

1st reading
2-19-14

(1)

Sponsored by: Rainey
Seconded by: Pat H. King

CITY OF HOBOKEN
ORDINANCE NO. _____ Z-285

AN ORDINANCE TO AMEND § 128-5 ENTITLED "BUSINESS LICENSES; FEES" AND CHAPTER 147 ENTITLED "MOBILE FOOD VENDORS"

WHEREAS, the City has determined that the parking and transportation regulations on Willow Avenue between 13th and 16th Streets must be amended to be congruent with the changes being made in that area due to the County's viaduct constructional changes.

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 § 128-5 Business Licenses; Fees

A.
Food Businesses.

Business	Fee (annual unless otherwise noted)
Bakery (retail)	\$150
Bakery (wholesale, vehicle)	\$250
Butcher (retail)	\$125
Butcher (wholesale)	\$200
Confectionery, retail	\$100
Confectionery, wholesale	\$200
Eating and drinking (take-out)	\$150
Farmers market participant	\$40/day <u>125</u>
Fish market	\$125
Frozen ices, ice cream, (retail)	\$150
Frozen ices, ice cream, (wholesale)	\$200
Frozen ices, ice cream, yogurt (mobile truck only, not to exceed five feet long)	\$175
Fruit and vegetable store (retail)	\$150
Fruit and vegetable truck (peddler truck not to exceed 15 feet long)	\$150
Fruit and vegetable (wholesale)	\$200
Grocery (retail)	\$125
Grocery, deli (retail)	\$125

Business	Fee (annual unless otherwise noted)
Grocery, milk (retail)	\$125
Grocery, vehicle (wholesale)	\$250
Milk (store)	\$125
Milk, vehicle (wholesale)	\$75
Restaurants (seating capacity fewer than 25)	\$125
Restaurants (seating capacity 26-50)	\$250
Restaurants (seating capacity 51-100)	\$350
Restaurants (seating capacity over 100)	\$500
Small market (mini-market)	\$250
Supermarkets under 20,000 square feet	\$600
Supermarkets over 20,000 square feet	\$1,250
Vending machines (food and drink)	\$35/per machine
Vendor (mobile retail nonmotorized food vendor)	\$150
Vendor (mobile retail motorized food vendor)	See § 147-8A
Vendor, mobile vehicle (not to exceed 15 feet) (Mobile vendors and hot dog pushcarts not to exceed a total of 50 licenses)	\$500
<u>Vendor, mobile retail, seasonal*</u>	<u>\$300</u>
<u>Vendor, temporary, not pre-packaged (street fairs, festivals, special events) (one permit for any consecutive period up to and including 7 days)</u>	<u>\$100</u>
<u>Vendor, temporary, pre-packaged (street fairs, festivals, special events) (one permit for any consecutive period up to and including 7 days)</u>	<u>\$25</u>
Wholesale food distribution	\$250

*Vendor, mobile retail, seasonal shall be defined as motorized and/or non-motorized retail food vendors, operating at a fixed location for a period, not to exceed six (6) consecutive months; fixed locations shall not be on any public street, public right of way, or sidewalk; these licenses are subject to prior approval of the Hoboken Health Officer, who may deny a license for failure to comply with any applicable health code.

B. Nonfood businesses.

This section remains unchanged

§ 147-3 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

MOBILE RETAIL FOOD VENDOR

Any movable restaurant or retail food establishment in or on which food and beverage are transported, stored, or prepared for retail sale or given away at temporary locations. The term "mobile retail vendor" shall include and incorporate the term "mobile retail food vendors," as defined in § 115-1. Only the following mobile units shall be ~~allowed~~ authorized to obtain an annual "mobile retail food vendor license" to stop and stand on public property, public rights of way and/or public streets and sidewalks, within the City limits ~~for use as a mobile retail food vendor,~~ none of which shall exceed 35 feet in length:

A.

MOBILE RETAIL MOTORIZED FOOD VENDOR — A food establishment that is located upon a motorized vehicle where food or beverage is cooked, prepared and served for individual portion service. Such food vendors comply with this chapter and all requirements of this chapter, as well as any other applicable section of this Code. Shall also be known as "mobile retail food vendors."

B.

MOBILE RETAIL NONMOTORIZED FOOD VENDOR — Movable, nonmotorized unit (i.e., e.g., pushcart) where food or beverage is transported, stored, or prepared for retail sale or given away at temporary locations.

C.

MOBILE RETAIL PRE-PACKAGED FOOD VENDORS — A food establishment that is located upon a motorized vehicle where pre-packaged food or beverage is served for individual portion service. Mobile retail pre-packaged food vendors shall be subject to Chapter 146, and shall be exempt from the regulations of this chapter.

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 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 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: February 19, 2014

Introduction:

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

Final Reading:

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

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 (2)
2-19-14

Sponsored by: Russell
Seconded by: Peter H. ...

CITY OF HOBOKEN, NEW JERSEY
ORDINANCE 2-286

ORDINANCE FURTHER AMENDING ORDINANCE Z-94
OF THE CITY OF HOBOKEN, COUNTY OF HUDSON,
NEW JERSEY

BACKGROUND

WHEREAS, on March 16, 2011, the City of Hoboken, County of Hudson, New Jersey ("City"), duly and finally adopted Bond Ordinance Z-94 ("Bond Ordinance"), authorizing the Acquisition of Various Parcels of Land and Other Related Expenses in and for the City ("Prior Improvements"); and

WHEREAS, on May 2, 2012, the City duly and finally adopted Ordinance Z-179, which amended Section 3(a) of the Bond Ordinance to reflect the proper lot and block numbers being acquired; and

WHEREAS, the City is desirous of further amending the Bond Ordinance to increase the amount of proceeds of the obligations authorized which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided for in Section 20 of the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law").

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, as follows:

Section 1. Section 6(d) of the Bond Ordinance is hereby amended and restated in its entirety to provide as follows:

"(d). An aggregate amount not exceeding \$3,000,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law, *N.J.S.A. 40A:2-20*, is included in the estimated cost indicated herein for the several improvements or purposes. "

Section 2. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the regulations promulgated by the Local Finance Board showing full detail the amended capital budget and capital improvement program as

approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, are on file with the City Clerk and available for public inspection.

Section 3. All other parts of the Bond Ordinance not amended hereby shall remain in full force and effect.

Section 4. All bonds or bond anticipation notes heretofore issued and now outstanding pursuant to the Bond Ordinance, and any moneys expended or any expenses incurred pursuant to appropriations made by the Bond Ordinance, if any, shall be accounted and deemed to have been issued, expended or incurred pursuant to this ordinance.

Section 5. In accordance with the Local Bond Law, this ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: February 5, 2014

Introduction:

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

Final Reading:

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

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

Statement to be Published with Ordinance After Introduction.

Notice of Pending Ordinance

The ordinance published herewith 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 February 19, 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 07030 on _____, 2014 at 7:00 P.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.

JAMES J. FARINA, RMC, City Clerk

Statement to be Published with Ordinance After Final Adoption.

Ordinance Statement

The ordinance published herewith has been finally adopted 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.

JAMES J. FARINA, RMC, City Clerk