



# ORDINANCE OF JERSEY CITY, N.J.

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

## CITY ORDINANCE 11-152

**TITLE:**

AN ORDINANCE CREATING THE JACKSON HILL MAIN STREET SPECIAL IMPROVEMENT DISTRICT AND DESIGNATION OF THE JACKSON HILL MANAGEMENT CORPORATION WITHIN THE CITY OF JERSEY CITY

WHEREAS, the Municipal Council of the City of Jersey City regards the Monticello/Martin Luther King Main Street are integral and vital to the economic and social well being of the City of Jersey City; and

WHEREAS, interested property owners and business operators and local officials with the Monticello/Martin Luther King area have worked with the Jersey City Economic Development Corporation (JCEDC) to study the Monticello/Martin Luther King area and to make recommendations concerning the creation of preliminary Special Improvement District pursuant to N.J.S.A. 40:56-25 et seq; and

WHEREAS, as a result of this study and a series of informational meetings on the needs of the area these property owners and business operators have concluded that the long term economic and social well-being of the area can be best be met and maintained by the creation of a Special Improvement District and the designation of a non-profit private corporation to manage the affairs of the area; and

WHEREAS, the Mayor and Council of the City of Jersey City hereby accept the recommendation of these property owners and business operators to create a Special Improvement District to encourage self-help programs within the business community to enhance the commercial viability and attractiveness of the Monticello/Martin Luther King area as well as promote economic growth and employment within the City of Jersey City; and

NOW Therefore BE IT ORDAINED, by the Municipal Council of the City of Jersey City that:

- A. The following of the Jersey City Code are hereby adopted.

### ARTICLE III

#### JACKSON HILL MAIN STREET SPECIAL IMPROVEMENT DISTRICT

##### S69-20. Purpose.

The purposes of this Ordinance are to:

- A. Promote economic growth and employment within the Monticello/Martin Luther King business district.
- B. Foster and encourage self-help programs to enhance the local business climate.
- C. Create a self-financing Special Improvement District to assist in meeting local needs, goals and objectives.
- D. Designate a District Management Corporation to implement and manage the programs and carry out local needs, goals and objectives.
- E. Impose and collect a special assessment on commercial, industrial and vacant property located within the Monticello/Martin Luther King business district.

S 69-21. Definitions

- A. Special Improvement District (also referred to as "District") means that area of Monticello/Martin Luther King Main Street area described by Block and Lot numbers and street addresses as set forth in Schedule A and designated by the Ordinance, in which a special assessment on property shall be imposed for the purposes of promoting the economic and general welfare of the District and City.
- B. "District Management Corporation" means the Jackson Hill Main Street Special Improvement District Management Corporation, (also referred to as "Management Corporation") an entity incorporated pursuant to Title 15A of the New Jersey Statutes and designated by this Ordinance to receive funds collected by a special assessment within the Special Improvement District, as authorized by the Ordinance and any amendments thereto.

S69-22. Legislative findings.

The Council finds and declares that:

- A. The Jackson Hill Main Street Special Improvement District are of the City has special needs and requires special services separate and apart from the municipal services already provided to the District by the City.
- B. These specific services can best be provided through a private-public partnership implemented by the creation of a Special Improvement District.
- C. The creation of a Special Improvement District and the will promote economic growth and employment; foster and encourage economic vitality, expansion and self-help; enhance the local business climate and otherwise be in the best interest of the property owners and business owners of the District and the City.
- D. A District Management Corporation will provide administrative and other services to benefit the businesses, employees, residents and consumers within the Special Improvement District and assist the City in promoting economic growth and employment.
- E. A special assessment shall be imposed and collected by the City with the regular property tax payment or payment in lieu of taxes or otherwise, and that all or a portion of these payments shall be transferred to the District Management Corporation to effectuate the purposes of the Ordinance and to exercise the posers given to it by this Ordinance.

69-23. District created; applicability.

- A. There is hereby created and designated within the City of Jersey City a Special Improvement District to be known as the Jackson Hill Main Street Special Improvement District consisting of those properties designated by tax Block and Lot and street address on Schedule A on file in the office of the City Clerk. The Special Improvement District shall be subject to special assessments on all affected property within the District which assessment shall be imposed by the City for the purposes of promoting the economic and general welfare of the District and the City.
- B. All commercial, industrial and vacant properties within the Special Improvement District, including all private, non-residential properties and properties subject to payment in lieu of taxes; the non-residential portions of properties containing more than one use and tax exempt land; and tax exempt land which contain improvements subject to property tax are deemed included in the assessing and taxing provisions of this Ordinance and are expressly subject to any fee, tax or assessment made for Special Improvement District purposes.
- C. Only those properties within the Special Improvement District that are fully tax-exempt or used exclusively for residential purposes and those portions of mixed-use properties that are residential, are deemed excluded from the assessing provisions of this Ordinance and are expressly exempt from any fee, tax or assessment made for Special Improvement District purposes.

**S69-24. Appeals from inclusion.**

Any owner of property included within the Special Improvement District and subject to the assessing and taxing provisions of the Ordinance, may appeal to the tax Assessor of the City of Jersey City requesting to be excluded from the District and from any assessment and taxing provisions of this Ordinance. This appeal is only as to whether or not a property should be included within the District under the standards set forth in S69-22 of the Ordinance. It is not an appeal with regard to any taxes. Appeals with regard to taxes should be taken in the usual manner to the Hudson County Board of Taxation or to the Tax Court. This appeal seeking exclusion from the District and any assessment and taxing provisions of this Ordinance shall be in writing and specifically detail the factual basis for the appeal. The Assessor shall investigate the matter and conduct an informal hearing or conference within thirty (30) days of receipt of the appeal, with ten (10) days after the conclusion of the informal hearing or conference, the Assessor shall file a report and recommendation with the Municipal Council. The Municipal Council shall review the matter and act within thirty (30) days upon receipt of the report and recommendation from the Assessor.

**S69-25 Assessments**

- A. It is hereby determined that the operation and maintenance of the District may involve costs relating to services peculiar to the Districts, as distinguished from operation and maintenance services normally provided by the City outside of the District. These annual costs shall be assessed or taxed to the benefitted properties or business pursuant to this Ordinance and N.J.S.A. 40:56-65et seq. The properties to be assessed or taxed to provide for the payment of such annual costs are described in assessment lists on file in the Office of the City Clerk.
- B. Each year after the Council shall have acted on the estimated costs and/or on the budget of the District, the Assessor shall prepare an assessment roll setting forth separately the amounts to be specifically assessed against benefitted and assessable properties in the District. Descriptions of such properties and the names of the then current owners of such properties, so far as names are available, shall be included in each annual assessment roll. The assessment rolls, when so prepared, shall be filed in the Office of the City Clerk and be there available for inspection. The Council shall annually meet to consider objections to the amounts of such special assessments at least ten (10) days after a notice of hearing has been published once in the official newspaper and mailed to the named owners of all tracts, parcels and lots of property proposed to be assessed. The notice shall set forth the time and place of meeting, and set forth the purpose of such meeting, but may refer to the assessment roll for further particulars. When the Council shall have approved the amounts of the special assessments set forth therein, or as may be changed by it, the City Clerk shall forthwith certify a copy of the assessment roll with such changes, if any, to the Hudson County Tax Board.

**S69-26. District Management Corporation designation.**

The non-profit corporation, the Jackson Hill Main Street Management Corporation, is hereby designated as a District Management Corporation for the District. The corporation shall conduct its business in accordance with the Open Public Meetings Law. It shall file copies of its minutes of its meetings with the City Clerk, so as to be available for the public inspection. This Management Corporation, in addition to acting as an Advisory Board to the Mayor and the Council, shall have all powers necessary and requisite to effectuate the purposes of this Ordinance and the District. In order to receive any funds or exercise any of the powers granted herein, the Board of Trustees of the Jackson Hill Main Street Management

Corporation must include as members, the Mayor or his designee and a Member of the City Council as appointed by the Council. The Mayoral and Council members shall serve at the pleasure of the Mayor and Council.

**S69-27 Power of District Management Corporation.**

The Jackson Hill Main Street Management Corporation may:

- A. Adopt by-Laws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its functions and duties.
- B. Employ such persons as may be required, and fix and pay their compensation from funds available to the Corporation.
- C. Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money.
- D. Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the Corporation, including contracts with a person, firm, corporation, government agency or other entity.
- E. Administer and manage its own funds and accounts and pay its own obligations.
- F. Borrow money from private lenders for periods not to exceed 180 days and from government entities for that or longer periods.
- G. Fund the improvement for the exterior appearance of properties in the District through grants or loans.
- H. Fund the rehabilitation of properties in the District.
- I. Accept, Lease or manage property in the District.
- J. Enforce the conditions of any loan, grant, sale or lease made by the Corporation.
- K. Provide security, sanitation and other services to the District, supplemental to those provided normally by the municipality.
- L. Undertake improvements designated to increase the safety or attractiveness of the District to businesses which may wish to locate there or to visitors to the District including, but not limited to, litter clean-up, and control, landscaping, parking areas and facilities, recreational and rest areas and facilities, pursuant to pertinent regulations of the City of Jersey City.
- M. Publicize the District and the businesses included within the District boundaries.
- N. Recruit new businesses to fill vacancies in, and to balance the business mix of, the District.
- O. Organize special events in the District.
- P. Provide special parking arrangements for the District.
- Q. Provide temporary decorative lighting in the District.
- R. Advise the Municipal Council in connection with the acquisition and construction of improvement is the Special Improvement District, the making of a plan therefore and the operation and maintenance thereof, and to meet and furnish recommendations or comments and requests of members of the public and owners and occupants of property included in the Special Improvement District.

**S69-28 By- Laws.**

The Jackson Hill Main Street Management Corporation shall file with the City Clerk a certified copy of the adopted By-Laws of the Corporation, which By-Laws shall be in substantial conformity with the draft By-Laws filed with the Clerk prior to the adoption of this Ordinance. The Corporation shall have the right to amend these By-Laws from time to time as its members

so decide, provided that a certified copy of the adopted amendments shall be filed with the City Clerk no later than fourteen (14) days prior to the date they are to become effective.

S69-29. Municipal powers retained.

- A. Notwithstanding the creation of a Special Improvement District, the City of Jersey City expressly retains all its powers and authority over the area designated as within the Special Improvement District.
- B. Nothing contained herein shall be interpreted or construed to be a vacation, in whole or in part, of any municipal street or part thereof.
- C. The District Management Corporation shall not make or enter into any contracts for the improvement of any publicly owned or operated facility or property within the Special Improvement District nor adopt any regulations relating to public property in such District.
- D. The District Management Corporation shall comply with all applicable ordinance or regulations of the City.

S69-30 Annual Budget.

- A. The Fiscal year of the District shall be January 1- December 30.
- B. The District Management Corporation shall submit a detailed annual budget for the upcoming calendar year by October 1<sup>st</sup>, to the Mayor and the Municipal Council.
- C. The budget shall be submitted with a report which explains how the budget contributes to the goals and objectives for the Special Improvement District. The budget shall be reasonably itemized and shall include a summary of the categories of cost properly chargeable as follows:
  - 1. The amount of such costs to be charged against general funds of the municipality, if any.
  - 2. The amount of costs to be charged and assessed against properties benefitted in the District in proportion to benefits which shall be the aggregate costs of annual improvements to be made in the District during the ensuing year.
  - 3. The amount of costs, if any, to be specially taxed against properties in the District.
- D. The budget shall be introduced, approved, amended and adopted by Resolution passed by not less than a majority of the full membership of the Municipal Council, The procedure shall be as follows:
  - 1. Introduction and approval;
  - 2. Public advertising;
  - 3. Public hearing;
  - 4. Amendments and public hearings, if required;
  - 5. Adoption
- E. The budget shall be introduced in writing at a meeting of the Municipal Council. Approval thereof shall constitute a first reading, which may be by title.

S69-31 Fiscal requirements, annual report, audit.

- A. (1) Funds appropriated and collected for the annual costs of operating and maintaining a Special Improvement District, shall be credited to a special account. The Mayor and City Council may incur the annual cost of improving, operating and maintaining a Special Improvement District, during any fiscal year through not specifically provided for by line

item or other category in an approved estimate for such fiscal year, if in their sole discretion it shall be deemed necessary to provide for such annual improvements or operation or maintenance prior to the succeeding fiscal year so long as the total amount of the account as approved for that year is not exceeded by the expenditure. Any balances to the credit of the account and remaining unexpended at the end of the fiscal year shall be conserved and applied towards the financial requirements of the succeeding year.

(2) The Mayor and Municipal Council may retain a portion of the collected special assessment proceeds to offset the direct costs incurred in the required assessment and budget processes.

(3) The Mayor and Municipal Council shall pay over funds to the Management Corporation quarterly on the first day of March, June, September and December of each year. The City shall not be obligated to pay over any funds not actually received by the City.

- B. The District Management Corporation shall, within thirty (30) days after the close of each fiscal year, make an annual report of its activities for the preceding fiscal year or the Mayor and Municipal Council.

S69-32 No Limitations of Powers.

Nothing contained herein shall prevent the Council at any time subsequent to the adoption of this Ordinance by Ordinance, from abandoning the operation of the Special Improvement District, changing the extent of the Special Improvement District, supplementing or amending the description of the District to be specifically assessed or taxed for annual costs of the Special Improvement District or rescinding the designation of or re-designating a District Management Corporation.

S69-33 Implementation

This Special Improvement District shall become operable when the By-Laws of the Jackson Hill Main Street Management Corporation are adopted by a vote of the eligible participants in the manner provided for in the draft By-Laws on file with the City Clerk.

S69-34 Severability

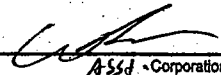
If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of the act and to this end the provisions of this act are severable.


S69-35 Effective Date.

- A. This Ordinance shall take effect upon the passage and publication as required by law, and adoption of the By-Laws of the Jackson Hill Main Street Management Corporation.
- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This Ordinance shall take effect in the manner prescribed by law.
- E. The City Clerk and the Corporation Counsel be and they 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 code, in order to avoid confusion and possible accidental repealers of existing provisions.

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
A-554 - Corporation Counsel

APPROVED:  DEPUTY DIRECTOR

APPROVED:   
\_\_\_\_\_  
Business Administrator

Certification Required

Not Required

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

ORDINANCE NO. Ord 11-152  
 TITLE: 3.H. NOV 22 2011 4.H. DEC 14 2011



An ordinance creating The Jackson Hill Main Street Improvement District and designation of The Jackson Hill Management Corporation within the City of Jersey City.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
NOV 22 2011 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓						

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
DEC 14 2011 8-0											
Councilperson <u>RICHARDSON</u>				moved, seconded by Councilperson <u>BRENNAN</u>				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓						

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RIAZ WAHID PHIL CARRINGTON  
TYRONE ROSE GARY NYE  
PAT RUSSO BRUCE ALSTON

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.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON							

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
DEC 14 2011 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓						

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 22 2011  
 Adopted on second and final reading after hearing on DEC 14 2011

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on DEC 14 2011

Robert Byrne  
 Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:  
Peter M. Brennan  
 Peter M. Brennan, Council President

Date: DEC 14 2011

APPROVED:  
Jeff Healy  
 Jeff Healy, Mayor

Date: DEC 19 2011

Date to Mayor DEC 15 2011