes Authorized:	$5,000,000
Grants (if any) Appropriated:	N/A
Section 20 Costs:	$900,000
Useful Life:	10.00 years

JAMES J. FARINA, RMC, City Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Bond Ordinance Statements and Summary

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the City Council of the City of Hoboken, in the County of Hudson, State of New Jersey on _____, 2014 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the City Clerk's office in the Municipal Building, 94 Washington Street, Hoboken, New Jersey, for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE ACQUISITION AND INSTALLTION OF AUTOMATED PARKING PAY STATIONS IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF $5,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO $5,000,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

	Purpose/Improvement	Estimated Total Cost	Down Payment	Amount of Obligations	Period of Usefulness
A.	Acquisition and Installation of Automated Parking Pay Stations throughout the City, all as more particularly described in the documentation on file in the Office of the Director of the City Transportation and Parking Department and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	$5,000,000	$0	$5,000,000	10 years

Appropriation: $5,000,000
Bonds/Notes Authorized: $5,000,000
Grants (if any) Appropriated: N/A
Section 20 Costs: $900,000
Useful Life: 10.00 years

JAMES J. FARINA, RMC, City Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.