

Sponsored By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

**CITY OF HOBOKEN  
RESOLUTION NO.: \_\_\_\_\_**

**RESOLUTION AUTHORIZING PARTY WITH PURPOSE TO HOLD A 5-K  
RACE AND KIDS FUN RUN ON TUESDAY, JULY 14, 2009 TO BENEFIT THE  
HOBOKEN BOYS AND GIRLS CLUB AND JUBILEE CENTER**

**WHEREAS**, Party with Purpose has requested a permit from the City of Hoboken to conduct a 5-K Race and Kids Fun Run on Tuesday, July 14, 2009, to benefit the Hoboken Boys and Girls Club and Jubilee Center; and

**WHEREAS**, the City of Hoboken is supportive of this endeavor provided that neither the 5-K Race nor the Kids Fun Run unduly interferes with the health, safety and welfare of the citizens of Hoboken and the City will not incur any substantial expenses in connection with the 5-K Race and/or Kids Fun Run (hereinafter collectively referred to as "the Event").

**NOW, THEREFORE, BE IT RESOLVED**, that the requested permit for the event to be held on July 14, 2009 is hereby approved by the Council of the City of Hoboken upon the condition that Party with Purpose, working as the "Party with Purpose 5K Committee" (collectively referred to hereinafter as the "Permittee") be issued a permit by the Director of Public Safety or his designee, in a form approved by the Office of the Corporation Counsel, with the following conditions:

1. Permittee shall deposit One Thousand Dollars (\$1,000.00) with the City of Hoboken as an estimated permit fee to cover the extraordinary expenses to the City for services in connection with the Event, for, by way of example and not limitation, employee overtime and trash removal. In the event such costs are less than \$1,000.00, the balance shall be returned to the Permittee. In the event such costs exceed \$1,000.00, Permittee shall pay such excess to the City upon presentation of an invoice from the City. This permit fee must be deposited with the City at least one week before the proposed race.
2. Any alcoholic beverages to be served by the Permittee, sponsors or vendors associated with the Event shall be handled in strict accordance with all laws, rules and regulations of the State of New Jersey, the City of Hoboken, and the Alcoholic Beverage Control Board of the City of Hoboken and with the prior authorization and approval of the Director of Public Safety.
3. Permittee shall provide uniformed Hoboken Police Officers for the safety and security of runners, spectators and other members of the public, in a sufficient number to be determined by the Chief of Police, and at its sole expense from 6:00

pm to 9:00 pm on Tuesday, July 14, 2009. These personnel may be in addition to Hoboken Police Officers assigned by the City to the Event.

4. Permittee must provide no less than four (4) Port-o-Sans for use by patrons during the Event. They shall be located in designations to be determined by the Director of Environmental Services or his designee. The Port-o-Sans shall not be installed on the property before 9:00 am on Tuesday, July 14, 2009 and must be removed before 9:00 am on Wednesday, July 15, 2009. Adequate toilet paper shall be provided for the Port-o-Sans.
5. Permittee shall provide for proper use and maintenance of trash receptacles which will be provided by the City of Hoboken, and must ensure that plastic bags in those receptacles are continuously emptied and disposed of in areas designated by the City of Hoboken as needed during the Event.
6. The Permittee shall provide civilian road guards to assist in erecting barricades and detouring vehicular and pedestrian traffic during the race as required by the Chief of Police.
7. No beverages in glass bottles shall be permitted to be sold by any vendors. The Permittee shall arrange security to prohibit glass bottles and alcoholic beverages from being carried by runners, spectators and/or members of the public during the event.
8. Before leaving the premises after the Event, the Permittee shall restore the property to the condition it was in prior to usage. Such restoration shall be subject to the satisfaction of the Director of Environmental Services.
9. The Permittee must contact William Bergin, Director of Public Safety, at least twenty-four (24) hours prior to the commencement of any activities on the property to which access is granted by this permit. In his absence, James Ronga, Director of Environmental Services, shall be contacted. In case of an emergency, when the Environmental Services may be inaccessible, the Permittee must contact the Hoboken Police Desk Officer at (201) 420-2131 who, in turn, will contact one of them.
10. There will be no modifications to any City property or property adjacent thereto, used by the Permittee.
11. The Permittee has the full responsibility to provide and have available such medical staff and medical assistance as necessary at its sole cost and expense.
12. The City's Police Chief shall have complete control over the activities of the Permittee associated with the use hereby permitted including the actions of personnel of the Permittee in matters related to safety.

13. The Permittee shall furnish evidence, which shall be attached to the Permit as an Exhibit, that with respect to all incidents to the operations, activities and use of the property permitted by and performed under the Permit, it carries Comprehensive General Liability Insurance naming the City of Hoboken as additional insured providing for not less than \$1,000,000.00 combined single limit per occurrence and \$2,000,000.00 aggregate for bodily injury or death and property damage. It is to be understood and agreed that the procurement of Insurance in those amounts does not in any way or manner whatsoever limit Permittee's liability to the City of Hoboken under the Permit and in the event insurance does not cover a particular loss, the Permittee shall be liable to the City of Hoboken, for the full amount of any and all loss and damage as provided therein.
14. The Permittee shall indemnify, keep and save harmless the City of Hoboken, its agents, employees, servants and officials, each and every one of them, against all claims, just or unjust, made against the City of Hoboken, its agents, employees, servants or officials on account of injuries, death, losses of any kind whatsoever, damages, suits, liabilities, judgments, claims for infringements of patent trademark or copyright, costs and expenses which may in any wise accrue against the City of Hoboken, its agents, employees, servants and officials, and the Permittee shall appear, defend and pay, at its own expense, all costs, including counsel fees, against the City of Hoboken, its agents, employees, servants and officials, in any action, the Permittee shall, at its own expense, satisfy and discharge the same.
15. In granting the Permit, the City of Hoboken will assume no obligation whatsoever in connection with the use by the Permittee and are not obliged to make any repairs to the property or furnish personnel, equipment or materials in connection therewith.
16. The City of Hoboken shall not be liable to the Permittee for loss, damage, or liability of any kind or nature whatsoever sustained by the Permittee, its successors or assigns, by reason of any failure to fulfill its obligations herein in the event of a strike or walkout on the part of their employees or on the part of any other person or persons or by reason of any embargo or requirement of any federal or state or other governmental authority or by reason of any other event of any kind beyond the control of the City of Hoboken which in any way affects the ability of the City of Hoboken to perform the obligations herein.
17. The Permit may be terminated by the City of Hoboken without notice if any of the above conditions of the Permit are not met. The terms and conditions of the Permit are considered as understood and agreed upon prior to the Permittee undertaking the use set forth herein, and any unauthorized activities not specifically allowed herein may be considered cause for termination.

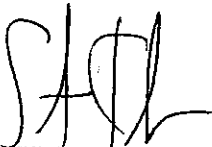
Approved:

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William Bergin,  
Director of Public Safety

**Meeting Date:** June 3, 2009

Approved As to Form



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Steven W. Kleinman,  
Corporation Counsel

Introduced by: \_\_\_\_\_  
Seconded by: \_\_\_\_\_

**CITY OF HOBOKEN  
RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION DESIGNATING THE CORNER OF 7<sup>TH</sup> STREET AND  
MADISON STREET AS "AGGIE'S WAY" IN HONOR OF AGNES FORINO**

**WHEREAS**, the Mayor and the City Council deem it appropriate to honor the contributions made to our great City by Agnes Forino, who has worked as a Crossing Guard in Hoboken for the past 43 years; and

**WHEREAS**, "Aggie" has been employed by the City of Hoboken as a Crossing Guard, reporting to the Police Department, stationed at the corner of 2<sup>nd</sup> and Madison for 5 years, another 15 years at the corner of 3<sup>rd</sup> and Jefferson Streets and the remaining time at the corner of 7<sup>th</sup> and Madison Streets; and

**WHEREAS**, Agnes was born on August 12, 1938 to Charles and Catherine Lockwood and married and raised her family in Hoboken; and

**WHEREAS**, Agnes was married to Louis A. Forino, Sr. on December 8, 1955 and is the proud mother of seven children: Louis Forino, Jr., Linda Prezioso, Francis Forino, Mary Newell, Margaret Blackburn, Michael Forino and Dawn Garcia; and

**WHEREAS**, Agnes is equally blessed with 11 grandchildren: Jennifer Mantilla, Jennifer Forino, Siobhan Forino, Allison Forino, Bridgette Newell, Rebecca Forino, Samantha Blackburn, Allyssa Newell, Stephen Prezioso, Amanda Garcia and Sean Forino; and

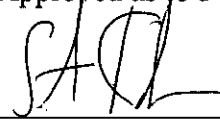
**WHEREAS**, we acknowledge Agnes Forino's contributions to our City by dedicating the corner of 7<sup>th</sup> Street and Madison Street in her honor;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and the City Council hereby designate the corner of 7<sup>th</sup> Street and Madison Street as "Aggie's Way".

Approved:

\_\_\_\_\_  
Judith L. Tripodi  
State Fiscal Monitor

Approved as to Form:

  
\_\_\_\_\_  
Steven W. Kleinman  
Corporation Counsel

Date of Meeting: June 3, 2009



Introduced By: \_\_\_\_\_

Second By: \_\_\_\_\_

**CITY OF HOBOKEN  
RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS**

**WHEREAS**, an overpayment of taxes has been made on property listed below: and

**WHEREAS**, Sharon Curran, Collector of Revenue recommends that refunds be made; now, therefore, be it-

**RESOLVED**, that a warrant be drawn on the City Treasurer made payable to the appearing on the attached list totaling **\$ 26,951.60**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
DONNA WARREN C/O CAROLYN BENNIS 24 BLUFF CIRCLE HAUPPAUGE, NY 11788	156/5/CC-2B	1120 CLINTON ST	3/09	\$ 592.10
AVANA DESAI 84 JEFFERSON ST #2B HOBOKEN, NJ 07030	17/34/C02-B	84 JEFFERSON ST	2/09	\$3,073.16
BACK OF AMERICA 9000 SOUTHSIDE BLVD JACKSONVILLE, FL 32256	186/6/C004B	163-65 NEWARK ST	1/09	\$2,200.74
LSI TITLE AGENCY 700 CHERRINGTON PARKWAY CORAOPOLIS, PA 15108	115/9.01/C0602	1326 CLINTON ST	4/08	\$2,470.15
TD BANK, NA ESCROW DEPARTMENT ATTN: MARY LEVESQUE 32 CHESTNUT STREET LEWISTON, ME 04240	268.1/2/C011F	1500 WASHINGTON ST	3/08	\$3,094.87
TD BANK, NA ESCROW DEPARTMENT ATTN: MARY LEVESQUE 32 CHESTNUT STREET LEWISTON, ME 04240	58/2/C04-R	403 MONROE ST	3/08	\$ 897.93

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
TD BANK ATTN: KATHY BERR 6000 ATRIUM WAY MT. LAUREL, NJ 08054	61/6	411 ADAMS ST	1/08-2/08-3/08	\$7,373.56
FIRST AMERICAN P.O. BOX 961230 FORT WORTH, TX 76161-0230	167/1/C0P16	501 WILLOW AVE	1/08	\$ 155.42
JADE MOUNTAIN RLTY 118 PARK AVENUE HOBOKEN, NJ 07030	32/3/C0101	105-111 GRAND ST	2/09	\$2,219.75
ANTHONY MOLLOY ESQ 135 VISTA DRIVE CEDAR KNOLLS, NJ 07927	28/20/C0004	130 MADISON ST	1/09	\$ 442.34
DEMPSEY, DEMPSEY & SHEEHAN 387 SPRINGFIELD AVENUE SUMMIT, NJ 07902-0830	114/1/C0316	1300 GRAND ST	2/09 <b>ABATEMENT</b>	\$4,431.58

Meeting: JUNE 3, 2009

Approved as to Form:



CORPORATION COUNSEL



Sharon Curran

Introduced By: \_\_\_\_\_

Second By: \_\_\_\_\_

CITY OF HOBOKEN  
RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS  
HUDSON COUNTY TAX BOARD AND STATE TAX COURT

WHEREAS, an overpayment of taxes has been made on property listed below: and

WHEREAS, Sharon Curran, Collector of Revenue recommends that the refunds be made;  
now, therefore, be it-

RESOLVED, that a warrant be drawn on the City Treasurer made payable to the  
appearing on the attached list totaling \$5,559.42

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
NASHEL & NASHEL TRUST ACCOUNT 415 SIXTIETH STREET WEST NEW YORK, NJ 07093	262.3/1/C1010	2 CONSTITUTION CT	2008	\$2,412.66
NASHEL & NASHEL TRUST ACCOUNT 415 SIXTIETH STREET WEST NEW YORK, NJ 07093	262.3/1/C0702	2 CONSTITUTION CT	2008	\$3,146.76

Meeting: JUNE 3, 2009

Approved as to Form:

  
CORPORATION COUNSEL

  
SHARON CURRAN

Introduced by: \_\_\_\_\_  
Seconded by: \_\_\_\_\_

**CITY OF HOBOKEN**  
**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION AWARDING A CONTRACT FOR THE ONLINE AUCTION OF THE  
PUBLIC PROPERTY OF THE CITY OF HOBOKEN**

WHEREAS, pursuant to Local Finance Notice 2008-9 (Dated 28 April 2009) the City of Hoboken is offered the opportunity to engage an outside firm to offer its' surplus public property for sale on an internet website.

NOW, THEREFORE, BE IT RESOLVED, by the Hoboken City Council that:

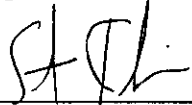
1. The above recitals are incorporated herein as though fully set forth at length.
2. The council hereby authorizes the Mayor, or his designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
3. The Mayor, or his designee is hereby authorized to execute an agreement for the above referenced goods and/or services based upon the following information:

Contractual Agreement with GovDeals.com to offer the City's surplus public properties for sale by auction on its website.

Approved:

\_\_\_\_\_  
Judith Tripodi, NJ State Fiscal Monitor

Approved to Form:

  
\_\_\_\_\_  
Steven W. Kleinman, Corporation Counsel

Date: June 3, 2009

Introduced by: \_\_\_\_\_  
 Seconded by: \_\_\_\_\_

**CITY OF HOBOKEN**  
**RESOLUTION NO. \_\_\_\_\_**

**THIS RESOLUTION AUTHORIZES THE TRANSFER OF  
 FUNDS WITHIN ACCOUNTS IN THE FISCAL YEAR 2009  
 CURRENT FUND APPROPRIATIONS.**

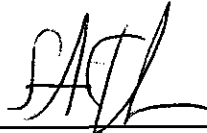
**BE IT RESOLVED**, that the following SFY 2009 budget Current Fund appropriation transfers are hereby authorized for the City of Hoboken:

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
<b>Operations - Within "Caps"</b>		
Police S/W	\$ 325,000.94	
Fire S/W	\$ 325,000.00	
Personnel S/W		\$ 20,000.00
Personnel O/E		\$ 400.00
Purchasing S/W		\$ 6,500.00
City Clerk S/W		\$ 15,000.00
Housing Inspection S/W		\$ 4,000.00
Uniform Construction Code S/W		\$ 4,000.00
Health Benefits/Medicare B O/E		\$200,000.00
Consolidated Police & Fire O/E		\$ 200.00
Municipal Court S/W		\$ 10,000.00
Information Technology S/W		\$ 15,000.00
Legal Ads O/E		\$ 5,000.00
Corporation Counsel S/W		\$ 400.00
Streets & Roads O/E		\$ 500.00
Public Property O/E		\$ 5,000.00
Social Security O/E		\$ 91,000.00
Interest on Notes O/E		\$197,455.29
Interest on TAN's O/E		\$ 75,545.65
<b>TOTALS</b>	<u>\$650,000.94</u>	<u>\$650,000.94</u>

**MEETING OF: June 3, 2009**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
 Judith L. Tripodi  
 State Fiscal Monitor

  
 \_\_\_\_\_  
 Steven W. Kleinman  
 Corporation Counsel

Sponsor: Councilwoman Mason

Second: \_\_\_\_\_

**CITY OF HOBOKEN  
RESOLUTION NO.: \_\_\_\_**

**A RESOLUTION TO CUT AN ESTIMATED \$75,000 IN TAXPAYER EXPENSE  
WHILE INCREASING VOTER PARTICIPATION THROUGH USE OF  
INSTANT RUNOFF VOTING (IRV).**

**WHEREAS**, Hoboken runoff elections cost the taxpayers of the City an estimated \$75,000 to \$100,000 every two (2) years; and,

**WHEREAS**, multiple elections annually foster the disenfranchisement of voters, reducing voter turn-out and public confidence in the process; and,

**WHEREAS**, the Council is committed to the democratic process and wishes to encourage voter participation while simultaneously reducing cost to the taxpayers; and,

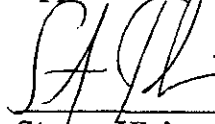
**WHEREAS**, Instant Runoff Voting has proven to be successful nationwide, in such diverse places as Aspen, Colorado, San Francisco, California, and the States of Louisiana and South Carolina;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Hoboken, County of Hudson, State of New Jersey, that it fully supports Senate Joint Resolution No. 43, sponsored by Senator Bill Baroni of District 14, creating a commission to study instant runoff voting and the applications of IRV within the State of New Jersey, and to encourage this commission to act promptly so that the City can introduce a referendum for voter consideration establishing IRV during the next general election on November 3, 2009.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be transmitted by the City Clerk to Senator Baroni and our 33<sup>rd</sup> Legislative District Representatives.

**Meeting Date: June 3, 2009**

**Approved as to form:**



\_\_\_\_\_  
**Steven Kleinman  
Corporation Counsel**

Sponsored by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**CITY OF HOBOKEN  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE  
OF THE CITY OF HOBOKEN ENTITLED PARKING FOR HANDICAPPED  
(Approval; 314-6<sup>th</sup> Street, 413 Adams Street, 329 Garden Street)**

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DOES HEREBY ORDAIN AS  
FOLLOWS:

**Handicap Spaces**

A Section 192-4 is amended to add the following;

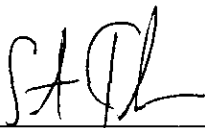
**Harry Xie 314-6<sup>th</sup> Street:** north side of Sixth Street, beginning at a point of  
**Apt.#3** 35 feet from the easterly curbline of Clinton Street  
and extending 22 feet easterly therefrom.

**Carmin Sardella 413 Adams Street:** east side of Adams Street, beginning at a point of 130 feet from the  
northerly curbline of Fourth Street and extending 22 feet northerly  
therefrom.

**Linda Cantaore 329 Garden Street:** east side of Garden Street, beginning at a point 180 feet from the  
southerly  
**(For son Joseph)** curbline of Fourth Street and extending 22 feet southerly therefrom.

B All ordinances and parts of ordinances inconsistent herewith are hereby repealed. This ordinance shall be a part of the Hoboken 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 Hoboken Code. This ordinance shall take effect as provided by law.

\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Approved as to Legal Form  
Corporation Counsel

\_\_\_\_\_  
MAYOR

Meeting Date: June 3, 2009

Sponsor: Councilwoman Castellano

Second: Councilwoman Mason

**CITY OF HOBOKEN  
ORDINANCE NO.: \_\_\_\_**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF HOBOKEN TO  
CLAIRIFY THE HOURS OF OPERATION FOR OUTDOOR SERVICE AREAS  
FOR BARS AND RESTAURANTS**

**WHEREAS**, it is a primary responsibility of the City Council of the City of Hoboken to ensure the health, safety and welfare of city residents, including the assurance of quality of life; and,

**WHEREAS**, the City of Hoboken is the second most visited city in the State of New Jersey and the Council wishes to encourage a positive experience for both visitor and resident; and,

**WHEREAS**, noise is a significant concern within any urban environment, and while it cannot be eliminated, it is in the public interest to manage distinct aspects that are within the city's control; and,

**WHEREAS**, existing sections of the Code of the City of Hoboken lack clarity that, when amended, will benefit residents, visitors and local business owners, and ensure a more agreeable experience for all parties;

**NOW THEREFORE, BE IT ORDAINED**, by the City Council of the City of Hoboken, County of Hudson, State of New Jersey as follows:

**SECTION ONE:**

Chapter 68 of the Code of the City of Hoboken, entitled "Alcoholic Beverages," is hereby amended to add a new part "D" to §68-4, "Hours of Business," which shall read as follows (additions noted by underline):

**§ 68-4. Hours of business. [Amended 7-16-1969 by Ord. No. 325; 6-17-1994 by Ord. No. R-50; 6-29-1994 by Ord. No. R-54; 11-2-1994 by Ord. No. R-87]**

**A. (no change)**

**B. (no change)**

**C. (no change)**

- D. No licensee that chooses to serve alcoholic beverages at any outdoor or unenclosed area shall permit patrons to remain in any such area more than thirty (30) minutes beyond the authorized hours of operation for said areas; including but not limited to Sidewalk Cafes, Courtyards and/or Roof Decks. Hours of operation for all outdoor service areas shall be as follows: 10:00 a.m. to 10:00 p.m. Monday through Thursday, 10:00 a.m. to 11:00 p.m. Friday and Saturday, and 11:00 a.m. to 10:00 p.m. Sunday.

#### **SECTION TWO:**

Chapter 168 of the Code of the City of Hoboken, entitled "Streets and Sidewalks" is hereby amended to add a new section §168-29A, which shall read as follows (additions noted by underline):

##### **§ 168-29A. Hours of operation for sidewalk cafes.**

Sidewalk cafes shall be permitted from April 1 through November 30, inclusive. The hours of operation shall be from 10:00 a.m. to 10:00 p.m. Monday through Thursday, 10:00 a.m. to 11:00 p.m. Friday and Saturday, and 11:00 a.m. to 10:00 p.m. Sunday.

#### **SECTION THREE:**

Chapter 168 of the Code of the City of Hoboken, entitled "Streets and Sidewalks" is hereby amended, in part, as follows, (additions noted by underline):

##### **§ 168-51. Permitted hours of operation. [Amended 9-7-1994 by Ord. No. R-70; 4-15-1998 by Ord. No. R-306]**

Operation of open sidewalk cafes shall be permitted from April 1 through November 30, inclusive. The permitted hours of operation shall be from 10:00 a.m. to 10:00 p.m. Monday through Thursday, 10:00 a.m. to 11:00 p.m. Friday and Saturday, and 11:00 a.m. to 10:00 p.m. Sunday. No food or beverage service shall be allowed at an open sidewalk café after stated hours of operation. Patrons of open sidewalk cafés shall not be allowed to remain within the open sidewalk café area beyond one half hour after the stated hours of operation.

#### **SECTION FOUR:**

If any section or provision of this Ordinance shall be held invalid in any Court, the same shall not affect the other sections or provisions of this Ordinance except so far as the section or provision so declared invalid and shall be inseparable for the remainder or portion thereof.

#### **SECTION FIVE:**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent or such inconsistency.

**SECTION SIX:**

This Ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

**SECTION SEVEN:**

This Ordinance shall take effect according to law.

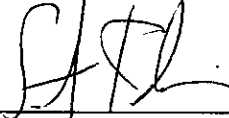
Adopted:

Approved:

\_\_\_\_\_  
City Clerk, James Farina

\_\_\_\_\_  
Mayor David Roberts

Approved as to Form:

  
\_\_\_\_\_  
Steven W. Kleinman  
Corporation Counsel

DATE OF INTRODUCTION: June 3, 2009

Sponsor: \_\_\_\_\_

Second: \_\_\_\_\_

**CITY OF HOBOKEN  
ORDINANCE NO.: \_\_\_\_**

**AN ORDINANCE AMENDING SECTION 179A OF THE CODE OF THE CITY OF  
HOBOKEN, ENTITLED "TAXICABS" AND SECTION 180A OF THE CODE OF THE  
CITY OF HOBOKEN, ENTITLED "LIMOUSINES AND LIVERIES"**

WHEREAS, after careful consideration the City Council has determined that due to substantial concerns about public safety and traffic congestion, the moratorium on pedicabs previously established by the Council should be made permanent; and,

WHEREAS, the Council has further determined that limits should be established on the number of limousine and livery licenses to be issued by the City, said limits not to affect any existing license holder; and,

WHEREAS, the Council has further determined that certain additional changes and clarifications to Sections 179A and 180A of the Code of the City of Hoboken are warranted; and,

WHEREAS, these changes are recommended by the City's Division of Taxi and Limousine Licensing;

**NOW THEREFORE, BE IT ORDAINED**, by the City Council of the City of Hoboken, County of Hudson, State of New Jersey as follows:

**SECTION ONE:**

Chapter 179A of the Code of the City of Hoboken, entitled "Taxicabs," is hereby amended to delete section 179A-38, "Moratorium on Licensing," in its entirety, to be replaced by the following new section 179A-38, "Pedicabs, Prohibited," which shall read as follows:

**§ 179A-38. Pedicabs, Prohibited.**

**A. Findings.**

The governing body of the City of Hoboken finds and declares that the use of pedicabs on the streets and sidewalks of the City will significantly increase existing pedestrian and vehicular congestion, and create safety issues for vehicles, pedestrians, and operators and passengers of pedicabs and similar forms of transportation.

Therefore, for the health, safety, and welfare of the general public, the governing body of the City of Hoboken finds that it is necessary to prohibit the operation of pedicabs within the corporate limits of the City.

**B. "Pedicab" Defined.**

"Pedicab" means: (1) A bicycle that has three or more wheels, that transports, or is capable of transporting, passengers on seats attached to the bicycle, that is operated by one or more persons, whether human propelled or motor assisted, and that is used for transporting passengers or property; or (2) A bicycle that pulls or pushes a trailer, sidecar, or similar device, that transports, or is capable of transporting passengers on seats attached to the trailer, sidecar, or similar device, that is operated by one or more persons whether human propelled or motor assisted and that is used for transporting one or more passengers or property.

"Pedicab business" means a commercial enterprise, that employs or contracts with one or more operator(s), which engages in providing transportation via pedicab, for any form of compensation including gratuities and/or donations, on either public or private property, or both.

**C. Prohibition on Pedicabs.**

It is unlawful for any person to operate a pedicab business within the corporate limits of the City of Hoboken.

**D. Penalties.**

In the event that anyone violates the provisions of this section, both the operator and owner of the pedicab shall be liable, and the Hoboken Municipal Court shall retain jurisdiction to adjudicate all violations with the penalty to be a fine of no less than one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense and every offense thereafter.

**SECTION TWO:**

Chapter 180A-5 of the Code of the City of Hoboken, entitled "Issuance of Limousine or Livery License" is hereby amended, in part, as follows, (additions noted by underline):

**§ 180A-5. Issuance of limousine or livery license.**

The Division of Taxi and Limousine Licensing is hereby created. The head of this division shall be designated by the Director of Business Administration of the City of Hoboken to serve at a commensurate salary. The division head of the Division of Taxi and Limousine Licensing shall be responsible for the enforcement of this section and section 179A of the ordinances of the City of Hoboken pertaining to Taxi and Limousine service.