

City Clerk File No. Ord. 15.088

Agenda No. 3.A 1st Reading

Agenda No. 4.A. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.088

TITLE:

AN ORDINANCE RESCINDING ORDINANCE 11-019 AND AMENDING CHAPTER 3, (ADMINISTRATION OF GOVERNMENT) ARTICLE XII (DEPARTMENT OF HEALTH AND HUMAN SERVICES) TO ESTABLISH AN "ADOPT A LOT" PROGRAM AUTHORIZING THE CITY TO LEASE VACANT, CITY-OWNED LAND IN NEED OF IMPROVEMENT TO NON-PROFIT CORPORATIONS OR ASSOCIATIONS

COUNCIL

offered and moved adoption of the following Ordinance:

WHEREAS, pursuant to N.J.S.A. 40A:12-14(c) and N.J.S.A. 40:A12-15(i), the City is authorized to enter into lease agreements for nominal consideration with non-profit corporations or associations for the use of vacant City-owned lots shown to be in need of improvements; and

WHEREAS, the City is the owner of several vacant lots located throughout the City that are in need of improvement; and

WHEREAS, the City adopted Ordinance 96-123 which authorized the establishment of an "Adopt A Lot" program; and

WHEREAS, Ordinance 96-123 was subsequently amended by Ordinances 01-109 and 11-019; and

WHEREAS, various non-profit corporations and associations ("Lessees") have expressed interest in participating in the "Adopt a Lot" program; and

WHEREAS, the City desires to execute leases with the various non-profit corporations and associations which desire to participate in the City's "Adopt a Lot" program; and

WHEREAS, in order to improve the "Adopt a Lot" program, the City desires to rescind Ordinance 11-019 and to codify the provisions of the Adopt a Lot program within the Municipal Code; and

WHEREAS, the City wishes to limit the duration of said leases to 1 (one) year; limit the scope of the lease to gardening only, and place control over administration of the "Adopt a Lot" program under the Department of Health & Human Services; and

WHEREAS, the Leases shall conform with the material terms and conditions of the lease on file in the Office of the City Clerk; and

WHEREAS, parties interested in participating in the "Adopt a Lot" program shall fill out the application on file in the Office of the City Clerk and submit the completed application to the Director of the Department of Health & Human Services; and

AN ORDINANCE RESCINDING ORDINANCE 11-019 AND AMENDING CHAPTER 3, (ADMINISTRATION OF GOVERNMENT) ARTICLE XII (DEPARTMENT OF HEALTH AND HUMAN SERVICES) TO ESTABLISH AN "ADOPT A LOT" PROGRAM AUTHORIZING THE CITY TO LEASE VACANT, CITY-OWNED LAND IN NEED OF IMPROVEMENT TO NON-PROFIT CORPORATIONS OR ASSOCIATIONS

WHEREAS, non-profit corporations and associations which agree to and are able to comply with the terms and conditions of the form of lease agreement for the "Adopt a Lot" program will be recommended for approval; and

WHEREAS, once the application is complete, the Director of Health & Human Services shall recommend to the Municipal Council approval of the leases with parties who agree to and are able to comply with the terms and conditions of the form of lease agreement for the "Adopt a Lot" program; and

WHEREAS, each lease must then be approved by Ordinance of the Municipal Council; and

WHEREAS, the consideration for each lease shall be one dollar (\$1.00) a year and other good and valuable consideration; and

WHEREAS, the lease term shall be for one year subject to the City's right to terminate the lease at its convenience without cause by providing 90 days prior notice; and

WHEREAS, as a condition of granting these leases the Lessees shall comply with all of the terms and conditions of the form of lease on file with the City Clerk; and

WHEREAS, the Lessees understand that the properties leased to participants in the "Adopt a Lot" program are to be used for gardening and for no other purpose whatsoever without the express written approval of the Business Administrator; and

WHEREAS, as a condition of granting these leases the Lessees shall submit reports to the Director at the time Lessees submit applications to participate in the Adopt a Lot Program, setting out the use to which the leasehold will be put; the activities of the Lessee will undertake in furtherance of the public purpose for which the leasehold is granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and if Lessee is a corporation an affirmation of its tax-exempt status as a non-profit corporation or association pursuant to both State and Federal laws.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that Ordinance 11-018 is hereby repealed and

BE IT FURTHER ORDAINED by the Municipal Council of the City of Jersey City that Chapter 3, Article XII shall be amended to read:

§ 3-101. Adopt a Lot Program.

The City shall establish an Adopt A Lot Program under the direction of the Department of Health and Human Services.

- a. Any non-profit corporation and association desiring to participate in the program shall complete and submit an application, in writing or electronically, to the Director of Health & Human Services. The application shall be in the form on file with the City Clerk.
- b. Upon completion of the required application forms, the Director of Health & Human Services shall recommend approval of the application to the Municipal Council, which shall, by Ordinance, approve a Lease between the City and the approved applicant.
- c. Consistent with N.J.S.A. 40A:12-15, in no event shall any lease be entered into for, with, or on behalf, of any commercial, business, trade, manufacturing, wholesaling, retailing, or other profit-making enterprise, nor shall any lessee use the City-owned property for any sectarian, denominational or religious purpose. Under no circumstances will any lessee be permitted to grow fruits and vegetables or any other edible products on the leased land, either for sale or for personal consumption. City-owned land leased under this provision shall be

AN ORDINANCE RESCINDING ORDINANCE 11-019 AND AMENDING CHAPTER 3,
(ADMINISTRATION OF GOVERNMENT) ARTICLE XII (DEPARTMENT OF HEALTH AND HUMAN
SERVICES) TO ESTABLISH AN "ADOPT A LOT" PROGRAM AUTHORIZING THE CITY TO LEASE
VACANT, CITY-OWNED LAND IN NEED OF IMPROVEMENT TO NON-PROFIT CORPORATIONS
OR ASSOCIATIONS

used for gardening only and for no other purpose whatsoever without the express written
approval of the Business Administrator.

d. The lease term shall be for one year and consideration for each lease shall be one dollar
(\$1.00) a year.

e. The City reserves the right to terminate the lease at its convenience without cause by
providing 90 days prior notice.

- I. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- II. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- III. This Ordinance shall take effect in the manner as provided by law.
- IV. The City Clerk and the Corporation Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

Note: All new material is underlined; words ~~struck-through~~ are omitted. For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

JJH 6/17/15

APPROVED AS TO LEGAL FORM

Joanne Monahan
for Corporation Counsel

Certification Required ☐

Not Required ☒

APPROVED: _____

APPROVED: _____

Business Administrator

ORDINANCE FACT SHEET – NON-CONTRACTUAL

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.

Full Title of Ordinance

AN ORDINANCE RESCINDING ORDINANCE 11-019 AND AMENDING CHAPTER 3, (ADMINISTRATION OF GOVERNMENT) ARTICLE XII (DEPARTMENT OF HEALTH AND HUMAN SERVICES) TO ESTABLISH AN "ADOPT A LOT" PROGRAM AUTHORIZING THE CITY TO LEASE VACANT, CITY-OWNED LAND IN NEED OF IMPROVEMENT TO NON-PROFIT CORPORATIONS OR ASSOCIATIONS

Initiator

Department/Division	Health & Human Services	
Name/Title	Stacey L. Flanagan	Director
Phone/email	201-547-6800	sflanagan@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

In order to improve the "Adopt a Lot" program, this Ordinance will rescind Ordinance 11-019 and codify the provisions of the Adopt a Lot program within the Municipal Code. Specifically, the Ordinance limits the duration of Adopt a Lot program leases to 1 (one) year; limits the scope of the lease to gardening only, and places control over administration of the "Adopt a Lot" program under the Department of Health & Human Services.

I certify that all the facts presented herein are accurate.

Signature of Department Director

June 17, 2015

Date

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



ORDINANCE NO. Ord. 15.088

TITLE: 3.A JUN 24 2015 4.A JUL 15 2015

An ordinance rescinding Ordinance 11-019 and amending Chapter 3, (Administration of Government) Article XII (Department of Health and Human Services) to establish an "Adopt a Lot" Program authorizing the City to lease vacant, city-owned land in need of improvement to non-profit corporations or associations.

RECORD OF COUNCIL VOTE ON INTRODUCTION

JUN 24 2015 9-0

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING

JUL 15 2015 9-0

Councilperson COLEMAN moved, seconded by Councilperson OSBORNE to close P.H.

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE

JUL 15 2015 9-0

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JUN 24 2015

Adopted on second and final reading after hearing on JUL 15 2015

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUL 15 2015

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date JUL 15 2015

APPROVED:

Steven M. Fulop, Mayor

Date JUL 20 2015

JUL 15 2015

Date to Mayor