

1st reading 7-6-14 (3) Peter H. ...

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

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:

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Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.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
10-15-14

①

SPONSOR: Mason

SECOND: Castellano

Thomas Castellano

CITY OF HOBOKEN
HUDSON COUNTY, NEW JERSEY
ORDINANCE NO.: Z-314

Z-314

**AN ORDINANCE PROHIBITING AUTOMATED RED LIGHT CAMERAS
WITHIN THE CITY OF HOBOKEN**

WHEREAS, in 2007, the Council of the City of Hoboken adopted Ordinance DR-332, which authorized an automated red light and stop sign photographic system within the City of Hoboken; and,

WHEREAS, that Ordinance is now codified at Section 145-25 of the Code of the City of Hoboken; and,

WHEREAS, although the City of Hoboken has not yet implemented such a program, it has been implemented in other municipalities, including, but not limited to, Jersey City; and,

WHEREAS, in the municipalities where such a program has been implemented, it has proven highly controversial and substantial questions have been raised whether it is merely a revenue generating device rather than a method of improving public safety; and,

WHEREAS, there have also been substantial questions raised as to whether red light cameras are accurate, which is especially problematic because drivers are not made aware they may have allegedly committed a red light violation until they receive a ticket in the mail, making it difficult to mount an effective defense, contrary to principles of due process; and,

WHEREAS, for example, just last year red light camera programs were suspended in municipalities throughout New Jersey because of concerns that yellow light timing issues were resulting in the unfair and illegal issuance of violations; and,

WHEREAS, although these concerns are now being raised at the state-wide level, this Council believes it too should address this issue and to assure the public that a red light camera program will never be implemented within the City of Hoboken.

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

SECTION ONE:

The existing language of Section 145-25 of the Code of the City of Hoboken, "Penalties for automated red light and stop sign photographic system violations," is deleted in its entirety. Instead, it shall be replaced as follows:

Section 145-25: Automated red light and stop sign photographic systems prohibited.

The City of Hoboken shall not implement any automated red light and/or stop sign photographic system on any public street anywhere within the boundaries of the City.

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 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

The Ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, in the manner 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:

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				

CITY OF HOBOKEN

Dawn Zimmer, Mayor

ATTEST: _____
James Farina, City Clerk

Introduced: October 15, 2014

Adopted: _____, 2014

1st reading
10-15-14 (2)


SPONSOR: Mason

SECOND: Castellano



CITY OF HOBOKEN
HUDSON COUNTY, NEW JERSEY
ORDINANCE NO.: Z-315

Z-315

AN ORDINANCE TO ESTABLISH MANDATORY SICK LEAVE FOR EMPLOYEES OF BUSINESSES WITHIN THE CITY OF HOBOKEN

WHEREAS, many workers in Hoboken will at some time during each year need limited time off from work to take care of personal health needs or the health needs of family members; and,

WHEREAS, nationally, nearly forty percent of private sector workers are without access to any paid sick time, and many workers who do have access to paid sick time are disciplined for using it, or cannot use that time to care for sick children; and,

WHEREAS, the Council is aware that this nationwide concern affects employees working in the City of Hoboken as well; and,

WHEREAS, low-income workers are significantly less likely to have access to paid sick time than other members of the workforce, and nationally, only one in five of the lowest-income workers (21 percent) has access to paid sick time; and,

WHEREAS, guaranteeing workers a minimum amount of time off to attend to their own health care and the health care of family members will ensure a healthier and more productive workforce in Hoboken; and,

WHEREAS, paid sick time will have a positive effect on the individual and public health of Hoboken by allowing workers to earn a limited number of hours per year to care for themselves or a close family member when illness strikes or medical needs arise, reducing recovery time, promoting the use of regular medical providers rather than hospital emergency departments, and diminishing the likelihood of people spreading illness to other members of the workforce and to the public; and,

WHEREAS, paid sick time is known to reduce health care expenditures by promoting access to primary and preventive care, which, if implemented nationwide, would result in \$1.1 billion in annual savings in hospital emergency department costs, including more than \$500 million in savings to publicly-funded health insurance programs such as Medicare, Medicaid and SCHIP; and,

WHEREAS, paid sick time will allow parents to provide personal care for their sick children, making recovery faster and preventing future health problems, given that

parents who do not have paid sick time are more than twice as likely as parents with paid sick days to send a sick child to school or daycare, and five times more likely to report taking their child or a family member to a hospital emergency room because they were unable to take time off work during their regular work hours; and,

WHEREAS, paid sick time will reduce the spread of contagious diseases because workers in jobs with high levels of public contact, such as restaurant workers and child care workers, are among the least likely to have access to paid sick time, and may have no choice but to go to work when they are ill, thereby increasing the risk of passing illnesses on to co-workers and customers while jeopardizing their own health; and,

WHEREAS, overall, people without paid sick days are more likely than people with paid sick days to go to work with a contagious illness like the flu, with one recent peer-reviewed epidemiological study finding that nearly one in five food service workers have come to work with vomit and/or diarrhea inducing illnesses in the past year, creating dangerous health conditions and another national survey of U.S. restaurant workers finding that two-thirds of restaurant wait staff and cooks have come to work sick; and,

WHEREAS, in the event of a disease outbreak that presents a threat to public health, for example the H1N1 outbreak of 2009, government officials may request that sick workers stay home and keep sick children home from school or child care to prevent the spread of illness, and to safeguard workplace productivity, which may not be an option for workers who lack paid sick time; and,

WHEREAS, during the height of the H1N1 pandemic, workers with lower rates of access to paid sick days were more likely than those with higher rates of access to paid sick days to go to work sick and, as a result, the pandemic lasted longer in their workplaces as the virus spread from co-worker to co-worker, resulting in what is believed to be millions of additional cases of influenza-like illness; and,

WHEREAS, providing paid sick time is good for businesses because paid sick time results in reduced worker turnover, reducing costs incurred from advertising, interviewing and training new hires; and,

WHEREAS, paid sick time will reduce the risk of "presenteeism," which is when workers come to work with productivity-draining illnesses and health conditions, a problem costing the national economy \$160 billion annually; and,

WHEREAS, paid sick time will reduce the competitive disadvantage that many employers face when they choose to provide sick time to their workers.

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

SECTION ONE:

A new Chapter of the Code of the City of Hoboken, to be entitled "Paid and Unpaid Sick Leave for Employees Working in the City of Hoboken," shall be established as follows:

Chapter __, Section 1: Definitions.

For the purposes of this Chapter, the following terms shall have the meanings indicated:

CALENDAR YEAR — A regular and consecutive twelve-month period, as determined by an employer.

DEPARTMENT — The Department of Health and Human Services.

EMPLOYEE(S) — Employee(s) as defined in N.J.S.A. 34:11-56a1(h) including an employee of a franchise(s) or business(s) owner located in Hoboken, who works in Hoboken for at least eighty (80) hours in a year. Employee(s) for purposes of this Chapter does not include any person employed by any governmental entity or instrumentality including any New Jersey school district or Board of Education.

EMPLOYER — Any entity as defined by N.J.S.A. 34:11-56a1(g) that operates as a business in Hoboken.

FAMILY MEMBER:

- (1) A biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child of a civil union partner, or a child to whom the employee stands in loco parentis;
- (2) A biological, foster, step-parent or adoptive parent or legal guardian of an employee or an employee's spouse, domestic partner or civil union partner or a person who stood in loco parentis when the employee was a minor child;
- (3) A person to whom the employee is legally married under the laws of New Jersey or any other state or with whom the employee has entered into a civil union;
- (4) A grandparent or spouse, civil union partner or domestic partner of a grandparent;
- (5) A grandchild;

(6) A sibling; or

(7) A domestic partner of an employee as defined in N.J.S.A. 26:8A-3 et seq.

HEALTH CARE PROFESSIONAL — Any person licensed under Federal or New Jersey law to provide medical or emergency services, including but not limited to doctors, nurses and emergency room personnel.

PAID SICK TIME — Time that is compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee normally earns during hours worked and is provided by an employer to an employee for the purposes described in this Chapter, but in no case shall the hourly wage be less than that provided under N.J.S.A. 34:11-56a.

RETALIATION — The denial of any right guaranteed under this Chapter and any threat, discipline, discharge, suspension, demotion, reduction of hours, or any other adverse action against an employee for the exercise of any right guaranteed herein.

UNPAID SICK TIME — Time that is allowed and accrued in the same manner as paid sick time however, but for which leave an employee is neither penalized nor compensated.

Chapter __, Section 2: Definitions.

The Council finds and declares that the purposes of this Chapter are as follows:

(1) To diminish public and private health care costs and promote preventive health services in Hoboken by enabling workers to seek early and routine medical care for themselves and their family members;

(2) To protect the public's health in Hoboken by reducing the spread of contagious diseases;

(3) To promote the economic security and stability of workers and their families;

(4) To protect employees in Hoboken from losing their jobs or facing workplace discipline while they use paid sick time to care for themselves or their families;

(5) To safeguard the public welfare, health, safety and prosperity of the people of Hoboken; and

(6) To accomplish the purposes described in paragraphs (1) - (5) in a manner that is feasible for employers.

Chapter __, Section 3: Application.

This Chapter requires all those employed within the City of Hoboken to accrue either paid or unpaid sick time from their employer as mandated by this Chapter utilizing the formula applied herein.

Individuals who work for employers who employ ten (10) or more employees shall accrue compensated sick time. Individuals who work for employers who employ less than ten (10) employees shall accrue sick time, however, this sick time need not be compensated. The utilization of sick time, whether compensated or not, shall not be the basis of an adverse employment action.

A. Accrual of Paid Sick Time.

(1) Employees shall accrue a minimum of one (1) hour of paid sick time for every thirty (30) hours worked.

(2) Employers who employ ten (10) or more employees for compensation are not required to provide more than forty (40) hours of paid sick time in a calendar year. In determining the number of employees performing work for an employer, all employees performing work for compensation on a full-time, part-time, or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation fluctuates, the number of employees may be determined for the current calendar year based upon the average number of employees who worked for compensation during the preceding calendar year.

(3) Employees who are exempt from overtime requirements under 29 U.S.C. § 201 et seq. of the Federal Fair Labor Standards Act are assumed to work forty (40) hours in each work week for purposes of paid sick time accrual unless their normal work week is less than forty (40) hours, in which case paid sick time accrues based upon that normal work week.

(4) Paid sick time as provided in this section begins to accrue at the commencement of employment.

(5) Employees begin to accrue paid sick time on the first day of employment. Employees are entitled to use accrued paid sick time beginning on the 90th calendar day of their employment. After the 90th calendar day of employment, employees may use paid sick time as it is accrued.

(6) Paid sick time is carried over to the following calendar year except that no employer is required to carry over more than forty (40) hours of paid sick time from one (1) calendar year to the next and nothing in this section entitles an employee to use more than forty (40) hours of paid sick time in a calendar year.

(7) Any employer with a paid leave policy, such as a paid time off policy, that provides an amount of paid leave sufficient to meet the total annual accrual requirements of this section that may be used for the same purposes and under the same conditions as paid sick time under this Chapter is not required to provide additional paid sick time.

(8) Nothing in this section shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued paid sick time that has not been used.

(9) If an employee is transferred to a separate division, entity, or location, but remains employed by the same employer, the employee is entitled to all paid sick time accrued at the prior division, entity, or location and is entitled to use all paid sick time as provided in this section. If there is a separation from employment and the employee is rehired within six (6) months of separation, previously accrued paid sick time that had not been used shall be reinstated. Further, the employee is entitled to use accrued paid sick time and accrue additional paid sick time at the commencement of employment.

(10) When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all paid sick time accrued when employed by the original employer and are entitled to use all paid sick leave previously accrued.

(11) At its discretion, an employer may loan sick time to an employee in advance of accrual by such employee.

B. Accrual of Unpaid Sick Time.

(1) Employees who are not entitled to paid sick time under this ordinance shall accrue a minimum of one (1) hour of unpaid sick time for every thirty (30) hours worked.

(2) Employers who employ less than ten (10) employees for compensation are not required to provide more than forty (40) hours of unpaid sick time in a calendar year. In determining the number of employees performing work for an employer, all employees performing work for compensation on a full-time, part-time, or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation fluctuates, business size may be determined for the current calendar year based upon the average number of employees who worked for compensation during the preceding calendar year.

(3) Employees who are exempt from overtime requirements under 29 U.S.C. § 201 et seq. of the Federal Fair Labor Standards Act are assumed to work forty (40) hours in each work week for purposes of unpaid sick time accrual unless their normal work week is less than forty (40) hours, in which case unpaid sick time accrues based upon that normal work week.

(4) Unpaid sick time as provided in this section begins to accrue at the commencement of employment.

(5) Employees begin to accrue unpaid sick time on the first day of employment. Employees are entitled to use accrued unpaid sick time beginning on the 90th calendar day of their employment. After the 90th calendar day of employment, employees may use unpaid sick time as it is accrued.

(6) Unpaid sick time is carried over to the following calendar year except that no employer is required to carry over more than forty (40) hours of unpaid sick time from one (1) calendar year to the next and nothing in this section entitles an employee to use more than forty (40) hours of unpaid sick time in a calendar year.

(7) Any employer that voluntarily provides employees with paid or unpaid leave sufficient to meet the total annual accrual requirements of this section, which may be used for the same purposes and under the same conditions as unpaid sick time under this Chapter, is not required to provide additional unpaid sick time.

(8) If an employee is transferred to a separate division, entity, or location, but remains employed by the same employer, the employee is entitled to

all unpaid sick time accrued at the prior division, entity, or location and is entitled to use all unpaid sick time as provided in this section. If there is a separation from employment and the employee is rehired within six (6) months of separation, previously accrued unpaid sick time that had not been used shall be reinstated. Further, the employee is entitled to use accrued unpaid sick time and accrue additional unpaid sick time at the recommencement of employment.

(9) When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all paid sick time accrued when employed by the original employer and are entitled to use all paid sick leave previously accrued.

(10) At its discretion, an employer may loan sick time to an employee in advance of accrual by such employee.

C. Use of Sick Time.

(1) Sick time shall be provided to an employee by an employer for:

a. An employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; an employee's need for preventive medical care;

b. Care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; care of a family member who needs preventive medical care; and

c. Closure of the employee's place of business by order of a public official due to a public health emergency or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the family member's presence in the community would jeopardize the health of others because of the family member's exposure to a

communicable disease, whether or not the family member has actually contracted the communicable disease.

(2) Sick time shall be provided upon the oral request of an employee.

(3) An employee shall give an employer notice of the need to use sick time as soon as practicable.

(4) An employer may not require, as a condition of an employee's taking sick time, that the employee search for or find a replacement worker to cover the hours during which the employee is absent.

(5) Accrued sick time may be used in the smaller of hourly increments or the smallest increment that the employer's payroll system uses to account for absences or use of other time.

(6) For sick time of more than three (3) consecutive days, an employer may require reasonable documentation that the sick time has been used for a purpose covered by Section 3, Subsection (C)(1) of this Chapter. This requirement shall be satisfied by documentation signed by a licensed health care professional stating that the use of sick time was necessary. However, an employer may not require that the documentation explain the nature of the illness.

Chapter __, Section 4: Exercise of rights protected, retaliation prohibited.

A. No person shall interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this Chapter.

B. No person shall retaliate against an employee because the employee has exercised rights protected under this Chapter.

C. The rights protected under this Chapter include, but are not limited to, the right to request and use paid sick time pursuant to this Chapter; the right to file a complaint or inform any person about any employer's alleged violation of this Chapter; the right to cooperate with the Department in its investigations of alleged violations of this Chapter; the right to participate in any administrative or judicial action regarding an alleged violation of this Chapter; and the right to inform any person of his or her potential rights under this Chapter.

D. It is unlawful for an employer's absence control policy to count paid sick time taken under this Chapter as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action.

E. Protections of this section apply to any person who mistakenly but in good faith alleges violations of this Chapter.

F. There is a rebuttable presumption of unlawful retaliation under this section whenever an employer takes adverse action against a person within ninety (90) days of when that person:

(1) Files a complaint with the Department or a court alleging a violation of any provision of this Chapter;

(2) Informs any person about an employer's alleged violation of this Chapter;

(3) Cooperates with the Department or other persons in the investigation or prosecution of any alleged violation of this Chapter;

(4) Opposes any policy, practice, or ordinance that is unlawful under this Chapter; or

(5) Informs any person of his or her potential rights under this Chapter.

Chapter __, Section 5: Notice and posting.

A. All employers shall give individual written notice to each of their employees at the commencement of the employee's employment (or as soon as practicable if the employee is already employed on the effective date of this law) regarding employee's rights under this Chapter. Such notice shall describe the right to paid sick time, the accrual rate and the amount of paid sick time, and the terms of its use guaranteed under this Chapter; the right to be free from retaliation for requesting use of paid sick time; and the right to file a complaint or bring a civil action if paid sick time is denied by the employer or the employee is retaliated against for requesting or taking paid sick time. Such notice shall be in English and the primary language spoken by that employee provided that the Department has made available a translation of such notice into such language.

B. Employers shall also display a poster in a conspicuous and accessible place in each establishment where employees are employed containing notice of this

Chapter. The poster shall be in English and in any language that is the first language of at least ten percent (10%) of the employer's workforce provided that the Department has made available a translation of such notice into such language.

C. The Department shall create and make available to employers individual notices and posters. Notices and posters shall be provided in English, Spanish, and any other languages selected by the Department.

D. An employer who violates the notice and posting requirements of this section is subject to a civil fine in an amount not to exceed one hundred dollars (\$100.00) for each employee who was not given appropriate notice pursuant to this section and five hundred dollars (\$500.00) for each establishment in which a poster was not displayed.

Chapter __, Section 6: Employer records.

Employers shall retain for three (3) years records documenting hours worked by employees and paid sick time taken by employees and shall allow the Department reasonable access to such records, to monitor compliance with the requirements of this Chapter. An employer's failure to maintain or retain adequate records documenting hours worked by an employee and paid sick time taken by an employee create a rebuttable presumption that the employer has violated this Chapter, absent clear and convincing evidence otherwise.

Chapter __, Section 7: Enforcement and regulations.

A. The Department shall coordinate implementation and enforcement of this Chapter and shall promulgate appropriate guidelines or regulations for such purposes.

B. The Department shall coordinate implementation and enforcement of this Chapter, including, but not limited to:

1. Establishing a system to receive complaints, in writing and by telephone, in English, Spanish, and any other language deemed appropriate by the Department regarding the employers non-compliance with this Chapter;
2. Investigating and resolving complaints received by the Department in a timely manner and keeping complainants notified regarding the status of the investigation;

3. Engaging in pro-active enforcement of this Chapter through the use of audits, on-site investigations, or other measures to ensure the employer's compliance. Investigators from the Department shall be empowered to interview employees and former employees in private outside the presence of the employer, and the power to determine whether or not employers have complied with this Chapter. The Department shall also have the power to inform residents of the City of their rights under this Chapter.

C. The Department shall maintain confidential the identity of any complaining person unless disclosure of the identity is necessary for resolution of the investigation. The Department shall, to the extent practicable, notify a complaining person that the Department will be disclosing his or her identity prior to such a disclosure.

D. The Department shall establish a system for reviewing and adjudicating complaints by employees. Any Employer or other person found to be in violation of any provision of this Chapter, shall, upon conviction thereof before the Municipal Court, be subject to a fine in a sum not exceeding one thousand dollars (\$1,000) or to a period of community service not exceeding ninety (90) days. This penalty shall apply to each individual infraction of this Chapter. This section shall not affect any mandatory minimum penalty established by any section of the Code or ordinance.

E. Any person claiming to be aggrieved by the violation of this Chapter may bring a cause of action in any court of competent jurisdiction. Submitting a complaint to the Department is neither a prerequisite nor a bar to bringing private action.

Chapter __, Section 8: Confidentiality and non-disclosure.

An employer may not require disclosure of details relating to an employee's or an employee's family member's medical condition as a condition of providing paid sick time under this Chapter. If an employer possesses health information about an employee or employee's family member, such information shall be treated as confidential and not disclosed except to the affected employee or with the permission of the affected employee.

Chapter __, Section 9: Encouragement of more generous paid sick time policies; no effect on more generous policies.

A. Nothing in this Chapter shall be construed to discourage or prohibit an employer from the adoption or retention of a paid sick time policy more generous than the one required herein.

B. Nothing in this Chapter shall be construed as diminishing the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan, or other agreement providing more generous paid sick time to an employee than required herein.

C. Nothing in this Chapter shall be construed as diminishing the rights of public employees regarding paid sick time or use of paid sick time as provided in the laws of the State of New Jersey pertaining to public employees.

Chapter __, Section 10: Effect on collective bargaining agreements.

The provisions of this Chapter shall not take effect for any employees covered by a collective bargaining agreement with an Employer that is in force on the date this Chapter becomes effective until the expiration date of that collective bargaining agreement. Upon said expiration date, the provisions of this Chapter shall be fully enforceable.

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 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

The Ordinance shall take effect one hundred and twenty (120) days after the first publication hereof after final adoption, in the manner 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:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla	/			
Theresa Castellano	/			
Jen Giattino	/			
James Doyle	/			
Elizabeth Mason	/			
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Peter Cunningham	/			

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
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David Mello				
Tim Occhipinti				
Michael Russo				
Peter Cunningham				

CITY OF HOBOKEN

Dawn Zimmer, Mayor

ATTEST: _____
James Farina, City Clerk

Introduced: October 15, 2014

Adopted: _____, 2014

1st reading (3)
10-15-14

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

CITY OF HOBOKEN
ORDINANCE NO. Z-316 Z-316

AN ORDINANCE TO AMEND CHAPTER 190 ENTITLED "VEHICLES AND TRAFFIC" TO ADD PARKING AND LOADING REGULATIONS

WHEREAS, Chapter 190 of the General Code of the City of Hoboken establishes the rules and regulations associated with parking within City borders; and,

WHEREAS, the municipality has found that specific sections of Chapter 190 currently require amendments to incorporate on-street parking and loading zone changes as approved within the amended final site plan of 1400 Hudson Street (Block 269.03, Lot 1); and,

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

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 190

§ 190-11. Loading zones designated.

The locations described are hereby designated as Loading Zones. No person shall park a vehicle in said location during the times indicated other than for the loading or unloading of goods and materials for a time limit of 20 minutes.

Name of Street	Times	Sides	Location
<u>Fifteenth Street</u>	<u>8:30 a.m. to 5:30 p.m.</u> <u>Monday through Saturday</u>	<u>South</u>	<u>Beginning at a point 135 feet west of the westerly curbline of Hudson Street and extending 60 feet westerly therefrom</u>
<u>Hudson Street</u>	<u>8:30 a.m. to 5:30 p.m.</u> <u>Monday through Saturday</u>	<u>West</u>	<u>Beginning at a point 155 feet north of the northerly curbline of Fourteenth Street and extending 40 feet northerly therefrom</u>

<u>Washington Street</u>	<u>8:30 a.m. to 5:30 p.m.</u> <u>Monday through Saturday</u>	<u>East</u>	<u>Beginning at a point 135 feet south of the southerly curbline of Fifteenth Street and continuing 65' southerly therefrom</u>
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§ 190-27. Angle parking locations.

In accordance with the provisions of this § 190-27, the herein described locations shall be designed as angle parking:

B. Reverse Angle Parking

Name of Street	Sides	Angle	Location
<u>Fifteenth Street</u>	<u>South</u>	<u>60A</u>	<u>From Washington Street to Hudson Street</u>
<u>Washington Street</u>	<u>East</u>	<u>60A</u>	<u>Fourteenth Street to Fifteenth Street</u>

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.

SECTION SIX: STATE REVIEW

This ordinance, immediately upon adoption, shall be forwarded by the Clerk to NJDOT for review and approval.

Date of Introduction: October 15, 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

Vetoed by the Mayor for the following reasons: _____

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

James Farina, City Clerk

-or-

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

Dawn Zimmer, Mayor