

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

File No. Ord. 25-026
Agenda No. 3.2 (1st Reading)
Agenda No. 4.2 (2nd Reading and Final Passage)



AN ORDINANCE AMENDING CHAPTER 131 ENTITLED “CONSTRUCTION CODES, UNIFORM” REQUIRING APPLICANTS FOR CONSTRUCTION PERMITS TO DEMONSTRATE PRIOR APPROVALS FROM CERTAIN CITY OFFICIALS AND AGENCIES

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

WHEREAS, the City of Jersey City seeks to ensure that construction within the city complies with all applicable zoning, planning, environmental, traffic, and public health regulations; and

WHEREAS, the City has determined that requiring applicants for construction permits to demonstrate that they have obtained all necessary prior approvals from relevant officials and agencies will promote efficiency, compliance, and public safety; and

WHEREAS, the City further desires to ensure that demolition activities and affordable housing requirements, where applicable, are completed and in compliance before construction permits are issued.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY AS FOLLOWS:

CHAPTER 131 - CONSTRUCTION CODES, UNIFORM

ARTICLE I - In General

§ 131-1. - Enforcing agency established.

A-H. No Change.

§ 131-2. – Construction Permits.

SECTION 1: REQUIREMENT FOR CONSTRUCTION PERMITS

Before any construction permit may be issued by the Construction Official of the City of Jersey City, the applicant must demonstrate that the following prior approvals have been obtained and are in good standing:

A. **Demolition Permit:** Permits for new construction will not be issued for a site with an existing structure unless a demolition permit has been issued for the property.

B. **Subdivision/Consolidation:** Applications for permits will not be accepted for properties unless the lots have been either subdivided or consolidated.

C. **State-Mandated Prior Approvals:**

APPROVED AS TO LEGAL FORM

Business Administrator

Corporation Counsel

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- i. **Waterfront Development Permit:** For projects within 500 feet of the Hudson River.
- ii. **DEP Flood Hazard Permit:** For sites located within the Special Flood Hazard Zone.
- iii. **DEP Soil Erosion and Sediment Control:** For land disturbance of 5,000 square feet or more.
- iv. **Passaic Valley Sewage:** For new construction, additions, and changes of use.
- v. **NJ Sports and Exposition Authority:** For areas within their jurisdiction (NJSEA Website).
- vi. **NJ Department of Community Affairs:** For health facilities, as per Bulletin 98-3 (NJ DCA Bulletin 98-3).

D. Local Prior Approvals:

- i. **Jersey City Zoning:** Approval from the Jersey City Zoning **Board Office**.
- ii. **Jersey City MUA:** For water and sewer requirements.
- iii. **Jersey City Tax Collector's Office:** To confirm compliance with any Payroll Tax Requirements.
- iv. **Jersey City Health Department:** For rodent control.
- v. **Jersey City Traffic and Engineering:** For a traffic safety plan and any street and sidewalk closures.
- vi. **Jersey City Fire Safety:** For combustible permits.
- vii. **Plan Review Fee:** Payment of the plan review fee.
- viii. **Jersey City Forestry Division:** To obtain forestry permits.
- ix. **Jersey City Tax Assessor's Office:** For payment of any pre & post development fees

SECTION 2: GRACE PERIOD FOR CODE REVISIONS

In accordance with N.J.A.C. 5:23-1.6 (Grace Period), applicants may submit a complete permit application, including all prior approvals, for review under the code in force immediately preceding any subcode revision within six months following the operative date of the subcode revision. Provided the application is complete, the Construction Official and applicable subcode officials shall perform the plan review and issue construction permits based on the code in force immediately prior to the operative date of the subcode revision.

This grace period shall apply only to revisions of subcodes.

In the case of a project under review where a permit has not been issued as of the operative date of a subcode revision, the review shall continue, and permits shall be issued based on the code in force immediately prior to the operative date of the subcode revision.

SECTION 3: LOCAL ENFORCING AGENCY PLAN REVIEW

As per N.J.A.C. 5:23-2.15 (Local Enforcing Agency Plan Review), if state, county, or local prior approvals have not been granted, the plan review shall proceed, provided that the permit application is otherwise complete and the plan review fee has been paid. However, no permit shall be issued until all required state, county, and local approvals are in place.

Based on these regulations, should a code change occur, applications for permits will be accepted, the plan review fee will be paid, and review will be conducted. If the prior approvals, as stipulated above, have not been met and the deadline passes, the application will be deemed incomplete. The applicant will be required to refile based on the new code and pay a new plan review fee.

SECTION 4: SUBMISSION OF DOCUMENTATION

All documentation demonstrating compliance with the above-listed requirements must be submitted to the Construction Official at the time of application for a construction permit. The Construction Official shall not issue a construction permit until all required prior approvals have been received and confirmed to be in good standing.

SECTION 5: PENALTIES AND ENFORCEMENT

Failure to comply with the requirements of this ordinance may result in:

- A. Denial or revocation of a construction permit;
- B. Penalties as outlined in the City’s Construction Code Enforcement provisions; or
- C. Suspension of any ongoing construction activities until compliance is demonstrated.

~~§ 131-2. – Construction Board of Appeals.~~

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A. There is hereby established a Construction Board of Appeals, which shall have the following powers:

(1) To hear appeals from decisions of the Uniform Construction Code Enforcing Agency; and

(2) To hear and decide charges against building contractors pursuant to Chapter 134, Contractors, of this Code.

~~B. The Board shall consist of five members. At least one member shall be a registered architect or professional engineer of building construction experience; at least one member shall be qualified as a Plumbing Subcode Official; and one qualified as an Electrical Subcode Official. No more than two members shall be selected from the same business or profession. Each member shall have had at least three years' experience in construction, design or supervision as a licensed engineer or registered architect; or, in the alternative, five years' experience in construction, design or supervision as an architect or engineer with a bachelor's degree in architecture of higher education; or, as a further alternative, 10 years' experience in construction, design or supervision as a journeyman in a construction trade or as a construction contractor, subcontractor or inspector.~~

~~C. The Mayor shall appoint the Board members and any alternate members. For the members first appointed, the Mayor shall designate the appointees' terms so that one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and two for a term of four years. At the expiration of such terms and thereafter, appointments shall be made for terms of four years. Vacancies shall be filled for the unexpired term.~~

~~D. The Mayor shall appoint such number of alternates, as may be appropriate, for terms not to exceed four years; or may in the alternative appoint alternates on a case by case basis. No regular or alternate Board member may be a member of the Enforcing Agency, the decisions of which are subject to the review of the Board.~~

~~E. Neither regular nor alternate members of the Construction Board of Appeals shall be compensated for serving thereon.~~

~~§ 131-3. – Chairman of Board.~~

~~The Board shall select one of its members to serve as Chairman.~~

~~§ 131-4. – Exemption from voting.~~

~~No member of the Board shall pass on any question in which he or she is engaged as contractor or material dealer or in the preparation of plans or specifications or in which he or she has any personal interest.~~

~~§ 131-5. – Appeal procedure.~~

~~A. All appeals from decisions of the Construction Official or any Subcode Official shall be made to the Construction Board of Appeals pursuant to N.J.S.A. 52:27D-127b; provided, however, that the Board shall have no jurisdiction to hear appeals from the action of the Historic District Commission in disapproving or modifying any plans for the alteration, renovation, repair or demolition of any historic site. All appeals from decisions of the Historic Preservation Commission disapproving, modifying or approving any plans for the alteration, renovation, repair or demolition of any historic site shall be made to the Municipal Council within 10 days of the receipt of a written communication from the Commission setting forth its decision. Said appeal shall be made in writing addressed to the City Clerk with a copy filed with the Commission. The Commission, upon receiving such notice of appeal, shall forthwith file 10 copies of the record with the City Clerk. Upon receipt of the records, the Municipal Council shall thereupon set a date at either a special or regular council meeting and render its decision either affirming, denying or modifying the actions of the Commission. Any decision made by the Municipal Council shall be subject and consistent with all federal and state laws and regulations pertaining to historic sites.~~

~~B. Where the City Enforcing Agency refuses to grant an application or refuses to act upon an application for a construction permit or when the Enforcing Agency makes any other decision, pursuant or related to the State Act (N.J.S.A. 52:27D-119 et seq.) or the Uniform Construction Code, an owner or his or her authorized agent may appeal in writing to the City Construction Board of Appeals.~~

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~~C. The Board shall hear the appeal, render a decision thereon and file its decision with a statement of the reasons therefor with the Enforcing Agency from which the appeal has been taken not later than 10 business days following the submission of the appeal, unless such period of time has been extended with the consent of the applicant.~~

~~D. The Board may affirm, reverse or modify the decision of the Enforcing Agency or remand the matter to the Enforcing Agency for further action.~~

~~E. The Board shall forward a copy of its decision by certified or registered mail to the party taking the appeal.~~

~~F. Failure by the Board to hear an appeal and render and file a decision thereon within the time limits prescribed in this section shall be deemed a denial of the appeal for purposes of a complaint, application or appeal to a court of competent jurisdiction.~~

~~G. The Board shall make and keep a record of all its decisions properly indexed. Said record shall be kept by the Enforcing Agency and shall be subject to public inspection during business hours.~~

~~§ 131-6. Rules of procedure.~~

~~The Board shall promulgate rules for its procedures in accordance with N.J.S.A. 52:27D-119 et seq. and the regulations established by the New Jersey Commissioner of Community Affairs. Said rules, when adopted by the Board, shall become effective upon filing the same with the City Clerk and/or the Commissioner of Community Affairs if the same is required to be filed with that state agency.~~

~~§ 131-7. Number of members required; voting.~~

~~Where less than five qualified members of the Board are present to consider an appeal, the applicant may request a postponement until such time as five members can be present. If no such request is made, then those members present may consider the appeal, and any decision made shall be binding as though the full Board were present; provided, however, that no hearings shall be held unless there are at least three members of the Board present. No less than three concurring votes are required to adopt any decision of the Board. Failure of the Board to adopt a decision shall be deemed to be denial of the appeal, and the appellant may then appeal to a court of competent jurisdiction.~~

~~§ 131-8. Enforcement of decisions.~~

~~The City Enforcing Agency shall take immediate action to enforce the decision of the Board if there is no decision of the Board to enforce the decision of the Enforcing Agency. [3]~~

§ 131-9 through § 131-15

No Change.

I. All ordinances and parts of ordinance 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 Clerk shall have this ordinance incorporated in the official copies of the Jersey City Code.

III. This ordinance shall take effect at the time and in the manner provided by law.

IV. The City Clerk and the Corporation Counsel be and are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing provisions.

Amendments in **Red** and Underlined.

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

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RECORD OF COUNCIL VOTE ON INTRODUCTION – Mar 12 2025						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES	AYE	

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Apr 23 2025						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY		SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

SPEAKERS:

Danielle Dadamo, Kuldeep Kumar

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY –						
RIDLEY		SALEH		DEGISE		
PRINZ-AREY		SOLOMON		RIVERA		
BOGGIANO		GILMORE		WATTERMAN, PRES.		

RECORD OF FINAL COUNCIL VOTE – Apr 23 2025						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	7-1
PRINZ-AREY		SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	NAY	GILMORE	AYE	WATTERMAN, PRES.	AYE	

Adopted on first reading of the Council of Jersey City, N.J. on **Mar 12 2025**
 Adopted on second and final reading after hearing on **Apr 23 2025**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on Apr 23 2025



City Clerk



Joyce E. Watterman, President of Council
 Approved: Apr 23 2025



Steven M. Fulop, Mayor
 Date to Mayor: Apr 24 2025
 Approved: Apr 24 2025

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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

Ray Meyer,	5512562550	josephs@jcnj.org
Department	Department of Housing, Economic Development, and Commerce	
Division	Office of Construction Code	

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 - Mar 12 2025
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Purpose

This ordinance is sponsored by Joseph Severini, the Acting Construction Code Official. It proposes to require additional approval processes for constructions permits in accordance with state and local law.

Cost (Identify all sources and amounts)

0

Contract term (include all)

Approved by
Joseph Severini, Construction Code Official
Annisia Cialone, HEDC Director
Ray Reddington, Attorney
John Metro, Business Administrator

Status:
Approved - Feb 21 2025
Approved - Feb 26 2025
Approved - Mar 03 2025
Approved - Mar 05 2025