

City Clerk File No. Ord. 15.096

Agenda No. 3.I 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.096

TITLE:

ORDINANCE IMPLEMENTING CHAPTER 67 (PEDESTRIAN MALLS), ARTICLE 1 (NEWARK AVENUE PEDESTRIAN MALL)

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

- A. The following implementation to Chapter 67 (Pedestrian Malls) Article 1 (Newark Avenue Pedestrian Mall) are hereby adopted:

PEDESTRIAN MALLS ARTICLE 1 Newark Avenue Pedestrian Mall

§1-1. Definitions.

The following terms shall have the meanings indicated:

- A. "Pedestrian Mall" or "Pedestrian Mall Improvement" or "Pedestrian Plaza" or "Mall": Pursuant to N.J.S.A. 40:56-65 et seq., any local improvement 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 cafes, shelters, trees, flower plantings, sculpture, 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.

§1-2. Findings.

- A. The Mayor and Council find and declare:

- (1) The City of Jersey City may undertake development and maintenance of a Pedestrian Mall as a local improvement pursuant to this act and provisions of N.J.S.A. 40:56-69 et seq.
- (2) That a Newark Avenue Pedestrian Mall will enhance the movement, safety, convenience and enjoyment of pedestrians.
- (3) That Newark Avenue between Christopher Columbus Drive and Erie Street is not a part of any state highway, is located primarily in a business district and is improved to its maximum feasible width with regard to adjoining buildings and improvements.

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- (4) That a reasonably convenient alternate route to other parts of the City and state exist for private vehicles.
- (5) That continued unlimited use of the street or part thereof by private vehicles may constitute a hazard to the health and safety of pedestrians.
- (6) That abutting properties can reasonably and adequately be provided with emergency vehicular services and receive and deliver merchandise and materials from other streets and alleys or by provisions for limited use of the streets by emergency vehicles and carriers of such merchandise and materials.
- (7) That it is in the best interests of the City and the public and of benefit to adjacent properties to use such street primarily for pedestrian purposes, and that pedestrian use is determined to be the highest and best use of such street or part thereof.

§1-3. Limitations.

A. A Pedestrian Mall shall be created on the following street(s) or portion thereof:

- (1) **Newark Avenue, between Christopher Columbus Drive and Erie Street,** as indicated on the street map on file in the office of the City Clerk.

B. The use of the surface of the above described portion of Newark Avenue shall be limited at all times to pedestrians and also emergency, public works, and other maintenance and service vehicles as required, as well as other vehicles explicitly permitted by the City under §1-4 below.

C. The Business Administrator shall maintain a Newark Avenue Pedestrian Mall Operating Plan that shall contain rules and regulations regarding the specific permitted uses of the Mall, including but not limited to special events, food and beverage service, and improvements and maintenance of the Mall. See §1-4 below.

D. There shall be no limit of vehicular use on either Grove Street, Christopher Columbus Drive, or Erie Street.

E. The City acknowledges that there is access to other streets for delivery of or receiving merchandise or materials.

§1-4. Uses of pedestrian mall; control and regulation.

A. Under the direction of the Mayor and governing body, a Pedestrian Mall may be used for any purpose or activity which will enhance the movement, safety, convenience or enjoyment of pedestrians, subject to the limitations set forth in this section.

B. The Business Administrator shall maintain a Pedestrian Mall Operating Plan, to be enforced by the Department of Public Safety and the Division of Commerce, that will provide for the control and regulation of:

- (1) The distribution and location of movable furniture, sculpture or pedestrian traffic control devices, landscaping and other facilities belonging to the Mall and not otherwise located or fixed by plans and specifications.
- (2) The uses to be permitted on the Mall by occupants of abutting property, including but not limited to transit or telephone utilities and other concessionaires.
- (3) The issuance of permits to conduct any special activity(ies) or operation(s) consistent with the broad purposes of the Mall, subject to the limitations set forth in this section.

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- (4) The operation of any heating or other facilities and replacing landscaping and maintaining furniture and facilities in the Mall.
- (5) The designation of parking spaces and/or other specifically reserved uses of the Mall or portions thereof.
- (6) Pursuant to N.J.S.A. 40:56-69 et seq., the regulation of a limited amount of local vehicle traffic in order to allow for deliveries, pickups and/or drop-offs of business patrons or employees, and/or other loading and unloading of personnel, materials, or other goods to be used directly or indirectly by a business and/or residence along the Pedestrian Mall.

C. The following minimum restrictions and regulations shall be in effect at all times within the Mall and shall be noted in the Pedestrian Mall Operating Plan:

- (1) Any person(s) creating undue amounts of noise, waste, and/or a potentially dangerous or threatening environment for any Mall patrons will be subject to removal from the Pedestrian Mall and subject to additional penalties allowed by law, if applicable.
- (2) No person may loiter in the Pedestrian Mall between the hours of 11:00 P.M. and 6:00 A.M., whether or not that person is making use of any Pedestrian Mall public seating, fixtures, or any other Pedestrian Mall features. Any person in violation of this section will be subject to removal from the Pedestrian Mall in addition to any other penalties allowed by law.
- 3) Amplified music or other amplified sounds shall not be allowed within 50 feet of the portion of Newark Avenue between Erie Street and Grove Street (not including the portion of Newark Avenue between Grove Street and Christopher Columbus Drive). Any other limits on music or noise (including, without limitation, maximum permitted decibel levels) that would otherwise be applicable to this portion of Newark Avenue with or without the establishment of the Mall shall remain in full force and in effect within this area.

§1-5. Notice to owners and public meeting.

A. At least 10 days prior to the date fixed for a public hearing, a copy of the proposed ordinance and notice of the date, time and place of the hearing shall be mailed to the owners of the lots and parcels of land abutting or directly affected by the Pedestrian Mall.

B. The City shall hold a public feedback review meeting between 6 and 8 months after approval of this ordinance and full implementation and construction of the Mall. The purpose of this meeting will be to discuss issues and any possible changes and/or improvements to the Mall. This public feedback review session shall occur at City Hall. Adequate notice shall be provided to all property owners within 600 feet of any Mall boundary, the Historic Downtown Special Improvement District, the Harsimus Cove Association, and other adjacent communities and community groups.

§1-6. Operating plan.

A. The Mall shall be operated and maintained pursuant to the regulations and restrictions set forth in this ordinance and also the Pedestrian Mall Operating Plan maintained by the Business Administrator and also pursuant to provisions of N.J.S.A. 40:56-65 et seq.

§1-7. Specifications for construction.

A. The Jersey City Division of Architecture and Engineering and the Jersey City Department of Public Works shall approve the materials or combinations thereof of which the pedestrian mall

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shall be constructed if applicable. The City may in its discretion narrow any roadway to be kept and maintained in connection with any Pedestrian Mall, may cause any street vaults to be reconstructed or removed, may construct crosswalks at any point within a block and may cause the roadway to curve and meander within the limits of the street to enhance the usefulness and appearance of the Pedestrian Mall.

§1-8. Municipal powers retained.

A. Notwithstanding the improvement of any street as a Pedestrian Mall, the City of Jersey City shall retain all its powers relating to the street or part thereof constituting the Mall.

B. No such action shall be construed as a vacation in whole or in part; the establishment of a Pedestrian Mall is a matter of regulation only.

§1-9. Abandonment of operation.

A. Nothing shall prevent the City, from subsequently abandoning the operation of the Pedestrian Mall, changing special assessments or taxes for annual costs or changing or repealing any limitation on the use of the mall for a particular purpose by ordinance.

§1-10. Procedures incident to development and maintenance.

A. Condemnation proceedings and all other procedures incident to the development and maintenance of a Pedestrian Mall shall be authorized under N.J.S.A. 40:56-69 et seq., if required.

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.
- E. The Jersey City Division of Planning is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S.A. 40:55D-a16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S.A. 40:49-2.1.

Note: All matter is new therefore underlining has been omitted.

APPROVED AS TO LEGAL FORM

Joanne Monahan
for Corporation Counsel

APPROVED: _____

APPROVED: _____

[Signature]
Business Administrator

Certification Required ☐Not Required ☒



Newark Avenue Pedestrian Mall Operating Plan

Update log:

6-25-15

6-23-15

6-18-15

6-15-15

NOTE: This plan shall be maintained by the Jersey City Business Administrator. Please contact the Department of Administration to ensure access to the most recently updated version.

Definitions.

"Newark Avenue Pedestrian Mall" or "Pedestrian Mall" or "Mall": The street surface of Newark Avenue from Grove Street to Erie Street.

"Grove Street PATH Station Plaza" or "PATH Plaza" or "Plaza": The street surface of Newark Avenue from Christopher Columbus Drive to Grove Street, directly adjacent to the Grove Street PATH station entrance and also Duane Reade.

I. PATH Plaza

- a. The PATH Plaza shall not be included in any of the policies and procedures referenced herein with the exception of vehicular traffic limitations as noted in the enabling ordinance and in section I of this operating plan, and also Mobile Food Vendor regulations as noted in section X of this plan. Any/all special events and/or activities occurring in the PATH Plaza shall continue with no changes.

II. Vehicular Access

- a. The Pedestrian Mall and the PATH Plaza shall be limited at all times to pedestrians and also emergency, public works, and other maintenance and service vehicles as required, as well as other vehicles explicitly permitted in accordance with the ~~Vehicular Access~~ Permit-policies outlined in the following sections.
- b. There shall be no limit of vehicular use on either Grove Street, Christopher Columbus Drive, or Erie Street.
- c. Permitted traffic shall enter the Pedestrian Mall only from Grove Street and must travel one-way Westbound from Grove Street to Erie Street.
- d. Permitted traffic shall enter the PATH Plaza only from Christopher Columbus Drive and must only travel one-way Westbound from Christopher Columbus drive to Grove Street.
- e. Careless and/or reckless vehicle operation that threatens the safety of pedestrians in or around the Pedestrian Mall and/or the PATH Plaza, including but not limited to vehicle speeds over 5 M.P.H., utilizing the street as a through lane, abrupt turns or sudden vehicle movements, utilizing the Pedestrian Mall and/or PATH Plaza for uses other than as described herein, and blocking pedestrian and/or emergency vehicle access will be



subject to applicable traffic summonses and/or may also result in revocation of Vehicle Access Permits.

- f. In addition to the vehicles permitted to access the Pedestrian Mall and PATH Plaza as noted in section II.a., the only other type of vehicles permitted to enter are vehicles performing deliveries, pickups and/or drop-offs of business patrons or employees, and/or other loading and unloading of personnel, materials, or other goods to be used directly or indirectly by a business and/or residence along the Pedestrian Mall and/or PATH Plaza, and only under the following conditions:
- i. Vehicles meeting the above criteria will be permitted to enter the Pedestrian Mall only between the hours of 8:00AM and 5:00PM, Monday through Friday, and between the hours 8:00AM and 2:00PM Saturday and Sunday.
 - ii. Any vehicles utilizing a Vehicle Access Permit and entering the Pedestrian Mall and/or the PATH Plaza must not remain stationary in any portion of the Pedestrian Mall except within designated loading zones. If designated loading zones are not available, the vehicle shall not enter the Pedestrian Mall or PATH Plaza and must instead utilize peripheral loading zones or other parking spaces on nearby streets.
 - iii. Vehicle size is limited to any vehicle with 2 axles or less in order to minimize hazards to pedestrians. Larger vehicles must utilize peripheral loading and unloading zones on nearby streets.
 - iv. Vehicles meeting the above criteria will be permitted to remain within designated loading zones for up to 10 minutes.
 - v. Any vehicle remaining stationary for more than 10 minutes must display a valid Temporary Vehicle Access Permit.
 - vi. Temporary Vehicle Access Permits shall be granted for a single day use only and to a limited number of authorized vehicles performing deliveries, pickups and/or drop-offs of business patrons or employees, and/or other loading and unloading of personnel, materials, or other goods to be used directly or indirectly by a business and/or residence along the Pedestrian Mall and/or the PATH Plaza that requires vehicle presence of more than 10 minutes.
 - vii. Vehicle Access Permits shall be available only for any property, tenant, and/or resident directly adjacent to any Pedestrian Mall and/or PATH Plaza border.
 - viii. One Vehicle Access Permit shall be made available per business and/or residence by request of the property owner, tenant, and/or resident only.
 - ix. Vehicle Access Permits will allow a single vehicle per permit to enter the Pedestrian Mall and/or PATH Plaza only between the hours of 8:00AM and 5:00PM, Monday through Friday, and between the hours 8:00AM and 2:00PM Saturday and Sunday.
 - x. Vehicle Access Permits shall be available through the Division of Parking within the Department of Public Safety. The Director of Parking reserves the right to approve or deny any requests for Vehicle Access Permits. If an application is



denied the Director of Parking shall clearly state the reason in writing for any request denials.

- xi. Vehicle Access Permits are transferrable between vehicles, but only a single vehicle will be granted access at any one time for each permit.
 - xii. Vehicle Access Permits will be valid for a full calendar year and shall be renewable.
- g. The City of Jersey City reserves the right to revoke any Vehicle Access Permit or to further restrict traffic to the Pedestrian Mall at any time.

III. Pedestrian Mall Zones and Access Lane

- a. A 15 foot wide span of the street surface directly in the center of the Newark Avenue from Grove Street to Erie Street shall be designated as an "Access Lane", which shall remain clear of all permanent and/or temporary Pedestrian Mall features in order to allow for safe access for emergency vehicles and other permitted traffic. This Access Lane shall not be utilized as a through lane or for any other vehicle travel purpose not specifically approved in this plan. This lane shall not be marked as a travel lane or have any other noticeable markings so as to avoid confusion that the Pedestrian Mall may be used for general vehicle traffic purposes.
- b. The street surface from the edge of each curb extending outward to the border of the Access Lane is hereby designated as the "Mall Zone(s)".
- c. Permanent and/or temporary Pedestrian Mall features, including but not limited to planters, tables, chairs, umbrellas, pianos, benches, and other barriers, will be permitted to be installed only within the Mall Zones (see section IV for more information).
- d. Specific areas within the Mall Zones shall be designated as loading zones. These loading zones shall be a minimum length of 30 feet and shall remain clear of permanent and temporary Mall features. All loading and unloading must occur only in these zones in order to allow for other permitted and/or emergency or maintenance/service vehicle traffic to proceed.
- e. Traffic will not be permitted to remain stationary in any areas not designated as loading areas of the Mall Zone or else in the Access Lane.

IV. Mall Zone Features

- a. Any permanent and/or temporary Mall Zone Features, including but not limited to planters, tables, chairs, umbrellas, pianos, benches, and other barriers, will be permitted to be installed only within the Mall Zones.
- b. Mall Zone Features shall be installed and maintained only by the City of Jersey City.
- c. Open flames, light emitting devices, heavy machinery or other gas powered devices, and food preparation or food storage devices (including but not limited to refrigerators, freezers, stoves, microwaves, portable burners, and/or hot plates) will not be allowed within 50 feet of any Pedestrian Mall boundary or within the Pedestrian Mall during sanctioned events or any other time.



- d. All Mall Zone Features are the property of the City of Jersey City and the use of these features is at the discretion of the City of Jersey City.

V. Non-motorized vehicles

- a. Any person(s) operating any non-motorized vehicle, including but not limited to bicycles, skateboards, scooters, or rollerblades, must exercise extreme caution when utilizing the Pedestrian Mall.
- b. The maximum speed of non-motorized vehicle travel within the Pedestrian Mall is 5 miles per hour (M.P.H.).
- c. Careless and/or reckless non-motorized vehicle operation that threatens the safety of pedestrians in or around the Mall, including but not limited to speeds over 5 M.P.H., aggressive or intimidating activity, or any other operation or behavior that could be deemed dangerous for other Pedestrian Mall patrons will be subject to removal from the Pedestrian Mall and to additional penalties allowed by law, if applicable.

VI. Public Safety

- a. Any person(s) creating undue amounts of noise, waste, and/or a potentially dangerous or threatening environment for any Pedestrian Mall patrons will be subject to removal from the Pedestrian Mall and to additional penalties allowed by law, if applicable.
- b. No person may loiter in the Mall between the hours of 11:00PM and 6:00AM, whether or not that person is making use of any Pedestrian Mall public seating, fixtures, or any other Pedestrian Mall features. Any person in violation of this section will be subject to removal from the Pedestrian Mall in addition to any other penalties allowed by law.
- c. A permanent police post of one or more officers will be assigned whenever manpower allows and during high pedestrian volume times. Posts will be assigned to the area at the discretion of the Department of Public Safety and the City Administration, which will make a good faith effort to respond to any concerns noted by the public.
- d. The Jersey City Department of Public Safety will provide directed patrols throughout the Pedestrian Mall as needed and as directed by the Department of Public Safety and the City Administration.
- e. All businesses serving alcoholic beverages and with an entrance and/or exit within the boundaries of the Pedestrian Mall must have a security guard on duty outside the entrance/exit at least between the hours of 11:00PM until business closing time. Security guards shall be responsible for controlling patrons entering or exiting the business and for ensuring safety of business patrons and of other Pedestrian Mall patrons.
- f. Minors shall be subject to the rules and regulations regarding curfews as noted in § 137-1. et seq.

VII. Events and activities

- a. In addition to other applicable rules and restrictions, all events and other activities held within the Pedestrian Mall are subject to approval pursuant to any applicable special



event permit rules and regulations and also by the Jersey City Office of Cultural Affairs. Regulations governing such events are subject to the standard regulations for standard public events and the limitations set forth in the Municipal Code.

- b. The Office of Cultural Affairs will provide additional oversight and make a good faith effort to ensure the number and variety of events is evenly distributed over time in order to prevent an undue burden on the local residents and/or local businesses.
- c. The Office of Cultural Affairs will notify the Historic Downtown Special Improvement District of any requests for events within the Pedestrian Mall and Cultural Affairs will collaborate with the HDSID to ensure appropriate event planning.
- d. Events may be held within the Pedestrian Mall during the hours of 10:00AM to 9:00PM, Monday through Sunday.
- e. Amplified music or other amplified sounds shall not be allowed within the Pedestrian Mall or within 50 feet of any Pedestrian Mall boundary (not including the Grove PATH Station Plaza). Any other limits on music or noise (including, without limitation, maximum permitted decibel levels) that would otherwise be applicable to this portion of Newark Avenue with or without the establishment of the Mall shall remain in full force and in effect within this area.
- f. No more than 1 total event per month shall be permitted to occur within the Pedestrian Mall that includes more than 50 anticipated attendees.
- g. No exceptions for the above mentioned rules will be granted for city sponsored events.
- h. This operating plan does not regulate any events in the PATH Plaza.

VIII. Food and Beverage Service

- a. Sidewalk cafés will be permitted on sidewalks adjacent to the Pedestrian Mall and in accordance with the municipal sidewalk café rules and regulations as noted in § 296-80 *et seq.*
- b. Food service in sidewalk cafés is further restricted to between hours of 8:00AM to 10:00PM Monday through Sunday.
- c. Alcoholic beverage service is permitted in sidewalk cafés and must be provided in accordance with sidewalk café license rules and regulations.
- d. Pedestrian Mall patrons are permitted to carry and consume food and/or beverages anywhere within the Pedestrian Mall with the exception of alcoholic beverages.
- e. Alcoholic beverages are not permitted to be consumed and/or open in any areas of the Pedestrian Mall, except within permitted sidewalk cafés, and except during a limited number of approved and permitted events.
- f. Alcoholic beverages not provided by a business directly adjacent to any Pedestrian Mall boundary and/or from an approved vendor during an approved and permitted event are prohibited to be consumed and/or open in any areas of the Pedestrian Mall including sidewalk cafés.

IX. Waste Removal and Maintenance



- a. Waste shall not be placed anywhere within the Pedestrian Mall between the hours of 8:00AM and 10:00PM, Monday through Sunday.
- b. Waste removal operations shall take place between the hours of 10:01PM and 7:59AM.
- c. The Jersey City Incinerator Authority (JCIA) will continue normal waste removal operations and the implementation of a Pedestrian Mall shall not disrupt any prior waste removal operations.
- d. All businesses within the Pedestrian Mall must have all waste removed from the entirety of the Pedestrian Mall by 8:00AM every morning.
- e. Businesses are encouraged to enter into a joint contract for waste removal services or else are encouraged to find alternate means to minimize the number of waste removal vehicles entering the Pedestrian Mall on any given day.
- f. The City and the Jersey City Incinerator Authority (JCIA) will collaborate with the Historic Downtown Special Improvement District (HDSID) to ensure the Pedestrian Mall will remain clean of waste and other debris.
- g. The City of Jersey City will be responsible for maintenance of the Pedestrian Mall and all Pedestrian Mall Features.
- h. Street sweeper and plowing operations will be modified to accommodate installation of Mall Zone features.

X. Mobile Food Vendors

- a. Mobile Food Vendors must abide by all regulations as noted in § 175-9.3. *et seq.*

XI. Planning and Implementation

- a. The City solicited feedback from the following people/groups/entities in the planning process:
 - i. Councilwoman Osborne
 - ii. Jersey City Mayor's Office
 - iii. Jersey City Fire Department
 - iv. East District Police Department
 - v. Department of Public Safety
 - vi. Department of Administration
 - vii. Cultural Affairs
 - viii. Division of Commerce
 - ix. Division of Planning
 - x. Traffic and Engineering
 - xi. Jersey City Incinerator Authority (JCIA)
 - xii. Department of Public Works
 - xiii. Historic Downtown Special Improvement District (HDSID)
 - xiv. Individual local downtown businesses
 - xv. Harsimus Cove Association
 - xvi. The general public
 - xvii. Jersey City Corporation Counsel
 - xviii. Department of Health and Human Services
 - xix. NJTransit



- xx. Jersey City Division of Parking
- xxi. Sam Schwartz Transportation Planning and Engineering (solicited design proposal)
- b. The City will continue to solicit feedback and information regarding implementation and operation of the Pedestrian Mall and if appropriate, will make changes and revisions to the operating plan and also if appropriate the enabling ordinance.
- c. The City shall hold a public feedback review meeting between 6 and 8 months after approval of this ordinance and full implementation and construction of the Pedestrian Mall. The purpose of this meeting will be to discuss issues and any possible changes and/or improvements to the Mall. This public feedback review session shall occur at City Hall. Adequate notice shall be provided to all property owners within 600 feet of any Pedestrian Mall boundary as well as the Historic Downtown Special Improvement District, the Harsimus Cove Association, and other adjacent communities and community groups.

XII. Implementation

- a. The City will introduce a sample pilot version of the Pedestrian Mall in an effort to demonstrate the actual look and feel of the physical layout of the Pedestrian Mall. Any deviations from the pilot version will be at the discretion of the City with feedback from the public, local businesses, and any other relevant stakeholders.
- b. No traffic or other vehicle related violations or summonses shall be issued until 3 months after the ordinance takes effect ("grandfather period"). The grandfather period does not apply to any other quality of life, public safety, other public nuisance, or operational regulations or restrictions.

Note: All new material is underlined; words in [brackets] are omitted.

For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.



STEVEN M. FUDP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
OFFICE OF THE MAYOR

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STEVEN M. FUDP
MAYOR OF JERSEY CITY

June 24, 2015

Dear Council President and Members of the Municipal Council:

The following report has been prepared for your consideration in order to provide supporting evidence and research for the creation of a Pedestrian Mall on the portion of Newark Avenue between Grove Street and Erie Street.

The portion of Newark Avenue between Erie Street and Grove Street is suitable for the creation of a Pedestrian Mall.

- This portion of Newark Avenue is not a part of any state highway and is not a major vehicle traffic artery or through street to other areas of the city or region.
- This portion of Newark Avenue is not a bus route or cargo and/or other type of delivery route.
- This portion of Newark Avenue is not a preferred route of travel for emergency vehicles, except for those vehicles that must directly access this portion of the street.
- The proposed Pedestrian Mall plan preserves all current service and maintenance operations, with no disruptions to waste removal operations or inhibition of emergency vehicle access.
- The City of Jersey City may undertake development and maintenance of a Pedestrian Mall as a local improvement pursuant to the provisions of N.J.S.A. 40:56-69 et seq.
- The proposed Pedestrian Mall plan underwent a section 31 review pursuant to NJSA 40:55D-31 during the regularly scheduled Jersey City Planning Board meeting on June 23, 2015 in the Council Chambers in City Hall.
- Pedestrian Malls utilizing a shared space format (allowing vehicles and pedestrians to share the space) have been successfully implemented in a variety of cities and neighborhoods throughout the country and throughout the world.

A Pedestrian Mall in this area will support the local economy and enhance patronage of local businesses.

- 30 businesses currently operate with storefronts directly adjacent to the Pedestrian Mall, including 9 bars and restaurants and also 6 businesses with outdoor seating. At least two more storefronts/businesses are currently under construction. Dozens of additional businesses operate within a few blocks of the proposed Pedestrian Mall boundaries. All of these businesses stand to benefit from additional foot traffic that a Pedestrian Mall will bring.
- Foot traffic and window shopping is limited due to the unwelcoming and uninviting streetscape along this portion of Newark Avenue, with narrow sidewalks, two lanes of fast moving traffic, and 16 parking spaces within an already crowded commercial corridor.
- Double parking and other illegal stopping and standing is common along this stretch of Newark Avenue, creating further hazards for pedestrians and also vehicle traffic in the area.
- The businesses directly adjacent to this portion of Newark Avenue as well as the Historic Downtown Special Improvement District (HDSID) are in support of a Pedestrian Mall, noting it will serve to not only increase foot traffic to local businesses but will also drive activity and visitors throughout the local area. Requests were made by local businesses to specifically include limited vehicle access for emergencies, deliveries, and for patrons that require local drop-offs and pickups.

A Pedestrian Mall will build a safer, more pedestrian friendly area and will foster more frequent cultural and social exchanges in the community.

- This portion of Newark Avenue and the area immediately surrounding it was formally a congested traffic hub that is still utilized by thousands of daily commuters traveling on foot and bike to bus and PATH train stops.
- Despite current use as a pedestrian thoroughfare, this portion of Newark Avenue does not currently provide adequate pedestrian safety or promote positive interactions between pedestrians.
- A Pedestrian Mall on this portion of Newark Avenue will enhance the movement, safety, convenience, and enjoyment of pedestrians by decreasing the volume of vehicles, reducing air pollution, and increasing socialization and other interactions between local residents and visitors.
- The local and nearby communities are supportive of a Pedestrian Mall so long as the City includes the following items in the plan:
 - Restrictions on activities, noise, and public disturbances
 - Increased police presence and/or other enhanced safety measures
 - Limited vehicle access for emergencies, deliveries, and for residents that require local drop-offs and pickups
 - Sufficient project management and oversight

A Pedestrian Mall will be a unique neighborhood asset found nowhere else in Jersey City that will serve as a destination for residents and visitors and will become a highlight attraction for Jersey City.

- This is the first location in Jersey City where a Pedestrian Mall will be implemented.
- A Pedestrian Mall on this portion of Newark Avenue will become a tourist attraction but also source of pride for residents.
- A Pedestrian Mall on this portion of Newark Avenue will expand cultural and social opportunities with the addition of a distinctive open public space that allows for gatherings, events, and expanded socializing.
- A Pedestrian Mall on this portion of Newark Avenue will serve as a model for additional Pedestrian Malls throughout Jersey City.
- A Pedestrian Mall on this portion of Newark Avenue will allow for implementation of a variety of new artistic elements as well as additional green infrastructure in a public open space.

Data and information has been gathered from a variety of sources including a pilot program last summer.

- A pilot Pedestrian Mall program was implemented on a temporary basis last summer beginning Tuesday August 18, 2014 and ending October 31, 2014.
- The pilot program was approved by ordinance (ordinance 14.043, approved 9-0 by the Jersey City Municipal Council on July 16, 2014) in the same fashion as the proposed plan seeks to be approved.
- Thousands of patrons utilized this space during the pilot program but more importantly the City was able to test the model and better understand the impact on businesses and the community as a whole.
- Two public meetings were held after the end of the pilot program to solicit feedback from the community and businesses:
 - A meeting targeting businesses was held on Tuesday March 3, 2014 in the Jersey City Council Caucus Room.
 - A meeting targeting the community was held on Monday March 9, 2014 at 7:30PM at Grace Church Van Vorst at a regularly scheduled Harsimus Cove Association meeting.
- Several follow up group discussions occurred at regularly scheduled HDSID and Harsimus Cove Association meetings, including several conversations between city officials and HDSID and Harsimus Cove Association leadership.
- Additional feedback was volunteered and also solicited directly from individual business owners, local residents, and other Pedestrian Mall patrons during and after the pilot.

- Relevant city officials and other stakeholders were also consulted throughout the process, including representatives from the following groups and offices:
 - Councilwoman Candice Osborne
 - Mayor's Office
 - Fire Department
 - East District Police Department
 - Department of Public Safety
 - Department of Administration
 - Cultural Affairs
 - Division of Commerce
 - Division of Planning
 - Division of Traffic and Engineering
 - Jersey City Incinerator Authority (HCIA)
 - Department of Public Works
 - Jersey City Corporation Counsel
 - Department of Health and Human Services
 - NJ Transit
 - Sam Schwartz Transportation Planning and Engineering (solicited design proposal)

Please let me know if you have any further questions.

Sincerely,

Brian Platt
Jersey City Mayor's Office

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



ORDINANCE NO. Ord. 15,096

TITLE:

3.1 JUN 24 2015 4.1

JUL 15 2015

Ordinance implementing Chapter 67 (Pedestrian Malls),
Article 1 (Newark Avenue Pedestrian Mall).

RECORD OF COUNCIL VOTE ON INTRODUCTION JUN 24 2015 8-1											
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 8-0											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>OSBORNE</u> 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	ABSENT			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

YVONNE BALZER
MARTIN SEIGEL
JOHN REICHERT
ROBYN SCHNEIDER
ERIC FLEMING
DAVID HOHENSEE
AARON MORRILL
PAUL BERMAN
LAVERNE WASHINGTON
JEANNE DALY
ABDUL MALIK
WILLIAM DORRITY
DANIEL LEVIN

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
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 6-3											
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, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date JUL 15 2015

APPROVED:

Steven M. Fulop, Mayor

Date JUL 20 2015

Date to Mayor JUL 15 2015