# **Ordinance of the City of Jersey City, N.J.**

File No.Ord. 23-126Agenda No.3.1 (1st Reading)Agenda No.4.3 (2nd Reading and Final Passage)



AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 160 – FEES AND CHARGES; CHAPTER 296 STREETS, SIDEWALKS, AND PUBLIC RIGHTS-OF-WAY, ARTICLE I – GENERAL PROVISIONS; DUTIES OF PROPERTY OWNERS AND OCCUPANTS, ARTICLE II – CLOSURE OF THE PUBLIC RIGHT-OF-WAY, ARTICLE III – EXCAVATIONS WITHIN THE PUBLIC RIGHT-OF-WAY; AND CHAPTER 345 ZONING, ARTICLE IV – FEES, DEPOSITS AND INSPECTIONS.

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

WHEREAS, the Department of Infrastructure seeks to impose uniform fees; and

WHEREAS, the Department seeks to increase the activities requiring permits.

#### NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY THAT CHAPTERS 160- FEES AND CHARGES; 296 – STREETS, SIDEWALKS, AND PUBLIC RIGHTS-OF-WAY; AND 345 – ZONING, SHALL BE AMENDED AS FOLLOWS:

Chapter 160 - FEES AND CHARGES

§ 160-1. Fee schedule established.
§160-1(A)(10)

(10) Fees for traffic engineering services or materials

(a) The following Fees are hereby established for certain services extended and materials distributed by the <u>Department of Infrastructure</u>.

APPROVED AS TO LEGAL FORM

(A)

**Business Administrator** 

Corporation Counsel Page 1 of 11

Application Type	Application Fees					
Dumpster Permit Fees (Non-Refundable) Per Day						
Daily Fee	\$ 25.0	10				
	Refundable) Per Application					
Administ	rative Fees					
All Traffic Permits	\$ 15.0	0				
Renewals	\$ 15.00					
Per Day	Partial Closure	Full Closure				
1-2 Family House/ Businesses	\$ 10.00	\$ 20.00				
Multi Dweling House	\$ 25.00	\$ 50.00				
High Rise/Filming	\$ 150.00	\$ 300.00				
Plan Review Fees (Non-Re	efundable) Per Application					
Per Site Plan Review	\$ 500.00					
Per Subdivision Review	\$ 250.00					
	Non-Refundable) Per Application					
Administ	trative Fees					
All Road Opening Permits	\$ 135.00					
	ation Fees					
Up to 25 Square Feet	\$ 65.00					
Each additional Square Foot over 25 sq. feet.	\$ 2.00					
Boring/Te	est Pits Fees					
Per Boring	\$ 135.0	00				
Per Test Pit	\$ 135.0	00				

# \$160-1(A)(10)(a)[1] through [4] [NO CHANGE]

160-1(A)(10)(a)[5] The application for a permit for any containers, dumpsters, and receptacles to be placed on the street shall be accompanied by a fee in the amount of 10025 per day.

# §160-1(A)(10)(b) through 160-1(A)(14)

[NO CHANGE]

§160-1(B) through 160-1(II)

[NO CHANGE]

§160-1(JJ) Chapter 296, Streets and Sidewalks.

(1) Fee for sidewalk sale: \$10.00 per day.

(2) Fee for sidewalk sale conducted within a special improvement district: \$100.00 per Zoning Determination Letter.

(3) Fees and deposits for excavations in public rights-of-way:

(a) Fee for the water service line to each house connection .... \$150.00

Fee for sewer service line to each house connection .... \$200.00

Fee for both water and sewer line to each house connections .... \$300.00

(b) Administrative fee of \$50.00 for each application in which an excavation is proposed.

(c) <u>Inspec</u>tionfeeFee of \$50.00 for excavations up to 25 square feet and \$1.75-\$2.00 per square foot for each additional square foot thereafter.

(d) Such additional fees as may be required by §296-36.

(e) Administration fee for a traffic permitroadway opening permit is \$50.00\$135.00., which will be exempt as part of the street opening permit.

(f) Any and all permit fees for autonomous agencies seeking to excavate a city street shall be waived. **§160-1(JJ)(4) through 160-1(OO)** 

# [NO CHANGE]

Chapter 242 – Peace and Good Order

Article V – Motor Vehicles

§ 242-7. - [NO CHANGE]

<u>§ 242-7.1 - Motor vehicles in bicycle lanes</u>

A.Whenever a bicycle lane has been established on a roadway any person operating a motor vehicle on such a roadway shall not drive or park in the bicycle lane except for the purposes of performing a parking maneuver where parking is permitted, to enter or leave the roadway, or to maneuver around a parked vehicle impeding traffic flow.

B.In the event that any individual violates the terms of this article, he/she shall be subject to a fine in the Municipal Court of the City of Jersey City in an amount of \$175.

CHAPTER 296 – STREETS, SIDEWALKS, AND PUBLIC RIGHTS-OF-WAY

#### **ARTICLE I – GENERAL PROVISIONS; DUTIES OF PROPERTY OWNERS AND OCCUPANTS**

§ 296-1.1. DEFINITIONS.

[Added July 15, 2020, by Ord. No. 20-054]

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

**APPLICANT** shall mean any Owner or duly authorized agent of such Owner who has submitted an application for a Permit to close the Public Right-of-Way or excavate the Public Right-of-Way.

BLOCK shall mean that part of the Public Right-of-Way that includes the Street area from the property line to the parallel property line in width and extending from the property line of an intersecting Street to the nearest property line of the next intersecting Street in length. For purposes of this definition, an intersection also shall be considered a "Block."

BUSINESS DAY shall mean any day except any Saturday, any Sunday, any day which is a federal legal holiday in the United States, or any day on which banking institutions in the State are authorized or required by law or other governmental action to close.

CHAPTER shall mean this Chapter of the Municipal Code of the City of Jersey City.

CITY shall mean the City of Jersey City.

CORNER shall mean the full width of the Sidewalk area beginning at the point at which the extended Curb lines form an intersection and running therefrom a distance of 25 feet along such Curb in either direction.

CURB shall mean the stone or concrete edging delineating the boundary between the Sidewalk and the Street.

CURBLINE shall mean the line at the face of the Curb nearest to the Street.

DEPOSIT shall mean any cash Deposit or other security provided by the Applicant in accordance with this Chapter.

DIRECTOR shall mean the Municipal Engineer who serves as the Director of the Division of Engineering, Traffic, and Transportation or his or her designee.

DIVISION shall mean the Division of Engineering, Traffic, or Transportation.

DUMPSTER means a large, immobile trash receptacle designed to be hoisted and emptied into a truck.

EMERGENCY means a situation likely to endanger life or property or interrupts or is likely to interrupt utility service such as the delivery of gas, electric, water, or sewer service.

EXCAVATION shall mean any work involving breaking the surface of the Public Right-of-Way for the purpose of installing, servicing, repairing, or modifying any Facility(ies) in or under the surface of the Public Right-of-Way. Boreholes, monitoring wells, or other probes into the surface of the Public Right-of-Way shall also be considered "Excavations." Sidewalk and Curb Excavations shall be considered "Excavations."

FACILITY or FACILITIES shall include, but not be limited to, any and all cables, fiber optic lines, cabinets, ducts, conduits, converters, equipment, drains, handholes, manholes, pipes, pipelines, poles, splice boxes, surface location markers, tracks, tunnels, utilities, vaults, street

lights, and other appurtenances or tangible things owned, leased, operated, or licensed by an Owner or Person, that are located or are proposed to be located in the Public Right-of-Way.

FOOD SERVICE ESTABLISHMENT shall mean a Facility established primarily for the service of food and drink and which includes restaurants of all classes, including but not limited to, bakeries, ice cream parlors, taverns, and delicatessens.

GUTTER shall mean the trough which runs along the edge of the Curb in the Street and which channels rainwater into the storm sewers.

LITTERED CONDITION means when the Sidewalk or any part of the front of any premises facing upon and adjacent to any Public Right-of-Way where there exists thereon, littered, dispersed or scattered about, any accumulation of dirt, dust, ashes, straw, shavings, sweepings, garbage, refuse, tree or shrubbery leaves, bark, branches or twigs, animal or vegetable matter, fruit peels, skins or parts thereof, wood, metal, old rags, waste, bottles or broken glass, newspapers, magazines or books or pages or parts thereof, other printed material, torn pieces of paper, cardboard and the like, wrappings, bags, containers, string, cigar or cigarette butts or parts thereof, matches or any other discarded matter, all of which shall be regarded as refuse, and any combination or accumulation thereof.

MAJOR WORK shall mean any reasonably foreseeable Excavation that will affect the public right-of-way for more than five consecutive calendar days.

MUNICIPAL ENGINEER shall mean the Director of the Division of Engineering, Traffic and Transportation or his or her designee.

MUNICIPAL EXCAVATOR shall mean any agency, authority, board, commission, department, or subdivision of the City, or agent thereof, that owns, installs, or maintains a Facility or Facilities in the Public Right-of-Way.

OWNER shall mean any Person, including the City, who owns any Facility or Facilities that are or are proposed to be installed or maintained in the Public Right-of-Way.

PAPER STREET shall mean a Street that appears on maps but has not yet been built or dedicated to the City.

PARKLET shall mean a temporary, movable structure installed by the City in a Street occupying a parking space or parking spaces within the parking lane and abutting the Curb line, intended to serve as an extension of the Sidewalk for the purpose of public enjoyment. [Added 2-24-2021 by Ord. No. 21-010]

PEDESTRIAN shall mean any person traveling on foot, roller skates, roller blades, or skateboard. [Amended 2-24-2021 by Ord. No. 21-010]

PEDESTRIAN MALL or PEDESTRIAN MALL IMPROVEMENT or PEDESTRIAN PLAZA or MALL shall mean any local improvement authorized by <u>N.J.S.A.</u> 40:56-65 et seq. and designed to be used primarily for the movement, safety, convenience and enjoyment of Pedestrians, whether or not a part of a Street is set apart for roadway or emergency vehicles, transit vehicles and private vehicles, or any of them. A Pedestrian Mall Improvement shall include but not be limited to Pedestrian thoroughfares, perimeter parking, public seating, park areas, outdoor cafés, shelters, trees, flower plantings, sculptures, newsstands, telephone booths, traffic signs, kiosks, fire hydrants, street lighting, ornamental signs, ornamental lights, trash receptacles, display cases, marquees, awnings, canopies, overhead radiant heating fixtures, underground radiant heating pipes and devices, walls, bollards and chains and all such other fixtures, equipment, facilities and appurtenances which, in the judgment of the governing body of a municipality, will enhance the movement, safety, convenience and enjoyment of Pedestrians and benefit the municipality and adjoining properties. [Added 2-24-2021 by Ord. No. 21-010 ]

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PERMIT shall mean the written permission to partially or fully close or block the flow of traffic or parking in the Public Right-of-Way or perform an Excavation within the Public Right-of-Way as it has been approved, amended, or renewed by the <u>Division.which are subject to the fees established in Chapter 160-1(A)(10)</u>.

PERMITTEE shall mean the Applicant to whom a Permit to close, Block or excavate the Public Right-of-Way has been granted by the Division in accordance with this Chapter.

PERSON shall mean any natural person, corporation, partnership or entity, any municipal excavator, or any governmental agency, including the State of New Jersey or the United States of America.

PLOW LINE shall mean the furthest extent of any furrow plowed into the snow during snow plowing operations.

PORTABLE MOVING STORAGE CONTAINER shall mean any large, immobile container typically delivered by a moving company and which is used to temporarily store movable Personal property while in the process of moving.

PUBLIC RIGHT-OF-WAY shall mean the area across, along, beneath, in, on, over, under, upon, and within the dedicated public alleys, boulevards, courts, lanes, roads, Sidewalks, spaces, Streets, either paved or constructed or not, including Paper Streets, and ways within the City, as they now exist or hereafter will exist and which are or will be dedicated or expressly reserved for the use of vehicular, Pedestrian, or bicycle traffic and other allowable modes of transportation, and/or utilities and which shall be under the Permitting jurisdiction of the Division.

SIDEWALK shall mean the entire ground or space from the established or actual building line up to and including the Curb of the public Street in front of any building or vacant lot or on the sides thereof, if same is a corner property, facing on and or adjacent to two or more public Streets, and shall include any thoroughfare, public or private, used by the public.

SIDEWALK CAFÉ shall mean a partitioned space, abutting a Food Service Establishment extending beyond the building line into the Sidewalk and intended to accommodate tables, chairs, and the service of food and drink to patrons of the Food Service Establishment which fronts on that Sidewalk.

STANDARD PLANS AND SPECIFICATIONS shall mean and include those standards and specifications prepared by the Division that govern excavations pursuant to this Chapter and shall include but not be limited to standards and requirements imposed by the Division relating to the method, location and time of excavation, the restoration of the same and such other requirements as may now or hereafter be imposed or otherwise required by the Division.

[Added 2-24-2021 by Ord. No. 21-010]

STREET shall mean the area dedicated to the public for vehicular, bicycle, scooter or other allowed traffic and governed by Title 39 of the State statutes, and shall include, but not be limited to, roadways, parkways, alleys and the air space above such surfaces.

UTILITY EXCAVATOR shall include but not be limited to any owner whose Facility or Facilities in the Public Right-of-Way are used to provide electricity, fuel or crude oil, gas, information services, sewer service, steam, telecommunications, traffic controls, transit service, video, water, or other services to customers regardless of whether or not such owner is deemed a public utility by the New Jersey Board of Public Utilities (BPU). [Added 2-24-2021 by Ord. No. 21-010]

# §296-1.2 through §296-1.16

[NO CHANGE]

# **ARTICLE II – CLOSURE OF THE PUBLIC RIGHT-OF-WAY**

# §296-2.1 – Closure of the Public Right-of-Way; Permit required.

Aside from the limited situations listed in this section, it is unlawful for any person or entity to close or partially close any portion of the Public Right-of-Way to vehicular, pedestrian, and cyclist traffic without first obtaining a Permit from the Division authorizing such closure. Any entity seeking to close or partially close the Public Right-of-Way, including autonomous agencies of the City, must apply for a Permit to do so.

A Permit to close the Public Right-of-Way shall not be required if the complete or partial closure will last less than two hours at any one location within a 24 hour span and if the complete or partial closure is to occur on a Street that is subject to local NJDOT classification. The Municipal Engineer reserves the right to terminate any such closure of the Public Right of Way if the closure should become too disruptive.

Permit requirements pertaining to Emergency closures are addressed in §296-2.10.

§296-2.2 through 296-3.15

## [NO CHANGE]

## **ARTICLE III – Excavations Within the Public Right-of-Way**

#### §296-3.16 – Regulations concerning Excavation sites.

Each Permittee shall be subject to requirements for Excavation sites that are set forth in Division orders or regulations. Such orders or regulations shall include, but not be limited to, the following measures:

(1) Protection of the Excavation. Each Permittee shall cover an open Excavation with steel plates ramped to the elevation of the contiguous Street, pavement, or other portion of the Public Right-of-Way, or otherwise protected in accordance with guidelines prescribed by the Division.

(2) Removal of excavated material. Each Permittee shall keep the area surrounding the Excavation clean and free of loose dirt or other debris in a manner deemed satisfactory to the Division. Excavation sites shall be cleaned at the completion of each work day. In addition, the Permittee shall remove all excess excavated material from the site of the Excavation no later than the end of each work day or by 6:00 p.m.

(3) Storage of materials and equipment. Materials and equipment that are to be used for the Excavation within five calendar days may be stored at the site of the Excavation.

(4) Hazardous material. Each Permittee shall be subject to hazardous material guidelines for data collection; disposal, handling, release, and treatment of hazardous material; site remediation; and worker safety and training. The Permittee shall be required to comply with all federal, State, and local laws regarding hazardous material. For purposes of this Subsection, hazardous material shall mean any gas, material, substance, or waste which, because of its quantity, concentration, or physical or chemical characteristics, is deemed by any federal, State, or local government authority to pose a present or potential hazard to human health or safety or to the environment.

(5) Street restoration requirements for all <u>excavation</u> work involving Streets within the City shall be done in compliance with the most recent standards promulgated by the Municipal Engineer.

(6) Any Street in the City which has been resurfaced in the last ten (10) years for which a new Excavation Permit is issued shall include the requirement that the party performing the work must resurface the road from Curb to Curb and from Street corner to Street corner. Furthermore, all driveways and/or Sidewalks at any intersection impacted by work done under a road opening Permit must be restored as per the Municipal Engineer's standards. All regular Sidewalks, when being restored or replaced as part of an Excavation Permit, must also be restored as per the Municipal Engineer's standards. The acceptance of all work done under the aforesaid specifications shall be under the supervision of the Municipal Engineer.

(7) Whenever and wherever any Street is excavated, the Curbs and Sidewalks abutting such Street shall be considered an integral part of such Street and shall be reconstructed and improved so as to conform with such Street in accordance with the current specifications of the Department of Transportation of the State of New Jersey.

(8) Any crosswalks on the impacted Street must be re-striped and <del>b</del>rick-inla<del>yed <u>inlaid</u> crosswalks must be restored, if applicable.</del>

(9) If an individual property Owner of a building <u>with less</u> than ten units is seeking permission to excavate a Street to make Emergency repairs or necessary service upgrades to his/her property, the property Owner needs only to restore the trench in accordance with the Municipal Engineer's standards.

(10) If an individual property Owner is seeking to construct a new building, and its construction will require the Excavation of a Street, then the property Owner must arrange for the restoration of the Street as per the Municipal Engineer's standards and as specified in the site plan approval.

(11) All Street patch repairs/trench restoration must use the infrared paving method as per the most recent standards promulgated by the Municipal Engineer. The backfilling and patching operations of any such excavating project must be supervised by a City inspector to ensure compliance with the Municipal Engineer's standards.

(12) Trenchless technology. The use of trenchless technology to excavate in the Public Right-of-Way is unlawful without the prior written approval of the Municipal Engineer.

(13) Single Excavation maximum of 800 feet. No single Excavation site shall be longer than 800 feet in length at any time, except with the prior written approval of the Municipal Engineer.

## §296-3.17 through §296-3.21

## [NO CHANGE]

#### Chapter 345 – Zoning Article IV – Fees, Deposits and Inspections

§ 345-32. Non-refundable application fees.

A. There shall be a non-refundable fee for applications to the Jersey City Planning Board, Zoning Board of Adjustment, and Historic Preservation Commission as provided by law and established herein. The fees provided shall be non-refundable and are for purposes of offsetting the administrative and clerical costs of running these Boards

[Amended 3-23-2005 by Ord. No. 05-033; 4-23-2008 by Ord. No. 08-046]

B. The City of Jersey City and its agencies, such as the Housing Authority and Board of Education, as well as applications for affordable housing (affordable housing being defined pursuant to <u>N.J.S.A.</u> 52:27D-301, et seq. or the U.S. Department of Housing and Urban Development), and applications for certificates of appropriateness and certificates of no effect submitted by non-profit entities for property within a designated historic district are exempt from the fees described herein.

[Amended 11-12-2014 by Ord. No. 14-017; 5-13-2015 by Ord. No. 15-054 ]

C. As for projects by non-city entities that propose a mix of affordable housing and market-rate housing, the fees shall be pro-rated so that only affordable housing units and their associated building components shall be exempt from the fees. All market-rate housing units and their associated building components, as well as non-residential (commercial or industrial) units, shall remain subject to the fees described herein.
 (Added 5-13-2015 by Ord. No. 15-054 )

D.<u>Applications requiring Site Plan Review or Subdivision Review by the Department of Infrastructure shall pay the applicable fee set forth in Chapter 160-1(A)(10).</u>

N/A`

#### Ord. 23-126

An Ordinance amending and supplementing Chapter 160 – Fees and Charges; Chapter 296 Streets, Sidewalks, and Public Rights-of-Way, Article I – General Provisions; Duties of Property Owners and Occupants, Article II – Closure of the Public Right-of-Way, Article III – Excavations within the Public Right-of-Way; and Chapter 345 Zoning, Article IV – Fees, Deposits and Inspections.

RECORD OF COUNCIL VOTE ON INTRODUCTION – Dec 13 2023						
RIDLEY	AYE	SALEH	AYE	DEGISE	ABSENT	
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	8-0
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES	AYE	

<b>RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Jan 10 2024</b>						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	9-0
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

#### **SPEAKERS:**

Scott Hanson, Alex Gilette, Jordan Leahy, Deidra Noonan, Carol Harris, Emmanuelle Morgan, Jermaine Woodwar, Ayla Schermer, Jimmy Lee, Carmeron Orr, Tina Nalls, Edward Perkins, Karin Vanoppen, Erica Walker

<b>RECORD OF C</b>	COUNCIL VOTE ON AMEN	NDMENTS, IF ANY –	
RIDLEY	SALEH	DEGISE	
PRINZ-AREY	SOLOMON	RIVERA	
BOGGIANO	GILMORE	WATTERMAN, PRES.	

RECORD OF FINAL COUNCIL VOTE – Jan 10 2024						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	9-0
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

Adopted on first reading of the Council of Jersey City, N.J. on <u>Dec 13 2023</u> Adopted on second and final reading after hearing on <u>Jan 10 2024</u>

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on Jan 10 2024

San J. Hallagh

City Clerk

Joyce E. Watterman, President of Council Approved: Jan 10 2024

Steven M. Fulop, Mayor Date to Mayor: Jan 11 2024 Approved: Jan 11 2024

#### Ord. 23-126

An Ordinance amending and supplementing Chapter 160 – Fees and Charges; Chapter 296 Streets, Sidewalks, and Public Rights-of-Way, Article I – General Provisions; Duties of Property Owners and Occupants, Article II – Closure of the Public Right-of-Way, Article III – Excavations within the Public Right-of-Way; and Chapter 345 Zoning, Article IV – Fees, Deposits and Inspections.

#### FACT SHEET -

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

#### **Project Manager**

Sean Gallagher, City Clerk		201-547-4847	SeanG@jcnj.org
Department	Municipal Clerk		
Division	Municipal Clerk		

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Meeting Regular Meeting of Municipal Council - Dec 13 2023	
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#### Purpose

An Ordinance Amending And Supplementing Chapter 160 – Fees and Charges; Chapter 296 Streets, Sidewalks, and Public Rights-of-Way, Article I – General Provisions; Duties of Property Owners and Occupants, Article II – Closure of the Public Right-of-Way, Article III – Excavations Within the Public Right-of-Way; and Chapter 345 Zoning, Article IV – Fees, Deposits and Inspections.

#### **Cost (Identify all sources and amounts)**

N/A

Approved by Gregory Corrado, Asst. Business Administrator Ray Reddington, Attorney John Metro, Business Administrator

#### **Contract term (include all)**

Status: Approved - Nov 27 2023 Approved - Nov 27 2023 Approved - Dec 06 2023