

City Clerk File No. Ord. 15.153

Agenda No. 3.B 1st Reading

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



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.153

TITLE:

**AN ORDINANCE AMENDING CHAPTER 254, (PROPERTY MAINTENANCE) ARTICLE IX (MAINTENANCE RESPONSIBILITIES OF OWNERS AND MANAGERS) OF THE JERSEY CITY MUNICIPAL CODE TO MANDATE REGULAR INSPECTION REQUIREMENTS FOR FIRE ESCAPES, EXTERIOR BRIDGES AND EGRESS BALCONIES**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY DOES ORDAIN:**

**WHEREAS**, Jersey City is a densely populated City with a large number of older apartment buildings; and

**WHEREAS**, residents of these older apartment buildings rely on fire escapes, exterior bridges and egress balconies to exit these buildings during emergencies; and

**WHEREAS**, a recent spate of local fire escape malfunctions has underscored the need to regularly inspect fire escapes, exterior bridges and egress balconies to insure that they can operate safely during an emergency; and

**WHEREAS**, a fire escape recently collapsed during a fire at Garfield Avenue resulting in several injuries and a fire escape weight fell during an evacuation of a building along Kennedy Boulevard killing the building superintendent; and

**WHEREAS**, Section 103.4 of the New Jersey Uniform Fire Code (N.J.A.C. 5:70-3) authorizes the municipality's Fire Official to require a property owner to provide a technical opinion report prepared by a professional engineer, architect or other qualified professional certifying to the integrity of a building's safety features upon demand at no cost to the City; and

**WHEREAS**, Section 1028.6 of the New Jersey Uniform Construction Code (N.J.A.C. 5:23) provides minimum standards to emergency egress structures such as fire escapes and exterior fire stairways; and

**WHEREAS**, in order to protect the health, safety and welfare of the public, it is imperative that the City's Fire Prevention Bureau be empowered to demand the regular inspection of fire escapes, exterior bridges and egress balconies at least every five years to assure that they will work as planned during an emergency.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that Chapter 254, (Property Maintenance) Article IX (Maintenance Responsibilities of Owners and Managers) of the Jersey City Municipal Code be amended to read:

### **ARTICLE IX - Maintenance Responsibilities of Owners and Managers**

#### **§ 254-42. - Compliance required.**

No person shall occupy or let to another for occupancy any dwelling, dwelling unit or rooming unit for the purpose of living therein or any nonresidential building or part thereof for any

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business, commercial, governmental, industrial, institutional or other human use which does not comply with the requirements set forth in § 254-43.

**§ 254-43. - Maintenance of exterior of premises.**

- A. The exterior of the premises and all structures thereon shall be kept free of all nuisances, unsanitary conditions and fire or safety hazards in the public areas and any of the foregoing shall be removed and abated promptly by the owner or manager.
- B. Without limiting the generality of Subsection A, the maintenance includes:
  - (1) Keeping alleys, driveways, fire escapes, porches, sidewalks, exterior stairways and yards reasonably clean and free from filth, garbage, obnoxious weeds, refuse or other debris and free from hazardous objects or conditions, such as excavations or holes, dead and dying trees, so as to afford safe passage and use.
  - (2) Providing and maintaining runoff drains adequate to prevent recurrent accumulations of stormwater or the entrance of water into a basement or cellar.
  - (3) Keeping the premises free of conditions conducive to infestation by vermin or insects, such as rodent harborages or stagnant water, and other known sources of infestation.
  - (4) Keeping any accessory building and any fence in good repair and free from fire, health and safety hazards.
  - (5) Providing a fence or wall of sufficient height to prevent persons from falling down the sharp drop in grade wherever there exists on any land a sharp drop in the grade of such land from the level of the street or sidewalk to said land or wherever there is a sharp drop in grade from said land to the level of the street or sidewalk and maintaining said fence or wall in safe and sound condition.
    - (a) If the Chief finds that any such fence or wall is in such condition as to create an unsafe condition or where he or she finds that no fence or wall exists where one is needed to prevent falls, he or she shall immediately notify the owner of the property and order said owner to forthwith repair, replace or install the fence or wall called for in Subsection B(5) of this section so as to eliminate such hazard.
    - (b) If the owner fails to comply with said order, the Chief shall notify the Director of Housing Code Enforcement who then shall cause such fence or wall to be repaired, replaced or installed so as to provide the required protection, and the cost thereof shall be charged to the owner of said property and collected in the manner provided in this chapter.
    - (c) In such emergency cases, the provisions of § 254-17G of Article III of this chapter regarding notice and hearing shall apply.

**§ 254-44. - Appearance of exterior of premises.**

- A. Residential. The exterior of the premises, the exterior of all dwelling and the exterior of all accessory structures shall be maintained so that the appearance of the premises and all building thereon shall reflect a level of maintenance in keeping with the residential standards of the neighborhood or such higher standards as may be adopted as part of a plan of urban renewal by the City of Jersey City. The maintenance also shall be at sufficiently high level that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values.
- B. Prescribed methods of maintaining appearance. Without restricting the generality of Subsection A, the methods of maintaining the appearance of the exterior of premises and structures shall include the prescribed actions on the following matters:
  - (1) Front yard parking. No person shall park, stop or stand any motor vehicle, or permit or suffer the same to be done, in any front yard area of premises occupied by a dwelling,

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lodging house or hotel, except on driveways and parking areas constructed and installed in compliance with applicable provisions of the Jersey City Code. Effective on and after January 1, 1968, no such driveways or parking areas shall be constructed less than three (3) feet from the interior front sidewalk line adjacent to said premises.

- (2) General maintenance. The exterior of every structure or accessory structure, including fences, shall be maintained in good repair and all surfaces thereof shall be kept painted or whitewashed where necessary for purposes of preservation and appearance. The same shall be maintained free of broken glass, loose or broken shingles or siding, crumbling stone or brick, peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, fire and safety hazards eliminated and adjoining properties and the neighborhood protected from blighting influences.
  - (3) Landscaping. Premises shall be kept landscaped and lawns, hedges and bushes shall be kept trimmed and from becoming overgrown and unsightly so that the same may not depreciate adjoining property or impair the residential character of the neighborhood.
  - (4) Reconstruction of walls and siding. All reconstruction of walls and siding shall be of standard quality and appearance commensurate at least with the residential character of the properties in the same block and on both sides of the street on which the premises front, so that the materials used will not be of a kind that by their appearance under prevailing appraisal practices and standards will depreciate the values of neighboring and adjoining premises.
  - (5) Signs. All signs permitted by reason of other regulations or as a lawful nonconforming use shall be maintained by their owner in good repair and lettering, illustrations or pictures contained on either side thereof shall be kept legible and intact while in use. Such signs shall be removed by their owner when no longer in use.
  - (6) Storage of commercial and industrial material. No equipment or materials relating to business, commercial or industrial uses shall be stored or used at a location visible from the sidewalk, street or other public areas unless permitted under Chapter 345, Zoning, of this Code applicable to the premises.
- C. Nonresidential. The exterior of the premises and the condition of every structure and accessory structure, including fences, shall be maintained so that their appearance shall reflect a level of maintenance in keeping with the standards of the neighborhood or such higher standards as may be adopted as part of a plan of urban renewal by the city and such that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values.
- D. Without limiting the generality of Subsection C, the methods of maintaining the appearance of the exterior of premises and structures shall include the prescribed actions on the following matters:
- (1) Awnings and marquees. Any awning or marquee and its accompanying structural members which extend over any sidewalk, street or other portion of the premises shall be maintained in good repair so as not to constitute a nuisance or safety hazard. In the event that such awnings or marquees are not properly maintained in accordance with the foregoing, they and their supporting members shall be removed forthwith. Where such awnings or marquees are made of cloth, plastic or similar materials any and all parts of said materials exposed to public view shall be maintained in good condition free of discoloration, excessive weathering, holes or tears. Nothing herein shall be construed to authorize any encroachment on sidewalks, streets or other parts of the public domain.
  - (2) Landscaping. Premises shall be kept landscaped and bushes, hedges and lawns shall be kept trimmed and from becoming overgrown and unsightly so that the same may not depreciate adjoining property.

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- (3) Signs and billboards. All permanent signs and billboards exposed to public view and permitted by other regulations or as a lawful nonconforming use shall be maintained in good repair. Signs which have become faded or excessively weathered or those upon which the paint has become cracked or peeled shall, with their supporting members, be removed forthwith or put into a state of good repair. All nonoperative or broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith.
- (4) Signs or advertising; removal.
  - (a) Except for "for rent" or "for sale" signs, any temporary sign or other paper advertising material attached to a window or windows or otherwise exposed to public view shall be removed at the expiration of the event or sale for which it is erected or within sixty (60) days after erection if this occurs sooner.
  - (b) Except during the course of alterations or repairs, no more than fifty percent (50%) of the square footage of any single window or window display area shall be devoted to signs or other temporary advertising material attached to said window or windows or otherwise exposed to public view unless the establishment involved is located in a nonresidential zone and is lighted and ventilated adequately by artificial means. In the latter case, up to one hundred percent (100%) of any single window or window display area may be devoted to signs or other temporary advertising material.
- (5) Storefronts.
  - (a) All storefronts shall be kept in good repair, painted where required and free of any condition constituting a nuisance or safety hazard.
  - (b) In the event that repairs to a storefront become necessary, such repairs shall be made with materials the same as or similar to those used in the construction of the storefront and in such a manner as to permanently repair the damaged area or areas.
  - (c) Any cornice visible above a storefront shall be kept painted, where required, and in good repair.
- (6) Windows. All windows exposed to public view shall be kept clean and free of marks or foreign substances except when necessary in the course of changing displays. No storage of materials, stock or inventory shall be permitted in window display areas or other areas ordinarily exposed to public view unless said areas first are screened from the public view by drapes, blinds or some permanent method of rendering said windows opaque, but in no case shall such storage and screening be permitted in the event that such screening would violate the natural light and ventilation regulations applicable to the premises. All permitted screening of interiors shall be maintained in clean and attractive condition and in a state of good repair.

**§ 254-45. - General safety and sanitation.**

- A. Residential. Every dwelling and accessory structure and every part thereof shall be maintained in a structurally sound condition and in a state of good repair. All parts of a dwelling also shall be kept in a clean and sanitary condition, free of nuisances, insects, rodents, vermin or other pests, and free from fire, health and safety hazards.
- B. Without restricting the generality of Subsection A, the following requirements shall be met:
  - (1) Load-bearing capacity. Every part of a dwelling shall be maintained so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use.

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- (2) Painting and other protective coating. All exposed surfaces susceptible to decay, at all times shall be kept painted or covered by another protective coating sufficient to prevent deterioration.
- (3) Weathertightness and watertightness. Every dwelling shall be maintained so as to be weathertight and watertight.
- (4) Foundation.
  - (a) A foundation wall of a dwelling shall be maintained so as to prevent the entrance of moisture, insects and rodents.
  - (b) Without restricting the generality of Subsection B(4)(a), the maintenance includes shoring of the wall where necessary, installing subsoil drains at the footing, grouting masonry cracks, waterproofing the wall and joists and using other suitable means.
- (5) Exterior wall and its components.
  - (a) An exterior wall of a dwelling and its components shall be maintained so as to prevent its deterioration due to weather and insects and to preserve its appearance.
  - (b) Without restricting the generality of Subsection B(5)(a), the maintenance includes the painting, or whitewashing, repairing or restoring of the wall, coping or flashing; waterproofing of the joists; waterproofing of the wall itself; installing of termite shields in buildings erected after the adoption of this chapter, if required by Chapter 131, Uniform Construction Codes; repairing of termite shields, if any; extermination of termites in infested buildings; and treating of the soil with poison and using other suitable means.
- (6) Exterior wall of accessory building. An exterior wall of an accessory building shall be maintained so as to prevent its deterioration and to preserve its appearance.
- (7) Roof.
  - (a) A roof of a dwelling shall be maintained in a watertight condition so as to prevent leakage into the dwelling.
  - (b) Without restricting the generality of Subsection B(7)(a), the maintenance includes repairing of the roof and flashing, applying waterproof coatings, installing or repairing gutters and leaders and using other suitable means.
  - (c) Dangerous accumulations of snow or ice or both shall be removed from the roof of a dwelling or accessory building.
- (8) Windows, exterior doors and hatchways.
  - (a) Every window, exterior door and hatchway shall be maintained so as to be weather-tight, watertight and rodent-proof and shall be kept in good repair.
  - (b) Without restricting the generality of Subsection B(8)(a), the maintenance includes painting and renewing rotted or damaged doors, door frames, window frames, sills, sashes and casing, refitting doors and windows, weatherstripping, replacing broken or worn window cords and defective door and window hardware, re-glazing and using other suitable means.
- (9) Exterior balconies, fire escapes, landings, porches, exterior bridges and stairs.
  - (a) Exterior balconies, fire escapes, landings, porches, exterior bridges and stairs shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling and also shall be maintained free of holes and cracks, clear of obstructions and in structurally sound condition.

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- (b) Without limiting the generality of Subsection B(9)(a), the banisters or railings shall be required on the open side of a stairway, fire escape, balcony, exterior bridges, porch, landing and stairwell. In addition, the banister or railing shall be coated with a durable fire-retardant and heat-resistant coating that shall meet Class A flamespread rating of the American Society for Testing and Materials and shall be overcoated with a semigloss, fire inert, enamel coating capable of meeting the durability standard set by Federal (DOD) Specification No. TT-P-0026B.
- (c) All fire escapes exterior bridges and egress balconies shall be examined and/or tested, and certified for structural adequacy and safety every five (5) years, by a professional engineer, architect or other qualified professional acceptable to the Fire Prevention Bureau; said engineer or professional shall then submit an affidavit to the Fire Prevention Bureau attesting to the structural adequacy of the fire escape/exterior bridge/egress balcony. Once the affidavit is received and approved, a green tag provided by the Bureau of Fire Prevention bearing the signature of the Fire Prevention Officer and the year of inspection shall be affixed to the ladder of the fire escape or railing of the exterior bridge or egress balcony by the property owner.
- (d) Any fire escape, exterior bridge or egress balcony found to be in a state of deterioration or determined to be unsafe by the Fire Prevention Bureau shall be repaired immediately. Depending upon the structural condition, a load test of any fire escape shall be conducted before the escape is returned to service in accordance with the N.J.A.C. 5:23, the Uniform Construction Code.
- (e) The affidavit of structural adequacy required by Section 254-45(B)(9)(c), shall be submitted by the owner to the City's Fire Prevention Bureau no later than December 31, 2016 and then submitted every 5 years thereafter.
- (10) though (37)

NO CHANGE.

- 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 at the time and 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 11/5/15

APPROVED AS TO LEGAL FORM

Certification Required ☐  
Not Required ☐

\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Business Administrator

**RESOLUTION FACT SHEET – NON-CONTRACTUAL**

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

**Full Title of Ordinance/Resolution**

AN ORDINANCE AMENDING CHAPTER 254, (PROPERTY MAINTENANCE) ARTICLE IX (MAINTENANCE RESPONSIBILITIES OF OWNERS AND MANAGERS) OF THE JERSEY CITY MUNICIPAL CODE TO MANDATE REGULAR INSPECTION REQUIREMENTS FOR FIRE ESCAPES, EXTERIOR BRIDGES AND EGRESS BALCONIES

**Initiator**

Department/Division	Mayor's Office	Mayor's Quality of Life Task Force (MQLTF)
Name/Title	Douglas Carlucci	Aide to the Mayor; Chairman, MQLTF
Phone/email	201-547-4943	dcarlucci@jcnj.org

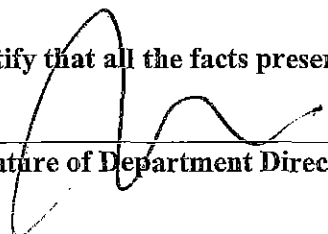
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Resolution Purpose**

Requires all fire escapes, exterior bridges, and egress balconies to be inspected once every five years by a structural engineer or qualified professional acceptable to the Fire Prevention Bureau. Building owners are responsible for submitting an affidavit to the Fire Prevention Bureau attesting to successful inspection.

See attached memo for more information.

I certify that all the facts presented herein are accurate.

  
\_\_\_\_\_  
Signature of Department Director

11-4-15  
\_\_\_\_\_  
Date





STEVEN M. FULOP  
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY  
OFFICE OF THE MAYOR

CITY HALL | 280 GROVE STREET | JERSEY CITY, NJ 07302  
P: 201 547 5500 | F: 201 547 5442



STEVEN M. FULOP  
MAYOR OF JERSEY CITY

MEMORANDUM

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**DATE:** November 4, 2015

**TO:** Municipal Council President Rolando Lavarro

**FROM:** Douglas Carlucci, Chairman, Mayor's Quality of Life Task Force

**SUBJECT:** Ordinance mandating regular inspection of fire egress structures

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On June 15, the Fire Department responded to a two-alarm fire at 500 Garfield Avenue, a four-story apartment building with 23 units owned by Riveredge Management of Clifton, NJ. While residents were exiting the building via the exterior fire escape structure during the fire, the steps of the structure collapsed. Fortunately, no one was hurt.

Currently there is no mandate for building owners to have fire egress structures, including fire escapes, exterior bridges, and egress balconies, regularly inspected. Safe, sound, and reliable fire egress structures are essential for residents' safety, especially in a city with very old housing stock such as ours. Because of this, it is fair to ask property owners to regularly inspect these structures.

Under the attached ordinance, property owners would be responsible for having fire escapes, exterior bridges, and egress balconies, inspected once every five years by a structural engineer or a professional acceptable to the Fire Prevention Bureau. Owners would be responsible for filing an affidavit with the Bureau certifying that a structure has passed inspection. Fire egress structures that pass inspection will be issued green tags for easy reference by Fire Department personnel.

In order to ascertain the approximate cost that would be imposed on property owners by this ordinance, the Fire Prevention Bureau solicited informal quotes from two Jersey City ironworks companies for the sort of inspection required by this ordinance. Each of these companies previously has performed inspections ordered by the Bureau. One company quoted the work at \$250; the other at \$300. This is a price for the inspection only.

Fire Prevention Bureau director Captain Dennis Nuber, whose division would be responsible for administering this ordinance, and I will attend the Municipal Council Caucus meeting on Monday, November 9, to take questions from you and your Municipal Council colleagues. Before then, please feel free to reach out to me with any questions or issues at (201) 547-4943 or [dcarlucci@jcnj.org](mailto:dcarlucci@jcnj.org).

CC: Margaret DeVico, Municipal Council secretary

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



ORDINANCE NO. Ord. 15.153  
TITLE: 3.B NOV 10 2015 4.B NOV 24 2015

An ordinance amending Chapter 254, (Property Maintenance) Article IX (Maintenance Responsibilities of Owners and Managers) of the Jersey City Municipal Code to mandate regular inspection requirements for fire escapes, exterior bridges and egress balconies.

RECORD OF COUNCIL VOTE ON INTRODUCTION <span style="float: right;">NOV 10 2015 9-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <span style="float: right;">NOV 24 2015 9-0</span>											
Councilperson <u>WATTERMANN</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	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

## SPEAKERS:

YVONNE BALCEL  
ARNOLD WILLIAMS  
JAYSON BURG  
FLETCHER GENSAMER  
PAT O'MELIA

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				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE <span style="float: right;">NOV 24 2015 8-1</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO			✓	COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 10 2015  
Adopted on second and final reading after hearing on NOV 24 2015

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on NOV 24 2015

Robert Byrne, City Clerk  
Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date NOV 24 2015

APPROVED:

Steven M. Fulop, Mayor

Date NOV 30 2015

Date to Mayor NOV 25 2015