

INTRODUCED BY: _____
SECONDED BY: _____

CITY OF HOBOKEN
RESOLUTION NO. _____

**THIS RESOLUTION REJECTS THE BIDS RECEIVED FOR THE
INSTALLATION OF A H.V.A.C. SYSTEM AT THE BOYS AND GIRLS CLUB
AS SPECIFIED IN BID NUMBER 08-17.**

**WHEREAS, the City of Hoboken sought competitive proposals for the
installation of a H.V.A.C. System at the Boys and Girls Club in the City of Hoboken,
and**

**WHEREAS, the below submitted bids, while received in good stead, were not
received correctly by the City, and**

WHEREAS, the following proposals were received:

Vendor	Base	Alternate	Total
Envirocon, LLC 490 Schooley=s Mountain Hackettstown, NJ 07840	\$ 82,300.00	\$ 18,000.00	\$ 100,300.00
In-Line Air Conditioning 85 East 21 st Street Bayonne, NJ 07003		\$100,2 00.00	\$ 9,050.00
		\$	109,250.00

**NOW, THEREFORE BE IT RESOLVED by the Council of the City of
Hoboken in the County of Hudson that:**

1. The above recitals are incorporated herein as thoughtfully set forth at length.
2. The City Council hereby rejects the proposal of the above vendors.
3. The Administration is hereby authorized to re-advertise for these goods/services.

Meeting of: 2 April 2008

APPROVED:

APPROVED AS TO FORM:

Richard England, Business Administrator Steven W. Kleinman, Corporation Counsel

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

**THIS RESOLUTION AUTHORIZES ADDITIONAL TEMPORARY
EMERGENCY APPROPRIATIONS TO THE SFY 2008 BUDGET UNTIL
SUCH TIME AS A FORMAL BUDGET IS ADOPTED.**

**RESOLVED, that the Chief Financial Officer is hereby directed, pursuant to
N.J.S.A. 40A:4-20 to make the following additional temporary emergency appropriations:**

ACCOUNT (Within Cap)	ACCOUNT #	AMOUNT
Personnel S & W	8-01-20-105-010	
	\$	8,500.00
Mayors Office S & W	8-01-20-110-010	
	\$	7,200.00
City Council S & W	8-01-20-111-010	
	\$	8,000.00
Business Admin. S & W	8-01-20-112-010	
	\$	13,000.00
A.B.C. Board S & W	8-01-20-113-010	
	\$	1,000.00
Purchasing S & W	8-01-20-114-010	
	\$	5,000.00
Licensing Bureau S & W	8-01-20-115-010	
	\$	500.00
Grants Mgmt. S & W	8-01-20-116-010	
	\$	8,000.00
City Clerk S & W	8-01-20-120-010	
	\$	16,000.00
Finance Supervisor S&W	8-01-20-130-010	
	\$	4,000.00
Accts & Control S & W	8-01-20-131-010	
	\$	3,000.00
Payroll S & W	8-01-20-132-010	
	\$	3,000.00
Tax Collector S & W	8-01-20-145-010	
	\$	12,000.00

Information Tech S&W	8-01-20-147-010
	\$ 5,000.00
Assessor=s Office S & W	8-01-20-150-010
	\$ 12,500.00
Corporation Counsel S&W	8-01-20-155-010
	\$ 48,000.00
Community Devel. S & W	8-01-20-160-010
	\$ 6,500.00
Planning Board S & W	8-01-21-180-010
	\$ 4,000.00
Zoning Officer S & W	8-01-21-186-010
	\$ 2,500.00
Housing Inspection S&W	8-01-21-187-010
	\$ 6,000.00
Construction Office S&W	8-01-22-195-010
	\$ 23,000.00
Police Department S & W	8-01-25-241-010
	\$ 500,000.00
Emergency Mgmt S & W	8-01-25-252-010
	\$ 5,000.00
Fire Department S & W	8-01-25-266-010
	\$ 400,000.00
Environ. Svcs. Office S&W	8-01-26-290-010
	\$ 17,000.00
Central Garage S & W	8-01-26-301-010
	\$ 6,500.00
Solid Waste S & W	8-01-26-305-010
	\$ 60,000.00
Human Services S & W	8-01-27-330-010
	\$ 7,000.00
Board of Health S & W	8-01-27-332-010
	\$ 18,000.00
Constituent Svcs. S & W	8-01-27-333-010
	\$ 9,000.00
Senior Citizens S & W	8-01-27-336-010
	\$ 15,000.00
Rent Control S & W	8-01-27-347-010
	\$ 5,000.00

**Temporary Appropriations (Cont=d)
2 April 2008**

ACCOUNT (Within Cap)	ACCOUNT #	AMOUNT
Transportation S & W	8-01-27-348-010	\$ 9,000.00
Recreation S & W	8-01-28-370-010	\$ 22,000.00
Parks S & W	8-01-28-375-010	\$ 23,000.00
Public Property S & W	8-01-28-377-010	\$ 23,000.00

Municipal Court S & W	8-01-43-490-010	
	\$	33,000.00
Public Defender S & W	8-01-43-495-010	
	\$	<u>1,600.00</u>
TOTAL	\$	1,350,800.00

ACCOUNT	ACCOUNT #	AMOUNT
(Outside Cap)		
Public Library S & W	8-01-29-390-010	
	\$	32,000.00
Public Employees Ret OE	8-01-36-471-000	
	\$	730,814.00
Social Security O.E.	8-01-36-472-000	
	\$	40,000.00
Cons Police/Fire Pens	8-01-36-474-000	
	\$	5,666,146.00
Parking Utility S & W	8-31-55-502-100	
	\$	<u>55,000.00</u>
TOTAL	\$	6,523,960.00

MEETING: 2 April 2008

APPROVED:

APPROVED AS TO FORM:

Richard England, Business Administrator

Steven W. Kleinman, Corp. Counsel

**CHIEF FINANCIAL OFFICER'S CERTIFICATION
OF AVAILABILITY OF FUNDS
FOR CONTRACT AWARDS**

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that the \$6,037.25 necessary to meet this contract amount is available in the SFY 2008 Budget, in the following appropriation, Parking Utility Other Expense - 8-31-55-502-200. These funds will be sufficient to meet the contractual commitment providing for:

Refund of Erroneous Booting charges and Dismissed Tows

and awarded to the following vendor:

**Hoboken Parking Utility (to be dispersed to shown individuals)
94 Washington Street
Hoboken, NJ 07030**

I further certify that this commitment together with all previously made commitments will not exceed the appropriation balance available for this purpose.

Chief Financial Officer

Date:_____

INTRODUCED BY:_____
SECONDED BY:_____

Introduced By: _____

Second By: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

**RESOLUTION AUTHORIZING THE REFUND OF TAX OVER PAYMENTS/INTEREST
RECEIVED BY THE CITY OF HOBOKEN
TAX APPEALS WERE FILED HUDSON COUNTY TAX COURT
AND STATE TAX COURT REFUNDS**

WHEREAS, an overpayment of taxes has been made on the property on the list below: and

WHEREAS, tax appeal was filed by the property owners: and

WHEREAS, State Tax Court recommends a settlement in this matter, now, therefore, be it

RESOLVED, that a warrant be drawn on the City Treasurer made payable to the taxpayer appearing on the attached list totaling \$ 111,429.31

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
Anthony Pappalardo 26 Gallowae Westfield, NJ 07090	33/24/C003L	120 Willow Ave.	\$ 264.05 TA
David Solomon 1011 Willow Avenue #7 Hoboken, NJ 07030	172/7/C00A5	1011 Willow Ave.	\$1,963.03
Eamonn w. Haley 329 Willow Ave. Apt 5F Hoboken, NJ 07030	166/14/C005F	329 Willow Ave.	\$ 635.42
Salvatore Mancini 606 Willow Avenue Hoboken, NJ 07030	158/7	606 Willow Ave.	\$ 436.25
Santosh Singh 2 Lincoln Place Weehawken, NJ 07086	214.1/27/C000F	316 Hudson Street	\$ 560.29
Wells Fargo Real Estate Tax Attn: Financial Support Unit-Region 1 1 Home Campus, MAC X2302-04D Des Moines, IA 50328-0001	247/32/C0004	1214 Washington Street	\$1,051.05

<u>Name</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
63 Jefferson Street LLC 940 Haverford Road Bryn, Mawr, PA 19010	18/5	63 Jefferson St.	\$6,970.84
Stacey Del Vecchio 729 Madison Street #4F Hoboken, NJ 07030	83/13/C004F	725-733 Madison St.	\$1,326.20 TA
Jefferson 332 LLC & Avrom J. Gold 115 Prospect Avenue West Orange, NJ 07052-4204	49/11	322-32 Jefferson St.	\$59,744.69 TA
Moses Kimanzi 1300 Grand Street #622 Hoboken, NJ 07030	114/1/C0622	1300 Grand St.	\$1,116.93
Amit Mansur 1100 Adams Street #404 Hoboken, NJ 07030	104/1.01/C0404	1100 Adams St.	\$ 109.21
Todd Jasko 308 East 38 th St., Apt. 3D New York, NY 10016	20/28/C0018	82 Clinton St.	\$2,067.56
Mitchell Baruchin 1133 Park Avenue Hoboken, NJ 07030	252/20	1133 Park Ave.	\$10,651.92
EMC Mortgage Company 3100 New York Dr. Suite 100 Pasadena, CA 91107	17/48/C002A	56 Jefferson St. #2A	\$1,288.91
Wells Fargo Real Estate Tax Attn: Financial Support Unit-Region 1 1 Home Campus, MAC X2302-04D Des Moines, IA 50328-0001	104/17	1124-1130 Adams St.	\$8,866.33

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
Wells Fargo Real Estate Tax Attn: Financial Support Unit-Region 1 1 Home Campus, MAC X2302-04D Des Moines, IA 50328-0001	68/26/C001R	512 Jefferson St.	\$3,643.56
Wells Fargo Real Estate Tax Attn: Financial Support Unit-Region 1 1 Home Campus, MAC X2302-04D Des Moines, IA 50328-0001	268.1/2/C011U	1500 Washington St.	\$1,767.38
Chase Home Finance LLC 3415 Vision Drive Columbus, OH 43219-6009	268.1/3/C004R	1500 Hudson Street	\$8,638.51
Robert Maloney ETUX 24 Willow Court Hoboken, NJ 07030	158.1/5	24 Willow Court	\$ 327.18 TA

Meeting: April 2, 2008

Approved as to form:

CORPORATE COUNSEL

Louis P. Picardo

CITY OF HOBOKEN
RESOLUTION NO. _____

THIS RESOLUTION AUTHORIZES INDIVIDUAL REFUNDS FOR DISMISSED CHARGES FOR BOOTING AND/OR TOWING ACTIONS TAKEN BY THE HOBOKEN PARKING UTILITY.

WHEREAS, the Hoboken Parking Utility is charged with providing on/off street parking for the citizens of Hoboken, and

WHEREAS, the Hoboken Parking Utility is also charged with enforcing existing parking regulations within the City of Hoboken, and

WHEREAS, this enforcement, occasionally, results in citations being issued, and dismissed by the Municipal Court, by the employees of the Hoboken Parking Utility, now, therefore, be it

RESOLVED, that the attached list of individuals be refunded the towing and/or boot removal charges which were dismissed by the Municipal Court, equal to the amount shown next to their individual name, and be it further

RESOLVED, that the total amount of all refunds, by this Resolution, shall be Six Thousand Thirty-Seven Dollars and Twenty-Five Cents (\$6,037.25), and be it further

RESOLVED, that the Hoboken Parking Utility shall reimburse said individuals from the Other Expense Line in the SFY 2008 Budget Fund line number 8-31-55-502-200. (See attached list)

Meeting: 2 April 2008

APPROVED:

**APPROVED AS TO
FORM:**

**Richard England, Business Admin
Counsel**

Steven W. Kleinman, Corp.

CITY OF HOBOKEN
ORDINANCE NO. _____

**AN ORDINANCE TO EXTEND ORDINANCE #DR-327 IMPOSING A
CONTINUATION OF A MORATORIUM IN THE CITY OF HOBOKEN WITH
RESPECT TO THE USE OF PEDICABS IN THE CITY OF HOBOKEN**

WHEREAS, on November 2, 2007 the Hoboken City Council passed Ordinance #DR-327 which established an extension of a six (6) month moratorium for the commercial use of Pedicabs in the City of Hoboken which expires on May 2, 2008; and

WHEREAS, the City Council's Transportation Committee has continued its review of the possible use of Pedicabs in the City of Hoboken and has monitored its use in other communities, has solicited comments from various Hoboken City Officials and is not yet prepared to render a recommendation pertaining to this topic to the full governing body before May 2, 2008, and requires additional time to hold additional Committee meetings and solicit Committee and Community input on this topic.

NOW, THEREFORE BE IT ORDAINED that the Council of the City of Hoboken believe it is in the best interest of the City of Hoboken to extend Ordinance #DR-327 to establish a moratorium to prohibit the issuance of a business license to community use of Pedicabs and extend the moratorium for an additional six (6) months to the expiration date of November 3, 2008.

Dated: April 2, 2008

ADOPTED:

APPROVED:

James J. Farina, City Clerk

David Roberts, Mayor

APPROVED AS TO FORM:

Joseph A. Pojanowski III, Assistant Corporation Counsel

Introduced by: _____

Seconded by: _____

**CITY OF HOBOKEN
RESOLUTION NO. _____**

**RESOLUTION AUTHORIZING ST. ANN'S CHURCH TO CONDUCT ITS 99th
ANNUAL FESTIVAL**

WHEREAS, St. Ann's Church has requested permission to conduct its annual Feast in Honor of St. Ann from Saturday, July 19th through Saturday, July 26th 2008; and

WHEREAS, St. Ann's Church has indicated on the attached agenda and its requirements to successfully conduct the Feast as follows:

4. To have a procession with the Statue of St. Ann through the streets of Hoboken.
5. To erect a bandstand at the corner of 7th and Jefferson Streets and one in their courtyard.
6. To have electrical illumination and decorations in the Church area.
7. To erect concession stands for vendors of food, novelties, games and rides in the Church area.
8. To have lights and fireworks prior to the feast and during the procession- and the filing of the necessary surety bonds as provided by law and local ordinance.
9. To have music and entertainment on the bandstands.
10. To close streets to traffic as outlined in the attached diagram, on the following days and hours:

Saturday, July 19th through Sunday, July 20th from 1:00 p.m. through 12:00
midnight

Monday, July 21st through Friday, July 25th from 6:00 p.m. through 12:00 midnight

Saturday, July 26th, from 9:00 a.m. through 12:00 midnight

11. To have rides on Madison Street – between 7th and 8th Streets.
12. To have the streets cleared of all vehicles, per enclosed diagram, from Thursday, July 19th at 8:00 a.m. through Friday, July 27th at 8:00 p.m. so that they may do the following:

Put trailers into place
Erect rides

Set up vendor booths
Clean up after Festival

13. To place festival banners on city poles along Washington Street.
14. To clear street in the alcove in front of the Citadel condominiums at the corner of 7th & Jefferson Streets on Friday, July 18th at 6:00 a.m. so that the bandstand may be erected.

RESOLVED, that the Council for the City of Hoboken agrees to allow St. Ann's Church permission to conduct its annual Feast in honor of Saint Ann.

Approved:

Approved to form:

Richard England
Business Administrator

Steven W. Kleinman, Corporation Counsel

MEETING: April 2, 2008

Sponsored by: _____

Seconded by: _____

**CITY OF HOBOKEN
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF HOBOKEN,
CHAPTER 59A, ENTITLED “DEPARTMENT OF PUBLIC SAFETY” WITH
RESPECT TO THE FIRE DEPARTMENT’S TABLE OF ORGANIZATION**

WHEREAS, the Council for the City of Hoboken should ensure that the proper level of personnel are being maintained within the Department of Public Safety; and

WHEREAS, the Council acknowledges the need for appropriate personnel changes within the Department of Public Safety; and

WHEREAS, the Council has been informed that there is sufficient concern for public safety and the efficient operations of the Fire Department justifying certain changes in the table of organization within the Fire Department; and

WHEREAS, the Council has been informed that there is sufficient funding in the budget with respect to the proposed changes in the table of organization within the Fire Department; and,

WHEREAS, it is necessary to reduce the rank of Deputy Fire Chief from two (2) to (1), and to eventually abolish that position; and,

WHEREAS, it is necessary to increase the number of Battalion Chiefs from seven (7) to nine (9); and

WHEREAS, it is necessary to rename the position of Training Officer UFD/Captain to Training Officer/Captain; and,

WHEREAS, it is necessary to create the position of Hazmat Captain; and,

WHEREAS, it is necessary to rename the position of Fire Official UFD/Captain to Fire Marshal/Captain; and,

WHEREAS, it is necessary to create the position of Arson Investigator/Captain; and,

WHEREAS, it is necessary to eliminate the position of Fire Prevention Specialist UFD and replacing it with two (2) Fire Inspectors; and,

WHEREAS, it is necessary to increase the number of Fire Alarm Operators from six (6) to eight (8); and,

WHEREAS, it is necessary and in order for the Council for the City of Hoboken to adjust the table of organization for the Fire Department.

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

SECTION I

ARTICLE IV
Division of Fire

Sections 59A-31 of the Code of the City of Hoboken shall be amended to read as follows:

§59A-31 Staff.

A. The staff of the Division of Fire shall not exceed the following force, within the budgetary constraints established by the Council:

<i>Rank/Position</i>	<i>Number</i>
Chief	1
Deputy Fire Chief*	1/0
Battalion Chief	9
Captain	32
Training Officer/Captain	1
Hazmat Captain	1
Fire Marshal/Captain	1
Arson Investigator/Captain	1
Maintenance Officer	1
Fire Prevention Inspector	1
Firefighter	92
Fire Alarm Operator	8

*The position of Deputy Fire Chief shall be reduced from two (2) to one (1) effective immediately upon the adoption of this Ordinance. It shall thereafter be abolished upon the retirement, promotion or separation of service of any incumbent holding the position of Deputy Fire Chief at the time this Ordinance is adopted.

The remainder of Section 59A-31 shall remain unchanged.

SECTION II

If any section or provision of this Ordinance shall be held invalid in any Court, the same shall not affect the other sections or provisions of this Ordinance except so far as the section or provision so declared invalid and shall be inseparable for the remainder or portion thereof.

SECTION III

All Ordinances or parts of Ordinances inconsistent herewith and hereby repealed to the extent of such inconsistency.

SECTION IV

This Ordinance shall take effect upon publication.

Adopted:

Approved:

City Clerk James Farina

Mayor David Roberts

Approved to Form:

Steven W. Kleinman, Corporation Counsel

Meeting: _____, 2008

Sponsored by: _____

Seconded by: _____

**CITY OF HOBOKEN
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF HOBOKEN,
CHAPTER 59A, ENTITLED “DEPARTMENT OF PUBLIC SAFETY” WITH
RESPECT TO THE FIRE DEPARTMENT’S TABLE OF ORGANIZATION**

WHEREAS, the Council for the City of Hoboken should ensure that the proper level of personnel are being maintained within the Department of Public Safety; and

WHEREAS, the Council acknowledges the need for appropriate personnel changes within the Department of Public Safety; and

WHEREAS, the Council has been informed that there is sufficient concern for public safety and the efficient operations of the Fire Department justifying certain changes in the table of organization within the Fire Department; and

WHEREAS, the Council has been informed that there is sufficient funding in the budget with respect to the proposed changes in the table of organization within the Fire Department; and,

WHEREAS, it is necessary to reduce the rank of Deputy Fire Chief from two (2) to (1), and to eventually abolish that position; and,

WHEREAS, it is necessary to increase the number of Battalion Chiefs from seven (7) to nine (9); and

WHEREAS, it is necessary to rename the position of Training Officer UFD/Captain to Training Officer/Captain; and,

WHEREAS, it is necessary to create the position of Hazmat Captain; and,

WHEREAS, it is necessary to rename the position of Fire Official UFD/Captain to Fire Marshal/Captain; and,

WHEREAS, it is necessary to create the position of Arson Investigator/Captain; and,

WHEREAS, it is necessary to eliminate the position of Fire Prevention Specialist UFD and replacing it with two (2) Fire Inspectors; and,

WHEREAS, it is necessary to increase the number of Fire Alarm Operators from six (6) to eight (8); and,

WHEREAS, it is necessary and in order for the Council for the City of Hoboken to adjust the table of organization for the Fire Department.

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

SECTION I

ARTICLE IV
Division of Fire

Sections 59A-31 of the Code of the City of Hoboken shall be amended to read as follows:

§59A-31 Staff.

A. The staff of the Division of Fire shall not exceed the following force, within the budgetary constraints established by the Council:

<i>Rank/Position</i>	<i>Number</i>
Chief	1
Deputy Fire Chief*	1/0
Battalion Chief	9
Captain	32
Training Officer/Captain	1
Hazmat Captain	1
Fire Marshal/Captain	1
Arson Investigator/Captain	1
Maintenance Officer	1
Fire Prevention Inspector	1
Firefighter	92
Fire Alarm Operator	8

*The position of Deputy Fire Chief shall be reduced from two (2) to one (1) effective immediately upon the adoption of this Ordinance. It shall thereafter be abolished upon the retirement, promotion or separation of service of any incumbent holding the position of Deputy Fire Chief at the time this Ordinance is adopted.

The remainder of Section 59A-31 shall remain unchanged.

SECTION II

If any section or provision of this Ordinance shall be held invalid in any Court, the same shall not affect the other sections or provisions of this Ordinance except so far as the section or provision so declared invalid and shall be inseparable for the remainder or portion thereof.

SECTION III

All Ordinances or parts of Ordinances inconsistent herewith and hereby repealed to the extent of such inconsistency.

SECTION IV

This Ordinance shall take effect upon publication.

Adopted:

Approved:

City Clerk James Farina

Mayor David Roberts

Approved to Form:

Steven W. Kleinman, Corporation Counsel

Meeting: _____, 2008

Sponsored
by: _____

Seconded by: _____

City of Hoboken
Ordinance No.:

**AN ORDINANCE TO AMEND CHAPTER 196
OF THE CODE OF THE CITY OF HOBOKEN (ZONING)**

WHEREAS, the Council of the City of Hoboken recognizes the need to clarify Chapter 196 of the Code of the City of Hoboken (Zoning), as previously amended by Ordinance DR-90, which was adopted on May 7, 2003, with regard to the issuance of first and final certificates of zoning compliance, to wit; that a building permit may be issued when the Construction Code Official is in receipt of a first certificate of zoning compliance, but no certificate of occupancy may be issued until the Construction Code Official is in receipt of a final certificate of zoning compliance; and,

WHEREAS, there are other amendments to the provisions of the Zoning Ordinance, which were the subject of prior amendment by DR-90, which have been recommended by the City Planner;

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Hoboken, County of Hudson, State of New Jersey that Chapter 196 of the Code of the City of Hoboken be amended and supplemented as follows:

Section One

A. Section 196-26B(4) of the Code of the City of Hoboken, New Jersey, is hereby amended to now read as follows:

§ 196-26. Site plan review.

B. Procedures.

(4) Upon submission to the Planning Board/Zoning Board Secretary of completed conforming final plans for those applications previously granted preliminary site plan approval, the Planning Board/Zoning Board shall grant or deny final site plan approval in accordance with N.J.S.A. 40:55D-50. Failure of the Planning Board/Zoning Board to act within forty-five (45) days after submission of a complete conforming application shall constitute final site plan approval. Applications for final site plan approval shall be submitted for Planning Board/Zoning Board review prior to beginning construction of the building or buildings receiving preliminary site plan approval. First certificates of zoning compliance and building permits shall only be granted upon a showing of the resolution of approval of minor site plan or final site plan approval along with a set of the approved, signed site plan drawings.

The remainder of Section 196-26 shall remain unchanged.

B. Section 196-60 of the Code of the City of Hoboken, New Jersey, is hereby renamed "First certificate of zoning compliance," and Section 196-60C is amended to now read as follows:

§ 196-60. First certificate of zoning compliance.

C. Issuance of certification. The first certificate of zoning compliance shall be issued by the Zoning Officer on a form approved by the office of the Business Administrator. Where action is required by the Planning Board or the Zoning Board, no first certificate of zoning compliance shall be issued until the Zoning Officer is in receipt of the resolution of approval of minor site plan or final site plan approval along with a set of the approved, signed site plan drawings. No building permit shall be issued until the Construction Code Official is in receipt of the first certificate of zoning compliance.

The remainder of Section 196-60 shall remain unchanged.

C. Section 196-61 of the Code of the City of Hoboken, New Jersey, is hereby renamed "Final certificate of zoning compliance," and Section 196-61A is amended to now read as follows:

§ 196-61. Final certificate of zoning compliance.

A. New uses. No building, structure or land shall be occupied or used until such time as the certificate of occupancy issued by the Construction Code

Official is certified by the Zoning Officer as to its compliance with this chapter. Such final certificate of zoning compliance shall be issued, in writing, to the applicant and Construction Code Official upon application by the owner, prospective occupant or purchaser only after the Zoning Officer determines that the facts represented on the application are correct and that the building, structure or use is in conformance with the provisions of this chapter. A temporary certificate of occupancy may be issued for any structure or use for which the conditions of minor site plan or final site plan approval have been complied with. The Planning Board or Zoning Board (as appropriate) shall approve the issuance and terms of any temporary certificate of occupancy.

The remainder of Section 196-61 shall remain unchanged.

D. Section 196-63 of the Code of the City of Hoboken, as last amended by Ordinance DR-90, adopted on May 7, 2003, is hereby re-adopted without change.

Section Two: Nunc Pro Tunc Application

This ordinance shall apply to any and all presently pending construction activities and related administrative processes and or procedures in the City of Hoboken under which this ordinance may be applicable.

Section Three: Referral to Planning Board

In accordance with N.J.S.A. 40:55D-64 and 26, subsequent to the introduction of this Ordinance, the Municipal Clerk shall refer this Ordinance to the Planning Board for review and consideration for a period of no longer than 35 days. Subsequent to the 35-day review period, this Ordinance shall be heard for second reading. In the event the Planning Board issues a report, the governing body shall consider same and any recommendations made therein. The governing body, when considering the adoption of this ordinance, shall review any such report of the Planning Board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendation in accordance with the provisions of law.

Section Four: 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 Five: 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 Six: Effective Date

Subject to the provisions of the *Nunc Pro Tunc* clause, this Ordinance shall take effect upon passage and publication as provided by law.

Section Seven: 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.

Dated: _____, 2008

ADOPTED:

APPROVED:

James J. Farina, City Clerk

Mayor David Roberts,

APPROVED AS TO FORM:

Steven W. Kleinman, Corporation Counsel