

1st reading (1)
8-6-14

Introduced By: [Signature]

Seconded By: [Signature]

CITY OF HOBOKEN
ORDINANCE NO. 2-306

ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY ADOPTING CERTAIN AMENDMENTS TO THE FINANCIAL AGREEMENT WITH 1100 ADAMS STREET URBAN RENEWAL, LLC WITHIN THE NORTHWEST REDEVELOPMENT AREA AND CANCELLING ANNUAL SERVICE CHARGE ASSESSMENTS ON A PORTION OF THE PROJECT THEREON.

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, pursuant to Section 6 of the Redevelopment Law (*N.J.S.A. 40A:12A-6*), the Municipal Council of the City of Hoboken, in the County of Hudson, New Jersey (the “**City**”) designated the property commonly known as Block 104, Lots 1-5, 6.01, 28.02 and 29-33 on the tax map of the City, as an area in need of redevelopment (the “**Redevelopment Area**”); and

WHEREAS, 1100 Adams Street Urban Renewal, LLC (the “**Entity**” or “**Redeveloper**”), an urban renewal entity formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, *N.J.S.A. 40A:20-1 et seq.* (the “**Long Term Tax Exemption Law**”) intended to construct a five (5) story building over a one (1) story garage, containing seventy-six (76) market rate residential condominium units and four (4) commercial condominium units and related parking (collectively, the “**Project**”); and

WHEREAS, the provisions of the Long Term Tax Exemption Law authorize the City to accept, in lieu of real property taxes, an annual service charge paid by the Redeveloper to the City; and

WHEREAS, in order to enhance the economic viability of and opportunity for a successful Project, on December 15, 2004, the City adopted an ordinance (the “**Original Ordinance**”) authorizing the execution of a financial agreement (the “**Financial Agreement**”) with the Entity, which Financial Agreement was executed on March 18, 2005; and

WHEREAS, the Entity constructed the Project but was required to convert one of the four (4) commercial condominium units, identified on the tax register as Block 104, Lot 1.0001 C00R1 (“**C00R1**”), into a common area, more specifically a utility closet, for

the purpose of providing additional space for utilities, more particularly PSE&G, to service the residential condominium units; and

WHEREAS, notwithstanding the conversion of C00R1 into a non-income producing unit, the City assessed annual service charges against C00R1 commencing in tax year 2007, pursuant to the Financial Agreement; and

WHEREAS, when the Entity failed to pay the annual service charges relating to C00R1, the City sold tax liens against the property (collectively, the “**Tax Lien Sales**”); and

WHEREAS, the City has determined that the imposition of the annual service charges against C00R1 is inappropriate since such unit is not being utilized as a commercial space and, instead, is deemed common space, specifically a utility closet for housing of utilities, including without limitation PSE&G materials, supporting the residential condominium units; and

WHEREAS, in accordance with Section 9 of the Long Term Tax Exemption Law, the City and the Redeveloper seek to amend the Financial Agreement to reflect the removal of C00R1 as a commercial condominium unit requiring the payment of annual service charges thereon; and

WHEREAS, in furtherance of this amendment to the Financial Agreement, the annual service charge assessments against C00R1 shall be cancelled for the tax years commencing on the effective date of this Ordinance, and C00R1 shall be designated as common space within the Project on the tax register for the City; and

WHEREAS, Sharon Curran, Collector of Revenue, recommends that the cancellations be made.

NOW THEREFORE, BE IT ORDAINED, that an amendment to the Financial Agreement, in the form required to remove C00R1 as a commercial condominium unit and otherwise effectuate the provisions of this Ordinance, is hereby approved and the Mayor, in consultation with counsel to the City, is hereby authorized to execute and/or amend, modify or make such changes to the Financial Agreement necessary to effectuate the provisions of this Ordinance; provided that, such amendments, modifications or changes do not materially change the rights of the City to the payment of the Annual Service Charge (as defined in the Financial Agreement) for use by the City for any lawful purpose in the exercise of the City’s sole discretion.

FURTHER ORDAINED, that the Mayor, in consultation with counsel to the City, is hereby authorized to prepare, execute, amend, modify or make such changes to any other documents necessary to effectuate the provisions of the Financial Agreement, as amended, and this Ordinance.

FURTHER ORDAINED, that an executed copy of the Financial Agreement shall be certified by the City Clerk to the Office of the City Tax Assessor, in accordance with Section 12 of the Long Term Tax Exemption Law.

FURTHER ORDAINED, that the City Clerk is directed to transmit a certified copy of this Ordinance and the Financial Agreement, as amended, to the Director of the Division of Local Government Services, in accordance with Section 12 of the Long Term Tax Exemption Law.

FURTHER ORDAINED, that all other provisions of the Original Ordinance shall remain in full force and effect as it relates to the findings and resolutions of the City pertaining to the Financial Agreement and the Project.

FURTHER ORDAINED, that Block 104, Lot 1.0001 C00R1 be removed from the tax register as a taxable commercial condominium unit, future annual service charge assessments shall be cancelled and COOR1 shall be included as part of the common area for Block 104, Lot 1.

FURTHER ORDAINED, that this ordinance shall take effect immediately upon final adoption and publication thereof according to law.

Date of Introduction: July 9, 2014

Approved:

Approved:

Sharon Curran
Tax Collector

Quentin Wiest
Business Administrator

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

AMENDMENT TO FINANCIAL AGREEMENT

THIS AMENDMENT TO FINANCIAL AGREEMENT (this “**Amendment**”), is dated as of _____, 2014 and is by and between:

CITY OF HOBOKEN, a municipal corporation of the State of New Jersey, having its principal office at City Hall, 94 Washington Street, Hoboken, New Jersey 07030 (the “**City**”)

AND

[1100 ADAMS STREET URBAN RENEWAL, LLC], an urban renewal entity formed and qualified to do business under the provisions of the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.*, as amended and supplemented (the “**Law**”), having its principal office at 1100 Adams Street, Hoboken, New Jersey 07030, and its successors and assigns (the “**Entity**”).

WITNESSETH

WHEREAS, the Entity [manages] of the property commonly known as Block 104, Lots 1-5, 6.01, 28.02 and 29-33 and also known as the street address of 1100 Adams Street in the City (the “**Property**”); and

WHEREAS, in 2004 the Entity applied for a tax exemption under the Law for the development of a five-story building consisting of approximately seventy-six (76) market-rate residential condominium units and four (4) commercial units and relating parking (the “**Project**”); and

WHEREAS, on December 15, 2004, in accordance with the Law, the adopted Ordinance DR-175 authorizing the tax exemption for the Project and authorizing the execution of a financial agreement (the “**Financial Agreement**”), granting the Entity an exemption from taxes on all improvements relating to the Project; and

WHEREAS, in March 2005 the City and the Entity entered into the Financial Agreement, a copy of which is attached hereto as Exhibit A, which specifically included four (4) commercial units; and

WHEREAS, the Entity constructed the Project but was required to convert one of the four (4) commercial condominium units, identified on the tax register as Block 104, Lot 1.0001 C00R1 (“**C00R1**”), into a common area for the purpose of providing additional space for utilities to service the residential condominium units, a copy of the updated certificate of occupancy issued by the City on March 21, 2007 showing only three (3) commercial condominium units is attached hereto as Exhibit B; and

WHEREAS, notwithstanding the conversion of C00R1 into a non-income producing unit, the City assessed annual service charges against C00R1 commencing in tax year 2007, pursuant to the terms of the Financial Agreement; and

WHEREAS, the parties have determined that the imposition of the annual service charges against C00R1 is inappropriate since such unit is not being utilized as a commercial space and, instead, is deemed common space supporting the residential condominium units; and

WHEREAS, in accordance with Section 9 of the Law, the City and the Entity seek to amend the Financial Agreement to reflect the removal of C00R1 as a commercial condominium unit requiring the payment of annual service charges thereon.

NOW, THEREFORE, in consideration of the premises, the City and the Entity hereby agree as follows:

1. The definition of "Project" in the third Whereas clause and the description of the improvements to be constructed in Section 2.3 are hereby amended to reflect that only three (3) commercial condominium units will be included for purposes of the Financial Agreement.
2. All other terms and conditions of the Financial Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed and delivered by their respective officers thereunto duly authorized, all as of the date first written above.

WITNESS:

**[1100 ADAMS STREET URBAN RENEWAL,
LLC]**

By: _____

Name: _____

Title: _____

CITY OF HOBOKEN

James J. Farina, RMC
City Clerk

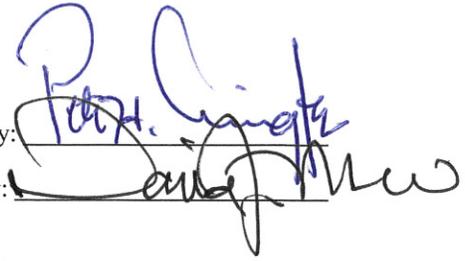
By: _____

Dawn Zimmer
Mayor

1st reading (2)
8-6-14

Sponsored by:

Seconded by:



CITY OF HOBOKEN
ORDINANCE NO. 7-307

AN ORDINANCE AMENDING CHAPTER 190 ENTITLED "VEHICLES AND TRAFFIC" TO ADD LEGISLATION REGARDING PROCEDURES RELATING TO ABANDONED BICYCLES WITHIN THE CITY OF HOBOKEN

WHEREAS, Chapter 190 of the General Code of the City of Hoboken establishes the rules and regulations associated with traffic control, including bicycles; and,

WHEREAS, the municipality has found that specific sections of Chapter 190 currently require amendments in order to best effectuate safe and orderly procedures for bicycles in the City; and,

WHEREAS, the City requires certain rules and procedures relating to the parking and abandonment of bicycles within the City of Hoboken to reduce the number of unclaimed damaged and/or dangerous bicycles within the City that result in safety hazards for the City's pedestrians and vehicle and bicycle drivers.

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

190-50(N). Abandoned Bicycles

1. It shall be unlawful for any person to abandon any bicycle within the City of Hoboken.
2. A bicycle shall be deemed abandoned if:
 - a. For seven (7) or more consecutive days:
 - i. It is secured to or unsecured upon public property; and/or
 - ii. It is secured or unsecured upon or within the public right-of-way.
 - b. It is parked upon public property or within the public right of way, whether secured or unsecured, for any period of time, and embodies at least one of the following defects, collectively referred to as the "Abandoned Bicycle Inspection List":
 - i. Bicycle visually appears to have crushed parts or is otherwise unusable;
 - ii. Parts which are necessary for the bicycle to be operable are missing – other than the seat or front wheel;
 - iii. Bicycle has flat or missing tire(s), except the front wheel as described in subsection (ii.);
 - iv. The handlebars or pedals are damaged;
 - v. The existing forks, frames or rims are bent;
 - vi. Seventy-five percent (75%) or more of the bicycle is rusted.

- c. It is parked in violation of § 190-50(L), regardless of the time period or securement of the bicycle.
3. Enforcement Officers and Removal:
 - a. City of Hoboken Code Enforcement Officers, City Inspectors, and/or the Hoboken Police Department shall have authority to tag and, after a twenty four hour waiting period, remove any bicycle in violation of §190-50(N)1; and/or
 - b. City of Hoboken Code Enforcement Officers, City inspectors, and/or the Hoboken Police Department shall have authority to tag and immediately remove any bicycle that meets the criteria set forth in § 190-50(N)4.
4. If a parked bicycle is blocking the pedestrian or vehicular right-of-way and/or poses a safety hazard, as determined in the sole discretion of the City agents authorized to enforce this Section, the waiting periods described herein may be waived, and the removal process set forth in § 190-50(N)3 shall begin immediately.

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 remain 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 AND SIGNAGE

This ordinance immediately upon adoption, shall be forwarded by the Clerk to NJDOT for review and approval. Thereafter, the signs and signals division is authorized to place signage as approved and authorized by the DOT.

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
8-6-14

3

Peter H. ...

Sponsored by: _____

Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. 7-308

**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. €.

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 remain 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.

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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