AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 9, PUBLIC PEACE, MORALS AND WELFARE
CHAPTER 9.12, DRUG-FREE SCHOOL ZONES

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

Chapter 9.12.010 Maps adopted, shall be amended to read as follows:

9.12.010 Map adopted.

In accordance with and pursuant to the authority of L. 1988, c.44 (C.2C.35.7), the drug-free school zone map, dated January 2011, produced by the city engineer of the city is approved and adopted as the official finding and record of the location and areas within the municipality of property which are used for school purposes and which are owned by or leased to any elementary or secondary school or school board, and of the areas on or within one thousand (1,000') feet of such school property:

Schools:
Lincoln School
Livingston School
Lord Stirling School
McKinley School
McKinley Kindergarten Center
New Brunswick High School
Paul Robeson School
Roosevelt School
A. Chester Redshaw School
Woodrow Wilson School
NB Health Sciences Technology High School
NB Middle School
NB Redshaw & Lincoln Schools (Satellite Sites)

Other City of New Brunswick Board of Education Owned or Leased Properties or Buildings:
Central Office Administration
Adult Learning Center
Middlesex County Academy
Receiving Department
TCU
School Security, and Department of Research Evaluation Testing & Monitoring
Pupil Personnel Services
Paul Robeson School Annex

Other Elementary and / or Secondary Schools:
Greater Brunswick Charter School
Anshe Emeth School

SECTION II

SEVERABILITY:
If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.
SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency provided that all maps adopted by prior ordinances shall remain valid and effective unless and until modified by duly adopted ordinance.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING:
DATED: January 19, 2011

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: February 16, 2011

COUNCIL PRESIDENT

CITY CLERK

APPROVAL OF THE MAYOR ON THIS 20th DAY OF February, 2011.

JAMES M. CAHILL, Mayor

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

TKS/tm
BY THE MUNICIPAL COUNCIL:

BE IT RESOLVED, by the City Council of the City of New Brunswick that Ordinance O-011102 is hereby amended as follows:

Section III of Ordinance O-011102, now pending, is amended to read as follows:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency provided that all maps adopted by prior ordinances shall remain valid and effective unless and until modified by duly adopted ordinance.

BE IT FURTHER RESOLVED, that Certified copies of this Resolution shall be provided by the City Clerk to the following:

- City Administrator
- City Engineer

ADOPTED: February 16, 2011

COUNCIL PRESIDENT

CITY CLERK

APPROVALS:

[Signatures]

CITY ADMINISTRATOR

CITY ATTORNEY

[Table of Approvals]

[Certification of City Clerk]

[Certificate of Adoption]
AN ORDINANCE TO AMEND THE REDEVELOPMENT PLAN FOR
THE JERSEY HANDY REDEVELOPMENT AREA IN THE
CITY OF NEW BRUNSWICK

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

City Council finds and determines:

a) The New Brunswick Planning Board, after due consideration at its meeting of January 11, 2011, has recommended the adoption of amendments to the Redevelopment Plan for the JERSEY HANDY Redevelopment Area, with said area shown on Map 1 of the JERSEY HANDY Redevelopment Plan; and

b) The Redevelopment Plan Amendment proposes development guidelines for the development of retail, commercial, office, light industrial and residential uses as set forth Section 5 of the Redevelopment Plan in accordance with standards for the C2-C-R and I-1R zones as stated in the Plan; and

c) The Redevelopment Plan Amendment further proposes right-of-way improvements and traffic flow improvements for Baldwin Street and Comstock Street area for improved traffic flow, pedestrian flow and access to the redevelopment area; and

d) The New Brunswick Planning Board has concluded that the Redevelopment Plan Amendment is consistent with the goals and objectives of the New Brunswick Master Plan and that the Plan amendment is also consistent with the goals and objectives of the State Plan; and

e) The New Brunswick Planning Board has approved the transmittal of a report dated January 12, 2011 from the Board to the City Council summarizing the plan and stating the Board’s recommendation to the city Council for adoption of the plan amendment; and

f) The City Council of the City of New Brunswick has reviewed the JERSEY HANDY Redevelopment Plan Amendment and held a public hearing about the Redevelopment Plan Amendment to receive the comments of the public; and

g) The zoning standards set forth in the Redevelopment Plan shall supersede the development regulations in the zoning Ordinance to the extent that the standards in the Redevelopment Plan overlap any standards in the Zoning Ordinance and the Zone Map of the City of New Brunswick shall be updated to indicate the area of this Redevelopment Plan.

SECTION II

The JERSEY HANDY Redevelopment Plan Amendment is adopted as the official Redevelopment Plan for this area.

SECTION III

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION IV

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.
I, Daniel A. Torrisi, City Clerk of the City of New Brunswick, NJ, do hereby certify the foregoing Ordinance is a true copy of the original ordinance adopted at a regular meeting of the New Brunswick City Council at its meeting on February 16, 2011.

Daniel A. Torrisi
City Clerk

Any reproduction of this document must contain the raised seal of the City of New Brunswick to be legally certified.

Approved:
JAMES M. CAHILL, Mayor

APPROVAL OF THE MAYOR ON THIS 16TH DAY OF FEBRUARY, 2011.

City Clerk

February 16, 2011
Adopted on Second Reading:

Adopted on First Reading:

This ordinance shall become effective twenty (20) days following final adoption and shall

Effective Date:

0-011103
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDNANCES OF THE CITY OF NEW BRUNSWICK
Chapter 5.34 “Charitable Donation Bins”

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

WHEREAS, the location of donation clothing bins can cause visual blight if the bins are not regularly maintained and the materials dropped at the bin are not stored properly within the bin; and

WHEREAS, unscrupulous for-profit operators of clothing drop-off bins have implied that donations made to certain bins benefit charities, when, in fact, the donations provide little or no assistance to charitable organizations; and

WHEREAS, such deceptive practices can dissuade persons from donating to legitimate donation clothing drop-off bins to the detriment of such charitable organizations; and

WHEREAS, N.J.S.A. 40:48-2.60, et seq. prohibits the placement of donation clothing bins without the municipal permit.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of New Brunswick as follows:

SECTION I

5.34.010. DEFINITIONS

“Administrative Officer” shall mean the Zoning Administrative Officer.

“Bona Fide Office” shall mean a location where a representative of the person or entity responsible for the donation clothing bind can be reached during normal business hours. An answering machine service does not constitute a bona fide office.

“Charitable Organization” shall mean:

(A) Any person determined by the federal Internal Revenue Service to be a tax-exempt organization pursuant to Section 501(c)(3); or

(B) Any person who is, or holds himself out to be, established for any benevolent, philanthropic, humane, social welfare, public health, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters or other persons who protect the public safety, or any person who in any manner employs a charitable appeal as the basis of any solicitation, or an appeal that has the tendency to suggest there is a charitable purpose to any such solicitation.

(D) "Solicitation" or "solicit" means the request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind or value. Solicitation shall include, but not be limited to, the use or employment of canisters, cards, receptacles or similar devices for the collection of money or other thing of value. A solicitation shall take place whether or not the person making the solicitation receives any contribution.
SECTION II

5.34.020. REQUIREMENTS FOR PLACEMENT; USE OF CLOTHING BIN FOR SOLICITATION PURPOSES

Notwithstanding any other provision of law to the contrary, no person shall place, use, or employ a donation clothing bin, for solicitation purposes, unless all of the following requirements are met:

A. The person has obtained a permit, valid for two (2) years, from the Administrative Officer in accordance with the following:

1) In applying for such a permit, the person shall include:

   a. the location where the bin would be situated, as precisely as possible;

   b. the manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;

   c. the name and telephone number of the bona fide office required pursuant to subsection b. of this section, of any entity which may share or profit from any clothing or other donations collected via the bin; and

   d. written consent from the property owner to place the bin on his property.

2) The Administrative Officer shall not grant an application for a permit to place, use, or employ a donation clothing bin if it determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of a donation clothing bin with 100 yards of any place which stores large amounts of, or sells fuel or other flammable liquids or gases;

3) An application fee of $25.00 shall be charged for each application. Each location shall be charged a separate fee.

4) An expiring permit for a donation clothing bin may be renewed upon application for renewal and payment of the fee. Such application shall include:

   a. the location where the bin is situated, as precisely as possible, and, if the person intends to move it, the new location where the bin would be situated after the renewal is granted and written consent from the property owner to place the bin on his property;

   b. the manner in which the person has used, sold, or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipates it may make in these processes during the period covered by the renewal; and

   c. the name and telephone number of the bona fide office required pursuant to subsection b. of this section, of any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal.

5) the permit number and its date of expiration shall be clearly and
conspicuously displayed on the exterior of the donation clothing bin, in addition to the information required pursuant to subsection c. of this section.

B. The person and any other entity which may share or profit from any clothing or other donations collected via the bin, maintains a bona fide office where a representative of the person or other entity, respectively, can be reached at a telephone information line during normal business hours for the purpose of offering information concerning the person or other entity. For the purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office;

C. The following information is clearly and conspicuously displayed on the exterior of the donation clothing bin:

1) The name and address of the registered person that owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;

2) The telephone number of the persons bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin;

3) In cases when any entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from such donations;

4) A statement, consistent with the information provided to the Administrative Officer in the most recent permit or renewal application pursuant to subparagraph (b) of paragraph (1) of subsection a. of this section and subparagraph (b) of paragraph (4) of subsection a. of this section, indicating the manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

SECTION III

5.34.030 RECEIPT AND INVESTIGATION OF COMPLAINTS RELATIVE TO DONATION CLOTHING BIN

(A) The Administrative Officer shall receive and investigate with thirty (30) days, any complaints from the public about the bin. Whenever it appears to the Administrative Officer that a person has engaged in, or is engaging in any act or practice in violation of section 2 of P.L. 2007, c.209 (C.40:48-2.61), the person who placed the bin shall be issued a warning, stating that if the violation is not rectified or a hearing with the Zoning Board of Adjustment is not requested within 45 days, the bin will be seized or removed at the expense of the person who placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person who placed the bin, such warning shall be affixed to the exterior of the bin itself.

(B) In the event that the person who placed the bin does not rectify the violation or request a hearing within 45 days of the posting of the warning, the Department of Public Works may seize the bin, remove it, or have it removed, at the expense of the person who placed the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via
the bin shall be paid to the chief financial officer.

SECTION IV

5.34.040. ADDITIONAL PENALTIES; REMEDIES

(A) In addition to any other penalties or remedies authorized by the laws of this State, any person who violates any provision of this ordinance which results in seizure of the donation clothing bin shall be:

1. Subject to a penalty of up to $20,000 for each violation. The Division of Inspections or Department of Economic Development may bring this action in the Municipal Court or Superior Court as a summary proceeding under the Penalty Enforcement Law of 1999*, P.L.1999, c.274, (C.2A:58-10 et seq.), and any penalty monies collected shall be paid to the chief financial officer of the municipality; and

2. Deemed ineligible to place, use, or employ a donation clothing bin for solicitation purposes pursuant to section 2 of P.L.2007, c.209 (C.40:48-2.61).

3. A person disqualified from placing, using, or employing a donation clothing bin by violating the provisions of P.L.2007, c.209 (C.40:48-2.60 et seq.); and

4. May apply to the appropriate municipal agency to have that person's eligibility restored.

5. The Administrative Officer may restore the eligibility of a person who:
   (1) Acts within the public interest; and
   (2) Demonstrates that he made a good faith effort to comply with the provisions of this ordinance and all other applicable laws and regulations, or had no fraudulent intentions.

SECTION V

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION VI

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

SECTION VII

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

ADOPTED ON FIRST READING:
DATED: February 2, 2011

COUNCIL PRESIDENT
COUNCILMEMBER

COUNCILMEMBER

COOK M X ESCOBAR, VP X

ORDER OF

FIRST READING VOTED ON: January 18, 2011 AP-MOVED S-SECOND NO VOTE AP-ABSENT

COUNCILMEMBER

COUNCILMEMBER

COOK M X ESCOBAR, VP X

GARLATTI S X RECINE, Pres X

INTERN

MOVED

SECOND

NO VOTE

ABSENT

City Clerk

Daniel A. Torrisi, City Clerk

The City of New Brunswick, NJ, do hereby certify the foregoing Ordinance is a true copy of the Original Ordinance adopted at a regular meeting of the New Brunswick City Council held on February 16, 2011. The City Clerk hereby certifies that any reproduction of the Ordinance bear the raised seal of the City of New Brunswick to be legally certified.

COUNCIL PRESIDENT

APPROVAL OF THE MAYOR ON THIS 22 ND
DAY OF FEBRUARY, 2011

JAMES M. CARILL, Mayor

CITY ADMINISTRATOR

APPROVALS:

CITY CLERK

ADOPTED ON SECOND READING:

DATED:

February 16, 2011

Page 5 of 6
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, CHAPTER 16.24, "SITE PLAN APPLICATION"

BE IT ORDAINED, by the City Council of the City of New Brunswick:

SECTION I

RGO 16.24.090, Minor Site Plan Application shall be amended to read as follows:

A. An applicant must file with the administrative officer the following documents:
   1. Completed site plan review application form;
   2. Application fee (See Section 16.24.260);
   3. Certification of paid taxes;
   4. Two copies of any protective covenants, deed restrictions, easements, court decisions or board decisions or board decisions affecting the property;
   5. Survey of property;
   6. Letter of principal points describing the proposed development;
   7. Complete set of drainage calculations as per the requirements set forth in Section 16.24.270;
   8. Architectural plans, including floor plans depicting all rooms dimensions, room uses, all means of ingress and egress and elevations of all visible sides of buildings 270A. or Section 10.2 of the City's Engineering Standards, whichever is applicable;
   9. A written statement of anticipated traffic impacts of the proposed development;
   10. A written statement of the environmental impacts of the proposed development;
   11. Nineteen (19) copies of site plan in accordance with Section 16.24.190, 16.24.270 and prepared in accordance with N.J.A.C. 13:40-7, which must also include the following:
      (a) A landscaping plan which lists the species of plants to be provided, the calipers and/or height of any trees, the spacing proposed between each plant, and details of any proposed planters;
      (b) A lighting plan which shows a detail of any proposed lighting fixture and includes photometric contours to indicate the intensity of any lighting;
      (c) A utility plan showing the dimensions and locations of all existing and proposed utilities, including water, electric, gas, sanitary sewer and storm sewer.
      (d) A grading plan showing existing contours at intervals of one foot where slopes are three percent or less and intervals of two feet where slopes are more than three percent, based upon U.S. Coast and Geodetic Survey Data. Where any changes in contours are proposed, existing grades are indicated by a dashed line and finished grades are shown by solid lines.
      (e) Soil erosion and sediment control plan
   12. Site logistics plans, if any sidewalks or streets are to be closed for construction staging or safety;
   13. Personal Document File (PDF) of the site plan, subdivision plat and architectural plans;
   14. Payment of professional review escrow fees in accordance with Section 16.16.040;
   15. Middlesex County Utility Authority Tracking Form;
   16. Written requests for waivers of any site plan submission standards;
   17. If determined necessary by the Administrative Officer, a Phase 1 Environmental Report or a "No Further Action" letter from the New Jersey...
Department of Environmental Protection; and

18. If determined necessary by the Administrative Officer, a site traffic circulation plan graphically showing the ability of vehicles anticipated to use the site to navigate through the site without obstruction.

SECTION II

Section 16.24.100, "Site Plan Application" shall be amended to read as follows:

A. An applicant must file with the administrative officer the following documents:

1. Completed site plan review application form;
2. Application fee (see Section 16.24.260);
3. Certification of paid taxes;
4. Certified list of all property owners within two hundred (200) feet of subject property;
5. Two copies of any protective covenants, deed restrictions, easements, court decisions or board decisions affecting the property and submission of an easement due diligence checklist certification;
6. Survey of property;
7. Letter of principal points describing the proposed development;
8. Complete set of drainage calculations as per the requirements set forth in Section 16.24.270, 270A. or Section 10.2 of the City's Engineering Standards, whichever is applicable;
9. Completed variance application form (if applicable);
10. A written statement of anticipated traffic impacts of the proposed development;
11. A written statement of the environmental impacts of the proposed development;
12. Nineteen (19) copies of site plan in accordance with Section 16.24.190, 16.24.270 and prepared in accordance with N.J.A.C. 13:40-7, which must also include the following:
   
   (a) A landscaping plan which lists the species of plants to be provided, the calipers and/or height of any trees, the spacing proposed between each plant, and details of any proposed planters,
   (b) A lighting plan which shows a detail of any proposed lighting fixture and includes photometric contours to indicate the intensity of any lighting,
   (c) A grading plan showing existing contours at intervals of one foot where slopes are three percent or less and intervals of two feet where slopes are more than three percent, based upon U.S. Coast and Geodetic Survey data. Where any changes in contours are proposed, existing grades are indicated by a dashed line and finished grades are shown by solid lines.
   (d) A utility plan showing the dimensions and locations of all existing and proposed utilities, including water, electric, gas, sanitary sewer and storm sewer; and
   (e) Soil erosion and sediment control plan.
13. Architectural plans, including floor plans depicting all rooms dimensions, room uses, all means of ingress and egress and elevations of all visible sides of buildings.
14. Site logistics plans, if any sidewalks or streets are to be closed for construction staging or safety;
15. Personal Document File (PDF) of the site plan, subdivision plat and architectural plans;
16. Payment of professional review escrow fees in accordance with Section
Section 16.28.050, "Minor Subdivision" shall be amended to read as follows:

A. An applicant seeking approval of a minor subdivision as defined by this chapter shall file with the administrative officer the following documents:
   1. Completed minor subdivision application form;
   2. Application fee as required by Section 16.24.260 and Section 16.16.040 of the Revised General Ordinances of the City;
   3. Certification of paid taxes;
   4. Two copies of any protective covenants, deed restrictions, easements, court decisions or board decisions affecting the property and submission of an easement due diligence checklist certification;
   5. Ten (10) copies of the proposed subdivision plat, which is in accordance with the provisions of this chapter and all applicable statutes of the state. At least one of the above mentioned copies is printed on a mylar, sepia or other reproducible material;
   6. Personal Document File (PDF) of the subdivision plat;
   7. Payment of professional review escrow fees in accordance with Section 16.16.040; and
   8. Written requests for waivers of any minor subdivision submission standards.

B. In lieu of the above required documents, an applicant may choose to file with the administrative officer a deed which clearly describes the proposed minor subdivision and four copies of the proposed subdivision plat. In all cases, an application fee as required by Section 16.16.040 of the revised general ordinances of the city must be submitted.

SECTION IV

Section 16.28.080, "Preliminary Major Subdivision" shall be amended to read as follows:

A. An applicant seeking preliminary approval of a major subdivision as defined by this chapter shall file with the administrative officer the following documents:
   1. Completed major subdivision application form;
   2. Application fee as required by Sections 16.24.260 and 16.16.040 of the revised general ordinances of the City;
   3. Certification of paid taxes;
   4. Two (2) copies of any protective covenants, deed restrictions, easements, court decisions or board decisions affecting the property;
   5. Nineteen (19) copies of the proposed subdivision plat, which is in accordance with the provisions of this chapter and all applicable State statutes;
6. Personal Document File (PDF) of the subdivision plat;
7. Documents evidencing payment of professional review escrow fees in accordance with Section 16.16.040; and
8. Written requests for waivers of any minor subdivision submission standards.

SECTION V

Section 16.28.080, "Final Major Subdivision" shall be amended to read as follows:

A. An applicant seeking final approval of a major subdivision as defined by this chapter shall file with the administrative officer the following documents:

1. Completed major subdivision (final) application form;
2. Application fee as required by Section 16.16.040 and Section 16.24.260 of the revised general ordinances of the City;
3. Certification of paid taxes;
4. Nineteen (19) copies of the proposed subdivision plat in accordance with all of the provisions of this chapter and all applicable State statutes;
5. One mylar copy of the proposed subdivision plat;
6. Personal Document File (PDF) of the subdivision plat;
7. Payment of professional review escrow fees in accordance with Section 16.16.040; and
8. Written requests for waivers of any minor subdivision submission standards.

SECTION VI

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION VII

This Ordinance shall take effect twenty (20) days upon final passage and publication according to law.

ADOPTED ON FIRST READING:
DATED: February 2, 2011

[Signature]
Council President

ADOPTED ON SECOND READING
DATED: February 16, 2011

[Signature]
Council President

ATTEST:

[Signature]
City Clerk
COUNCILMEMBER Y N NO AB COUNCILMEMBER Y N NO AB
COOK M Y
EGAN M Y
ESCOBAR, VP M Y

MOVED S, SECOND NY, NO VOTE AB, ABSENT
COUNCILMEMBER COOK M
EGAN M
ESCOBAR, VP M

Daniel A. Torrisi, City Clerk of New Brunswick, N.J., hereby certify the foregoing Ordinance is a true copy of the Original Ordinance adopted by the City Council at a regular meeting of the New Brunswick City Council at its meeting on February 16, 2011.

Daniel A. Torrisi, City Clerk

Any reproduction of the seal of the City of New Brunswick to be legally certified.
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED
GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
CHAPTER 5.100, "TAXICABS"

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

City Council finds and determines as follows:

(A) Many taxicabs licensed in municipalities other than the City of New Brunswick disregard and flaunt the provisions of the City's Taxi Ordinance which currently permits out-of-town taxis to either pick up passengers in the City for transport outside the City or to drop off passengers in the City who have been picked up in other municipalities.

(B) The enforcement of those portions of the Taxi Ordinance described above is extremely difficult because of deceptive practices engaged in by taxi owners and drivers who seek to avoid the restrictions imposed by the City's Ordinance. The central factor in such practices commences with the pick up of a fare in the City regardless of whether the fare is to be transported within or beyond the City.

(C) Among the deceptive practices, are (a) action by such taxi drivers to instruct their fares to misstate their intended destination; (b) parking for extended periods at various locations in the City where numbers of people congregate and/or traverse extended periods at various locations so as to be able to solicit and pick up fares; and (c) attempt to pass off as relatives or friends persons who have been picked up at fares for hire.

(D) Eliminating the right of taxis not licensed by the City to pick up fares within the City will simplify enforcement of the City’s Taxi Ordinance without interfering with the right of taxi passengers engaging taxis in other municipalities to secure taxi service into the City.

(E) Adoption of this Ordinance will promote the public health, safety and general welfare.

SECTION II

Revised General Ordinance Section 5.100.020, Licenses required, is amended to read as following:

5.100.020 Supervision of vehicles.

No person shall operate a taxicab in the city of New Brunswick unless there is a current taxi license in effect for such taxicab. City taxi licenses shall be obtained from the city clerk in accordance with the regulations of this chapter and the operator shall have in his or her possession a taxicab operator's license issued by the city of New Brunswick or by the municipality in which the taxicab is licensed.

Taxis not licensed by New Brunswick shall not pick up a fare within the City of New Brunswick for transport to any destination. Taxis not licensed by New Brunswick may, however, pick up a fare outside the City and transport the rider to a location within the City.

SECTION III

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall affect the remaining provisions hereof and the entire Ordinance shall be null and void.

SECTION IV

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.
BY THE MUNICIPAL COUNCIL:

BE IT RESOLVED, by the City Council of the City of New Brunswick that Ordinance O-021103 now pending, is hereby amended as follows:

The second and third paragraphs of RGO, Section 5.100.020 Supervision of vehicles, are amended to read as follows:

Taxis not licensed by New Brunswick shall not pick up a fare within the City of New Brunswick for transport to any destination. Taxis not licensed by New Brunswick may, however, pick up a fare outside the City and transport the rider to a location within the City.

BE IT FURTHER RESOLVED, that Certified copies of this Resolution shall be provided by the City Clerk to the following:

- New Brunswick Police Department

ADOPTED: March 2, 2011

COUNCIL PRESIDENT

CITY CLERK

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

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Daniel A. Torrisi, City Clerk of the City of New Brunswick, N.J. does hereby certify the foregoing Resolution is a true copy of the original Resolution adopted at the regular meeting of the New Brunswick City Council on the 2nd day of March, 2011.

Daniel A. Torrisi, City Clerk

Any reproduction of the Original Resolution must contain the raised seal of the City of New Brunswick to be legally certified.
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDNANCES OF THE CITY OF NEW BRUNSWICK
TITLE 10, TRAFFIC AND PARKING

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

Section 10.20.010, Schedule XXXIX, Parking Zone for Handicapped Persons is hereby amended to delete the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>197 French Street</td>
<td>North</td>
<td>Beginning at a point 40 feet from the westerly curbline of Oxford Street and extending to a point 22 feet west thereof.</td>
</tr>
</tbody>
</table>

SECTION II

Section 10.20.010, Schedule XXXIX, Parking Zone for Handicapped Persons is hereby amended to add the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>197 French Street</td>
<td>North</td>
<td>Beginning at a point 40 feet from the westerly curbline of Oxford Street and extending to a point 22 feet west thereof.</td>
</tr>
</tbody>
</table>

SECTION III

Section 10.20.020, Schedule XXX, Parking Spaces for Handicapped Persons is hereby amended to add the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>55 Simplex Avenue</td>
<td>North</td>
<td>Beginning at a point 63 feet east of the easterly curbline of Lake Street and extending to a point 22 feet east thereof.</td>
</tr>
<tr>
<td>9 Edgeworth Place</td>
<td>North</td>
<td>Beginning at a point 220 feet from the northeasterly curbline of Joyce Kilmer Avenue and extending to a point 22 feet east thereof.</td>
</tr>
</tbody>
</table>

SECTION IV

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION V

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION VI

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.
ADOPTED ON FIRST READING:
DATED: March 16, 2011

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: April 6, 2011

COUNCIL PRESIDENT

CITY CLERK

APPROVAL OF THE MAYOR ON THIS
10th DAY OF April, 2011

JAMES M. CAHILL, Mayor

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

TKS/tm
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL
ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 3, REVENUES AND FINANCES

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

Title 3, Chapter 28, Fee Schedule is hereby amended to include the following new section:

3.28.120 Parks and Recreation Fees:

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>DESCRIPTION</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rental of City Facility for Summer Camps (1-50 participants)</td>
<td>One (1) Week rental of soccer field / tennis courts, etc.</td>
<td>$500.00 per week</td>
</tr>
<tr>
<td>Rental of City Facility for Summer Camps (51 and greater)</td>
<td></td>
<td>$750.00 per week</td>
</tr>
<tr>
<td>Adult Softball</td>
<td>Team Entry Fee</td>
<td>$250.00</td>
</tr>
<tr>
<td>Adult Baseball</td>
<td>Team Entry Fee</td>
<td>$300.00</td>
</tr>
<tr>
<td>Team Sponsor of Youth Sports</td>
<td>1 Year Team Sponsor</td>
<td>$300.00</td>
</tr>
<tr>
<td>Team Sponsor of Youth Sports</td>
<td>2 Year Team Sponsor</td>
<td>$500.00</td>
</tr>
<tr>
<td>Adult Health Club at Teen Center</td>
<td>3 month membership (resident)</td>
<td>$50.00</td>
</tr>
<tr>
<td>Adult Health Club at Teen Center</td>
<td>3 month membership (non-resident)</td>
<td>$75.00</td>
</tr>
<tr>
<td>Adult Health Club at Teen Center</td>
<td>6 month membership (resident)</td>
<td>$75.00</td>
</tr>
<tr>
<td>Adult Health Club at Teen Center</td>
<td>6 month membership (non-resident)</td>
<td>$100.00</td>
</tr>
<tr>
<td>Adult Health Club at Teen Center</td>
<td>12 month membership (resident)</td>
<td>$125.00</td>
</tr>
<tr>
<td>Adult Health Club at Teen Center</td>
<td>12 month membership (non-resident)</td>
<td>$150.00</td>
</tr>
<tr>
<td>Hub Teen Center</td>
<td>Replacement ID Card (Initial Card Free)</td>
<td>$5.00</td>
</tr>
<tr>
<td>Hub Teen Center</td>
<td>Rental of Facility (after business hours)</td>
<td>$100.00 per hour</td>
</tr>
<tr>
<td>Adult Fitness Classes</td>
<td>One Class (7 weeks)</td>
<td>$30.00</td>
</tr>
<tr>
<td>Adult Fitness Classes</td>
<td>Two Classes</td>
<td>$50.00</td>
</tr>
<tr>
<td>Adult Fitness Classes</td>
<td>Three Classes</td>
<td>$70.00</td>
</tr>
<tr>
<td>City Park Permit for Bail Field / Facilities</td>
<td>2 Hour exclusive use permit with Athletic Lighting</td>
<td>$30.00</td>
</tr>
<tr>
<td>Memorial Stadium Rental</td>
<td>Main Field Only</td>
<td>$100.00 per hour</td>
</tr>
<tr>
<td>Memorial Stadium Rental</td>
<td>With Athletic Lighting</td>
<td>+$50.00 per hour</td>
</tr>
<tr>
<td>Memorial Stadium Rental</td>
<td>With Concession Stand</td>
<td>+$30.00 per hour</td>
</tr>
<tr>
<td>Rental of Buccleuch Park or Boyd Park Pavilions</td>
<td>Four hour minimum (resident)</td>
<td>$30.00 per hour</td>
</tr>
<tr>
<td>Rental of Boyd Park Amphitheater / Stage</td>
<td>Four hour minimum (corporate)</td>
<td>$50.00 per hour</td>
</tr>
<tr>
<td>Rental of Boyd Park Amphitheater / Stage</td>
<td>Four hour minimum (non-resident)</td>
<td>$50.00 per hour</td>
</tr>
<tr>
<td>Rental of Boyd Park Amphitheater / Stage</td>
<td>Four hour minimum (corporate)</td>
<td>$150.00 per hour</td>
</tr>
</tbody>
</table>

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.
SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING:
DATED: March 16, 2011

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: April 6, 2011

COUNCIL PRESIDENT

CITY CLERK

APPROVAL OF THE MAYOR ON THIS DAY OF April, 2011.

JAMES M. CAMILL, Mayor

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

TKS/tm
CITY OF NEW BRUNSWICK

ORDINANCE NUMBER _O-031103_

BOND ORDINANCE PROVIDING FOR THE REHABILITATION OF THE REMSEN AVENUE FIRE HOUSE, BY AND IN THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING $2,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,904,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of New Brunswick, in the County of Middlesex, State of New Jersey (the "City") as general improvements or purposes. For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of $2,000,000, which sum includes $96,000 as the aggregate amount of down payments for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), and now available therefor by virtue of provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, and to meet the part of the $2,000,000 appropriation not provided for by said down payment, negotiable bonds of the City are hereby authorized to be issued in the principal amount of $1,904,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the City in a principal amount not exceeding $1,904,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purpose for the financing of which said debt obligations are to be issued is for the rehabilitation of the interior and exterior of
the former fire house building located at 81 Remsen Avenue, for use as a community center and fire department museum, to include, but not be limited to, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $1,904,000.

(c) The aggregate estimated cost of said improvements or purposes is $2,000,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the down payments in the aggregate amount of $96,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a loan, contribution or grant-in-aid to the City for the improvements or purposes authorized hereby and the same shall be received by the City prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Middlesex. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply however, with respect to any contribution or grant in aid received by the City as a result of using such funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or
rates and be in such form as may be determined by the Chief
Financial Officer. The Chief Financial Officer of the City shall
determine all matters in connection with the notes issued pursuant
to this bond ordinance, and the signature of the Chief Financial
Officer upon the notes shall be conclusive evidence as to all such
determinations. All notes issued hereunder may be renewed from
time to time in accordance with the provisions of the Local Bond
Law. The Chief Financial Officer is hereby authorized to sell part
or all of the notes from time to time at public or private sale and
to deliver them to the purchaser thereof upon receipt of payment of
the purchase price and accrued interest thereon from their dates to
the date of delivery thereof. The Chief Financial Officer is
directed to report in writing to the governing body at the meeting
next succeeding the date when any sale or delivery of the notes
pursuant to this bond ordinance is made. Such report must include
the principal amount, the description, the interest rate, and the
maturity schedule of the notes so sold, the price obtained and the
name of the purchaser.

SECTION 6. The capital budget of the City is hereby
amended to conform with the provisions of this bond ordinance, and
to the extent of any inconsistency herewith, a resolution in the
form promulgated by the Local Finance Board showing full detail of
the amended capital budget and capital programs as approved by the
Director of the Division of Local Government Services, New Jersey
Department of Community Affairs will be on file in the office of
the Clerk of the City and will be available for public inspection.

SECTION 7. The following additional matters are hereby
determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3
of this bond ordinance are not current expenses and are
improvements or purposes which the City may lawfully undertake as
general improvements or purposes, and no part of the cost thereof
has been or shall be specially assessed on property specially
benefited thereby.

(b) The average period of usefulness of said
improvements or purposes within the limitations of said Local Bond
Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by $1,904,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding $200,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described.

SECTION 8. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable property within the City for the payment of the debt obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The City reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an “abusive arbitrage device” under Treasury Regulations.
§1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the City for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the City other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the City for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed $1,904,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The City covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.
SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING
DATED: March 16, 2011

DANIEL A. TORRISI, City Clerk ROBERT RECINE, Council President

ADOPTED ON SECOND READING
DATED: April 6, 2011

DANIEL A. TORRISI, City Clerk ROBERT RECINE, Council President

APPROVAL BY THE MAYOR ON THIS 10TH DAY OF April, 2011

JAMES M. CAHILL, Mayor

APPROVALS:

M9nkhHrr ' 3 d
CITY ADMINISTRATOR

CITY ATTORNEY

CHIEF FINANCIAL OFFICER
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL
ORDINANCES OF THE CITY OF NEW BRUNSWICK
CHAPTER 16 "ZONING"

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

Paragraph D of the Revised General Ordinances of the City of New Brunswick 16.12.210 is amended to read as follows:

D. Alternate Members: Four alternate members may be appointed by the mayor, for terms of two years each. Alternate members shall be designated by the mayor "Alternate No. 1, Alternate No. 2, Alternate No. 3 and Alternate No. 4". In the event that a choice must be made as to which alternate member is to vote, alternate members shall vote in the order of their numerical designation.

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance constituting an emergency as provided by N.J.S.A. 40:69A-181(b), shall take effect immediately upon final adoption and shall be published as required by law.

ADOPTED ON FIRST READING:
DATED: April 6, 2011

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: April 20, 2011

COUNCIL PRESIDENT

APPROVAL OF THE MAYOR ON THIS 21ST DAY OF April, 2011.

JAMES M. CAHILL, Mayor
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES
OF THE CITY OF NEW BRUNSWICK,
CHAPTER 15.12 "CODE COMPLIANCE CERTIFICATION REQUIRED FOR CERTAIN
RESIDENTIAL PROPERTIES"

BE IT ORDAINED, by the City Council of the City of New Brunswick:

SECTION I

RGO Section 15.12.060, "Fees" shall be amended as follows:

A. For any one or two family dwelling, the inspection for purposes of obtaining the
Certificate of Code Compliance required hereunder shall be forty $40.00. For any
dwelling exceeding a two-family, there shall be an additional $20.00 inspection fee
per unit.

B. Reinspection Fee, if necessary. The re- inspection fee for a one or two family
dwelling shall be $25.00. For any dwelling exceeding a two-family, there shall be
an additional $25.00 fee for each such dwelling requiring a re-inspection per unit.

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a
court of competent jurisdiction such finding shall affect the remaining provisions hereof and the
entire Ordinance shall be null and void.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent
of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall
be published as required by law.

SECTION V

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a
court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which
shall remain in full force and effect.

ADOPTED ON FIRST READING:
DATED: April 6, 2011
COUNCIL PRESIDENT
COUNCILMEMBER
COUNCILMEMBER

EGAN. RECINE.

Pres

ESCOBAR, VP

FIRST READING VOTE ON
April 6, 2011

M. MOVED S. SECOND NV- NO VOTE AB- ABSENT

CC/Rm
CITY ATTORNEY

CITY ADMINISTRATOR

APPROVALS

APPROVAL OF THE MAYOR ON THIS
DAY OF

2011

CITY CLERK

COUNCIL PRESIDENT

DATED: APRIL 20
ADOPTED ON SECOND READING

0-0411102
AS AMENDED BY R-O-041104

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 10, "TRAFFIC AND PARKING"

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

Schedule 9 to Revised General Ordinance Section 10.12.080 is amended to read as follows:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>George Street (Temporary)</td>
<td>West</td>
<td>Beginning at a point 25 feet from the northerly curb line of Somerset Street and extending to a point 135 feet northwest thereof</td>
</tr>
<tr>
<td>Somerset Street (Temporary)</td>
<td>North</td>
<td>Beginning and proceeding 25 feet from the westerly curb line of George Street and extending to a point 113 feet west thereof</td>
</tr>
</tbody>
</table>

SECTION II

Revised General Ordinance Chapter 10.16 is hereby supplemented by adding a new Section 10.16.240, to read as follows:

The locations described in Schedule 44 attached and made a part of this Chapter are designated as train station drop off zones. No person shall remain in a train station drop off zone longer than is necessary to discharge passengers and their luggage and in no event longer than two (2) minutes.

Schedule 44, Train Station Drop Off Zones

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Easton Avenue and Little Albany Street (corner)</td>
<td>West</td>
<td>Beginning at a point 25 feet from the intersection and extending to a point 65 feet northwesterly</td>
</tr>
<tr>
<td>Albany Street (Route 27 Train Station)</td>
<td>North</td>
<td>Beginning 18' from the crosswalk of Albany Street and extending 45 feet easterly thereof</td>
</tr>
</tbody>
</table>

SECTION III

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION IV

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION V

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING
DATED: April 6, 2011

COUNCIL PRESIDENT
April 6, 2011

The following Ordinance is hereby approved and adopted as a true copy of the Ordinance which was read and passed at a regular meeting of the New Brunswick City Council held on April 6, 2011.

Daniel A. Torri, City Clerk

COUNCILMEMBER    Y    N    AB    COUNCILMEMBER    Y    N    AB
Cook                X    X    X    Galettis        X    X    X
Cowan                X    X    X    Bollrows        X    X    X
Proehl                X    X    X    Beane, Post    X

First Reading Vote: April 6, 2011, MOVED S-SECOND VOTE AB-ABSENT

CITY ATTORNEY

APPROVALS

CITY ADMINISTRATOR

APPROVAL OF THE MAYOR ON THIS DAY OF APRIL, 2011

CITY CLERK

ATTEST:

COUNCIL PRESIDENT

ADOPTED ON SECOND READING
DATED: APR. 20, 2011

O-441104 Page 2
BY THE MUNICIPAL COUNCIL:

BE IT RESOLVED, by the City Council of the City of New Brunswick that Ordinance O-041104, now pending, is hereby amended as follows:

SECTION I

In the George Street Location description, "westerly" is amended to read "northerly."

SECTION II

In the Albany Street Location, the description is amended to read as follows:

Beginning 18 feet from the crosswalk of Albany Street and extending 45 feet easterly thereof.

BE IT FURTHER RESOLVED, that Certified copies of this Resolution shall be provided by the City Clerk to the following:

- New Brunswick Police Department
- New Brunswick Parking Authority
- City Engineer

ADOPTED: April 20, 2011

COUNCIL PRESIDENT

CITY CLERK

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

CITY ENGINEER

[Signatures and line numbers]
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED
GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
CHAPTER 5.100, “TAXICABS”

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

Paragraph C of RGO 5.100.040, Owner--Application for license, is amended to read as follows:

C. At the time such appeal is filed, the appellant shall pay to the city clerk a nonrefundable fee of one hundred seventy-five dollars ($175.00) and a written statement of the basis for the appeal.

SECTION II

Paragraph A of RGO 5.100.060, Transfer of taxicab license, is amended to read as follows:

A. No taxicab license may be sold, assigned or otherwise transferred without the consent of the municipal council. A license may be transferred to another person to be used in the operation of a taxicab business, with the consent of the municipal council upon the filing of an application as provided in Sections 5.100.030 through 5.100.060, and upon payment of a transfer fee of four hundred fifty dollars ($450.00). Every application for transfer shall disclose the true consideration for the proposed transfer. The application shall be submitted under oath. In the event the transfer is denied, one hundred fifty dollars ($150.00) of the fee shall be refunded.

SECTION III

Paragraph A, Section 9 of RGO 5.100.070, Driver--Requirements for licensing, is amended to read as follows:

9. The annual application fee for a taxi driver license for operating a taxicab upon or along the streets or other highways of the city is ninety dollars ($90.00) which will not be refunded if the license is denied or later revoked.

SECTION IV

Paragraph C of RGO 5.100.070, Driver--Requirements for licensing, is amended to read as follows:

C. At the time such appeal is filed, the appellant shall pay to the city clerk a nonrefundable fee of one hundred twenty five dollars ($125.00) and shall file a written statement of the basis for the appeal.

SECTION V

RGO 5.100.120, Fees-Owners, is amended to read as follows:

The annual fee for the operation of a taxicab upon, or along the streets or other highways of the city is three hundred seventy five dollars ($375.00). The license expires
May 31 next succeeding the date of issuance unless sooner suspended or revoked. Renewal application shall be filed on or before May 1. In the event renewal of the license is denied, one hundred fifty dollars ($150.00) of the license fee shall be refunded. In the event the license is revoked, there shall be no refund.

**SECTION VI**

Paragraph A of RGO 5.100.340, Taxi Association Authorized, is amended to read as follows:

Individual owners of taxicabs are authorized to join or to form a taxi association with other owners, provided that any such association shall register with the City, pay an annual registration fee of Two Hundred and 00/100 ($200.00) Dollars and provide its place of operation, address, telephone numbers, e-mail address, frequency of any communication equipment used in dispatching taxicabs, including a list of all cell telephones and their numbers used in dispatching taxicabs and information as to insurance described in Sections 5.100.330(A) and (B) of this chapter. No taxi licensed by the city of New Brunswick shall utilize the name of a taxi company operating in another municipality in Middlesex County or in an adjoining county or be affiliated with such a taxi company, unless approved in advance by a resolution of the city council. Changes occurring with respect to any of the foregoing information shall be furnished to the City Clerk promptly.

**SECTION VII**

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall affect the remaining provisions hereof and the entire Ordinance shall be null and void.

**SECTION VIII**

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

**SECTION IX**

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING
DATED: April 6, 2011

COUNCIL PRESIDENT
I, Daniel A. Torrisi, City Clerk of the City of New Brunswick, NJ, do hereby Certify the forgoing Ordinance is a true copy of the Original Ordinance as read at a regular meeting of the New Brunswick City Council at its meeting on April 20, 2011.

Daniel A. Torrisi
City Clerk

Any reproduction of the Original Ordinance must contain the raised seal of the City of New Brunswick to be legally certified.

APPROVALS:

APPROVAL OF THE MAYOR ON THIS DAY OF April 20, 2011.

APPROVAL OF THE COUNCIL ON THIS DAY OF April 20, 2011.

City Clerk

DATED: 20/04/2011
ADOPTED ON SECOND READING
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, CHAPTER 8.40, “SOLID WASTE COLLECTION AND DISPOSAL”

BE IT ORDAINED, by the City Council of the City of New Brunswick:

SECTION I

RGO Section 8.40.020, entitled “Definitions” shall be amended to include the following definition:

“Container Collection District” refers to the District containing the properties listed in Schedule A and shown on the map that is included in the same Schedule.

SECTION II

RGO Section 8.40.030B shall be amended to read as follows:

“Hours. The hours of collection shall be from 6:00 a.m. until 3:00 p.m. in all areas, except the downtown area as designated on the attached map (on file in the City Clerk’s Office) for the purpose of this section.”

SECTION III

RGO Section 8.40.030 shall be amended to include a new Section D, entitled “Automated Collection.”

D. Automated Collection

1. Effective July 11, 2011, the City of New Brunswick shall institute an Automated Collection Program within the Container Collection District (CCD), as this district is defined in the City’s zoning ordinance. This Program will utilize City-issued Automated Containers, as defined in this Chapter. All designated businesses, houses of worship and designated residential units in the CCD participate in the Automated Collection Program. The use of City-issued brown automated trash containers and green automated recycling containers is mandatory for those entities identified herein. No other bags or containers will be collected.

2. Identification of City-Issued Containers. Automated containers shall mean a City-issued ninety-five (95) gallon, sixty-five (65) gallon, or thirty-five (35) gallon plastic green or brown roll out cart specifically designed for automated collection of recyclables, garbage and solid waste and having a serial number(s) assigned that is specific to each address receiving automated collection.

3. Number of Containers Issued by City. The CCD Collection Program will provide one (1) free trash container and one (1) free recycling container to each house of worship and to each store front business. The Program will provide one (1) free set for combined business units per building per building, and one (1) free set for combined residential units per building. Any additional containers must be purchased from the City of New Brunswick.

4. Care and Placement of Collectors.

   (a) All automated collector roll out cart lids shall be completely closed by the Automated Collection Program participants when placed outdoors or when placed at curbside.

   (b) When containers are not at curb for collection, they shall be stored out of the public right-of-way and shall be out of the view from the public right-of-way.
(c) All Automated Collection Program participants shall remove snow from the containers to allow the containers to be placed at curbside in a location that allows collection personnel to bring containers from the curb into the street to access the collection vehicle.

(d) All Automated Collection Program participants must call no later than 1:00 p.m. on the day before their normal trash collection to schedule an appointment for bulk items. No bulk items shall be placed in any container.

(e) All Automated Collection Program participants shall keep the City-issued roll out carts clean.

5. Times for Collections. All automated collectors shall be placed at curbside after 5:00 p.m. on the night before collection or by 6:00 a.m. on the day of collection. Collection shall begin at 6:00 a.m. and end at 11:00 a.m. Empty containers must be retrieved no later than 12:00 p.m. on the day of collection. All garbage and solid waste will be collected from Monday to Saturday. All recyclables will be collected weekly. There will be no collections on any holidays.

4. All recyclables, including bottles, cans, mixed paper, newspaper and small quantities of flattened cardboard must be placed together in the designated City-issued green recycling container.

6. Cardboard. Large quantities of cardboard can be flattened and tied 2' x 2' or flattened and placed neatly and secured tightly so as to secure the cardboard inside a 2' x 2' box.

7. Maximum Content Weight. The maximum weight of contents in the 95-gallon container shall be 300 lbs. The maximum weight of contents in the 65-gallon container shall be 200 lbs. The maximum weight of contents in the 35-gallon total shall be 100 lbs.

SECTION IV

RGO Section 8.40.030 shall be amended to include a new Section E, entitled “Collection District Map,” which may include designated businesses, houses of worship and designated residential units in the CCD as reflected on the map, which is attached hereto as Schedule A.

SECTION V

RGO Section 8.40.040A shall be amended to read as follows:

“No owner or occupant of any residential and/or commercial property shall permit solid waste, solid waste containers, recyclable materials or collection containers for recyclable materials to be left at the collection site earlier than 5:00 p.m. on the day before the day which the user’s solid waste or recyclable material is to be collected. All solid waste, solid waste containers, recyclable materials or collection containers for recyclable materials shall be removed from the collection site by the end of the collection day, except where dumpsters are being provided for use at schools, and other public buildings. Each occupant of any residential and/or commercial property, as that term is defined in Section 8.40.020, shall be responsible for compliance with the terms of this section.”

SECTION VI

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall affect the remaining provisions hereof and the entire Ordinance shall be null and void.
SECTION VII

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION VIII

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

SECTION IX

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

ADOPTED ON FIRST READING:
DATED: April 6, 2011
COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: April 20, 2011
COUNCIL PRESIDENT

APPROVAL OF THE MAYOR ON THIS 21st DAY OF , 2011.
JAMES M. CAHILL, Mayor

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY CG/tm
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK

TITLE X, "TRAFFIC AND PARKING"

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

Section 10.16.050, Schedule XXIX, Parking Meters is hereby amended to delete the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
<th>RATE</th>
<th>TIME</th>
<th>HOURS</th>
<th>DAYS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paterson</td>
<td>South</td>
<td>Beginning 35 feet from the westerly curbline of Elm Row and extending to a point 102 feet west thereof.</td>
<td>$0.50/30 min</td>
<td>2 hours</td>
<td>8am-6pm</td>
<td>Mon-Fri</td>
</tr>
</tbody>
</table>

SECTION II

Section 10.16.050, Schedule XXIX, Parking Meters is hereby amended to add the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
<th>RATE</th>
<th>TIME</th>
<th>HOURS</th>
<th>DAYS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paterson</td>
<td>South</td>
<td>Beginning 35 feet from the westerly curbline of Elm Row and extending to a point 102 feet west thereof.</td>
<td>$0.50/30 min</td>
<td>4 hours</td>
<td>8am-6pm</td>
<td>Mon-Fri</td>
</tr>
</tbody>
</table>

SECTION III

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION IV

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION V

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING:
DATED: April 20, 2011

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: May 4, 2011
APPROVAL OF THE MAYOR ON THIS 97th DAY OF MAY, 2011.

JAMES M. CAHILL, Mayor
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
CHAPTER 16.24, “SITE PLAN APPLICATION”

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

Paragraph A.8. of RGO 16.24.090, Minor Site Plan Application, is amended to read as follows:

8. Architectural plans, including floor plans depicting all rooms dimensions, room uses, all means of ingress and egress and elevations of all visible sides of buildings as set forth in Section 16.24.270A, or Section 10.2 of the City's Engineering Standards, whichever is applicable.

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall affect the remaining provisions hereof and the entire Ordinance shall be null and void.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING
DATED: April 20, 2011

COUNCIL PRESIDENT

ADOPTED ON SECOND READING
DATED: May 4, 2011

COUNCIL PRESIDENT

ATTEST:

CITY CLERK

APPROVAL OF THE MAYOR ON THIS DAY OF May, 2011.

MAYOR
APPROVALS:

[Signature]
BUSINESS ADMINISTRATOR

CITY ATTORNEY
CALENDAR YEAR 2011
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Municipal Council of the City of New Brunswick in the County of Middlesex finds it advisable and necessary to increase its CY 2011 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Municipal Council hereby determines that a 3.5 % increase in the budget for said year, amounting to $2,097,928.39 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Municipal Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Municipal Council of the City of New Brunswick, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2011 budget year, the final appropriations of the City of New Brunswick shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to $2,097,928.39, and that the CY 2011 municipal budget for the City of New Brunswick be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within five days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within five days after such adoption.

ADOPTED ON FIRST READING
DATED: May 4, 2011

Robert Recine
Council President

Daniel A. Torrisi
City Clerk
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M. R.

RECINE.
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AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL
ORDINANCES OF THE CITY OF NEW BRUNSWICK
CHAPTER 8, "HEALTH AND SAFETY"

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

Chapter 8.04, entitled "Certification to Serve Potentially Hazardous Food At Retail" is amended to read in Title "Retail Food Handling Training Regulation".

SECTION II

Chapter 8.04 is hereby amended to add the following new section:

Section 8.04.031 Fee Schedule for Retail Food Establishment Re-Inspections and Retail Food Establishment Initial Plan Review:

A. Retail food establishment re-inspections fee $50.00.
B. Retail food establishment initial plan review fee $75.00.
C. Fees are payable to the Middlesex County Public Health Department within ten (10) business days of the re-inspection or plan review.
D. Failure to pay the fee within ten (10) working days will result in a court summons with fines as follows:
   - First Penalty $100.00
   - Second Penalty $200.00
   - Third and Subsequent Penalties $400.00

SECTION III

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION IV

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION V

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING:
DATED: May 4, 2011

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: MAY 18, 2011

COUNCIL PRESIDENT
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
CHAPTER 10.12, "TRAFFIC CONTROL REGULATIONS"

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

Schedule 21 to Revised General Ordinance 10.12.210 is supplemented by adding the following:

<table>
<thead>
<tr>
<th>NAME OF STREET</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Drive</td>
<td>From a point 558 feet west of the northerly curbline on Terminal Road and extending to a point 10' west thereof.</td>
</tr>
</tbody>
</table>

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING:
DATED: May 18, 2011
COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: June 1, 2011
COUNCIL PRESIDENT

APPROVAL OF THE MAYOR ON THIS 8th DAY OF June, 2011.
JAMES M. CAHILL, Mayor
AN ORDINANCE TO AMEND AND SUPPLEMENT THE
REVISED GENERAL ORDINANCES OF THE
CITY OF NEW BRUNSWICK,
TITLE 10, "TRAFFIC AND PARKING"

BE IT ORDAINED, by the City Council of the City of New Brunswick as follows:

SECTION 1

Section 10.12.020, Schedule 4, One Way Streets, is hereby amended as follows:

<table>
<thead>
<tr>
<th>STREET</th>
<th>DIRECTION</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bergen Court</td>
<td>North</td>
<td>Access Road to Carter Road</td>
</tr>
<tr>
<td>Gatling Court</td>
<td>South</td>
<td>Between Carter Road and Sample Road</td>
</tr>
<tr>
<td>Jennings Court</td>
<td>South</td>
<td>Carter Road to Access Road</td>
</tr>
</tbody>
</table>

SECTION 2

Section 10.16.020, Schedule 24, Parking Prohibited at all Times on Certain Streets, is hereby amended as follows:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bergen Court</td>
<td>West</td>
<td>Sample Road to Access Road</td>
</tr>
<tr>
<td>Jennings Court</td>
<td>West</td>
<td>Sample Road to Access Road</td>
</tr>
</tbody>
</table>

SECTION 3

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall affect the remaining provisions hereof and the entire Ordinance shall be null and void.

SECTION 4

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION 5

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING:
DATED: June 15, 2011

Council President
STATEMENT OF PURPOSE

The purpose of this Amendment is accommodate the traffic flow in the area of the new access road to the new high school.
ADOPTED ON SECOND READING:
DATED July 25, 2011

DANIEL TORRISI, CITY CLERK

APPROVAL OF THE MAYOR ON THIS
DAY OF August 2011

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to forward Certified Copies of this Ordinance to the following:

1. New Street Apartments Urban Renewal, L.L.C.
2. Douglas A. Petix, Chief Financial Officer
3. Glenn S. Patterson, Director, Planning, Community and Economic Development
4. City Attorney
AN ORDINANCE TO APPROVE A LONG-TERM TAX EXEMPTION AND FINANCIAL AGREEMENT BETWEEN THE CITY OF NEW BRUNSWICK AND NEW STREET APARTMENTS URBAN RENEWAL ASSOCIATES, L.L.C.

BE IT ORDAINED, by the City Council of the City of New Brunswick as follows:

SECTION I

New Street Apartments Urban Renewal Associates, L.L.C. (hereafter "New Street Apartments") has undertaken an Urban Renewal Project within the City of New Brunswick in furtherance of expanded economic activity in the Downtown Development District Redevelopment Area.

The aforesaid Urban Renewal Project is being undertaken by New Street Apartments in accordance with the Redevelopment Plan for the Downtown Development Area for the area as shown as

<table>
<thead>
<tr>
<th>Block</th>
<th>Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td>119</td>
<td>11 and 12.01</td>
</tr>
<tr>
<td>119</td>
<td>11.01</td>
</tr>
</tbody>
</table>

on the Official Tax Maps of the City for purposes of developing a mixed-use redevelopment project consisting of 104 residential units and 3,411 square feet of retail space designed for New Street Apartments.

New Street Apartments is authorized to do business as an urban renewal entity under the laws of New Jersey pursuant to the provisions of the long-term tax exemption law, N.J.S.A. 40A:20-1, et seq., for the development of the project.

The City Council of the City of New Brunswick has determined that the development of the project will result in substantial economic development and growth and new housing opportunities and the resultant employment, housing and economic activity will benefit the City and its residents when compared to the cost of the tax abatement and that the abatement approved herein is essential to the project which would not be feasible without the tax abatement approved by this ordinance.

The City Council of the City of New Brunswick hereby approves a long-term tax exemption to New Street Apartments and the Mayor and the City Clerk are authorized to execute and attest a Financial Agreement for the project substantially in the form attached hereto, the final form of such Financial Agreement to be approved by the City Attorney and a copy thereof to be placed on file in the Office of the City Clerk, and

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All Ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency, specifically, upon final adoption of this Ordinance, Ordinance C-090806 is repealed.

SECTION V

EFFECTIVE DATE:

This Ordinance constituting an emergency as provided by N.J.S.A. 40:69A-181(b), shall take effect immediately upon final adoption and shall be published as required by law.

ADOPTED ON FIRST READING: June 15, 2011
From: Glenn Patterson <gpatterson@cityofnewbrunswick.org>  
To: Bill Hamilton <hamiltonwi@aol.com>  
Subject: New St Apartments Abate Amendment  
Date: Thu, Jun 9, 2011 5:09 pm  
Attachments: NB_Arts_Abatement_Amendment_Ordinance_0-0611__(Draft).docx (20K)

Bill,

Attached is a marked up draft ordinance for the abatement amendment.
Glenn

---

The purpose of this ordinance is to authorize the issuance of a Final Abatement Agreement and thereby amend an existing Agreement with a redevelopment project to provide new rental, residential units and commercial space in the area of Dear Street and New Street.

A Terrance (old term abandoned) and another new project to be built with authorization of the project Cost with authorization of the new Ordinance and other ordinances being reviewed.

http://mail.aol.com/33790-111/en-us/mail/PrintMessage.aspx  
6/10/2011
June 9, 2011

Mayor James Cahill
City of New Brunswick
City Hall
78 Bayard Street
New Brunswick, NJ 08901

RE: Brunswick Housing Urban Renewal Partnership, LP
Long Term Tax Exemption
Financial Agreement #O-090802

Dear Mayor Cahill:

As you are aware, the undersigned attorney represents Brunswick Housing Urban Renewal Partnership, LP, the Redeveloper of the Project located at 285 George Street (commonly referred to as "The Arts Building"). Enclosed is a copy of the existing PILOT agreement. At this time the Applicant is requesting the following amendments to the PILOT agreement:

1. The Entity shall now be known as referred to as New Street Apartments Urban Renewal Associates, LLC, a New Jersey Limited Liability Company ("New Street"). The sole member and 100% owner of New Street is Transit Village Associates, LLC, a New Jersey Limited Liability Company ("TVA"). Pennrose Properties, LLC owns 100% of the economic obligations of TVA with respect to the project which is the subject of the Financial Agreement with the City of New Brunswick ("Project") and has the authority to act unilaterally as a managing member of TVA with respect to all phases of development, construction, financing, ownership and operation of the project. Please see attached Certificate of Formation for the Entity and the approval from the Department of Community Affairs.

2. The Block and Lots shall now be known as Block 119, Lots 11 and 12.01;

3. Section 2.1 referencing the land area shall be amended to approximately 0.24 acres (+/-);
4. Section 4.1 shall be amended as follows: The PILOT Estimated Gross Revenue Formula shall be amended to reflect the current estimated gross revenues of $2,048,256 which will result in an estimated annual service change of $217,145 for years 1-10, with resulting changes reflected for this new baseline as follows:

<table>
<thead>
<tr>
<th>Type</th>
<th>Revenue</th>
<th>PILOT %</th>
<th>PILOT</th>
</tr>
</thead>
<tbody>
<tr>
<td>104 Rental Apartments</td>
<td>$2,048,256.00</td>
<td>10%</td>
<td>$204,826.00</td>
</tr>
<tr>
<td>+/- sq. ft Retail Area</td>
<td>$85,275.00</td>
<td>15%</td>
<td>$12,791.00</td>
</tr>
</tbody>
</table>

5. Section 10.1 shall be amended to reflect the entity’s mailing as c/o Pennrose Properties, 230 Wyoming Avenue, Kingston, PA 18704

6. The signature block for the Entity shall be amended to read:
   New Street Apartments Urban Renewal Associates, LLC
   By: Transit Village Associates, LLC, its sole member
   By: Pennrose Properties, LLC, a manager member
   By: TIMOTHY I. HENKEL, Vice President

The Applicant is further requesting that these changes be approved by Resolution at the City Council meeting scheduled for June 13, 2011. Due to the financing being secured by the Redeveloper, this approval needs to be in place by June 30, 2011.

Thank you for your assistance in this matter. If you have any questions, or require any additional information, please do not hesitate to contact me.

Vey truly yours,

THOMAS F. KELSO

TFK/jb
Cc: William Hamilton, Esq.
Glenn S. Patterson, Director of Planning and Economic Development
Daniel Torrisi, Municipal Clerk
Timothy Henkel, Vice President of Pennrose Properties, LLC
DEPARTMENT OF COMMUNITY AFFAIRS

TO: State Treasurer
RE: NEW STREET APARTMENTS URBAN RENEWAL ASSOCIATES, LLC
(formerly New Street Apartments Associates, LLC)
File # 1056
An Urban Renewal Entity

This is to certify that the attached CERTIFICATE OF AMENDMENT TO CERTIFICATE OF FORMATION OF AN URBAN RENEWAL ENTITY has been examined and approved by the Department of Community Affairs, pursuant to the power vested in it under the “Long Term Tax Exemption Law,” P.L. 1991, c.431.

Done this 20th day of April 2011 at Trenton, New Jersey.

DEPARTMENT OF COMMUNITY AFFAIRS

By

Edward M. Smith, Director
Division of Codes and Standards

S2407867
J4328443

New Jersey is an Equal Opportunity Employer - Printed on Recycled paper and Recyclable
1. Name of Limited Liability Company:

New Street Apartments Associates, LLC

2. Date of Filing of the Original Certificate: March 10, 2011

3. Article 1 of the Certificate of Formation, Limited Liability Company is hereby amended to read as follows:

New Street Apartments Urban Renewal Associates, LLC

4. Article 3 of the Certificate of Formation, Limited Liability Company is hereby amended to read as follows:

3. The purpose for which the Limited Liability Company is formed shall be to operate under P.L. 1991, c. 431, (C.40A:20-1, et seq.) and to initiate and conduct projects for the redevelopment of a redevelopment area pursuant to a redevelopment plan, at projects necessary, useful, or convenient for the relocation of residents displaced or to be displaced by the redevelopment of all or part of one or more redevelopment sites, or low and moderate income housing projects and, when authorized by financial agreement with the municipality, to acquire, plan, develop, construct, alter, maintain or operate housing, senior citizen housing, business, industrial, commercial, administrative, community, health, recreational, educational or welfare projects, or any combination of two or more of these types of improvements in a single project, under such conditions as to use, ownership, management and control as regulated pursuant to P.L. 1991, c. 431, (C.40A:20-1, et seq.). The Limited Liability Company has been organized to serve a public purpose, that its operations shall be directed towards: (1) the redevelopment of redevelopment areas, the facilitation of the relocation of residents displaced or to be displaced by redevelopment, or the conduct of low or moderate income housing projects; (2) the acquisition, management and operation of a project, redevelopment education housing project, or low and moderate income housing project under P.L. 1991, c. 431, (C.40A:20-1, et seq.); and (3) that it shall be subject to regulation by the municipality in which its project is situated, and to a limitation or prohibition, as appropriate, on profits or dividends for so long as it remains the owner of a project subject to P.L. 1991, c. 431, (C.40A:20-1, et seq.).

5. The following Articles are hereby added to and made a part of the Certificate of Formation, Limited Liability Company:

11. So long as the Limited Liability Company is obligated under financial agreement with a municipality made pursuant to P.L. 1991, c. 431, (C.40A:20-1, et seq.) the Limited Liability Company shall engage in no business other than the ownership, operation and management of the project.
12. The Limited Liability Company shall not voluntarily transfer more than ten percent (10%) of the ownership of the project or any portion thereof undertaken by it under P.L. 1991, c. 431, (C.40A:20-1, et seq.) until it has first removed both itself and the project from all restrictions of P.L. 1991, c. 431, (C.40A:20-1, et seq.) in the manner required by P.L. 1991, c. 431, (C.40A:20-1, et seq.) and, if the project includes housing units, has obtained the consent of the Commissioners of Community Affairs to such transfer with the exception of transfer to another urban renewal entity, as approved by the municipality in which the Project is situated, which other urban renewal entity shall assume all contractual obligations of the transferor entity under the financial agreement with the municipality. The Limited Liability Company shall file annually with the municipal governing body a disclosure of the persons having an ownership interest in the project, and of the extent of the ownership interest of each. Nothing herein shall prohibit any transfer of the ownership interest in the urban renewal entity itself provided that the transfer, if greater than ten percent (10%), is disclosed to the municipal governing body in the annual disclosure statement or in correspondence sent to the municipality in advance of the annual disclosure statement referred to above.

13. The Limited Liability Company is subject to the provisions of Section 18 of P.L. 1991, c. 431, (C.40A:20-18) respecting the powers of a municipality to alleviate financial difficulties of the Limited Liability Company or to perform actions on behalf of the Limited Liability company upon a determination of financial emergency.

14. Any housing units constructed or acquired by the Limited Liability Company shall be managed subject to the supervision of, and rules adopted by, the Commissioner of Community Affairs.

Unless expressly amended hereby, all provisions of the Certificate of Formation, Limited Liability Company remain unchanged and in full force and effect.

[signatures on next page]
Signature:

NEW STREET APARTMENTS URBAN RENEWAL ASSOCIATES, LLC

By: Transit Village Associates, LLC, a NJ limited liability company
Its Managing Member

By: Penta Rose Properties, LLC, a PA limited liability company
Its Co-Managing Member

By: ____________________________ Date: March 31, 2011
Timothy I. Henkel, Vice President
 state of New Jersey
division of revenue

"Filing Required" Public Records Filing for New Business

Fill out all information below, including information for item 11, and sign. this form constitutes your original certificate of incorporation/formation/registration/extension form is considered public. Refer to the instructions for delivery/drop options, filing fees, retain the appropriate fee amount. Use attachments if more space is required for any field.

1. Business Name: New Street Apartments Associates, LLC

2. Type of Business Entity: LLC

3. Business Purpose: See attached (See Instructions, Page 22, Item 2)

4. Stock (Domestic Corporations only, LLCs and Non-Profit, Intra-Mark):

5. Dissolution (If applicable, or Personal, blank below):

6. State of Formation/Incorporation (Foreign Entities Only):

7. Date of Formation/Incorporation (Foreign Entities Only):

8. Contact Information:

   Registered Agent Name: The Corporation Trust Company

   Registered Office: (Must be a New Jersey registered address)

   Street: 230 Beantown Road

   City: West Trenton, New Jersey Zip: 08628

   State: NJ

   County: "-

9. Manager (Domestic Corporations and Limited Partnerships Only)

   • Fiduciary
   • Domestic Non-Profits for Board of Directors, minimum of 1;
   • Domestic Non-Profits for Board of Trustees, minimum of 3;
   • Limited Partnerships for all General Partners

   Name: 

   Street Address: 

   City: 

   State: 

   Zip: 

10. Incorporators (Domestic Corporations Only, minimum of 1)

   Name: 

   Street Address: 

   City: 

   State: 

   Zip: 

Signature(s) for the Public Record (See instructions for information on Signature Requirements)

Signature: 

Name: Ann Izzo

Title: Authorized Representative

Date: 3/10/2011

File Number: 173957731

Page 02/03
PUBLIC RECORDS FILING FOR NEW BUSINESS ENTITY

NEW STREETS APARTMENTS ASSOCIATES, INC.

3. Business Purpose: Acquire, lease, sell, develop, manage, construct, operate and/or rehabilitate real property and such other lawful purpose as the company engages.
FINANCIAL AGREEMENT

BETWEEN

THE CITY OF NEW BRUNSWICK

And

BRUNSWICK HOUSING URBAN RENEWAL PARTNERSHIP, LP

Dated: As of ______________, 2008

Long Term Tax Exemption

N.J.S.A. 40A:20-1 et seq.
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V. Dispute Resolution.
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14.2 Cure Upon Default
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16.2 Oral Representation
16.3 Entire Document
16.4 Good Faith
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16.6 Recording

XVII. Exhibits
THIS FINANCIAL AGREEMENT, (hereafter Agreement) made as of the ___ day of
______1___, 2008, by and between BRUNSWICK HOUSING URBAN RENEWAL
PARTNERSHIP, L.P., a New Jersey Urban Renewal Limited Liability Corporation,
qualified to do business under the provisions of the Long Term Tax Exemption law, as
amended and supplemented, (N.J.S.A. 40A:20-1 et seq.) having its principal office at
1301 North 31st, Philadelphia, PA, hereinafter also designated as the "Entity", and the
City of New Brunswick, a Municipal Corporation in the County of Middlesex and the
State of New Jersey, hereinafter designated as the "City".

WHEREAS, the Entity wishes to have a Long Term Tax Exemption granted for both an
urban renewal project and the development of low and moderate income and subsidized
market rate housing, located at

285 George Street

further known as

<table>
<thead>
<tr>
<th>Block</th>
<th>Lots(s)</th>
<th>119</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>11, 12 &amp; 13</td>
<td></td>
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</tbody>
</table>

and upon consolidation of the existing lots to be known as:

<table>
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<tr>
<th>Block</th>
<th>Lots(s)</th>
<th>11.01</th>
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<tr>
<td></td>
<td></td>
<td>119</td>
</tr>
</tbody>
</table>

on the Official Tax Maps of the City of New Brunswick, New Jersey (hereinafter called
the "Project"); and
WHEREAS, the City, does hereby grant its approval for an urban renewal project and
for the development of low and moderate income and subsidized market rate housing to
be developed and maintained upon the terms and conditions hereinafter set forth:
NOW THEREFORE, in consideration of the mutual covenants herein contained and for
other good and valuable consideration, the receipt thereof which is hereby acknowledged,
it is mutually covenanted and agreed as follows:

Article I – General Provisions

Section 1.1 Governing Law

This Agreement shall be governed by the provisions of the Long Term Tax Exemption
Law, as amended and supplemented, (N.J.S.A. 40A:20-1 et seq.) being referred to herein
as the “Law”, it being expressly understood and agreed that the City expressly relies
upon the facts, data and presentations contained in the application attached hereto in
granting this tax exemption.

Section 1.2 General Definitions

Unless specifically provided otherwise or the context otherwise requires, the following
terms when used in this Financial Agreement shall mean:

i. Allowable Net Profit – The amount arrived at by applying the allowable profit
rate to each total project cost pursuant to the provisions of N.J.S.A 40A:20-3 (c).
ii. **Allowable Profit Rate** – The Allowable Profit Rate for the purpose of this Agreement shall be calculated in accordance with N.J.S.A 40A:20-3(c).

iii. **Annual Service Charge** – The amount the Entity on behalf of itself and Successor Unit Purchasers has agreed to pay the City in lieu of full taxation on the improvements, as outlined in the application submitted by BRUNSWICK HOUSING URBAN RENEWAL PARTNERSHIP, L.P. attached hereto and in accordance with N.J.S.A.40A:20-12.

iv. **Auditor’s Report** – A complete financial statement outlining the financial status of the project the contents of which have been prepared in a manner consistent with the current standards of the Financial Accounting Standards Board and which fully details all items as required by all state statutes which has been certified as to its conformance with such standards by a certified public accountant who is, or whose firm is licensed to practice that profession in the State of New Jersey.

v. **Certificate of Occupancy** – Document issued by the City authorizing occupancy of a building, including a temporary certificate of occupancy with minor or weather related punch list items.

vi. **City.** – The parties agree that reference of the term City within the Financial Agreement shall be defined as the City of New Brunswick.
vii. Redeveloper – The parties agree that the Redeveloper of the Project shall be 
BRUNSWICK HOUSING URBAN RENEWAL PARTNERSHIP, L.P., c/o 
Pennrose Properties, 1301 North 31st, Philadelphia, PA.

viii. Default – Shall be the failure of the Entity to perform any obligation imposed 
upon the Entity by the terms of the herein Financial Agreement.

ix. Entity – The parties agree that reference to the term Entity within this Financial 
Agreement shall be defined as BRUNSWICK HOUSING URBAN RENEWAL 
PARTNERSHIP, L.P. and all Successor Unit Purchasers or any subsequent 
purchasers or successors in interest of BRUNSWICK HOUSING URBAN 
RENEWAL PARTNERSHIP, L.P..

x. Gross Revenue - The annual gross revenue and other income of BRUNSWICK 
HOUSING URBAN RENEWAL PARTNERSHIP, L.P., as defined in N.J.S.A. 
40A:20-3(a), as set forth in the tentative fiscal plan submitted by BRUNSWICK 
HOUSING URBAN RENEWAL PARTNERSHIP, L.P. in its application 
attached hereto.

xi. Improvements- Any building, structure or fixture permanently affixed to the land.
xii. **In Rem Tax Foreclosure** - A summary proceeding by which the City may enforce the lien for taxes due and owing by a tax sale. Said foreclosure is governed by N.J.S.A 54:5-1 et seq.

xiii. **Land Taxes** - The amount of taxes assessed on the value of land on which the project is located. Land assessments are not abated.

xiv. **Land Tax Payment** - Payments made on the quarterly due dates for land taxes on the real property as determined by the Tax Assessor and the Tax Collector.

xv. **Law** - The term Law shall refer to the Long Term Tax Exemption Law, as amended and supplemented N.J.S.A 40A:20-1, et seq., and all other relevant federal, state and municipal statutes, ordinances, resolutions, rules and regulations.

xvi. **Minimum Annual Service Charge** - The minimum annual service charge shall be at least the amount of the total taxes levied against all real property in the area covered by the Project in the last full tax year in which the area was subject to taxation. The Minimum Annual Service Charge shall be further defined in Section 4.2.
xvii. **Net Profit** – The gross revenue of the Entity less all operating and non-operating expenses of the Entity, all determined in accordance with generally accepted accounting principles and the provisions of N.J.S.A 40A:20-3(c).

xviii. **Project** – The land and improvements located upon the redevelopment site together with the properties identified in the application which shall contain a 14-story building containing 104 rental units, 20% of which are to be rented as affordable housing and 3,411 square feet of ground floor retail space and which are the subject of this Agreement and as defined in N.J.S.A 40A:20-3(e) & (i).

xix. **Pronouns** – He, she or it shall mean the masculine, feminine or neuter gender, the singular, as well as the plural, as proper meaning requires.

xx. **Property** – The Project land and the improvements thereof as disclosed in the application.

xxi. **Qualified Subsidized Housing Project** – As defined in N.J.S.A.40A:20-3(l), a low and moderate income housing project.

xxii. **Statutes** – The term statutes used in this Financial Agreement shall refer to statutes of the State of New Jersey as contained in N.J.S.A 40A:20-1 et seq.
Substantial Completion – The determination by the City by the issuance of Certificates of Occupancy for all units that the project is ready for the use intended, as further defined in Section 6.2 of this Agreement.

Successor Unit Purchaser – A purchaser of a for-sale residential unit of the project, who pursuant to N.J.S.A. 40A:20-14, shall continue to be subject to the provisions of this Financial Agreement.

Termination – Any act or omission which by operation of the terms of the herein Financial Agreement shall cause the Entity to relinquish its long term tax exemption.

Section 1.3 Exhibits Incorporated

All exhibits which are referred to in this Financial Agreement and are attached hereto are incorporated herein and made a part hereof.
Article II – Approval

Section 2.1 Approval of Tax Exemption.

The City has granted and does hereby grant its approval for a tax exemption for the Project to be developed and to be maintained under the provisions of the Law for the premises described in said Application commonly known as

<table>
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<tr>
<th>Block</th>
<th>Lot(s)</th>
<th>11, 12 &amp; 13</th>
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</thead>
<tbody>
<tr>
<td>119</td>
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and upon consolidation of the existing lots to be known as:

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</tr>
</tbody>
</table>

on the Official Tax Maps of the City of New Brunswick, New Jersey. The entire redevelopment Project being constructed by Redeveloper consists of construction of

<table>
<thead>
<tr>
<th>Market Rate Residential Units</th>
<th>83 market-rate, one and two-bedroom rental apartments.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable Housing Units</td>
<td>21 one and two-bedroom rental apartment units affordable to low and moderate income households</td>
</tr>
<tr>
<td>Retail Area Square Footage</td>
<td>3,411 square feet of ground floor retail space</td>
</tr>
</tbody>
</table>

on approximately seven tenths [0.7] acres (+/-) of land. The Project as defined in this Agreement and to which this Financial Agreement shall apply is for the New Brunswick Arts Building in a portion of the City’s Downtown Redevelopment Area.
Section 2.2 Approval of Entity

Approval hereunder is granted to the Entity for the contemplated Project on the lands referred to above, which shall in all respects comply and conform to all applicable statutes of the State of New Jersey and the lawful regulations made pursuant thereto, governing land, building(s) and the use thereof, and which project is more particularly described in the accompanying Application.

Article III — Duration of Agreement

Section 3.1 Term

So long as there is compliance with the Law and this Agreement, it is understood and agreed by the parties hereto that this Agreement shall remain in effect for thirty (30) years from the date of substantial completion of the Project, and shall only be effective during the period of the Project's operation as described in the application and shall continue in force only while said project site is owned by an Urban Renewal Entity formed pursuant to N.J.S.A 40a:20-5 or Title 15A of the New Jersey Statutes. However, in no case shall this Agreement remain in effect for more than 35 years unless otherwise extended by law, after which time (i) the tax exemption for the Project shall expire and the land and the improvements thereon shall thereafter be assessed and taxed according to the general law, applicable to other non-exempt property in the City and (ii) restrictions and limitations upon the Entity shall terminate upon the Entity's rendering and the City's acceptance of its final accounting.
Article IV - Annual Service Charge

Section 4.1 Annual Service Charge

In consideration of the aforesaid exemption from taxation on the Project, the entity shall make Payment in Lieu of Taxes to the City in a sum equal to:

<table>
<thead>
<tr>
<th>%</th>
<th>Abatement Type</th>
<th>Description of Area Service Charge Will Apply To</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>% of annual Gross Revenue as defined by NJSA 40A:20-3(a) for years 1 through 10</td>
<td>104 rental apartment units</td>
</tr>
<tr>
<td>11</td>
<td>% of annual Gross Revenue as defined by NJSA 40A:20-3(a) for years 11 through 20</td>
<td>112 rental apartment units</td>
</tr>
<tr>
<td>12</td>
<td>% of annual Gross Revenue as defined by NJSA 40A:20-3(a) for years 21 through 30</td>
<td>115 rental apartment units</td>
</tr>
<tr>
<td>15</td>
<td>% of annual Gross Revenue as defined by NJSA 40A:20-3(a) for years 1 through 30</td>
<td>Ground floor retail space of 3,411 square feet</td>
</tr>
</tbody>
</table>

The Annual Service Charge is initially estimated as follows:

PILOT Estimate by Gross Revenue Formula

<table>
<thead>
<tr>
<th>Type</th>
<th>Revenue</th>
<th>PILOT %</th>
<th>PILOT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rental Apartments</td>
<td>$2,269,328</td>
<td>10%</td>
<td>$226,933</td>
</tr>
<tr>
<td>Retail Area</td>
<td>$82,125</td>
<td>15%</td>
<td>$12,319</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$239,252</td>
</tr>
</tbody>
</table>

The Annual Service Charge shall be finalized based upon the submission of as-built drawings signed and sealed by the project’s licensed architect and/or certification of revenue figures by the project’s certified public accountant.

The duration of the tax exemption shall be thirty (30) years following completion of the Project as described in the Entity’s application. However, in no case shall this Agreement remain in effect longer than thirty-five (35) years from the date of execution.
of this agreement. This amount (hereinafter referred to as the "Annual Service Charge") may be adjusted from time to time based upon the submission of an annual certified financial audit or, as to Successor Unit Purchasers, by recalculating the gross revenue on each subsequent sale or re-mortgaging. The Annual Service Charge for the Project shall be calculated from the first day of the month following the issuance by the City of a Certificate of Occupancy for each for sale condominium unit or a determination by the City of substantial completion of the urban renewal Project in the manner governed by application of Article IV herein.

Section 4.2 Minimum Annual Service Charge

The total taxes levied against all real property in the area covered by the Project in the last full tax year in which the area was subject to taxation was $39,155.76 and the Minimal Annual Service Charge shall not be established at an amount less than this figure.

<table>
<thead>
<tr>
<th>Term</th>
<th>Minimum Annual Service Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1 through Year 10</td>
<td>$239,252</td>
</tr>
<tr>
<td>Year 11 through Year 20</td>
<td>$261,945</td>
</tr>
<tr>
<td>Year 21 through Year 30</td>
<td>$284,638</td>
</tr>
</tbody>
</table>

Additionally, the Minimum Annual Service Charge shall increase by the greater of the above minimum annual service charge or the Minimum Annual Service Charge level pursuant to NJSA 40A:20-12(b)(2) pursuant to the following schedule:

<table>
<thead>
<tr>
<th>Stage</th>
<th>Term</th>
<th>Minimum Annual Service Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Stage</td>
<td>From date of project</td>
<td>$239,252</td>
</tr>
<tr>
<td>Stage</td>
<td>Period</td>
<td>Service Charge</td>
</tr>
<tr>
<td>---------------------------</td>
<td>-----------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>Second Stage</td>
<td>Year 7 through 10</td>
<td>20% of the amount of taxes otherwise due on the value of the land and improvements</td>
</tr>
<tr>
<td>Third Stage</td>
<td>Year 11 through 14</td>
<td>$261,945 or 40% of the amount of taxes otherwise due on the value of the land and improvements</td>
</tr>
<tr>
<td>Fourth Stage</td>
<td>Year 15 through 20</td>
<td>60% of the amount of taxes otherwise due on the value of the land and improvements</td>
</tr>
<tr>
<td>Fifth Stage</td>
<td>Year 21 through 30</td>
<td>$284,638 or 80% of the amount of taxes otherwise due on the value of the land and improvements</td>
</tr>
</tbody>
</table>

The agreed Minimum Annual Service Charge shall not be reduced through any tax appeal on land and/or improvements during the period that this agreement shall be in force.

Section 4.3 Quarterly Installments

The Entity expressly agrees that the aforesaid Annual Service Charge(s) shall be made in quarterly installments on those dates when real estate tax payments are due; subject, nevertheless, to adjustment for over or underpayment within thirty (30) days after the close of each City fiscal year. In the event that the Entity or any Successor Unit Purchaser fails to so pay, the amount unpaid shall bear the highest rate of interest permitted in the case of the unpaid taxes or tax liens on the land until paid.

Section 4.4 Land Tax Credit

The Entity is obligated to make land tax payments for any entitlement to a Land Tax Credit against the Annual Service Charge for the subsequent year. The Entity shall be entitled to credit for the amount, without interest, of the real estate taxes on land paid by it in the last four preceding quarterly installments against the Annual Service Charge.
The Entity's failure to make the requisite Annual Service Charge payment and/or sewer and water charge payments in a timely manner shall constitute a violation and breach of the Financial Agreement and the City shall, among its other remedies, have the right to proceed against the property pursuant to the In Rem Tax Foreclosure Act, N.J.S.A 54:55-j, et seq. In addition, the City may terminate the Financial Agreement by duly authorized action of the governing body after having provided the Entity or subsequent Successor Unit Purchaser, as the case may be, a written Notice of Default which Notice shall provide a sixty (60) day right to cure to the Entity. Any default arising out of the Entity's failure to pay land taxes, Annual Service Charges, and/or water and sewer charges, shall not be subject to the default procedural remedies as provided in Section 5.1 of the Financial Agreement herein.

The failure of a Successor Unit Purchaser to make the requisite Annual Service Charge and/or water and sewer charges payment within thirty (30) days of the due date shall, following written notice to the Successor Unit Purchaser, constitute a violation and breach of this Agreement by the Successor Unit Purchaser, and the City shall, among its other remedies, have the right to proceed against the property of the individual Successor Unit Purchaser pursuant to the In Rem Tax Foreclosure Act, N.J.S.A. 54:55-1 et seq. In addition, the City may terminate this Agreement as to the Individual Successor Unit Purchaser by duly authorized action of the Governing Body after having provided the Individual Successor Unit Purchaser with a written Notice of Default, as hereinafter defined, and expiration of any cure period. Any default arising out of the failure of the Successor Unit Purchaser to pay any of its obligations under this agreement shall be
subject to the default procedural remedies as provided in Section 14 of the Agreement herein.

Section 4.4 Material Conditions

It is expressly agreed and understood that all payment of land taxes, Annual Service Charges, including the methodology of computation, water and sewer charges, and any interest payment due, are material conditions of this Agreement. If any other terms, covenant or condition of this Financial Agreement or the Application, to any person or circumstance shall, to the extent they should be held invalid or unenforceable, the remainder of this Agreement or the application of such term, covenant or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term, covenant or condition of this Financial Agreement shall be valid and be enforced to the fullest extent permitted by law.

Article V – Dispute Resolution

Section 5.1 Remedies

In the event of a breach of the within Agreement by either of the parties hereto or a dispute arising between the parties in reference to the terms and provisions as set forth herein, other than those items specifically included as material conditions herein, either party may apply to the Superior Court of New Jersey by appropriate proceeding, to settle and resolve said dispute in such fashion as will tend to accomplish the purposes of the act.
known as the Long Term Tax Exemption Law as amended and supplemented. In the event the Superior Court shall not entertain jurisdiction, then the parties shall submit the dispute to the American Arbitration Association in New Jersey to be determined in accordance with its rules and regulations in such a fashion as to accomplish the purpose of said Law. Costs for said arbitration shall be borne equally by the parties. In the event of a default on the part of the Entity, to pay the Annual Service Charge as defined in Article IV, above, the City among its other remedies, reserves the right to proceed against the Entity’s land and premises and/or a Successor Unit Purchaser, in the manner provided by N.J.S.A. 54:5-1 to 54:5-129, and any Act supplementary or amendatory thereof.

Whenever the word “Taxes” appear, or is applied, directly or implied to mean taxes or municipal liens on land, such statutory provisions shall be read, as far as is pertinent to this Agreement as if the Annual Service charge were taxes or municipal liens on land. In such event, however, the Entity does not waive any defense it may have to contest the right of the City to proceed in the above mentioned manner by conventional or In Rem Tax Foreclosure.

Article VI – Certificate of Occupancy

Section 6.1 Certificate of Occupancy

It is understood and agreed that it shall be the obligation of the Redeveloper to make application for and make all reasonable efforts to obtain all Certificates of Occupancy in a timely manner as identified in the accompanying Application and failure to use reasonable efforts to secure and submit said Certificate of Occupancy shall subject the property to full taxation provided the City has served the appropriate Notice of
Termination pursuant to 14.2 hereof, provided the appropriate cure period and, further, City has reasonably cooperated in processing Redeveloper's request for the issuance of such Certificate of Occupancy.

Section 6.2 Substantial Completion

The Annual Service Charge is to commence from the first day of the month following the Substantial Completion of the project or any phase(s) thereof, if the project is undertaken in phases. The phrase Substantial Completion denotes the issuance, by the City's Construction Official, of a valid Certificate of Occupancy for each residential unit.

Upon closing of sale of each unit, the obligation to pay the Annual Service Charge shall be that of the Successor Unit Purchaser.

Section 6.3 Filing of Certificate of Occupancy

It shall be the primary responsibility of the Redeveloper to forthwith file with the Tax Assessor, the Tax Collector, and the Chief Financial Officer of the City a copy of such certificate. Failure of the Entity to cause Redeveloper to file such issued Certificate of Occupancy as required by the preceding paragraph, shall not militate against any action or non-action, taken by the City's Tax Assessor in the absence of such filing by the Entity.
Article VII – Annual Audits

Section 7.1 Accounting System
The Entity agrees to maintain a system of accounting and internal controls established and administered in accordance generally accepted accounting principles and as otherwise prescribed in N.J.S.A. 40A:20-1 et seq. during the term of the tax exemption or until the closing of title by the Entity to the last residential unit with the last Successor Unit Purchaser.

Section 7.2 Periodic Reports
Within ninety (90) days after the close of each fiscal or calendar year, depending on the Entity’s accounting basis, that this Agreement shall continue in effect, the Entity which administers and manages the Project shall submit its auditor’s report certified by a certified public accountant for the preceding fiscal or calendar year to the Director of Department of Planning and Economic and Community Development, the Chief Financial Officer, and the City Clerk of said City, and the Director of the Division of Local Government Services in the Department of Community Affairs N.J.S.A. 40A:20-9(d). Said auditor’s report shall include, but not be limited to the following: rental schedule of the Project and the terms and interest rate on any Entity mortgagees associated with the project and such details as may relate to the financial affairs of the Entity and to its operation and performance hereunder, pursuant to the said Long Term Tax Exemption Law, as amended and supplemented, and this Agreement.

This obligation shall expire upon the sale of the final residential unit by the Entity.
Section 7.3 Inspection

The Entity shall cause Redeveloper to permit the inspection of the property, equipment, buildings and other facilities of the Project. It also shall permit, upon request, examination and audit of its books, contracts, records, documents, and papers by representatives duly authorized by the city. Such examination or audit shall be made during the reasonable hours of the business day, in the presence of any officer or Agent of the Entity.

This obligation shall expire upon the sale of the final residential unit by the Entity.

Section 7.4 Limitation of Profits and Reserves.

During the period of tax exemption as provided herein, the Entity shall be subject to limitation of its profits payable by it pursuant to the provisions of N.J.S.A. 40A:20-15. The Entity shall have the right to establish a reserve against unpaid rentals, reasonable contingencies and/or vacancies in an amount not exceeding ten (10%) of the gross revenues of the Entity for the fiscal year preceding the year in which a determination is being made with respect to permitted net profits as provided in N.J.S.A. 40A:20-15, said reserve to be noncumulative, it being intended that no further credits therefor shall be permitted after the reserve shall have attained the allowable level of ten (10%) of the preceding year's gross revenue as aforesaid.

Section 7.5 Payment of Dividend and Excess Profit Charge
In the event the net profits of the Entity, as provided in N.J.S.A. 40A:20-15 shall exceed the Allowable Net Profits for such period then the Entity shall, within ninety (90) days after the end of such fiscal year, pay such excess profit to the City as an additional Service Charge, provided, however that the Entity may maintain a reserve as determined pursuant to aforementioned paragraph 7.4.

Article VIII - Assignment and/or Assumption

Section 8.1 Approval
It is understood and agreed that the City, on written application by the Entity, will not unreasonably withhold its consent to a sale of the Project site and the transfer of the Financial Agreement to an Entity eligible to operate under the Law provided the Entity is not in default regarding any performance required of it hereunder and full compliance with N.J.S.A 40A:20-1, et seq has occurred and the Entity’s obligation under this Agreement with the City is fully assumed by the transferee.

Section 8.2 Operation of Project
The project shall be operated in accordance with the provisions of the Long Term Tax Exception Law, N.J.S.A. 40A:20-1 et seq., as currently amended and supplemented.

Section 8.3 Termination
The Entity hereby agrees at all times prior to the expiration or termination of this Agreement to remain bound by the provisions of N.J.S.A. 40A:20-1 et seq. as currently
amended and supplemented. It is an express condition of the granting of this tax exemption that during its duration, the Redeveloper shall not, without the prior consent of the Municipal Council, convey or transfer all or part of the Project site so as to sever, disconnect, or divide the improvements.
Article IX - Waiver

Section 9.1 Waiver

Nothing contained in this Financial Agreement or otherwise shall constitute a waiver or relinquishment by the City of any rights and remedies, including without limitation, the right to terminate the Financial Agreement and tax exemption for violation of any of the conditions provided herein in accordance with the provisions of this Agreement. Nothing herein shall be deemed to limit any right of recovery of any amount which the City has under law, in equity, or under any provisions of this Financial Agreement.

Section X - Notice

Section 10.1 Notice

Any notice required hereunder to be sent by either party to the other shall be sent by certified mail or registered mail, return receipt requested, addressed as follows:

BRUNSWICK HOUSING URBAN RENEWAL PARTNERSHIP, L.P.

C/O Pennrose Properties

1301 North 31st Street

Philadelphia, PA, 19121

(a) When sent by the Entity to the city, it shall be addressed to the City Clerk, City Hall 78 Bayard Street, New Brunswick, New Jersey 08901, with copies sent to the City Attorney, Tax Collector, Tax Assessor, the Director of the Department of Planning,
Community and Economic Development and the Chief Financial Officer unless prior to the giving of notice to the City shall have notified the Entity otherwise. The notice to the City shall identify the subject by the address and block/lot numbers assigned to the property by the City’s Tax Assessor.

**Article XI – Compliance**

**Section 11.1 Statutes and Ordinances**

The Entity hereby agrees at all times prior to the expiration or termination of this Financial Agreement to remain bound by the provisions of Federal and State Statutes and Municipal Ordinances and Regulations including, but not limited to N.J.S.A. 40A:20-1 et seq. The Entity’s failure to comply with such statutes or Ordinances which may materially adversely affect the City’s ability to enforce this Agreement and receive the benefits hereof shall constitute a violation and breach of the Financial Agreement and the City shall, among its other remedies, have the right to terminate said tax exemption, provided, that City shall first have served a written Notice of Default upon the Entity which Notice shall provide a sixty (60) day right to cure to the Entity.

**Article XII – Construction**

**Section 12.1 Construction**

This Financial Agreement shall be construed and enforced in accordance with the laws of the State of New Jersey, and without regard to or aid of any presumption or other rule
requiring construction against the party drawing or causing this Agreement to be drawn since counsel for both the Entity and the City have combined in their review and approval of same.

Article XIII – Indemnification

Section 13.1 Defined

It is understood and agreed that in the event the City shall be named as party defendant in any action brought against the Entity by reason of any breach, default or a violation or any of the provisions of the within Agreement and/or the provisions of N.J.S.A. 40A:20-1 et seq. by the Entity, the Entity shall indemnify and hold the City harmless, and the Entity agrees to defend the suit at its own expense. However, the City maintains the right to intervene as a party thereto, to which intervention the Entity consents, the expense thereof to be borne by the City.

XIV – Default

Section 14.1 Default

Default shall be defined as the failure of the Entity to comply with the terms of the Financial Agreement herein and, further, by failure of the Entity to comply with any statute, ordinance or lawful regulation which may materially adversely affect the City’s ability to enforce this Agreement and receive the benefits hereof.
Section 14.2 Cure Upon Default
Should the Entity be in default as defined and set forth in this agreement, the city shall notify the Entity in writing of said default. Said notice shall notify the Entity in writing of said default. Said notice shall set forth with particularly the basis of said default. The Entity shall have sixty (60) days to cure any default which shall be the sole and exclusive remedy available to the Entity to cure said default.

Section 14.3 Remedies Upon Default
All of the remedies provided in this Agreement to the City, and all rights and remedies granted to it by law and equity shall be cumulative and concurrent. No termination of any provision within this Financial Agreement shall deprive the City of any of its remedies in accordance with law or actions against the Entity because of its failure to pay land taxes, the Annual Service Charge, and/or the water and sewer charges with interest. This right shall apply to arrearsages that are due and owing at the time of which, under the terms hereof, would in the future become due nor shall the bringing of any action for any land taxes and Annual Service Charges, or other charges, or in the breach of covenant or the resort of any other remedy herein provided for the recovery of land taxes, Annual Services Charges, and water and sewer charges, or other charges be construed as a waiver of the right to terminate said tax exemption or proceed with In Rem Foreclosure action or any other remedy as provided for in this Agreement.
Article XV – Termination

Section 15.1 Termination Upon Default of the Entity

In the event the Entity fails to cure or remedy such default or breach within the time period provided in Section 15.2, the City may cancel this Agreement upon thirty (30) days notice to the Entity. For purposes of rendering a final financial accounting the termination of the Agreement shall be deemed to be the end of the fiscal year for the Entity.

The Entity shall within ninety (90) days after the date of such termination pay to the City a sum equal to the amount of the reserves, if any, maintained pursuant to N.J.S.A. 40A:20-13 & 15. Upon such termination of the project, all affected parcels and all improvements made thereto shall be assessed and subject to taxation as are all other taxable properties within the City.

Section 15.2 Voluntary Termination by the Entity

The Entity may after the expiration of one (1) year from the completion date of the project notify the Municipal Council of the City that as of a certain date designated in the notice it relinquishes its status as a tax exempted project. As of the date so set, the tax exemption, the service charges and the profit and dividend restriction shall terminate.

Upon termination, the Entity shall provide a final accounting and pay any reserve, if any, to the City pursuant to the provisions of N.J.S.A. 40A:20-12 and 15.
Section 15.3 Final Accounting

Upon any termination of such exemption, whether by affirmative action of the Entity or by virtue of the provisions of the Long Term Tax Exemption Law, as amended and supplemented, or pursuant to the terms of this Agreement, the date of such termination shall be deemed to be the end of the fiscal year of the Entity.

It is further provided that at the end of the period of tax exemption granted hereunder, the property of the Entity, as well as the land shall be assessed and taxed according to general law like other property in the Municipality. At the same date, all restrictions and limitations upon the Entity, shall terminate upon the Entity rendering its final accounting with the Municipality, and the City’s acceptance thereof, pursuant to N.J.S.A. 40A:20-13.

Article XVI – Miscellaneous

Section 16.1 Conflict

The parties agree that in the event of a conflict between the Application and the Financial Agreement, the language in the Financial Agreement shall govern and prevail.

Section 16.2 Oral Representation

There have been no oral representations made by either of the parties hereto which are not contained in this Financial Agreement. This Financial Agreement, the Municipal Resolution authorizing the Agreement, and the Application constitute the entire
Agreement between the parties and there shall be no modifications thereto other than by a written instrument executed by both parties and delivered to each.

Section 16.3 Entire Document
This Agreement and all conditions in the Resolution of the Municipal Council approving this Agreement are incorporated in this Agreement and made a part hereof.

Section 16.4 Good Faith
In their dealings with each other, utmost good faith is required from the Entity and the City.

Section 16.5 Grammatical Agreement
The bracketing of the letter(s) at the end of a word such as unit(s) shall mean the singular or plural as proper meaning requires and all related verbs and pronouns shall be made to correspond.

Section 16.6 Recording
Either this entire Agreement or a memorandum of recording will be filed and recorded with the Middlesex County Clerk by the Entity.
IN WITNESS WHEREOF, the parties have caused these presents to be executed as of the day and year first above written.

BRUNSWICK HOUSING URBAN RENEWAL PARTNERSHIP, L.P.

BY:

WITNESS: ____________________ BY: ____________________

Richard Barnhart, President

ATTEST: ____________________

THE CITY OF NEW BRUNSWICK

BY: ____________________

James M. Cahill, Mayor

APPROVED AS TO FORM AND LEGALITY

Daniel Torrisi, City Clerk

William J. Hamilton, City Attorney
AN ORDINANCE TO APPROVE A LONG-TERM TAX EXEMPTION AND FINANCIAL AGREEMENT BETWEEN THE CITY OF NEW BRUNSWICK AND BRUNSWICK HOUSING URBAN RENEWAL, L.L.C.

BE IT ORDAINED, by the City Council of the City of New Brunswick as follows:

SECTION I

Brunswick Housing Urban Renewal, L.L.C (hereafter “Brunswick Housing”) has undertaken an Urban Renewal Project within the City of New Brunswick in furtherance of expanded economic activity in the Downtown Development District Redevelopment Area.

The aforesaid Urban Renewal Project is being undertaken by Brunswick Housing in accordance with the Redevelopment Plan for the Remsen Baldwin Redevelopment Area for the area as shown on the Official Tax Maps of the City for purposes of developing a mixed-use redevelopment project consisting of 104 residential units and 3,411 square feet of retail space designed for Brunswick Housing.

Brunswick Housing is authorized to do business as an urban renewal entity under the laws of New Jersey pursuant to the provisions of the long-term tax exemption law, N.J.S.A. 40A:20-1, et seq. for the development of the project.

The City Council of the City of New Brunswick has determined that the development of the project will result in substantial economic development growth and new housing opportunities, and the resultant employment, housing and economic activity will benefit the City and its residents when compared to the cost of the tax abatement and that the abatement approved herein is essential to the project which would not be feasible without the tax abatement approved by the ordinance.

The City Council of the City of New Brunswick hereby approves a long-term tax exemption to Brunswick Housing and the Mayor and the City Clerk are authorized to execute and attest a Financial Agreement for the project substantially in the form attached hereto, the final form of such Financial Agreement to be approved by the City Attorney and a copy thereof to be placed on file in the Office of the City Clerk.

SECTION II

SEVERABILITY

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All Ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION V

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING: DATED: September 3, 2008

COUNCIL PRESIDENT

Page 1 of 2
ADOPTED ON SECOND READING: September 17, 2008

APPROVAL OF THE MAYOR ON THIS 29th DAY OF September 2008

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to forward Certified Copies of this Ordinance to the following:

- Brunswick Housing Urban Renewal, LLC
- Douglas A. Perl, Chief Financial Officer
- Glenn S. Patterson, Director, Planning, Community and Economic Development
- City Attorney
AN ORDINANCE TO VACATE JELIN STREET AND A PORTION OF CHURCH STREET IN THE CITY OF NEW BRUNSWICK AND CONVEY FEE INTEREST THEREIN TO PARKING AUTHORITY OF THE CITY OF NEW BRUNSWICK

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

City Council finds and determines that Jelin Street and a portion of Church Street in the City of New Brunswick are no longer needed for public purposes.

SECTION II

Pursuant to N.J.S.A. 40:67-1, the public right of use and access across Jelin Street as shown by the tax map of the city and as depicted and described in Schedule A attached, is hereby vacated. This vacation is subject to existing easements, recorded and unrecorded, for storm sewer, sanitary sewer, water, underground electric and gas, pending proper relocation of same to the extent required.

SECTION III

Pursuant to N.J.S.A. 40:67-1, the public right of use and access across the portion of Church Street as depicted and described in Schedule B attached hereto and lying between (a) the southerly line of NJ State Highway 27, the westerly line of Block 17, Lot 1.01 and the portion of the southerly line of Block 17 Lot 1.01 that runs parallel to the northerly lines of Block 18, Lots 18 and 17 and (b) the northerly lines of Block 18.01, Lot 10.01, Jelin Street and Block 18, Lots 15.02, 16.01, 17 & 18 Southeast of the mainline of Amtrak Rail Line is hereby vacated. This vacation is subject to existing easements, recorded and unrecorded, for storm sewer, water, underground electric and gas, pending proper relocation of same to the extent required.

SECTION IV

Upon final approval of this Ordinance, the same shall be recorded in the Middlesex County Clerk’s Office as required by N.J.S.A. 40:67-1, et seq.

SECTION V

Following the adoption of this ordinance, the Mayor is authorized to execute and deliver a quitclaim deed to the Parking Authority of the City of New Brunswick for the fee interest in (a) Jelin Street (as described on Schedule A attached hereto) and (b) a portion of Church Street (as described on Schedule B attached hereto) being vacated by this ordinance.

SECTION VI

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION VII

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IX

Page 1 of 3
ADOPTED ON FIRST READING
DATED: July 6, 2011

ADOPTED ON SECOND READING
DATED: July 20, 2011

BE IT FURTHER RESOLVED, that Certified copies of this Resolution shall be provided by the City Clerk to the following:

CITY ADMINISTRATOR
CITY ATTORNEY
CITY ENGINEER

APPROVAL OF THE MAYOR ON THIS 28 DAY OF JULY, 2011.

JAMES M. CAHILL, Mayor
STATEMENT

The purpose of this Ordinance is to vacate only the public right of use and access across Jelin Street and a portion of Church Street in the City of New Brunswick thereby retaining the fee interest therein and subsequently conveying said fee interest to the Parking Authority of the City of New Brunswick in connection with the Jelin Street Redevelopment/Wellness Center project.
Schedule A

JELIN STREET TO BE VACATED
CITY OF NEW BRUNSWICK
COUNTY ON MIDDLESEX, NEW JERSEY

BEGINNING at the intersection formed by the northerly line of Paterson Street (48' +/- wide R.O.W. per tax map) with the easterly line of Jelin Street (40' wide R.O.W. per tax map) and running thence.

1. Along the northerly line of Paterson Street, South 79 degrees 04 minutes 28 seconds West, a distance of 40.00 feet to a point in the westerly line of Jelin Street, thence.

2. Along said westerly line, North 10 degrees 55 minutes 32 seconds West, a distance of 258.12 feet to a point in the southerly line of Church Street (variable width R.O.W. per tax map), thence.

3. Along said southerly line, North 80 degrees 43 minutes 22 seconds East, a distance of 40.02 feet to a point in the easterly line of Jelin Street, thence.

4. Along said easterly line, South 10 degrees 55 minutes 32 seconds East, a distance of 256.97 feet to the POINT OF BEGINNING.

Containing an area of 10,302 square feet or 0.237 acres, as calculated by Paulus, Sokolowski and Sartor, LLC in October 2010.

Subject to any easements or restrictions of record if any, which an accurate title search may disclose.

Francis C. Wecht, Jr.
Professional Land Surveyor
NJ License No. 27190
10/29/2010
CHURCH STREET VACATION
CITY OF NEW BRUNSWICK, MIDDLESEX COUNTY
NEW JERSEY

BEGINNING at a point in the northerly right-of-way line of Church Street (54’ wide R.O.W. per tax map), said point being the following two courses from the intersection with the westerly right-of-way line of Spring Street (30’ wide R.O.W. per tax map);

  a. South 79°25’08” West, a distance of 201.87 feet to an angle point, thence.

  b. South 79°40’15” West, a distance of 180.71 feet, to a point and running thence;

1. South 10°15’30” East, a distance of 54.00 feet to a point, thence.
2. South 79°40’15” West, a distance of 148.25 feet, to a point, thence.
3. South 80°43’22” West, a distance of 40.02 feet, to a point, thence.
4. South 79°43’29” West, a distance of 11.65 feet, to a point, thence.
5. North 38°42’59” East, a distance of 126.56 feet, to a point, thence.
6. North 60°13’46” East, a distance of 72.90 feet, to a point, thence.
7. South 00°35’34” East, a distance of 54.75 feet to a point, thence.
8. North 79°40’15” East a distance of 44.91 to the POINT OF BEGINNING;

Containing an area of 12,281 square feet or 0.282 acres, as calculated by Paulus, Sokolowski and Sartor, LLC in July, 2011.

Subject to any easements or restrictions of record if any, which an accurate title search may disclose.

Francis C. Wecht, Jr.
Professional Land Surveyor
NJ License No. 27190
NOTES:
1. SUBJECT TO ANY EASEMENTS OR
   RESTRICTIONS OF RECORD THAT AN
   ACCURATE TITLE SEARCH MAY
   DISCLOSE.
2. THE SURVEY IS ONLY VALID IF
   THE SURVEYORS EMBOSSED SEAL IS
   AFFIXED.

REFERENCES:
1. HORIZONTAL DATUM REFERS TO
   NEW JERSEY STATE PLANE COORDINATE
   SYSTEM NAD1983.
2. MAP ENTITLED "BOUNDARY AND
   TOPOGRAPHIC SURVEY, BLOCK 18,
   LOTS 1-3, 6-10, 11, 12, 14, 15, 15.02, 16.01, 17-18, 19.01 AND
   BLOCK 18.01, LOTS 1, 5, 6, 7, 10, 10.01, CITY OF NEW BRUNSWICK,
   MIDDLESEX COUNTY, NEW JERSEY," PREPARED BY PAULUS, SOKOLOWSKI
BY THE MUNICIPAL COUNCIL:

BE IT RESOLVED by the City Council of the City of New Brunswick that Ordinance O-071102, now pending, is amended as follows:

1. The title of the ordinance is amended to read as follows:

AN ORDINANCE TO VACATE JELIN STREET AND A PORTION OF CHURCH STREET IN THE CITY OF NEW BRUNSWICK AND CONVEY FEE INTEREST THEREIN TO PARKING AUTHORITY OF THE CITY OF NEW BRUNSWICK

2. Section II is amended as follows:

Pursuant to N.J.S.A. 40:67-1, the public right of use and access across Jelin Street, as shown by the tax map of the city and as depicted and described in Schedule A attached, is hereby vacated. This vacation is subject to existing easements, recorded and unrecorded, for storm sewer, sanitary sewer, water, underground electric and gas, pending proper relocation of same to the extent required.

3. Section III is amended as follows:

Pursuant to N.J.S.A. 40:67-1, the public right of use and access across the portion of Church Street as depicted and described in Schedule B attached hereto and lying between (a) the southerly line of NJ State Highway Route 27, the westerly line of Block 17, Lot 1.01 and the portion of the southerly line of Block 17 Lot 1.01 that runs parallel to the northerly lines of Block 18, Lots 18 and 17, and (b) the northerly lines of Block 18.01, Lot 10.01, Jelin Street and Block 18, Lots 15.02, 16.01, 17, and 18, Southeast of the mainline of Amtrak Rail Line is hereby vacated. This vacation is subject to existing easements, recorded and unrecorded, for storm sewer, water, underground electric and gas, pending proper relocation of same to the extend required.

4. Section V is amended as follows:

Following the adoption of this ordinance, the Mayor is authorized to execute and deliver a quitclaim deed to the parking authority of the City of New Brunswick for the fee interest in (a) Jelin Street (as depicted and described in Schedule A attached hereto) and (b) a portion of Church Street (as depicted and described on Schedule B attached hereto) being vacated by this ordinance.

5. The statement is amended as follows:

The purpose of this Ordinance is to vacate only the public right of use and access across Jelin Street and a portion of Church Street in the City of New Brunswick thereby retaining the fee interest therein and subsequently conveying said fee interest to the Parking Authority of the City of New Brunswick in connection with the Jelin Street Redevelopment/Wellness Center Project.

BE IT FURTHER RESOLVED, that Certified copies of this Resolution shall be provided by the City Clerk to the following:

ADOPTED: July 20, 2011

CITY CLERK

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

COUNCILMEMBER YES NO VOTE ABSENT
JIMMIE COOK X
KEVIN EGAN X
RJ.11ECCA ESCOBAR. X
COUNCIL PRESIDENT
ROBERT RENCI X
M-Mo"dt Second
Schedule A
JELIN STREET TO BE VACATED
CITY OF NEW BRUNSWICK
COUNTY ON MIDDLESEX, NEW JERSEY

BEGINNING at the intersection formed by the northerly line of Paterson Street (48’ +/- wide R.O.W. per tax map) with the easterly line of Jelin Street (40’ wide R.O.W. per tax map) and running thence.

1. Along the northerly line of Paterson Street, South 79 degrees 04 minutes 28 seconds West, a distance of 40.00 feet to a point in the westerly line of Jelin Street, thence.

2. Along said westerly line, North 10 degrees 55 minutes 32 seconds West, a distance of 258.12 feet to a point in the southerly line of Church Street (variable width R.O.W. per tax map), thence.

3. Along said southerly line, North 80 degrees 43 minutes 22 seconds East, a distance of 40.02 feet to a point in the easterly line of Jelin Street, thence.

4. Along said easterly line, South 10 degrees 55 minutes 32 seconds East, a distance of 256.97 feet to the POINT OF BEGINNING.

Containing an area of 10,302 square feet or 0.237 acres, as calculated by Paulus, Sokolowski and Sartor, LLC in October 2010.

Subject to any easements or restrictions of record if any, which an accurate title search may disclose.

Francis C. Wecht, Jr.
Professional Land Surveyor
NJ License No. 27190
10/29/2010
NOTES:
1. PLANIMETRIC INFORMATION DRAWN HEREIN WAS PREPARED BY AERIAL SURVEY CO., INC., FROM PHOTOGRAPHY DATED 12/08/2009.
2. SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD THAT AN ACCURATE TITLE SEARCH MAY DISCLOSE.
3. THIS SURVEY IS ONLY VALID IF THE SURVEYORS EMBOSSED SEAL IS AFFIXED.

REFERENCES:
1. HORIZONTAL DATUM REFERS TO NEW JERSEY STATE PLANE COORDINATE SYSTEM NAD 1983.
2. MAP EXTENDS TO BOUNDARY AND TOPOGRAPHIC SURVEY BLOCK 18, LOTS 1-3, 8-10, 11-02, 12-01, 14-15, 16-01, 17-18, 19-01 AND BLOCK 18-01, LOTS 1-01, 5-01, 6-01, 7-01, 10-01, OFF OF NEW BRUNSWICK, MIDDLESEX COUNTY, NEW JERSEY, PREPARED BY PAULUS, SOKOLOWSKI AND SARTOR, LLC. DATED 6/15/2010.
CHURCH STREET VACATION
CITY OF NEW BRUNSWICK, MIDDLESEX COUNTY
NEW JERSEY

BEGINNING at a point in the northerly right-of-way line of Church Street (54' wide R.O.W. per tax map), said point being the following two courses from the intersection with the westerly right-of-way line of Spring Street (30' wide R.O.W. per tax map);

a. South 79°25'08" West, a distance of 201.87 feet to an angle point, thence.

b. South 79°40'15" West, a distance of 180.71 feet, to a point and running thence;

1. South 10°15'30" East, a distance of 54.00 feet to a point, thence.
2. South 79°40'15" West, a distance of 148.25 feet, to a point, thence.
3. South 80°43'22" West, a distance of 40.02 feet, to a point, thence.
4. South 79°43'29" West, a distance of 11.65 feet, to a point, thence.
5. North 38°42'59" East, a distance of 126.56 feet, to a point, thence.
6. North 60°13'46" East, a distance of 72.90 feet, to a point, thence.
7. South 00°35'34" East, a distance of 54.75 feet to a point, thence.
8. North 79°40'15" East a distance of 44.91 to the POINT OF BEGINNING;

Containing an area of 12,281 square feet or 0.282 acres, as calculated by Paulus, Sokolowski and Sartor, LLC in July, 2011.

Subject to any easements or restrictions of record if any, which an accurate title search may disclose.

Francis C. Wecht, Jr.
Professional Land Surveyor
NJ License No. 27190
NOTES:
1. SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD THAT AN ACCURATE TITLE SEARCH MAY DISCLOSE.
2. THIS SURVEY IS ONLY VALID IF THE SURVEYORS EMBOSSED SEAL IS AFFIXED.

REFERENCES:
1. HORIZONTAL DATUM REFERS TO NEW JERSEY STATE PLANE COORDINATE SYSTEM NAD1983.
2. MAP ENTITLED "BOUNDARY AND TOPOGRAPHIC SURVEY, BLOCK 18, LOTS 1-3, 8-10, 11.02, 12.01, 14, 15, 15.02, 16.01, 17-18, 19.01 AND BLOCK 18.01, LOTS 1, 2, 3, 4, 5, 6, 7.01, 10.01, CITY OF NEW BRUNSWICK, MIDDLESEX COUNTY, NEW JERSEY," PREPARED BY PAULUS, SOKOLOWSKI AND SARTOR, LLC, DATED 6/15/2010.
QUITCLAIM DEED

This Deed is made on July 20, 2011

BETWEEN: THE CITY OF NEW BRUNSWICK,
a Municipal Corporation,

whose address is: 78 Bayard Street, New Brunswick, New Jersey 08901
referred to as the Grantor

AND

PARKING AUTHORITY OF THE CITY OF NEW BRUNSWICK

whose post office address is: One Penn Plaza, New Brunswick, New Jersey 08901
referred to as the Grantee.

Transfer of Ownership: The Grantor grants and conveys all the right, title and interest of the
Grantor in the property described below to the Grantee. The transfer is made for the sum of One
($1.00) Dollar and other good and valuable consideration.

The Grantor acknowledges receipt of said consideration.

Tax Map Reference (N.J.S.A. 46:15-2.1)

Municipality of: CITY OF NEW BRUNSWICK

Block No.: Lot Numbers:

All of Jelin Street and a portion of Church Street, as vacated by Ordinance O-071102, adopted by the New Brunswick City Council on July 20, 2011, as amended by R-O-071102-1.

Property: The property consists of the land and all the buildings and structures on the land in
the CITY of NEW BRUNSWICK, in the COUNTY of MIDDLESEX, and STATE OF NEW
JERSEY. The legal description of such lands, buildings and structures is as follows:

SEE SCHEDULES “A” AND “B” ATTACHED HERETO.

Also to see N11-11
Type of Deed: This Deed is called a Quitclaim Deed. The Grantor makes no promises as to ownership or title, but simply transfers whatever interest the Grantor has to the Grantee.

Signatures: The Grantor signs this Deed as of the date at the top of the first page. If the Grantor is a corporation, this Deed is signed, sealed and attested to by its proper corporate officer and its corporate seal is affixed.

Witnessed By: 

Daniel A. Torrisi
City Clerk

CITY OF NEW BRUNSWICK,
A Municipal Corporation of the State of New Jersey

By James M. Cahill, Mayor
(L.S.)

STATE OF NEW JERSEY, COUNTY OF MIDDLESEX, ss:

I CERTIFY that on July 20, 2011

DANIEL A. TORRISI

personally came before me and acknowledged under oath, to my satisfaction that:
(a) this person is the City Clerk of the City of New Brunswick, the Municipal Corporation named in this instrument;
(b) this person is the attesting witness to the signing of this instrument by the proper corporate officer who is James M. Cahill, the Mayor of the City of New Brunswick;
(c) that this instrument was signed and delivered by the City of New Brunswick as its voluntary act duly authorized by a Resolution of its City Council;
(d) this person knows the proper seal of the municipal corporation which has been affixed to this instrument;
(e) this person signed this proof to attest to the truth of these facts; and
(f) the full and actual consideration paid or to be paid for the transfer of title is ONE ($1.00) Dollar and other good and valuable consideration. (Such consideration is defined in N.J.S.A. 46:15-5.)

Signed and sworn to before me on 20th day of July, 2011.

WILLIAM J. HAMILTON, JR.,
Attorney at Law of New Jersey

QUITCLAIM DEED

CITY OF NEW BRUNSWICK

Grantor,

TO

PARKING AUTHORITY OF THE
CITY OF NEW BRUNSWICK

Grantee.

Dated: July 20, 2011

Record and Return To:
Michael A. Brenna, Esq.
Windels Marx Lane & Mittendorf
120 Albany Street
New Brunswick, New Jersey 08901
STATE OF NEW JERSEY )
COUNTY OF MIDDLESEX )

JAMES M. CAHILL and DANIEL A. TORRISI, say under oath:

1. Officers. We are officers of THE CITY OF NEW BRUNSWICK, A Municipal Corporation of the State of New Jersey. The Corporation will be called the "corporation" and sometimes simply "it" or "its." The Mayor of the Corporation is JAMES M. CAHILL. The City Clerk is DANIEL A. TORRISI and the principal place of business is City Hall, 78 Bayard Street, New Brunswick, New Jersey. We are fully familiar with the business of the corporation. We are citizens of the United States and at least 18 years old.

2. Representations. The statements contained in this Affidavit are true to the best of our knowledge, information and belief.

3. Corporate Authority. The corporation is the only owner of all or part of two City streets, the rights-of-way which were acquired by various deeds and takings, commonly known as JELIN STREET AND A PORTION OF CHURCH STREET, more particularly described in attached Schedules A and B, located in the City of New Brunswick, County of Middlesex, State of New Jersey. This property is to be sold by the corporation to PARKING AUTHORITY OF THE CITY OF NEW BRUNSWICK. This action, and the making of this Affidavit of Title, have been duly authorized by a proper resolution of the City Council of the corporation. A copy of this resolution, bearing the seal of the corporation, is attached and made a part of this Affidavit. The corporation is legally authorized to transact business in New Jersey. Its charter, franchise and corporate powers have never been suspended or revoked. It is not restrained from doing business nor has any legal action been taken for that purpose. It has never changed its name or used any other name.

4. Ownership and Possession. It has owned this property since various dates. Since then no one has questioned its right to possession or ownership. The corporation has sole possession of this property. There are no tenants or other occupants of this property. Except for its agreement with the Buyers (if this is a sale) it has not signed any contracts to sell this property. It has not given anyone else any rights concerning the purchase or lease of this property.

5. Improvements. No additions, alterations or improvements are now in progress or have been made to this property for over four months. It has always obtained all necessary permits and certificates of occupancy. All charges for municipal improvements such as sewers, sidewalks, curbs or similar improvements benefitting this property have been paid in full. No building, addition, extension or alteration on this property has been made or worked on within the past four months. The corporation is not aware that anyone has filed or intends to file a mechanic's lien or building contract relating to this property. No one has notified it that money is due and owing for construction or repair work on this property.

6. Liens or Encumbrances. It has not allowed any interest (legal rights) to be created which affects its ownership or use of this property. No other persons have legal rights in this property, except the rights of utility companies to use this property along the road or for the purpose of serving this property. The corporation does not have any pending lawsuits or judgments against it or other legal obligations which may be enforced against this property. It does not owe any disability, unemployment, corporate franchise, social security, municipal or alcoholic beverage tax payments. No bankruptcy or insolvency proceedings have been started by or against it, nor has it ever been declared bankrupt. No one has any security interest in any personal property or fixtures on this property. All liens (legal claims, such as judgments) listed on the attached judgment or lien search are not against the corporation, but against others with similar names. The subject lands are not required for municipal use. The property is not subject to the provision of the "Green Acres Program".

7. Exceptions. The following is a complete list of exceptions to any of the above statements. This includes all liens or mortgages which are not being paid as a result of this transaction. NONE.

8. Reliance. The corporation makes this Affidavit in order to induce the Buyer(s) or the Lender to accept its deed or mortgage. It is aware that the buyer(s) or the Lender will rely on the statements made in this Affidavit on and its truthfulness.

Signed and sworn to before me on July 20, 2011

WILLIAM J. HAMILTON, JR.
An Attorney At Law of New Jersey

JAMES M. CAHILL, Mayor

DANIEL A. TORRISI, City- Clerk
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL
ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 10, TRAFFIC AND PARKING

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION 1

Section 10.20.020, Schedule 40, Parking Space for Handicapped Persons is hereby amended to delete the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>32 Bergen Court</td>
<td>Southwest</td>
<td>Beginning at a point 163 feet southeast of the southeasterly curbline of Sample Road along the southwesterly curbline of Bergen Court and extending to a point 22 feet southeast thereof.</td>
</tr>
</tbody>
</table>

SECTION 2

Section 10.20.010, Schedule 39, Parking Zone for Handicapped Persons is hereby amended to add the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 Bergen Court (Placard No. P524050)</td>
<td>East</td>
<td>Beginning at a point 90 feet from the westerly curbline of Sample Road and extending to a point 22 feet west thereof.</td>
</tr>
</tbody>
</table>

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING:
DATED: July 20, 2011

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: August 3, 2011

COUNCIL PRESIDENT

CITY CLERK
<table>
<thead>
<tr>
<th>COUNCILMEMBER</th>
<th>Y</th>
<th>N</th>
<th>AB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cool</td>
<td>Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cool</td>
<td></td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Cool, VP 5</td>
<td></td>
<td>Y</td>
<td></td>
</tr>
</tbody>
</table>

Daniel A. Torrisi, City Clerk of the City of New Brunswick, NJ, hereby certifies that the foregoing Ordinance is a true copy of the Original Ordinance adopted on second and final reading at a regular meeting of the New Brunswick City Council at its meeting on:

AUGUST 3, 2011

Any reproduction of this Ordinance must contain the notation at the bottom of this page.
BOND ORDINANCE PROVIDING FOR THE 2011 CAPITAL IMPROVEMENT PROGRAM BY AND IN THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING $1,925,617 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,833,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of New Brunswick, in the County of Middlesex, State of New Jersey (the "City") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sum of $1,925,617, which sum includes $92,617 as the aggregate amount of down payments for said improvements required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), and now available therefor by virtue of provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, and to meet the part of the $1,925,617 appropriation not provided for by said down payment, negotiable bonds of the City are hereby authorized to be issued in the principal amount of $1,833,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the City in a principal amount not exceeding $1,833,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. The improvements and purposes hereby authorized and purposes for the financing of which said debt obligations are to be issued are as follows:
<table>
<thead>
<tr>
<th>Description</th>
<th>Total Appropriation</th>
<th>Debt Authorization</th>
<th>Down Payment</th>
<th>Useful Life</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Public Facilities Projects</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improvements to the lighting at the Library, repairs to Buccleuch Mansion and improvements to masonry structures at Joyce Kilmer Park;</td>
<td>$353,500</td>
<td>$336,497</td>
<td>$17,003</td>
<td>15 years</td>
</tr>
<tr>
<td><strong>B. Streets and Sidewalk Projects</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Various 2011 roadway improvements by and in the City, including but not limited to, the construction, reconstruction or resurfacing, as applicable, of the following portions of the following roadways: Somerset Street, Juliet Street from Livingston Avenue to Lee Avenue, May Street from Livingston Avenue to Remsen Avenue, Redmond Street from Livingston Street to Railroad Avenue, Pennington Road from Tunison Road to Goodale Circle, Longfield Road, Mitchell Avenue, Tabernacle Way and the entrance to College Avenue, such roadway improvements shall include, but are not limited to, as applicable, milling, construction, reconstruction, repairing and resurfacing of said roadways, drainage improvements, inlet, manhole and water valve replacements to said roadways and, as applicable, the restoration or construction of or improvements to curbs, sidewalks, traffic line striping, driveway aprons or barrier-free ramps along such roadways and the acquisition installation of traffic signals, as required, throughout the City;</td>
<td>$741,792</td>
<td>$706,113</td>
<td>$35,679</td>
<td>10 years</td>
</tr>
<tr>
<td><strong>C. Safety, Office and Equipment Projects</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replacement of chairs for the Municipal Court, acquisition of computers for Data Processing, acquisition of a heavy duty typewriter for the Health Department, rebanding of radios for the Police Department, acquisition of computers, radio and mobile video equipment for the Police Department, acquisition of carpeting and new cardio equipment for the Recreation Department and acquisition of handheld radios for the Fire Prevention Department; and</td>
<td>$185,325</td>
<td>$176,412</td>
<td>$8,913</td>
<td>5 years</td>
</tr>
</tbody>
</table>
### D. Vehicle Replacement

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Cost 1</th>
<th>Cost 2</th>
<th>Cost 3</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acquisition of a dump truck and rolloff truck for the Public Works Department</td>
<td>$645,000</td>
<td>$613,978</td>
<td>$31,022</td>
<td>5 years</td>
</tr>
<tr>
<td>Acquisition of a four wheel drive pickup truck for the Animal Control Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acquisition of an 8 passenger van with lift and a 12 passenger van with lift for</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>the Dial A Ride Program and acquisition of a fire pumper for the Fire Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Grand Total:**

<table>
<thead>
<tr>
<th>Cost 1</th>
<th>Cost 2</th>
<th>Cost 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,925,617</td>
<td>$1,833,000</td>
<td>$92,617</td>
</tr>
</tbody>
</table>

The appropriations set forth above also include all work, materials, appurtenances and equipment necessary for or incidental thereto.

a. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $1,833,000.

b. The aggregate estimated cost of said improvements and purposes is $1,925,617, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the down payments in the aggregate amount of $92,617.

**SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a loan, contribution or grant-in-aid to the City for the improvements authorized hereby and the same shall be received by the City prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Middlesex. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply however, with respect to any contribution or grant in aid received by the City as a result of using such funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.
SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the City shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the City is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk of the City and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

a. The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
b. The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 8.76 years.

c. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by $1,833,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding $500,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements hereinbefore described.

SECTION 8. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable property within the City for the payment of the debt obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The City reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the City’s official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the City for costs of the
improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the City, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the City for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed $1,833,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

SECTION 10. The City covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.
SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING

DATED: July 20, 2011

DANIEL A. TORRISI, City Clerk

ROBERT RECINE, Council President

ADOPTED ON SECOND READING

DATED: August 3, 2011

DANIEL A. TORRISI, City Clerk

ROBERT RECINE, Council President

APPROVAL BY THE MAYOR ON THIS DAY OF August, 2011

JAMES M. CAHILL, Mayor

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

<table>
<thead>
<tr>
<th>Councilmember</th>
<th>Yes</th>
<th>No</th>
<th>No Vote</th>
<th>Absent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jimmie Cook</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kevin. Egan</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rebecca Escobar, V. Pres</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elizabeth Garlatti</td>
<td>M</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robert Recine, President</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Moved Second

First Reading Vote on July 20, 2011

I, Daniel A. Torrisi, City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on first reading at the regular meeting of the New Brunswick City Council on:

July 20, 2011

#3404756 (12/30/2010)

Daniel A. Torrisi, City Clerk

<table>
<thead>
<tr>
<th>Councilmember</th>
<th>Yes</th>
<th>No</th>
<th>No Vote</th>
<th>Absent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jimmie Cook</td>
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<td></td>
</tr>
<tr>
<td>Elizabeth Garlatti</td>
<td>S</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robert Recine, President</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Moved Second

Second Reading Vote on August 3, 2011

I, Daniel A. Torrisi, City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on second and final reading at the regular meeting of the New Brunswick City Council on:

August 3, 2011

Any reproduction of the original document must contain the raised seal of the City of New Brunswick to be legally certified.
BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY
OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
(not less than two-thirds of all the members thereof affirmatively concurring), AS
FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this
bond ordinance are hereby authorized as a general improvement to be undertaken by the
City of New Brunswick, in the County of Middlesex, State of New Jersey (the "City"). For
the said improvements or purposes stated in Section 3, there is hereby appropriated the
sum of $410,000, said sum being inclusive of all appropriations heretofore made therefor.
Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law,
N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), no down payment is required.

SECTION 2. For the financing of said improvements or purposes
described in Section 3 hereof, negotiable bonds of the City are hereby authorized to be
issued in the aggregate principal amount of $410,000 pursuant to the Local Bond Law. In
anticipation of the issuance of said bonds and to temporarily finance said improvements
or purposes, negotiable notes of the City in the aggregate principal amount of $410,000
are hereby authorized to be issued pursuant to and within the limitations prescribed by the
Local Bond Law.

SECTION 3. The improvements and purposes hereby authorized and
purposes for the financing of which said debt obligations are to be issued is various
improvements to the water system, including, but not limited to, the acquisition and
installation of cold water meters, replacement of traveling screens and upgrades to
pump stations and water treatment plant conduits at various locations in the City.

The above improvements or purposes set forth above shall also include, as
applicable, all engineering and design work, preparation of plans and specifications,
permits, bid documents, contract administration, and all work, materials, equipment,
labor and appurtenances necessary therefor or incidental thereto.
(a) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $410,000.

(b) The aggregate estimated cost of said improvements or purposes is $410,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a contribution or grant in aid to the City for the improvements and purposes authorized hereby and the same shall be received by the City prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Middlesex. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the City as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the City shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon, if any, from their dates to the date of delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery
of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs is on file in the office of the Clerk and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance is not a current expense and is an improvement which the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by $410,000, but such amount shall constitute a deduction from gross debt to the extent permitted by law, and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An amount not exceeding $200,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes described in Section 3 hereof.

SECTION 8. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by
this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The City reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the City for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the City, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the City for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed $410,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.
SECTION 10. The City covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued under this ordinance.
SECTION 11. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

DATED: July 20, 2011

DANIEL A. TORRISI, City Clerk

ROBERT RECINE, Council President

ADOPTED ON SECOND READING

DATED: August 3, 2011

DANIEL A. TORRISI, City Clerk

ROBERT RECINE, Council President

APPROVAL BY THE MAYOR ON THIS 5TH DAY OF August, 2011

JAMES M. CAHILL, Mayor

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

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<td>Robert Recine, President</td>
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</table>

M=Moved S=Second
First Reading Vote on July 20, 2011
I, Daniel A. Torrisi, City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on first reading at the regular meeting of the New Brunswick City Council on:

July 20, 2011

#3404757 (20:30:110) - 6 -

Daniel A. Torrisi, City Clerk

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<tr>
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M=Moved S=Second
Second & Final Reading Vote on August 3, 2011
I, Daniel A. Torrisi, City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on second and final reading at the regular meeting of the New Brunswick City Council on:

August 3, 2011

Daniel A. Torrisi, City Clerk

Any reproduction of the original document must contain the raised seal of the City of New Brunswick to be legally certified.
BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE SANITARY SEWER SYSTEM IN AND BY THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING $425,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $425,000 BONDS OR NOTES TO FINANCE THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken by the City of New Brunswick, in the County of Middlesex, State of New Jersey (the "City"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of $425,000, said sum being inclusive of all appropriations heretofore made therefor.

Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), no down payment is required.

SECTION 2. For the financing of said improvements described in Section 3 hereof, negotiable bonds of the City are hereby authorized to be issued in the aggregate principal amount of $425,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the City in the aggregate principal amount of $425,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. The improvements and purposes hereby authorized and the purposes for the financing of which the bonds or notes are to be issued is various improvements to the sanitary sewer system, including, but not limited to, upgrades to the Railroad Avenue Pump Station and removal of storm water from sanitary sewers, including all work, materials, equipment, labor and appurtenances necessary therefore or incidental thereto.

(a) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $425,000.
(b) The aggregate estimated cost of said improvements or purposes is $425,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a contribution or grant in aid to the City for the improvements and purposes authorized hereby and the same shall be received by the City prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Middlesex. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the City as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the City shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon, if any, from their dates to the date of delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the
principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs is on file in the office of the Clerk and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is twenty (20) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by $425,000, but such amount shall constitute a deduction from gross debt to the extent permitted by law, and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An amount not exceeding $100,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes described in Section 3 hereof.

SECTION 8. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the City,
and the City shall be obligated to levy ad valorem taxes upon all the taxable property within the City for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The City reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "Controlled Group" as the City, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the City for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-(1)(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds, "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the City for any expenditure or payment that was originally paid with the proceeds of any obligation of the City (other than borrowing by the City from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the City for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed $425,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be
"capital expenditures" in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. The City covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued under this ordinance.

SECTION 11. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

DATED: July 20, 2011

DANIEL A. TORRISI, City Clerk

ROBERT RECINE, Council President

ADOPTED ON SECOND READING

DATED: August 3, 2011

DANIEL A. TORRISI, City Clerk

ROBERT RECINE, Council President

APPROVAL BY THE MAYOR ON THIS 5TH DAY OF August, 2011

JAMES M. CAHILL, Mayor

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M=Moved S=Second  
First Reading Vote on July 20, 2011

I, Daniel A. Torrisi, City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on first reading at the regular meeting of the New Brunswick City Council on: July 20, 2011

Daniel A. Torrisi, City Clerk

APPROVAL BY THE MAYOR ON THIS 3RD DAY OF August, 2011

JAMES M. CAHILL, Mayor

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Second & Final Reading Vote on August 3, 2011

I, Daniel A. Torrisi, City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on second and final reading at the regular meeting of the New Brunswick City Council on: August 3, 2011

Daniel A. Torrisi, City Clerk
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
CHAPTER 2.64, "DEPARTMENT OF POLICE"

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

The title of RGO 2.64.250 is amended to read:

CONTRACTS WITH THIRD PARTY PERSONS AND ENTITIES

SECTION II

RGO 2.64.250, is amended to read as follows:

2.64.250 - Contracts with Third Party Persons and Entities.

This chapter authorizes the city of New Brunswick to enter into contracts with Third Party Persons and Entities ("Vendor") wishing to secure the services of police officers employed by the city of New Brunswick. Furthermore, this chapter shall establish the rates that said Vendor will be charged, on an hourly basis, for police services, equipment and any other associated fees. This chapter shall also authorize the payment of the hourly rates, herein established, to be paid to any police officer of the City of New Brunswick so employed by the contracting Vendor.

Any Vendor desiring to retain the services of police officers of the City of New Brunswick for extra-duty police-related activities shall be required to enter into a contract with the City of New Brunswick. Except in cases of bona fide emergency no assignment to extra duty may be made unless, prior to such assignment, the Vendor has executed a contract for such services and has made the required deposit. Such contract shall include, but not be limited to the nature of duties to be performed, the occasion of said duties, the date and hours of service, the rate of payment of services to the officers, administrative fees to the City of New Brunswick and fees for the use of city-owned equipment.

Extra-Duty Construction and Road jobs performed by Vendors that divert or interrupt motor vehicle or pedestrian traffic flow or may expose the public to the risk of injury shall require the services of off-duty police officers. The number of off-duty officers required shall be determined by the Police Director or Designee. The Police Director or Designee has the authority to determine if the services of an off-duty officer or officers are not needed for an Extra-Duty Construction or Road job.

The contract with said Vendor shall provide for the deposit of monies in advance by the Vendor for the services to be performed. Should the contract be for a term exceeding one month, the Vendor may be required to tender an estimated payment for the first months services upon executing the contract, and will be billed on a periodic basis thereafter. Should the actual assignment of off-duty officers amount to less than the amount deposited, the Chief Financial Officer shall upon termination of the contract and receipt of the final certified time slips, return all unused funds to the Vendor. Nothing in this section shall be construed as limiting the power of the City of New Brunswick to accept or reject any and all assignments with any Vendor.

Except as provided herein, all contracts between a Vendor and the City of New Brunswick, for extra-duty police services shall be for a minimum of four (4) hours work or pay, unless agreed upon by the Police Director or Designee. Any officer working more than four (4) hours on an extra-duty assignment who is not afforded the opportunity for a meal break, shall be paid one (1) additional hour to the total hours worked. If a Vendor cancels an extra-duty assignment with less than two (2) hours' notice, the officer(s) assigned to the extra-duty assignment shall be paid for four (4) hours at the applicable rate.

Nothing contained herein shall limit the continuation of existing extra-duty assignments to Johnson & Johnson International and to Rutgers the State University, or any of its affiliated entities. In addition, any other vendor who mutually agrees with the Police Director that extraordinary circumstances exist which support a rate equal to the overtime rate of compensation for the specific officer(s) employed under the aforementioned extraordinary circumstances, may enter into a contract with the Police Department at the officer's overtime rate provided that (a) said rates shall not be lower than those provided by this Ordinance, and (b) all such payments shall be made in accordance with the procedures set forth in Subsection 2.64.260.
SECTION III

RGO 2.64.260, is amended to read as follows:

2.64.260 - Payment for Extra-Duty Assignments.

All Vendors shall be required to make all payments for extra-duty assignments payable to the City of New Brunswick. All payments for extra-duty assignments shall be forwarded to the office of Chief Financial Officer of the City of New Brunswick. The Chief Financial Officer shall deposit all funds earmarked for the payment of extra-duty officers, collected from Vendors, into a special escrow fund. The escrow fund shall be established for payment to members of the Police Department performing the extra-duty services. All police officers shall be required to submit pay slips to the Police Director/Chief of Police. The pay slip shall be in a form approved by the Police Director/Chief of Police. Upon receipt of a properly executed pay slip verified by the Vendor, the Finance Department will process the pay slips for disbursement. Extra-duty officers shall be paid on a timely basis.

Except as provided elsewhere in this Ordinance, all police officers working an extra-duty assignment shall be paid as follows:

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<thead>
<tr>
<th>Year</th>
<th>Rate</th>
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<tr>
<td>2011</td>
<td>$54.00 per hour</td>
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<tr>
<td>2012</td>
<td>$57.00 per hour</td>
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<tr>
<td>2013</td>
<td>$60.00 per hour</td>
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<tr>
<td>2014</td>
<td>$63.00 per hour</td>
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<tr>
<td>2015</td>
<td>$66.00 per hour</td>
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In the event that an extra-duty assignment calls for a staffing level of five (5) or more police officers, a Supervisor shall also be employed. Except as provided elsewhere in this Ordinance, the Supervisor's rate of pay shall be fifteen (15%) percent above the hourly rate set forth in above (rounded to the nearest dollar) as follows:

<table>
<thead>
<tr>
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<td>2011</td>
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<tr>
<td>2015</td>
<td>$76.00 per hour</td>
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Furthermore, due to the nature of the services provided and the longstanding relationship between the New Brunswick Police Department and the State Theatre, and shall be charged the extra duty rate of $47.00 per hour for 2011 plus an Administrative Fee as set forth in 2.64.270. These rates shall be increased by the same per year dollar amount increases set forth in Section 2.64.260 and are set forth below:

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<td>$56.00 per hour</td>
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<tr>
<td>2015</td>
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The supervisor requirements and 15% differential set forth in Section 2.64.260 shall also apply to the State Theatre and the above rates.

These rates shall also apply to civic and not-for-profit organizations.

Officers shall receive “premium pay” for all hours or part thereof worked in excess of 8 on an extra-duty assignment, for all hours worked from 1900 through 0600 hours, for all hours worked on
Saturdays and Sundays, and for extra-duty assignment on Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas, and December 31st. “Premium pay” for an officer (including supervisors) working in a non-supervisory capacity shall be 1.5 times the extra-duty hourly rate of pay for a patrol officer. For an officer who is designated to work as a supervisor, a “premium pay” shall be 1.5 times the extra-duty hourly rate for a supervisor.

"Night-time road construction" is defined as any work within the public right-of-way that takes place between the hours of 7:00 p.m. and 6:00 a.m.

SECTION IV

RGO 2.64.270, is amended to read as follows:

2.64.270 - Administrative Costs.

A. In addition to the aforementioned fees to be collected by the City of New Brunswick from said vendor for the payment of said extra-duty officers, the city of New Brunswick shall collect an administrative fee of seventeen ($17.00) per hour, per person assigned to said vendor. In addition, the City of New Brunswick shall collect a fee of fifteen ($15.00) per hour per police vehicle assigned to the vendor. Said fee shall be used to offset the administrative costs associated with the assignment of city police officers.

B. One dollar per hour of the administrative fee will be dedicated as a donation to the D.A.R.E. and/or G.R.E.A.T. programs run by the New Brunswick police department. Said donation will remain in effect for each subsequent year. If the D.A.R.E. and/or G.R.E.A.T. programs are discontinued in full, the one dollar ($1.00) donation shall cease and any amounts left in escrow for those programs shall be returned to the City. The donation shall be reinstated if the D.A.R.E. and/or G.R.E.A.T. programs are reinstated in full or in part. (Ord. O-020804 § 3, 2008; Ord. O-110504 § 3, 2005; Ord. O-060402 § 3, 2004; Ord. O-120003 § 3, 2000; Ord. O-040006 § 2, 2000; Ord. O-109903 § 2 (part), 1999; prior code § 3-10.4)

SECTION V

RGO 2.64.280 is deleted.

SECTION VI

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall affect the remaining provisions hereof and the entire Ordinance shall be null and void.

SECTION VII

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION VIII

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING
DATED: August 3, 2011

ADOPTED ON SECOND READING
DATED: September 7, 2011

COUNCIL PRESIDENT
Approved by the Mayor on this 7th Day of September, 2011.
STATEMENT

The purpose of this Ordinance is to revise the procedures for the assignment of extra duty police officers and to update the rates of compensation.
BY THE MUNICIPAL COUNCIL:

BE IT RESOLVED, by the City Council of the City of New Brunswick that Ordinance O-081101, now pending, is hereby amended as follows:

SECTION II

RGO 2.64.250, is amended to read as follows:

2.64.250 - Contracts with Third Party Persons and Entities.

This chapter authorizes the city of New Brunswick to enter into contracts with Third Party Persons and Entities ("Vendor") wishing to secure the services of police officers employed by the city of New Brunswick. Furthermore, this chapter shall establish the rates that said Vendor will be charged, on an hourly basis, for police services, equipment and any other associated fees. This chapter shall also authorize the payment of the hourly rates, herein established, to be paid to any police officer of the City of New Brunswick so employed by the contracting Vendor.

Any Vendor desiring to retain the services of police officers of the City of New Brunswick for extra-duty police-related activities shall be required to enter into a contract with the City of New Brunswick. Except in cases of bona fide emergency no assignment to extra duty may be made unless, prior to such assignment, the Vendor has executed a contract for such services and has made the required deposit. Such contract shall include, but not be limited to the nature of duties to be performed, the occasion of said duties, the date and hours of service, the rate of payment of services to the officers, administrative fees to the City of New Brunswick and fees for the use of city-owned equipment.

Extra-Duty Construction and Road jobs performed by Vendors that divert or interrupt motor vehicle or pedestrian traffic flow or may expose the public to the risk of injury shall require the services of off-duty police officers. The number of off-duty officers required shall be determined by the Police Director or Designee. The Police Director or Designee has the authority to determine if the services of an off-duty officer or officers are not needed for an Extra-Duty Construction or Road job.

The contract with said Vendor shall provide for the deposit of monies in advance by the Vendor for the services to be performed. Should the contract be for a term exceeding one month, the Vendor may be required to tender an estimated payment for the first months services upon executing the contract, and will be billed on a periodic basis thereafter. Should the actual assignment of off-duty officers amount to less than the amount deposited, the Chief Financial Officer shall upon termination of the contract and receipt of the final certified time slips, return all unused funds to the Vendor. Nothing in this section shall be construed as limiting the power of the City of New Brunswick to accept or reject any and all assignments with any Vendor.

Except as provided herein, all contracts between a Vendor and the City of New Brunswick, for extra-duty police services shall be for a minimum of four (4) hours work or pay, unless agreed upon by the Police Director or Designee. Any officer working more than four (4) hours on an extra-duty assignment who is not afforded the opportunity for a meal break, shall be paid one (1) additional hour to the total hours worked. If a Vendor cancels an extra-duty assignment with less than two (2) hours’ notice, the officer(s) assigned to the extra-duty assignment shall be paid for four (4) hours at the applicable rate.

Nothing contained herein shall limit the continuation of existing extra-duty assignments to Johnson & Johnson International and to Rutgers the State University, or any of its affiliated entities. In addition, any other vendor who mutually agrees with the Police Director that extraordinary circumstances exist which support a rate equal to the overtime rate of compensation for the specific officer(s) employed under the aforementioned extraordinary circumstances, may enter into a contract with the Police Department at the officer's overtime rate provided that (a) said rates shall not be lower than those provided by this Ordinance, and (b) all such payments shall be made in accordance with the procedures set forth in Subsection 2.64.260.

ADOPTED: September 7, 2011

COUNCIL PRESIDENT

APPROVALS:

CITY CLERK

CITY ADMINISTRATOR

CITY ATTORNEY
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
CHAPTER 10.12, "TRAFFIC CONTROL REGULATIONS"

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I
Schedule 21 to Revised General Ordinance 10.12.210 is amended by deleting the following:

<table>
<thead>
<tr>
<th>NAME OF STREET</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Drive</td>
<td>From a point 558 feet west of the northerly curbline on Terminal Road and extending to a point 10' west thereof.</td>
</tr>
</tbody>
</table>

SECTION II
Schedule 21 to Revised General Ordinance 10.12.210 is amended by adding the following:

<table>
<thead>
<tr>
<th>NAME OF STREET</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Drive</td>
<td>From a point 558 feet west of the westerly curbline on Terminal Road and extending to a point 10' west thereof.</td>
</tr>
</tbody>
</table>

SECTION III
SEVERABILITY:
If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION IV
REPEALER:
All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION V
EFFECTIVE DATE:
This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING:
DATED: August 3, 2011

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: August 17, 2011

COUNCIL PRESIDENT

APPROVAL OF THE MAYOR ON THIS DAY OF , 2011.
<table>
<thead>
<tr>
<th>COUNCILMEMBER</th>
<th>V</th>
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</table>

**FIRST READING VOTE ON AUGUST 1, 2011**

**MOVED** 5 **SECOND** 0 **NO VOTE** 0 **ABSENT**

Daniel A. Torrisi, City Clerk

Any reproduction of the Original Ordinance must contain the raised and official seal of the City of New Brunswick to be legally certified.

11 August 2011

Daniel A. Torrisi, City Clerk
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL
ORDINANCES OF THE CITY OF NEW BRUNSWICK
CHAPTER 12.04 "SIDEWALK CONSTRUCTION REPAIR AND MAINTENANCE"

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

The Revised General Ordinance, Section 12.01 is amended and supplemented by adding a new Section 12.04.050, "Maintenance of Sidewalks", to read as follows:

It is the duty of citizens and/or entities owning or occupying commercial property, including tenants, leasees, occupants, or persons in charge, to cause the cleaning and/or removal of foreign substances from the sidewalk area abutting its property extending the entire width of the sidewalk to the gutter areas. The term substances shall include, but are not limited to oil, grease, paint, liquids and/or debris.

SECTION II

For purposes of this Section, commercial property shall be defined as any property within the City of New Brunswick which in whole or in part is utilized for the operation, pursuit, and/or furtherance of a business enterprise, including not for profit businesses and organizations.

SECTION III

For a first violation of this Subsection, the minimum penalty is a fine of One Hundred Dollars ($100.00), the maximum penalty shall be a penalty of Two Hundred Dollars ($200.00). For a second violation of this Subsection, the minimum penalty shall be Two Hundred Dollars ($200.00) and the maximum penalty shall be Four Hundred Dollars ($400.00). For a third or greater offense, the penalty shall be a minimum fine of Five Hundred Dollars ($500.00) and the maximum penalty shall be a penalty of One Thousand Dollars ($1,000.00). Violations of this Subsection shall require an appearance in Municipal Court.

SECTION IV

This Chapter shall be enforced by the Bureau of Housing Inspections, the City's Sanitation Inspector, and/or the Police Department.

SECTION V

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION VI

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION VII

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING: August 3, 2011

COUNCIL PRESIDENT
Daniel A. Torrisi. City Clerk
the City of New Brunswick. NJ. do hereby
Certify the foregoing Ordinance is
a true copy of the Original Ordinance adopted
on second and final reading at a regular
meeting of the New Brunswick
City Council at its meeting on:
FAllUl32011

Daniel A. Torrisi.
City Clerk

All reproduction of the Original
Ordinance must contain the raised
Seal of the City of New Brunswick to
be legally certified
AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, TITLE 10, "TRAFFIC AND PARKING"

BE IT ORDAINED, by the City Council of the City of New Brunswick as follows:

SECTION I

The Paterson Street entry on Section 10.12.210, Schedule 21, Mid Block Crosswalks, is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>STREET</th>
<th>LOCATION</th>
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</thead>
<tbody>
<tr>
<td>Paterson Street</td>
<td>Beginning 90' west of the westerly curbline of Elm Row to a point 10' west thereof.</td>
</tr>
</tbody>
</table>

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall affect the remaining provisions hereof and the entire Ordinance shall be null and void.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING:
DATED: August 17, 2011

Council President

ADOPTED ON SECOND READING
DATED: September 7, 2011

Council President

ATTEST:

City Clerk

Page 1 of 3
COUNCILMEMBER

COOK S X GARL<br>

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FIRST READING VOTE ON 17

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A.Torrisi. City Clerk

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Daniel A. Torrisi. City Clerk

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Page 2 of 3

APPROVALS:

APPROVAL OF THE MAYOR ON THIS 6 DAY OF September. 2011.

Mayor

City Attorney

Business Administrator

\n
APPROVAL OF THE MAYOR ON THIS 6 DAY OF September. 2011.

Mayor

City Attorney

Business Administrator
STATEMENT OF PURPOSE

The purpose of this Amendment is to correct the information in Schedule XXI to properly reflect the entry of location of the mid-block crosswalk on Paterson Street.
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES
OF THE CITY OF NEW BRUNSWICK,
CHAPTER 5.100 "TAXICABS"

BE IT ORDAINED, by the City Council of the City of New Brunswick:

SECTION I

RGO Section 5.100.020, entitled “Supervision of Vehicles” shall be amended as follows:

A. No person shall operate, nor permit the operation of a taxicab within the City of New Brunswick unless there is a current license in effect for such taxicab in the issuing municipality. For purposes of this section of the Ordinance, “person” shall include the taxicab driver, operator or owner of the taxicab, whether the owner or operator is an individual or corporation. Further, it shall be the taxicab owner’s responsibility to make a diligent inquiry and effort to establish that the taxicab driver is licensed prior to permitting or allowing the taxicab to be operated by any taxidriver within the City of New Brunswick.

B. It shall be a rebuttable presumption that a taxicab driver who is driving a taxicab not owned by such individual is driving the taxicab with the consent and permission of the taxicab owner. Such presumption may be overcome with information that includes, but shall not be limited to the following:

(1) Information and/or documentation demonstrating that the taxicab driver is not, nor has ever been, employed by the owner of the taxicab;

(2) Information and documentation demonstrating that the owner is, or was driving the taxicab without the owner’s permission. The owner’s statement alone shall not be conclusive evidence demonstrating the same; and

(3) Evidence that the driver presented the owner with false information that he or she was licensed.

C. Taxis not licensed by New Brunswick shall not pick up within the City of New Brunswick for transport to any destination. Taxis not licensed by New Brunswick may, however, pick up a fare outside the City and transport the rider to a location within the City.

D. The taxicab license must be carried inside the taxicab at all times and conspicuously displayed inside the taxicab while the taxicab is in operation.

E. The taxicab driver’s license must be in the driver’s possession while the taxicab is in operation.

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall affect the remaining provisions hereof and the entire Ordinance shall be null and void.
COUNCILMEMBER I YIN I NY
COOK Ix
EGAN I X
ESCOBAR. VP I X
FIRST READING YOTE ON 17 August 2011

APPROVAL: Mayor

APPROVALS: City Attorney

APPROVAL OF THE MAYOR ON THIS DAY OF September 7, 2011.

City Clerk

ATTEST:

DATE: August 17, 2011
ADOPTED ON FIRST READING:

DATE: September 7, 2011
ADOPTED ON SECOND READING:

Effective Date:

SECTION I:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

SECTION II:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION III:

Repealer.

C-081108
STATEMENT OF PURPOSE

The purpose of this Amendment is to set forth and clarify taxicab owners' responsibility regarding the operation of taxicabs within the City of New Brunswick.
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES
OF THE CITY OF NEW BRUNSWICK
CHAPTER 17 "ZONING"

BE IT ORDAINED, by the City Council of the City of New Brunswick:

SECTION I

RGO Section 17.07, entitled "Design and Performance Standards" is hereby amended to include a new Subsection 17.07.110 entitled 'Riparian Zone Ordinance', as follows:

A. PURPOSE AND AUTHORITY

The purpose of this Ordinance is to designate riparian zones, and to provide for land use regulation therein in order to protect the streams, lakes, and other surface water bodies of the City of New Brunswick, and to comply with N.J.A.C. 7:15-5.25(g)(3), which requires municipalities to adopt an ordinance that prevents new disturbance for projects or activities in riparian zones as described herein. Notice is hereby given that compliance with the riparian zone requirements of this Ordinance does not constitute compliance with the riparian zone or buffer requirements imposed under any other Federal, State or local statute, regulation or ordinance.

B. DEFINITIONS

The definitions of the words and/or terms utilized in this Ordinance and as described below are as defined or described in the Water Quality Management Planning rules, N.J.A.C. 7:15, the Stormwater Management Rules, N.J.A.C. 7:8, and/or Flood Hazard Area Control Act Rules, N.J.A.C. 7:13, as they exist as of the effective date of this Ordinance. If any definition and/or description is subsequently amended in the Water Quality Management Planning rules, N.J.A.C. 7:15, the Stormwater Management Rules, N.J.A.C. 7:8, and/or Flood Hazard Area Control Act Rules, N.J.A.C. 7:13, then the amended definition and/or description shall be controlling as of its effective date.

"Acid Producing Soils" shall mean soils that contain geologic deposits of iron sulfide minerals (pyrite and marcasite) which, when exposed to oxygen from the air or from surface waters, oxidize to produce sulfuric acid. Acid producing soils, upon excavation, generally have a pH of 4.0 or lower. After exposure to oxygen, these soils generally have a pH of 3.0 or lower. Information regarding the location of acid producing soils in New Jersey can be obtained from local Soil Conservation District offices.

"Applicant" shall mean any person, corporation, government body or other legal entity applying to the Planning Board, Board of Adjustment or the Construction Office proposing to engage in an activity that is regulated by the provisions of this Ordinance, and that would be located in whole or in part within a regulated Riparian Zone.

"Category One Waters or C1 Waters" shall have the meaning ascribed to this term by the Surface Water Quality Standards, N.J.A.C. 7:9B, for purposes of implementing the antidegradation policies set forth in those standards, for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, and other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources.

"Disturbance" mean the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

"Intermittent Stream" shall mean a surface water body with definite bed and banks in which there is not a permanent flow of water and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater
Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

“Lake, Pond, or Reservoir” shall mean any surface water body shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys; that is an impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water. This excludes sedimentation control and stormwater retention/detention basins and ponds designed for treatment of wastewater.

“Perennial Stream” shall mean a surface water body that flows continuously throughout the year in most years and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

“Riparian Zone” shall mean the land and vegetation within and directly adjacent to all surface water bodies including, but not limited to lakes, ponds, reservoirs, perennial and intermittent streams, up to and including their point of origin, such as seeps and springs, as shown on the New Jersey Department of Environmental Protection’s GIS hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys. There is no riparian zone along the Atlantic Ocean nor along any manmade lagoon or oceanfront barrier island, spit or peninsula.

“Special Water Resource Protection Area or SWRPA” means a 300 foot area provided on each side of a surface water body designated as a C1 water or tributary to a C1 water that is a perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein and shown on the USGS quadrangle map or in the County Soil Surveys within the associated HUC 14 drainage, pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h).

“Surface Water Body(ies)” shall mean any perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein. In addition, any regulated water under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-2.2, or State open waters identified in a Letter of Interpretation issued under the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-3 by the New Jersey Department of Environmental Protection Division of Land Use Regulation shall also be considered surface water bodies.


“Trout Maintenance Water” shall mean a section of water designated as trout maintenance in the New Jersey Department of Environmental Protection’s Surface Water Quality Standards at N.J.A.C. 7:9B.

“Trout Production Water” shall mean a section of water identified as trout production in the New Jersey Department of Environmental Protection’s Surface Water Quality Standards at N.J.A.C. 7:9B.

C. ESTABLISHMENT AND PROTECTION OF RIPARIAN ZONES

1. Except as provided in Sections IV. and V. below, riparian zones adjacent to all surface water bodies shall be protected from avoidable disturbance and shall be delineated as follows:

(a) The riparian zone shall be 300 feet wide along both sides of any Category One water (C1 water), and all upstream tributaries situated within the same HUC 14 watershed.
(b) The riparian zone shall be 150 feet wide along both sides of the following waters not designated as C1 waters:

(i) Any trout production water and all upstream waters (including tributaries);

(ii) Any trout maintenance water and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water;

(iii) Any segment of a water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the surface water body for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water; and

(iv) any segment of a water flowing through an area that contains acid producing soils.

© For all other surface water bodies, a riparian zone of 50 feet wide shall be maintained along both sides of the water.

(2) If a discernible bank is not present along a surface water body, the portion of the riparian zone outside the surface water body is measured landward as follows:

(a) Along a linear fluvial or tidal water, such as a stream, the riparian zone is measured landward of the feature's centerline;

(b) Along a non-linear fluvial water, such as a lake or pond, the riparian zone is measured landward of the normal water surface limit;

(c) Along a non-linear tidal water, such as a bay or inlet, the riparian zone is measured landward of the mean high water line; and

(d) Along an amorphously-shaped feature such as a wetland complex, through which water flows but which lacks a discernible channel, the riparian zone is measured landward of the feature's centerline.

(3) The applicant or designated representative shall be responsible for the initial determination of the presence of a riparian zone on a site, and for identifying the area of the riparian zone on any plan submitted to the City of New Brunswick in conjunction with an application for a construction permit, subdivision, land development, or other improvement that requires plan submissions or permits. This initial determination shall be subject to review and approval by the municipal engineer or his appointed representative, and, where required by State regulation, the New Jersey Department of Environmental Protection.

D. VARIANCES

To the extent allowed by the Stormwater Management Rules (N.J.A.C. 7:8), the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), and the Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38), new disturbances for projects or activities in the riparian zone established by this Ordinance may be allowed through the Planning Board or Zoning Board of Adjustment review and approval of a variance, provided the disturbance is proposed to be located on a pre-existing lot (existing as of the effective date of this ordinance) when there is insufficient room outside the riparian zone for the proposed use otherwise permitted by the underlying zoning; there is no other reasonable or prudent alternative to placement in the riparian zone, including obtaining variances from setback or other requirements that would allow conformance with the riparian zone requirements; and upon proof by virtue of submission of appropriate maps, drawings, reports and testimony, that the disturbance is:

(1) Necessary to protect public health, safety or welfare;

(2) To provide an environmental benefit;
(3) To prevent extraordinary hardship on the property owner peculiar to the property; or

(4) To prevent extraordinary hardship, provided the hardship was not created by the property owner, by not allowing a minimum economically viable use of the property based upon reasonable investment.

E. EXCEPTIONS

To the extent allowed under the Stormwater Management Rules (N.J.A.C. 7:8), the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), and the Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38) and subject to review and approval by the New Jersey Department of Environmental Protection to the extent required by those rules, the following disturbances for projects or activities in the riparian zone established by this Ordinance are allowed:

(1) Redevelopment within the limits of existing impervious surfaces;

(2) Linear development with no feasible alternative route;

(3) Disturbance that is in accordance with a stream corridor restoration or stream bank stabilization plan or project approved by the New Jersey Department of Environmental Protection;

(4) Disturbance necessary to provide for public pedestrian access or water dependent recreation that meets the requirements of the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A, the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, or the Coastal Zone Management rules, N.J.A.C. 7:7E; or

(5) Disturbance with no feasible alternative required for the remediation of hazardous substances performed with New Jersey Department of Environmental Protection or Federal oversight pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et. seq. or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §§9601 et. seq.

F. APPEALS, CONFLICTS, AND SEVERABILITY

(1) Any party aggrieved by the location of the riparian zone boundary determination under this Ordinance may appeal to the Zoning Board of Adjustment under the provisions of this Ordinance. The party contesting the location of the riparian zone boundary shall have the burden of proof in case of any such appeal.

(2) Any party aggrieved by any determination or decision of the Zoning Board of Adjustment under this Ordinance may appeal pursuant to the appeal procedures from Zoning Board of Adjustment Decisions set forth at 16.12.110. The party contesting the determination or decision shall have the burden of proof in case of any such appeal.

(3) Conflicts: All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this Ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Ordinance shall apply.

(4) Severability:

(a) Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.

(b) Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.

© The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.
G. ENFORCEMENT

A prompt investigation shall be made by the Zoning Officer or his assistants, of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Ordinance is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance shall be construed to preclude the right of the City of New Brunswick, pursuant to N.J.S.A 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Ordinance shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Ordinance. Each day a violation continues shall be considered a separate offense.

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall affect the remaining provisions hereof and the entire Ordinance shall be null and void.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING:
DATED: September 7, 2011

[Signature]
Council President

ADOPTED ON SECOND READING
DATED: September 21, 2011

[Signature]
Council President

ATTEST:

[Signature]
City Clerk

APPROVAL OF THE MAYOR ON THIS [ ] DAY OF [ ] , 2011.
STATEMENT OF PURPOSE

The purpose of this Ordinance is to comply with the State's stormwater requirements to include restrictions regarding development in riparian zones.
ORDINANCE AUTHORIZING THE SUBSIDY BY THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, OF NOT EXCEEDING $3,250,000 AGGREGATE PRINCIPAL AMOUNT OF PUBLIC IMPROVEMENT REFUNDING BONDS, SERIES 2011 OF THE HOUSING AUTHORITY OF THE CITY OF NEW BRUNSWICK

WHEREAS, the City of New Brunswick, in the County of Middlesex, State of New Jersey (the "City"), pursuant to the Local Housing Authorities Law, N.J.S.A. 55:14A-1 et seq., as repealed and succeeded by the Local Redevelopment and Housing Law, as amended and supplemented, N.J.S.A. 40A:12A-1 et seq. (the "Act"), has heretofore by ordinance duly enacted and created a body corporate and politic known as the Housing Authority of the City of New Brunswick (the "Authority"); and

WHEREAS, in 1986 the Authority, acting in the capacity as the redevelopment entity for the City of New Brunswick, in the County of Middlesex, New Jersey (the "City"), financed a redevelopment project entailing (i) the acquisition of property located in the Downtown Development District Renewal Area which area is generally bounded by Albany Street, George Street and Washington Street (the "Property") for the construction thereon of an office building by the Golden Triangle Urban Renewal Corporation (the "Developer") and (ii) the construction of certain infrastructure improvements including the widening of Albany and George Streets and various site clearances (collectively, the "Redevelopment Project"); and

WHEREAS, the Authority issued $7,675,000 aggregate principal amount of Public Improvement Bonds, Series 1986 (the "Series 1986 Bonds") to finance the Redevelopment Project; and

WHEREAS, in order to partially secure the Series 1986 Bonds, the Developer entered into a long term ground lease ("Ground Lease") with the Authority for the Property whereby the lease payments are made in an amount equal to approximately 24.9% of the debt service on the Series 1986 Bonds; and

WHEREAS, to secure the remainder of the debt service on the Series 1986 Bonds, pursuant to a Disposition Agreement dated August 7, 1986, the City agreed to pay, from tax revenues, the difference between the total debt service payments due on the Series 1986 Bonds and the amount of rent paid to the Authority by the Developer pursuant to the Ground Lease; and

-1-
WHEREAS, the City also entered into a Financial Agreement dated August 13, 1986 with the Developer whereby the Developer makes payments in an amount of not less than $550,000 per year to the City in lieu of tax payments for real property taxation on the improvements constructed on the Property by the Developer; and

WHEREAS, the Authority advance refunded the Series 1986 Bonds through the issuance of $8,710,000 principal amount of Public Improvement Refunding Bonds consisting of $8,460,000 Tax-Exempt Series 1993A and $250,000 Taxable Series 1993B, dated May 1, 1993 (collectively, the "Series 1993 Bonds"); and

WHEREAS, pursuant to the Act, the Authority has determined to refund, on a current basis, the $2,900,000 outstanding aggregate principal amount of the Series 1993 Bonds maturing on and after August 1 in the years 2012 through and including 2016 (the "Refunded Bonds"), together with interest accrued and to accrue thereon to the date fixed for redemption (the "Project"); and

WHEREAS, the Authority now seeks to issue not to exceed $3,250,000 aggregate principal amount of Public Improvement Refunding Bonds, Series 2011 (the "Series 2011 Bonds") to (i) fund the costs of the Project, and (ii) pay the costs of issuing the Series 2011 Bonds; and

WHEREAS, in an effort to accomplish the issuance of the Series 2011 Bonds at the lowest possible interest cost, the Authority has requested the City pledge its full faith and credit to subsidize the timely payment of the principal of and interest on the Series 2011 Bonds; and

WHEREAS, pursuant to Sections 30(b) and 41 of the Act, the City is authorized to subsidize the punctual payment of the principal of and interest on any bonds of the Authority.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring) that:

SECTION 1. Pursuant to and in accordance with Sections 30(b) and 41 of the Act, the City is hereby authorized to, and does hereby, unconditionally agree to subsidize the punctual payment of the principal of and interest on the Series 2011 Bonds.
(the "City Subsidy"), which Series 2011 Bonds shall be in the aggregate principal amount of not exceeding $3,250,000 at any one time outstanding, to be issued for the purpose of providing funds to finance the costs of the Project as described in the recitals hereof, such Series 2011 Bonds to be dated, to be in such form, to mature, and to bear such rate or rates of interest and to be otherwise as provided or established in or by a resolution or resolutions of the Authority authorizing the issuance thereof. The City Subsidy authorized herein shall be given solely in accordance with the Subsidy Agreement (as defined below). The full faith and credit of the City of New Brunswick, in the County of Middlesex, State of New Jersey, is hereby unconditionally and irrevocably pledged for the full and punctual performance of said City Subsidy.

SECTION 2. The Mayor and City Clerk are each hereby authorized and directed to execute, by manual or facsimile signature, on each of the Series 2011 Bonds, and to affix the seal of the City thereon, language evidencing such City Subsidy of the full and punctual payment of the principal thereof and interest thereon in substantially the following form:

"SUBSIDY BY THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

Pursuant to the provisions of the Act referred to in the within Bond, the City of New Brunswick, in the County of Middlesex, New Jersey (the "City") hereby FULLY AND UNCONDITIONALLY agrees to subsidize the punctual payment of the principal of and interest on the within Bond according to its terms and the City is unconditionally liable for the punctual payment, when due, of the principal of and interest on the within Bond according to its terms.

IN WITNESS WHEREOF, the City of New Brunswick, in the County of Middlesex, New Jersey, has caused this Subsidy Certificate to be executed on its behalf by the manual or facsimile signature of its Mayor and the seal of said City to be impressed, imprinted or otherwise reproduced hereon, and attested by the manual or facsimile signature of its City Clerk, all as of the date of the within Bond.

[SEAL]

CITY OF NEW BRUNSWICK,
IN THE COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY

ATTEST:

CITY CLERK

By: ____________________________

MAYOR

SECTION 3. The Mayor is hereby authorized and directed to execute and deliver an agreement evidencing such City Subsidy of the Series 2011 Bonds (the

#3413553 (019211.117)062)
"Subsidy Agreement") in an aggregate principal amount not to exceed $3,250,000, and the
City Clerk is hereby authorized and directed to affix and attest the seal of the City thereon,
and said Mayor, the Chief Financial Officer and all other officers of the City (the "City
Representatives") are hereby authorized and directed to execute and deliver any and all
further instruments and documents, and to do and perform such other acts and things as
may be necessary and proper, and to perform all obligations of the City under the Subsidy
Agreement and to fully effectuate the same and the purpose of this ordinance. The Chief
Financial Officer of the City, upon the issuance of the Series 2011 Bonds by the Authority,
shall report in writing to the City Council, setting forth the principal amount and interest
rate(s) of the Series 2011 Bonds so issued. The authorization of the Mayor to execute the
Subsidy Agreement is contingent upon (a) the issuance of positive findings by the Local
Finance Board on the Authority's application for the issuance of the Series 2011 Bonds,
including approval and consent to the adoption of this Subsidy ordinance and the Subsidy
of the Series 2011 Bonds by the City, (b) the Authority adopting the supplemental
resolution authorizing the issuance of the Series 2011 Bonds, and (c) the issuance of the
Series 2011 Bonds by the Authority.

SECTION 4. It is hereby found, determined and declared by this City
Council that:

(a) the aggregate maximum principal amount of Series 2011 Bonds of
the Authority hereby and hereunder subsidized as to the payment of principal of and
interest on Series 2011 Bonds shall not exceed $3,250,000 at any one time outstanding;

(b) the purpose described in this ordinance is not a current expense of
the City and no part of this cost thereof shall be assessed on the property specially
benefited thereby;

(c) the Series 2011 Bonds shall mature no later than five (5) years
from their date of issuance;

(d) the City Subsidy authorized herein shall remain effective until the
Bonds shall have been paid or payment duly provided for in accordance with their terms
and the terms of the Authority's resolution authorizing the issuance of the Series 2011
Bonds notwithstanding the occurrence of any other event; and

(e) a supplemental debt statement of the City has been made and filed in
the office of the City Clerk and a complete executed duplicate thereof has been filed in the
office of the Division of Local Government Services, New Jersey Department of Community Affairs, and said statement shows that while the gross debt of the City, as defined in the Local Bond Law (N.J.S.A. 40A:2-1 et seq.) (the "Local Bond Law"), is increased $3,250,000 by this ordinance, the net debt of the City shall not be increased by this ordinance.

SECTION 5. This ordinance may be adopted notwithstanding any statutory or other debt limitation of the City, including particularly any limitation or requirement under or pursuant to the Local Bond Law, but the aggregate principal amount of Series 2011 Bonds subsidized pursuant to this ordinance for the Project, being an amount not to exceed $3,250,000, shall be reflected in the debt statements of the City. The principal amount of Series 2011 Bonds subsidized pursuant to this ordinance and included in the gross debt of the City, is deemed to be a deduction from such gross debt under and for all purposes of the Local Bond Law.

SECTION 6. The City hereby agrees to comply with the requirements of Rule 15c2-12, as amended and supplemented (the "Rule"), promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, to the extent the City is an "Obligated Person" (as defined in the Rule), including the secondary market disclosure requirements contained therein, and agrees to covenant to such compliance in the Subsidy Agreement. The Mayor and Chief Financial Officer of the City or any other City Representative are each hereby authorized and directed to approve and "deem final" the Preliminary and Final Official Statements of the Authority to the extent the information contained therein relates to the City and to execute and deliver all certificates, documents and agreements to the Authority in connection therewith and to file budgetary, financial and operating data on an annual basis and notices of certain enumerated events as required to comply with, and in accordance with, the provisions of the Rule.

SECTION 7. The Clerk of the City is hereby authorized and directed to cause the publication of the text of this ordinance in full or in summary after introduction and final adoption in accordance with applicable law and to arrange for the public hearing thereon and final adoption thereof, which public hearing shall be held at the public meeting of the City Council to be held on September 21, 2011.
SECTION 8. This ordinance shall take effect twenty (20) days after the first
publication hereof after final adoption as provided by law.

ADOPTED ON FIRST READING
DATED: September 7, 2011

Council President

ADOPTED ON SECOND READING
DATED: September 21, 2011

Council President

City Clerk

APPROVAL BY MAYOR ON THIS 23 DAY OF
September, 2011.

Mayor

APPROVALS:

Business Administrator

City Attorney

Chief Financial Officer
REFUNDING BOND ORDINANCE OF THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AUTHORIZING THE ISSUANCE BY THE CITY OF NOT TO EXCEED $13,600,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS FOR THE PURPOSE OF REFUNDING CERTAIN 2003 GENERAL OBLIGATION BONDS HERETOFORE ISSUED BY THE CITY IN THE ORIGINAL AMOUNT OF $18,817,000, AND APPROPRIATING THE PROCEEDS OF SUCH REFUNDING BONDS TO SUCH PURPOSE

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), the City of New Brunswick, in the County of Middlesex, State of New Jersey (the “City”) on August 12, 2003 issued $18,817,000 General Obligation Bonds of which $12,852,000 maturing on or after October 1, 2013 are subject to redemption as set forth therein (those subject to redemption being referred to herein collectively as the “Refunded Bonds”);

WHEREAS, the City Council has determined that refunding bonds can be issued to refund, in whole or in part, such Refunded Bonds which, under current market conditions, can generate a net present value debt service savings to the City equal to or greater than 3%, which savings is the minimum amount required to obtain approval for such refunding from the Local Finance Board, Division of Local Government Services, Department of Community Affairs (the “Local Finance Board”); and

WHEREAS, the City has determined to provide for the refunding of the Refunded Bonds through the issuance by the City of its general obligation refunding bonds in an aggregate principal amount not to exceed $13,600,000 (such bonds to be issued being referred to herein as the “Refunding Bonds”) as provided in this refunding bond ordinance;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. In order to finance the purposes described in Section 2 hereof, negotiable refunding bonds of the City hereby designated as General Obligation Refunding Bonds are each hereby authorized to be issued in the aggregate principal amounts not to exceed $13,600,000 (the “Refunding Bonds”). The proceeds of the Refunding Bonds are hereby appropriated to the purposes described in Section 2 hereof.

Section 2. (a) The purposes for which the Refunding Bonds are to be issued are (i) refunding the Refunded Bonds, including the payment of interest accrued thereon to the date fixed for redemption, and (ii) paying the cost of the issuance of the Refunding Bonds, including printing, advertising, accounting, insurance, financial and legal services, and rating agency fees.

(b) The aggregate cost of issuing the Refunding Bonds, as provided by N.J.S.A. §40A:2-51(b) (which amount includes all items described in Section 2(a)(ii) hereof) will not exceed $175,000. Such amount is included in the maximum authorized aggregate principal amount set forth in Section 1 hereof.

(c) The Refunded Bonds shall be called for redemption prior to maturity thereof as provided in the Refunded Bond certificates. A portion of the proceeds from the sale of the Refunding Bonds shall be deposited in trust to provide for the payment and retirement of the Refunded Bonds. Any moneys in trust may be invested as provided in N.J.S.A. 40A:2-60.
Section 3. Any further provisions as to terms of sale, deposit, securing, regulation, investment, reinvestment, disposition or application of the proceeds of the Refunding Bonds, and matters in connection therewith, shall be determined by resolution of the City adopted prior to the issuance of the Refunding Bonds.

Section 4. All other matters relating to the Refunding Bonds shall be performed or determined by subsequent resolution of the City, or the performance or determination thereof shall be delegated by resolution of the City to a financial officer of the City.

Section 5. A certified copy of this refunding bond ordinance, as introduced and adopted upon first reading, shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption hereof, together with the statement signed by the Chief Financial Officer of the City required by N.J.S.A. 40A:2-55.

Section 6. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the Refunding Bonds authorized by this refunding bond ordinance. The Refunding Bonds shall be direct, unlimited obligations of the City, and, unless paid from other sources, the City shall be obligated to levy ad valorem taxes upon all the taxable property within the City for the payment of the Refunding Bonds and the interest thereon without limitation as to rate or amount.

Section 7. The Mayor and City Council of the City hereby covenant on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the Refunding Bonds authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 8. The purpose of the issuance of the Refunding Bonds is to effect an aggregate net present value debt service savings to the City equal to or greater than three percent (3%) of the principal amount of the Refunded Bonds.

Section 9. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the City Clerk and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this Refunding Bond Ordinance and the said bonds and notes authorized by this Refunding Bond Ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 10. After passage upon first reading of this refunding bond ordinance, the City Clerk is hereby authorized and directed to publish the full text of this refunding bond ordinance, together with the “NOTICE OF PENDING BOND ORDINANCE” (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. § 40A:2-19, at least seven (7) days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten (10) days after introduction and first reading). The City Clerk is further directed to comply with all provisions of N.J.S.A. § 40A:2-17(b) regarding postings, publications, and the provision of copies of this refunding bond ordinance.

Section 11. After final adoption of this refunding bond ordinance by the City Council, the City Clerk is hereby directed to publish the full text of this refunding bond ordinance, as finally adopted, together with the “NOTICE OF ADOPTION OF BOND ORDINANCE” (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. § 40A:2-19, at least seven (7) days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten (10) days after introduction and first reading). The City Clerk is further directed to comply with all provisions of N.J.S.A. § 40A:2-17(b) regarding postings, publications, and the provision of copies of this refunding bond ordinance.

Section 12. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law, but not
prior to the time that the consent of the Local Finance Board (in the Division of Local Government Services) has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted, as provided by N.J.S.A. 40A:2-55.

ADOPTED ON FIRST READING
DATED: September 21, 2011

DANIEL A. TORRISI,
City Clerk

ROBERT RECINE,
Council President

ADOPTED ON SECOND READING
DATED: October 5, 2011

DANIEL A. TORRISI,
City Clerk

ROBERT RECINE,
Council President

APPROVAL BY MAYOR ON THIS DAY OF October, 2011.

JAMES M. CAHILL,
Mayor

Councilmember  Yes  No  No Vote  Absent

Jimmie Cook  S  X
Kevin Egan  X
Rebecca Escobar, V. Pres
Elizabeth Garlatti  M  X
Robert Recine, President  X

City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on first reading at the regular meeting of the New Brunswick City Council on:

September 21, 2011

Daniel A. Torrisi, City Clerk

Councilmember  Yes  No  No Vote  Absent

Jimmie Cook
Kevin Egan  M
Rebecca Escobar, V. Pres  S
Elizabeth Garlatti  X
Robert Recine, President  X

City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on second and final reading at the regular meeting of the New Brunswick City Council on:

October 5, 2011

Daniel A. Torrisi, City Clerk

Any reproduction of the original document must contain the raised seal of the City of New Brunswick to be legally certified.
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
CHAPTER 17 “ZONING”

BE IT ORDAINED, by the City Council of the City of New Brunswick:

SECTION I

RGO Section 17.02.020, entitled “List of Definitions, shall be amended to include the following definition:

**Sky Exposure Plane:** A sky exposure [building setback] plane is a virtual sloping plane that begins at a specified height above the street line and rises inward over the zoning lot at a ratio of vertical distance to horizontal distance set forth in district regulations. A building may not penetrate the sky exposure [building setback] plane which is designed to provide light and air at street level, primarily in medium- and higher-density districts.
SECTION II

RGO Section 17.04.020 entitled, Zoning Map, shall be amended to read as follows:

The City of New Brunswick is divided into zoning districts as shown on the attached map entitled "2007 Zoning Map of the City of New Brunswick," dated 2007 and amended through 2011 which is hereby adopted by reference and declared to be part of this Title.

SECTION III

RGO Section 17.04.050 entitled, "Bulk Schedule of Height, Area and Yard Requirements shall be amended to include the attached Table A, entitled, "Zoning Principle Standards (Principle Structures)."

Height and Setback Illustrations:

Min. Lot Size 5,000

Min. Lot Size 10,000

Min. Lot Size 20,000
Min. Lot Size 40,000
SECTION IV

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall affect the remaining provisions hereof and the entire Ordinance shall be null and void.

SECTION V

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION VI

EFFECTIVE DATE:

This Ordinance shall take effect upon the latest of the following events: approval by the Mayor, recording in the Middlesex County Clerk's Office.

ADOPTED ON FIRST READING:
DATED: September 21, 2011

Council President

ADOPTED ON SECOND READING
DATED: October 5, 2011

Council President

ATTEST:

City Clerk

APPROVAL OF THE MAYOR ON THIS 7TH DAY OF October, 2011.

Mayor

APPROVALS:

Business Administrator

City Attorney

Page 5 of 6
STATEMENT OF PURPOSE

The purpose of this Ordinance amendment is to institute a graduated density zoning standard and expand the boundary of the C-4 zone to include a portion of Block 49 on the south side of Easton Avenue at Somerset Street.
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<td>3'</td>
<td>3'</td>
<td>15'</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>R-5C</td>
<td>Single Family (detached)</td>
<td>2,700</td>
<td>30'</td>
<td>70'</td>
<td>10'</td>
<td>5'</td>
<td>10'</td>
<td>20'</td>
<td>35'</td>
<td>40%</td>
<td>60%</td>
<td>0.5:1</td>
<td>3'</td>
<td>3'</td>
<td>15'</td>
<td>1</td>
</tr>
<tr>
<td>R-5C</td>
<td>Two-Family (detached)</td>
<td>2,700</td>
<td>30'</td>
<td>70'</td>
<td>10'</td>
<td>5'</td>
<td>10'</td>
<td>20'</td>
<td>35'</td>
<td>40%</td>
<td>60%</td>
<td>0.5:1</td>
<td>3'</td>
<td>3'</td>
<td>15'</td>
<td>1</td>
</tr>
<tr>
<td>R-5C</td>
<td>ROWS-inside units</td>
<td>1,500</td>
<td>15'</td>
<td>70'</td>
<td>10'</td>
<td>-</td>
<td>-</td>
<td>20'</td>
<td>35'</td>
<td>40%</td>
<td>60%</td>
<td>0.8:1</td>
<td>3'</td>
<td>3'</td>
<td>15'</td>
<td>1</td>
</tr>
<tr>
<td>--------------</td>
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<td>----------------------</td>
<td>---------------------</td>
<td>--------------------------</td>
<td>--------------------------</td>
<td></td>
</tr>
<tr>
<td>R-5C</td>
<td>2,500</td>
<td>25'</td>
<td>70'</td>
<td>10'</td>
<td>5'</td>
<td>-</td>
<td>20'</td>
<td>35'</td>
<td>40%</td>
<td>60%</td>
<td>0.8:1</td>
<td>3'</td>
<td>3'</td>
<td>15'</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>R-6 Single Family</td>
<td>5,000</td>
<td>50'</td>
<td>100'</td>
<td>10'</td>
<td>15'</td>
<td>30'</td>
<td>40'</td>
<td>30'</td>
<td>20%</td>
<td>50%</td>
<td>0.35:1</td>
<td>3'</td>
<td>3'</td>
<td>15'</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>R-6 Two-Family</td>
<td>10,000</td>
<td>100'</td>
<td>100'</td>
<td>15'</td>
<td>20'</td>
<td>40'</td>
<td>40'</td>
<td>35'</td>
<td>25%</td>
<td>60%</td>
<td>0.8:1</td>
<td>3'</td>
<td>3'</td>
<td>15'</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>R-6 Townhouses</td>
<td>15,000</td>
<td>130'</td>
<td>100'</td>
<td>10'</td>
<td>15'</td>
<td>30'</td>
<td>40'</td>
<td>30'</td>
<td>20%</td>
<td>50%</td>
<td>0.35:1</td>
<td>3'</td>
<td>3'</td>
<td>15'</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>R-6 Low-Rise Apartments</td>
<td>43,650</td>
<td>200'</td>
<td>200'</td>
<td>50'</td>
<td>50'</td>
<td>100'</td>
<td>50'</td>
<td>35'</td>
<td>25%</td>
<td>60%</td>
<td>0.3:1</td>
<td>3'</td>
<td>3'</td>
<td>15'</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>R-7 Mid Rise</td>
<td>20,000</td>
<td>125'</td>
<td>150'</td>
<td>25</td>
<td>15</td>
<td>30</td>
<td>25</td>
<td>60'</td>
<td>50%</td>
<td>70%</td>
<td>2.50:1</td>
<td>5'</td>
<td>5'</td>
<td>15'</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>R-7 High Rise</td>
<td>20,000</td>
<td>125'</td>
<td>150'</td>
<td>25</td>
<td>15</td>
<td>30</td>
<td>25</td>
<td>120</td>
<td>50%</td>
<td>70%</td>
<td>5.00:1</td>
<td>5'</td>
<td>5'</td>
<td>15'</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>C-1 Neighborhood Commercial</td>
<td>5,000</td>
<td>50'</td>
<td>100'</td>
<td>10'</td>
<td>5'</td>
<td>10'</td>
<td>10'</td>
<td>40'</td>
<td>40%</td>
<td>90%</td>
<td>1.00:1</td>
<td>3'</td>
<td>3'</td>
<td>15'</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>C2A Neighborhood Commercial</td>
<td>5,000</td>
<td>50'</td>
<td>100'</td>
<td>10'</td>
<td>5'</td>
<td>10'</td>
<td>10'</td>
<td>40'</td>
<td>60%</td>
<td>90%</td>
<td>2.00:1</td>
<td>3'</td>
<td>3'</td>
<td>15'</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>C-2B Community Commercial</td>
<td>5,000</td>
<td>50'</td>
<td>100'</td>
<td>10'</td>
<td>5'</td>
<td>10'</td>
<td>10'</td>
<td>40'</td>
<td>60%</td>
<td>90%</td>
<td>2.00:1</td>
<td>3'</td>
<td>3'</td>
<td>15'</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>
## CITY OF NEW BRUNSWICK

### Zoning District Standards

<table>
<thead>
<tr>
<th>Principle Structures</th>
<th>Accessory Structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>MIN. LOT AREA</td>
<td>MIN. LOT WIDTH</td>
</tr>
<tr>
<td>C3A Office/Professional</td>
<td>5,000</td>
</tr>
<tr>
<td>C-3B Commercial/Office</td>
<td>5,000</td>
</tr>
<tr>
<td>C-4 Downtown</td>
<td>5,000</td>
</tr>
<tr>
<td>C-4 Downtown</td>
<td>See Table Below</td>
</tr>
<tr>
<td>C-5 Highway</td>
<td>10</td>
</tr>
<tr>
<td>C-6 Highway</td>
<td>10,000</td>
</tr>
<tr>
<td>O-1 General Office</td>
<td>10</td>
</tr>
<tr>
<td>HI Hospital/Institution</td>
<td>10,000</td>
</tr>
<tr>
<td>D-HI Downtown Hospital</td>
<td>10,000</td>
</tr>
<tr>
<td>I-1 Light Industrial</td>
<td>20,000</td>
</tr>
<tr>
<td>I-2 General Industrial</td>
<td>40,000</td>
</tr>
<tr>
<td>I-2-E Industrial/Entertainment</td>
<td>40,000</td>
</tr>
<tr>
<td>IN-1 Institutional</td>
<td>5,000</td>
</tr>
</tbody>
</table>

Page 3 of 4
### CITY OF NEW BRUNSWICK
#### Zoning District Standards

#### Principle Structures

<table>
<thead>
<tr>
<th>District</th>
<th>Lot Size</th>
<th>Min. Lot Width</th>
<th>Min. Lot Depth</th>
<th>Min. Front Setback</th>
<th>Min. One Side Setback</th>
<th>Min. Total Side Setback</th>
<th>Max. Building Height</th>
<th>Max. Building Cover</th>
<th>Max. F.A.R.</th>
<th>Min. Rear Setback</th>
<th>Max. Rear Setback</th>
<th>Min. FAR</th>
<th>Max. FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>IN-2</td>
<td>10,000</td>
<td>100'</td>
<td>100'</td>
<td>20'</td>
<td>15'</td>
<td>35'</td>
<td>25'</td>
<td>35'</td>
<td>35%</td>
<td>60%</td>
<td>10'</td>
<td>10:1</td>
<td>10'</td>
</tr>
<tr>
<td>WC</td>
<td>10,000</td>
<td>100'</td>
<td>100'</td>
<td>20'</td>
<td>10'</td>
<td>20'</td>
<td>25'</td>
<td>25%</td>
<td>45%</td>
<td>0.35:1</td>
<td>3'</td>
<td>3'</td>
<td>10'</td>
</tr>
<tr>
<td>WC</td>
<td>5,000</td>
<td>50'</td>
<td>100'</td>
<td>20'</td>
<td>-</td>
<td>20'</td>
<td>25'</td>
<td>20%</td>
<td>45%</td>
<td>0.35:1</td>
<td>3'</td>
<td>3'</td>
<td>10'</td>
</tr>
<tr>
<td>WC</td>
<td>1,800</td>
<td>18'</td>
<td>100'</td>
<td>20'</td>
<td>14'</td>
<td>-</td>
<td>25'</td>
<td>20%</td>
<td>45%</td>
<td>0.5:1</td>
<td>3'</td>
<td>3'</td>
<td>10'</td>
</tr>
</tbody>
</table>

#### Accessory Structures

<table>
<thead>
<tr>
<th>District</th>
<th>Min. Lot Area</th>
<th>Min. Lot Width</th>
<th>Min. Lot Depth</th>
<th>Min. Front Setback</th>
<th>Min. One Side Setback</th>
<th>Min. Total Side Setback</th>
<th>Max. Building Height</th>
<th>Max. Building Cover</th>
<th>Max. F.A.R.</th>
<th>Min. Rear Setback</th>
<th>Max. Rear Setback</th>
<th>Min. FAR</th>
<th>Max. FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>WC</td>
<td>10'</td>
<td>10'</td>
<td>15'</td>
<td>10'</td>
<td>15'</td>
<td>35'</td>
<td>25'</td>
<td>35%</td>
<td>60%</td>
<td>10:1</td>
<td>10:1</td>
<td>10:1</td>
<td>10:1</td>
</tr>
<tr>
<td>WC</td>
<td>3'</td>
<td>3'</td>
<td>10'</td>
<td>10'</td>
<td>15'</td>
<td>35'</td>
<td>25'</td>
<td>35%</td>
<td>60%</td>
<td>10:1</td>
<td>10:1</td>
<td>10:1</td>
<td>10:1</td>
</tr>
<tr>
<td>WC</td>
<td>10'</td>
<td>10'</td>
<td>15'</td>
<td>10'</td>
<td>15'</td>
<td>35'</td>
<td>25'</td>
<td>35%</td>
<td>60%</td>
<td>10:1</td>
<td>10:1</td>
<td>10:1</td>
<td>10:1</td>
</tr>
<tr>
<td>WC</td>
<td>3'</td>
<td>3'</td>
<td>10'</td>
<td>10'</td>
<td>15'</td>
<td>35'</td>
<td>25'</td>
<td>35%</td>
<td>60%</td>
<td>10:1</td>
<td>10:1</td>
<td>10:1</td>
<td>10:1</td>
</tr>
</tbody>
</table>

### C-4 Graduated Density

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Lot Width</th>
<th>Lot Depth</th>
<th>Min. Front Setback</th>
<th>Min. One Side Setback</th>
<th>Min. Total Side Setback</th>
<th>Min. Rear Setback</th>
<th>Height</th>
<th>FAR</th>
<th>Max Bld Cover</th>
<th>Max Impervious</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000</td>
<td>50</td>
<td>100</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>40</td>
<td>4.0</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>10,000</td>
<td>100</td>
<td>100</td>
<td>7 feet at 40 ft height level</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>60</td>
<td>5.0</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>20,000</td>
<td>150</td>
<td>100</td>
<td>The building shall be set back above the 40 ft. height so as to not penetrate a building setback plane of 10° degrees starting at the 40 ft. height level (See illustration for Building Setback Plane)</td>
<td>0 ft, unless the property abuts a residential zone R-5, R-6 or R-7, where a 10 ft. side yard setback shall be required</td>
<td>0 ft, unless the 10 ft. one, side yard setback applies</td>
<td>0</td>
<td>150</td>
<td>12.0</td>
<td>95</td>
<td>95</td>
</tr>
<tr>
<td>40,000</td>
<td>150</td>
<td>150</td>
<td>The building shall be set back above the 40 ft. height so as to not penetrate a building setback plane of 10° degrees starting at the 40 ft. height level (See illustration for Building Setback Plane)</td>
<td>0 ft, unless the property abuts a residential zone R-5, R-6 or R-7, where a 10 ft. side yard setback shall be required</td>
<td>0 ft, unless the 10 ft. one, side yard setback applies</td>
<td>0</td>
<td>250</td>
<td>15.0</td>
<td>95</td>
<td>95</td>
</tr>
</tbody>
</table>
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
CHAPTER 2.64, “DEPARTMENT OF POLICE”

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

The fourth paragraph Revised General Ordinance 2.64.250, is amended to read as follows:

The contract with said Vendor shall provide for the deposit of monies in advance by the Vendor for the services to be performed. Should the contract be for a term exceeding one month, the Vendor may be required to tender an estimated payment for the first months services upon executing the contract, and will be billed on a periodic basis thereafter. Should the actual assignment of off-duty officers amount to less than the amount deposited, the City of New Brunswick shall upon termination of the contract and receipt of the final certified time slips, return all unused funds to the Vendor. Nothing in this section shall be construed as limiting the power of the City of New Brunswick to accept or reject any and all assignments with any Vendor.

SECTION II

The first paragraph of Revised General Ordinance 2.64.260, is amended to read as follows:

All Vendors shall be required to make all payments for extra-duty assignments payable to the City of New Brunswick. All payments for extra-duty assignments shall be forwarded to the New Brunswick Police Department and forwarded to the Finance Department. The Finance Department shall deposit all funds earmarked for the payment of extra-duty officers, collected from Vendors, into a special escrow fund. The escrow fund shall be established for payment to members of the Police Department performing the extra-duty services. All police officers shall be required to submit pay slips to the Police Director/Chief of Police. The pay slip shall be in a form approved by the Police Director/Chief of Police. Upon receipt of a properly executed pay slip verified by the Vendor, the Finance Department will process the pay slips for disbursement. Extra-duty officers shall be paid on a timely basis.

SECTION III

Revised General Ordinance 2.64.270, paragraph (A), is amended to read as follows:

A. In addition to the aforementioned fees to be collected by the City of New Brunswick from said vendor for the payment of said extra-duty officers, the city of New Brunswick shall collect an administrative fee per person assigned to said vendor. In addition, the City of New Brunswick shall collect a fee per hour per police vehicle assigned to the vendor. Said fee shall be used to offset the administrative costs associated with the assignment of city police officers. The administrative fee and vehicle fees shall be as follows:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADMINISTRATIVE FEE</th>
<th>VEHICLE FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>$17.00</td>
<td>$15.00</td>
</tr>
<tr>
<td>2012</td>
<td>$18.00</td>
<td>$16.00</td>
</tr>
<tr>
<td>2013</td>
<td>$19.00</td>
<td>$17.00</td>
</tr>
<tr>
<td>2014</td>
<td>$20.00</td>
<td>$18.00</td>
</tr>
<tr>
<td>2015</td>
<td>$21.00</td>
<td>$19.00</td>
</tr>
</tbody>
</table>

SECTION IV

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall affect the remaining provisions hereof and the entire Ordinance shall be null and void.
SECTION V

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION VI

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING
DATED: September 21, 2011

COUNCIL PRESIDENT

ADOPTED ON SECOND READING
DATED: October 5, 2001

COUNCIL PRESIDENT

ATTEST:

CITY CLERK

APPROVAL OF THE MAYOR ON THIS 7th DAY OF October, 2011.

APPROVALS:

BUSINESS ADMINISTRATOR

CITY ATTORNEY

WJH/pm
STATEMENT

The purpose of this Ordinance is to clarify the procedures used in handling payments by vendors for police extra duty officers and to establish the administrative and vehicle fees for the years 2011 through 2015.
BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

Section 10.20.010, Schedule XXXIX, Parking Zone for Handicapped Persons is hereby amended to add the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 Wright Place</td>
<td>South</td>
<td>One 22 foot space located alongside Apartment Building No. 13.</td>
</tr>
<tr>
<td>(Placard No. HX3984)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>207 Townsend Street</td>
<td>Northeast</td>
<td>Beginning at a point 90 feet from the northwesterly curbline of Lee Avenue and extending to a point 22 feet northwest thereof.</td>
</tr>
<tr>
<td>(Placard No. P1040098)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING:
DATED: September 21, 2011
COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: October 5, 2011
COUNCIL PRESIDENT

APPROVAL OF THE MAYOR ON THIS DAY OF , 2011.
JAMES M. CAHILL, Mayor

APPROVALS:
CITY ADMINISTRATOR
CITY ATTORNEY

TSK/tm
AN ORDINANCE OF THE CITY OF NEW BRUNSWICK APPROPRIATING $420,000 FROM REGIONAL CONTRIBUTION FUNDS RECEIVED FROM THE TOWNSHIP OF PISCATAWAY IN ORDER TO PROVIDE FUNDING FOR NEW STREET APARTMENTS AFFORDABLE HOUSING PROJECT

BE IT ORDAINED, by the City Council of the City of New Brunswick as follows:

SECTION I

The improvements described hereafter in Section III of the Ordinance are hereby authorized to be undertaken by the City of New Brunswick as General Improvements. For the improvements or purposes described in Section II, there is hereby appropriated the sum of Four Hundred Twenty Thousand ($420,000) Dollars, of which of Four Hundred Twenty Thousand ($420,000) Dollars shall be paid out of funds received from the Township of Piscataway, Middlesex County, New Jersey pursuant to a Regional Contribution Agreement approved by the New Jersey Council on Affordable Housing, the signature of Douglas A. Petix, Chief Financial Officer on this Ordinance certifying that such funds are available.

SECTION II

The improvements hereby authorized are for the funding of the New Street Apartments Building affordable housing project for the construction of housing units occupied by low and moderate income persons in the City of New Brunswick and for the purposes of effectuating the approved Regional Contribution Agreement between the City of New Brunswick and the Township of Piscataway. No more than twenty (20%) percent of these funds shall be used for costs pursuant to N.J.S.A. 40A:2-20.

No bonds or notes are to be issued by the City of New Brunswick for the above improvements.

SECTION III

The Capital Budget of the City of New Brunswick is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The Resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services is on file with the City Clerk and is available there for public inspection.

SECTION V

All grant monies received for the purposes described in Section II hereof shall be applied either to direct payment of the cost of the improvement or to costs pursuant to N.J.S.A. 40A:2-20.

SECTION VI

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION VII

REPEALER:

All Ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION VIII

EFFECTIVE DATE:

This Ordinance shall become effective ten (10) days following final adoption and shall be published as required by law.
COUNCILMEMBER Y

COUNCILMEMBER X

EGAN X

RECINE. Pres

ESCOBAR. VP

FIRST READING VOTE ON October 5, 2011.

MOVED

SECOND VOTE ABSENT

Daniel A. Torrisi, City Clerk of the City of New Brunswick, do hereby certify that forgoing Ordinance is a true copy of the original Ordinance adopted on second reading at the regular meeting of the City of New Brunswick City Council on October 19, 2011.

Any reproduction of the Original Ordinance must contain the raised seal of the City of New Brunswick.

DATE: October 19, 2011

APPROVED ON SECOND READING:

CITY CLERK

APPROVAL OF THE MAYOR ON THIS 26 DAY OF OCTOBER, 2011.

CITY ADMINISTRATOR

MAYOR

COUNCIL PRESIDENT

COUNCIL PRESIDENT

O-101103
STATEMENT

The purpose of this Ordinance is to partially fund the New Street Apartment Building affordable housing project.
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, TITLE X, "TRAFFIC AND PARKING"

BE IT ORDAINED, by the City Council of the City of New Brunswick as follows:

SECTION I

Section 10.16.020, Schedule XXIV, Parking Prohibited at all Times on Certain Streets, is hereby amended as follows:

Eliminate:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plum Street</td>
<td>Both</td>
<td>Between French Street and Somerset Street</td>
</tr>
</tbody>
</table>

Add:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plum Street</td>
<td>West</td>
<td>Between French Street and Somerset Street</td>
</tr>
<tr>
<td>Plum Street</td>
<td>East</td>
<td>Beginning from the northerly curbline of</td>
</tr>
<tr>
<td></td>
<td></td>
<td>French Street and extending 86' therefrom.</td>
</tr>
<tr>
<td>Plum Street</td>
<td>East</td>
<td>Beginning 166' from the northerly curbline of</td>
</tr>
<tr>
<td></td>
<td></td>
<td>French Street and extending 161' therefrom.</td>
</tr>
<tr>
<td>Plum Street</td>
<td>East</td>
<td>Beginning 407' from the northerly curbline of</td>
</tr>
<tr>
<td></td>
<td></td>
<td>French Street and extending 29' to the</td>
</tr>
<tr>
<td></td>
<td></td>
<td>southerly curbline of Somerset Street.</td>
</tr>
</tbody>
</table>

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall affect the remaining provisions hereof and the entire Ordinance shall be null and void.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.
M: i l QVED S=

SECOND

NO VOTE

ABSENT OCTOBER

2011

COUNCILMEMBER

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FIRST READING VOTE ON OCTOBER

5, 2011

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COUNCILMEMBER

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City
Clerk the
City
of
New

Bnlllswick, NJ. do hereby Certify the forgoing
Ordinance is
a
true
Copy
of the
Origin'll Ordin'lllce adopted 011
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a regular
meeting of the New
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Daniel A. Torrisi. City
Clerk

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of
New Bnlllswick
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Person in charge or seal

Date: October 19, 2011

Adopted on Second Reading:

AS AMENDED BY R-0-101104.1

0-101104
STATEMENT OF PURPOSE

The purpose of this Amendment is to utilize the cut-outs on Plum Street between French and Somerset Streets and eliminate the 'NO PARKING ANY TIME' restriction in order allow for drop-offs/pickups of patients in an effort to facilitate the Children's Specialized Hospital and Children’s Health Institute projects.
BY THE CITY COUNCIL:

BE IT RESOLVED, by the City Council of the City of New Brunswick that Ordinance 0-101104 is hereby amended as follows:

SECTION I

Section 10.16.020, Schedule XXIV, Parking Prohibited at all Times on Certain Streets, is hereby amended to read as follows:

Eliminate:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plum Street</td>
<td>Both</td>
<td>Between French Street and Somerset Street</td>
</tr>
</tbody>
</table>

Add:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plum Street</td>
<td>West</td>
<td>Between French Street and Somerset Street</td>
</tr>
<tr>
<td>Plum Street</td>
<td>East</td>
<td>Beginning from the northerly curbline of French Street and extending 86' therefrom.</td>
</tr>
<tr>
<td>Plum Street</td>
<td>East</td>
<td>Beginning 166' from the northerly curbline of French Street and extending 161' therefrom.</td>
</tr>
<tr>
<td>Plum Street</td>
<td>East</td>
<td>Beginning 407' from the northerly curbline of French Street and extending 29' to the southerly curbline of Somerset Street.</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED, that Certified Copies of this Resolution shall be provided by the City Clerk to the following:

- City Engineer
- Business Administrator
- Chief Financial Officer

ADOPTED: October 19, 2011

COUNCIL PRESIDENT

APPROVALS:

CITY ADMINISTRATOR

CITY CLERK

<table>
<thead>
<tr>
<th>COUNCILMEMBER</th>
<th>YES</th>
<th>NO</th>
<th>ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michael Cooke</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alphonso Cook</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robert K. Smith</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>James E. Page</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Francis Almeida</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Not to scale. Depicted in this document is the Resolution as approved by the City Council of the City of New Brunswick, N.J., at the regular meeting of the City Council held at 7:00 p.m., Tuesday, October 19, 2011. The Resolution shall be effective upon the date of its adoption and shall be published in the Official Notice of the City of New Brunswick, N.J., thereafter.
CITY ATTORNEY

CHIEF FINANCIAL OFFICER

WJH/tm
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK, CHAPTER 5.80 "RENT CONTROL"

BE IT ORDAINED, by the City Council of the City of New Brunswick:

SECTION I

RGO Section 5.80.030, "Definitions" shall be amended to include the following:

"Tenant" shall mean anyone who rents or is a subtenant, lessee, or sublessee of a rental unit, or successor to a renter's interest, or any group of tenants, subtenants, lessees, or sublessees of any rental unit, or any other person entitled to the use or occupancy of such rental unit.

SECTION II

Section 5.80.050 entitled, "Exemptions" shall be amended to include a new subsection H entitled, "Tenants in Occupancy," as follows:

H. Tenant in Occupancy.

1. In accordance with the purposes of the Rent Control Ordinance (Title 5.80.010 et seq.) and the Periodic Inspection Ordinance (Title 15.40.010 et seq.), the rental unit registration requirement and base rent increase limitations of Section 5.80.060, Section 5.80.130 and Section 15.40.030 apply only to a rental unit that is occupied by a "tenant in occupancy," which is an individual who otherwise meets the definition of tenant set forth in 5.80.030, and who occupies the unit as his or her primary residence, as that term is defined in this Chapter. Rental units that are kept primarily for secondary residential occupancy, such as a pied-a-terre or vacation home, or primarily for non-residential use, such as storage, commercial, or office use, or are undergoing rehabilitation to the extent that the unit is not habitable, are not subject to the rental unit registration requirement and base rent increase limitations of Section 5.80.060 and Section 5.80.130.

2. Occupancy as a primary residence does not require that the individual be physically present in the unit at all times or continuously, but the unit must be the tenant's usual place of return. Consideration shall be given to the following factors in determining whether a unit is the individual's "primary residence":

(a) Whether the individual carries on basic living activities at the subject premises for extended periods;
(b) Whether the individual maintains another dwelling or, if the individual does maintain another dwelling, the amount of time that the individual spends at each dwelling place;
(c) Whether the subject premises are listed as the individual's place of residence on any motor vehicle registration, driver's license, voter registration, or with any other public agency, including Federal, State and local taxing authorities;
(d) Whether the utilities are billed to and paid by the individual at the subject premises;
(e) Whether all of the individual's personal possessions have been moved into the subject premises;
(f) Whether a homeowner's tax exemption for the individual has not been filed for a different property;
(g) Whether the individual is enrolled as a student or is a member of the faculty at an institution of higher education in Middlesex County

(g) Whether the subject premises are the place the individual normally returns to as his/her home, exclusive of military service, hospitalization, vacation, family emergency, Peace Corps service, academic sabbatical, travel necessitated by employment or education, or other reasonable temporary periods of absence.

3. A tenant who is enrolled as a student or is a member of the faculty or staff at an accredited institution of higher education in Middlesex County may qualify as a Tenant In Occupancy notwithstanding his or her having another residence to which he or she will ultimately return.

4. If an individual rents two units in the same building and resides in one of the units as a primary residence, the second unit shall qualify as a tenant in occupancy unit if it is used primarily for residential storage of the personal property of the individual.

5. Exemption claims from rental unit registration and periodic inspections pursuant to 5.80.60, 5.80.130 and 15.40.030 due to the rental unit not having a Tenant-In-Occupancy shall submit to the Rent Control Office for the Office’s review and approval a notarized statement on a form provided by the Rent Control Office to affirm that the rental unit does not have an occupant who meets the definition of a “Tenant In Occupancy”.

(a) An approved exemption based on Tenant In Occupancy status shall be valid for either three (3) years or until a Tenant In Occupancy occupies the unit, whichever occurs first.

(b) The fee for filing a claim for exemption based on having no Tenant In Occupancy shall be the same as the fee for registering a rental unit pursuant to 5.80.100.

6. Rental units that were subject to 5.80.060, 5.80.130 and/or 15.40.030 and that are exempted pursuant to the tenant-in-occupancy exception and then return to being rented are restricted as to the new rent to be charged to the last allowable base rent charged plus the current allowable annual increase, unless the rental unit is approved for a vacancy decontrol increase pursuant to 5.80.140.

SECTION III

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall affect the remaining provisions hereof and the entire Ordinance shall be null and void.

SECTION IV

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION V

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.
City Attorney

Business Administrator

APPROVALS:

APPROVAL OF THE MAYOR ON THIS 7th DAY OF NOVEMBER, 2011.

City Clerk

ATTEST:

Council President

Council President

DATE:  November 2, 2011
ADOPTED ON SECOND READING

DATE: October 19, 2011
ADOPTED ON FIRST READING
STATEMENT OF PURPOSE

The purpose of this Amendment is to allow an exemption from the Rent Control requirements and inspection for those properties where there is no "tenant in occupancy."
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL
ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 10, "TRAFFIC AND PARKING"

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

Section 10.20.010, Schedule 39, Parking Zones for Handicapped Persons is hereby amended to delete the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Jennings Court</td>
<td>West</td>
<td>Beginning at a point 40 feet from the westerly curbline of Sample Road and extending to a point 22 feet northwest thereof.</td>
</tr>
<tr>
<td>(Placard No. P801905)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Bergen Court</td>
<td>East</td>
<td>Beginning at a point 41 feet from the easterly curbline of Sample Road and extending to a point 22 feet north thereof.</td>
</tr>
<tr>
<td>(Placard No. P743225)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33 Jennings Court</td>
<td>East</td>
<td>Beginning at a point 183 feet from the southerly curbline of Sample Road and extending to a point 22 feet south thereof.</td>
</tr>
<tr>
<td>(Placard No. 603046)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>170 Redmond Street</td>
<td>Southwest</td>
<td>Beginning at a point 145 feet from the southwesterly curbline of Remsen Avenue and extending to a point 22 feet southwest thereof.</td>
</tr>
<tr>
<td>(Placard No. P635186)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION II

Section 10.20.020, Schedule 40, Parking Spaces for Handicapped Persons is hereby amended to delete the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>23 North Talmadge Street</td>
<td>Northeast</td>
<td>Beginning at a point 191 feet from the northeasterly curbline of Commercial Avenue and extending to a point 22 feet southeast thereof.</td>
</tr>
<tr>
<td>15 Quentin Avenue</td>
<td>North</td>
<td>Beginning at a point 203 feet from the northwesterly curbline of Curtis Place and extending to a point 22 feet west thereof.</td>
</tr>
</tbody>
</table>

SECTION III

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION IV

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.
SECTION V

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING:
DATED: October 19, 2011

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED: November 2, 2011

COUNCIL PRESIDENT

CITY CLERK

APPROVAL OF THE MAYOR ON THIS 4TH DAY OF NOVEMBER, 2011.

JAMES M. CAHILL, Mayor

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

CG/tn
AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 10, TRAFFIC AND PARKING

BE IT ORDAINED, by the City Council of the City of New Brunswick as follows:

SECTION I

Section 10.16.020, Schedule 24, No Parking At Anytime is hereby amended to add the following:

<table>
<thead>
<tr>
<th>STREET</th>
<th>SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oliver Avenue</td>
<td>North</td>
<td>From Roosevelt Street to it's eastern terminous</td>
</tr>
</tbody>
</table>

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All Ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING:
DATED: November 2, 2011

ADOPTED ON SECOND READING:
DATED: November 16, 2011

COUNCIL PRESIDENT

CITY CLERK

APPROVAL OF THE MAYOR ON THIS 23rd DAY OF November, 2011

JAMES M. CAHILL, Mayor

APPROVALS

CITY ADMINISTRATOR

Page 1 of 2
STATEMENT

The purpose of the Ordinance is to restrict parking at anytime on a portion of Oliver Avenue, New Brunswick New Jersey, adjacent to the New Brunswick High School.
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK

CHAPTER 17 “ZONING”

BE IT ORDAINED, by the City Council of the City of New Brunswick that Ordinance O-091107 shall be amended to read as follows:

SECTION I

SECTION VI

EFFECTIVE DATE:
This Ordinance shall take effect upon: (a) twenty (20) days following the final passage; or (b) upon filing with the Middlesex County Planning Board.

SECTION II

SEVERABILITY:
If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall affect the remaining provisions hereof and the entire Ordinance shall be null and void.

SECTION III

REPEALER:
All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:
This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING:
DATED: November 2, 2011

[Signature]
Council President

ADOPTED ON SECOND READING
DATED: November 16, 2011

[Signature]
Council President

ATTEST:

[Signature]
City Clerk
City Clerk

APPROVAL OF THE MAYOR ON THIS 23rd DAY OF December, 2011.

[Signature]
Mayor

APPROVALS:

[Signature]
Mayor

[Signature]
Business Administrator

City Attorney
STATEMENT OF PURPOSE

The purpose of this Ordinance is to correct and clarify the Effective Date contained in Ordinance O-091107.
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
CHAPTER 10.36 “BICYCLE REGULATIONS”

BE IT ORDAINED, by the City Council of the City of New Brunswick:

SECTION I

10.36.010. PURPOSE

The intent of this chapter is to encourage the safe and proper operation of bicycles on the streets of the City of New Brunswick, particularly by children, to encourage greater use of bicycles as a means of transportation so as to reduce traffic congestion and greenhouse gas emissions, and to further the programs established by the police, schools and civic groups to train children in the safe operation of bicycles.

SECTION II

10.36.020. DEFINITIONS

“Bicycle” as used in this chapter shall mean every vehicle propelled by human power upon which any person may ride, having at least two tandem wheels either of which is 20 inches or over in diameter.

SECTION III

10.36.030. REGULATIONS

A. General. All persons 12 years and older operating bicycles in the City of New Brunswick shall conform to all applicable laws of the State and ordinances of the City of New Brunswick, particularly those concerning the regulation of traffic, except where another age limit is specifically stated as being applicable. Bicycle operators shall obey the same rules and regulations as the drivers of motor vehicles unless inapplicable or inappropriate.

B. Operating Regulations. Every person riding a bicycle on a roadway shall ride as near to the right roadside as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. Every person riding a bicycle shall ride in the same direction as vehicular traffic. A bicyclist may move left under any of the following conditions:

(1) To make a left turn from a left turn lane or pocket;
(2) To avoid debris, drains, or other hazardous conditions on the right;
(3) To pass a slower moving vehicle;
(4) To use a bicycle lane that is designated on the left side of the road;
(5) To occupy any available lane when traveling at the same speed as other traffic; and
(6) To travel no more than two abreast when traffic is not impeded, but otherwise ride in single file.
C. **Passengers.** No person shall ride on any part of a bicycle not intended for use by a rider, nor more than one person ride a bicycle unless it is designed to accommodate more than one rider or operator.

D. **Unsafe Bicycle.** No person shall operate a bicycle that is in an unsafe or dangerous condition.

E. **Riding on Sidewalks.**

   (1) No person, regardless of age, shall ride a bicycle upon a sidewalk within the following business districts (a) Easton Avenue between French Street and Bristol Street/Bartlett Street; (b) French Street between Easton Avenue and Baldwin Street/Bethany Street; and (c) George Street between Morris Street and the railroad trestle.

   (2) No person 12 or more years of age shall ride a bicycle upon any sidewalk, unless such sidewalk has been officially designated and marked as a bicycle route or multi-use path. The following are designated as multi-use paths:

      (a) New Jersey Route 18 Northbound side from U.S. Route 1 to NJ Route 27; and

      (b) New Jersey Route 27 Northbound side from Hampton Road to Sandford Street

   (3) Bicycles shall not be operated on New Jersey State Highway Route 18 or U.S. Highway Route 1 or on any roadway where the operation of bicycles has been prohibited and signs have been erected indicating such prohibition.

   (4) Restrictions regarding riding on sidewalks shall not apply to sidewalks, multi-use paths or bike paths on Rutgers University property. Any bicycle being operated in these areas shall be governed by the rules and regulations of Rutgers University.

F. **Lights on Bicycles.** When in use at nighttime, every bicycle shall be equipped with the following:

   (1) A front headlamp emitting a white light visible from a distance of at least 500 feet to the front;

   (2) A rear lamp emitting a red light visible from a distance of at least 500 feet to the rear;

   (3) In addition to the red lamp a red reflector may be mounted on the rear.

G. **Audible Signal.** A bicycle must be equipped with a bell or other audible device that can be heard at least 100 feet away, but not a siren or whistle.

H. **Stopping.** Every bicycle shall have a means of stopping capable of causing a bicycle traveling at 15 mph to stop within 30 feet.

H. **Right of Way to a Bicycle.**

   (1) Turning Left in Front of a Bicycle. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to a bicycle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.
(2) Turning Right in Front of a Bicycle. When a motor vehicle and a bicycle are traveling in the same direction on any highway, street, or road, the operator of the motor vehicle overtaking such bicycle traveling on the right side of the roadway shall not turn to the right in front of the bicycle at that intersection or at any alley or driveway until such vehicle has overtaken and is safely clear of the bicycle.

(3) Overtaking On The Left. The operator of a motor vehicle overtaking a bicycle or individual proceeding in the same direction on a highway shall leave a safe distance, but not less than 3 feet, when passing the bicycle or individual and shall maintain that distance until safely past the overtaken bicycle.

I. Driving, standing or parking on bicycle paths or lanes prohibited.

The driver of a vehicle shall not drive, unless entering or exiting a legal parking space, or stand, or park the vehicle upon any on street path or lane designated by official signs or markings for the use of bicycles, or otherwise drive or place the vehicle in such a manner as to impede bicycle traffic on such path or lane. The driver of a vehicle shall not stand or park the vehicle upon any lane designated by pavement markings for the shared use of motor vehicles and bicycles, or place the vehicle in such a manner as to impede bicycle traffic on such lane. In addition to the fine provided in 10.36.050 of this ordinance, any vehicle parked in violation of this section shall be subject to an immediate tow and removal to a city vehicle pound or authorized garage.

J. Drivers to Exercise Due Care.

Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian, or any person operating a bicycle or other device propelled by human or animal power, upon any roadway, and shall give warning by sounding the horn when necessary and shall exercise proper precautions upon observing any child or any confused or incapacitated person upon a roadway.

K. Parking.

(1) No person shall park a bicycle upon a sidewalk in such a manner so as to unduly interfere with pedestrian traffic, or upon a roadway so as to unduly interfere with vehicular traffic.

(2) Bicycles shall be parked in such a manner as not to interfere with building entrances.

L. Impounding.

Whenever any minor under the age of 18 shall operate a bicycle or motorized bicycle in violation of any section of this ordinance, the bicycle may be seized by any member of the police department and impounded. A bicycle or motorized bicycle so impounded shall be surrendered to the owner, or if the owner is a minor, to the parents or guardians of such minor, and no charge shall be made. A full explanation of the reason for the impounding shall be made to the owner, parent or guardian. A complete record of each such impounding shall be kept in the office of the police director.

SECTION IV

10.36.050. PENALTIES
Any person who violates any provision of Section 10.36 shall be subject to a fine of twenty-five ($25.00) dollars for a first offense, a fine of fifty ($50.00) dollars for a second offense and a fine of one hundred ($100.00) dollars for a third or subsequent offense, provided that penalties for second and subsequent offenses shall be applicable only to offenses committed within one (1) year of the offense to which it is considered a second or subsequent offense.

SECTION V

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall affect the remaining provisions hereof and the entire Ordinance shall be null and void.

SECTION V

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION VI

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING:
DATED: December 7, 2011

Council President

ADOPTED ON SECOND READING
DATED: January 18, 2012

Council President

ATTEST:

City Clerk

Page 4 of 6
O-121101
AS AMENDED BY R-O-121101-1

APPROVAL OF THE MAYOR ON THIS 27 DAY OF 2014.

Mayo

APPROVALS:

Business Administrator

City Attorney
BY THE MUNICIPAL COUNCIL:

BE IT RESOLVED, by the City Council of the City of New Brunswick that Ordinance O-121101, now pending, is hereby amended as follows:

SECTION II

Section IV, 10.36.050, Penalties, is amended to read as follows:

Any person who violates any provision of Section 10.36 shall be subject to a fine of twenty-five ($25.00) dollars for a first offense, a fine of fifty ($50.00) dollars for a second offense and a fine of one hundred ($100.00) dollars for a third or subsequent offense, provided that penalties for second and subsequent offenses shall be applicable only to offenses committed within one (1) year of the offense to which it is considered a second or subsequent offense.

ADOPTED: January 18, 2012

CITY CLERK

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

WJH/tm
AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
CHAPTER 15.08, "BOCA BASIC PROPERTY MAINTENANCE CODE"

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

Paragraph (a) of PM-107.3 (Method of Service) of RGO 15.08.020, is amended to read as follows:

107.3 Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address or the address on file in the City’s Rent Leveling Office; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall affect the remaining provisions hereof and the entire Ordinance shall be null and void.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING
DATED: December 7, 2011

ADOPTED ON SECOND READING
DATED: December 20, 2011

ATTEST

CITY CLERK

APPROVAL OF THE MAYOR ON THIS 22nd DAY OF December, 2011.

APPROVALS:

BUSINESS ADMINISTRATOR
CITY ATTORNEY
WJIH/prm
STATEMENT

The purpose of this Ordinance is to simplify the method of service for Notices, Summons and Orders pursuant to the Act and to promote the most effective and economical method of service.
AN ORDINANCE GRANTING TO ACCEPT A STREET TO BE KNOWN AS ZEBRA WAY IN THE CITY OF NEW BRUNSWICK AND CERTAIN OTHER MATTERS

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

The New Brunswick Board of Education has had constructed a certain road to connect Van Dyke Avenue and Oliver Avenue so as to provide an alternate means of access to New Brunswick High School. Th road is depicted on Schedule A attached hereto.

SECTION II

The road described above is hereby officially named Zebra Way and is officially accepted by the City as a City street.

SECTION III

Pending final adoption of this Ordinance, the City Engineer is authorized to permit the use of the road known as Zebra Way at the time of introduction of this Ordinance on first reading.

SECTION IV

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION V

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING
DATED: December 7, 2011

ADOPTED ON SECOND READING
DATED: January 4, 2012

ATTEST:
CITY CLERK

APPROVAL OF THE MAYOR ON THIS 9TH DAY OF

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

CITY ENGINEER

WJH/pm
INTEROFFICE MEMORANDUM
DEPARTMENT OF ENGINEERING

TO: Thomas Loughlin, 3rd, City Administrator
    William Hamilton, Jr., City Attorney
    Daniel Torrisi, City Clerk
    Douglas Petix, Chief Financial Officer
    Joanne Vitanza, Purchasing Agent

FROM: Thomas S. Guldin, P.E., City Engineer

DATE: November 30, 2011

RE: Acceptance of Access Road for the
    New Brunswick High School

The Right-of-Way for the newly constructed access road for New Brunswick High School has been recorded and dedicated to the City of New Brunswick. In addition, the roadway has been inspected and has been found to be acceptable.

By way of this memorandum, we are requesting Council authorization for an ordinance to be created to accept the roadway as a municipal street which shall be known as "Zebra Way".

Please place this matter on the agenda for the Council Meeting of December 7, 2011. Thank you for your attention to this matter.

TSG:jl
attachment

cc: Steven M. Zarecki, Acting Department Head
O-121105

AN ORDINANCE GRANTING AN EASEMENT TO DINARDI REALTY CO.
ON A PORTION OF INDUSTRIAL DRIVE IN THE CITY OF NEW BRUNSWICK

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I
Industrial Drive is a public Street in the City of New Brunswick.

SECTION II
Acting on the request of DiNardi Realty Co., 12 Industrial Drive, P.O. Box 269, New Brunswick, New Jersey 08901, the City of New Brunswick approves the grant of an easement as described in Schedule A attached hereto over a portion of Industrial Drive in the City.

SECTION III
The Mayor and City Clerk are authorized to execute and attest a Deed conveying the easement described in Section II.

SEVERABILITY:
If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION IV
REPEALER:
All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION V
EFFECTIVE DATE:
This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING
DATED: December 7, 2011

ADOPTED ON SECOND READING
DATED: December 22, 2011

ATTEST:
CITY CLERK

APPROVAL OF THE MAYOR ON THIS 22ND DAY OF December, 2011

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

CITY ENGINEER

WJIHpnn
STATEMENT

The purposes of this Ordinance is to grant as an easement over a portion of Industrial Drive to provide access for construction and maintenance of a retaining wall on Block 597.03, Lot 1.
EXHIBIT A
DESCRIPTION

Description of property known and designated as Filed Map Lot 39-B in Block 597-C situated in the City of New Brunswick, County of Middlesex, State of New Jersey, as laid out on a certain map entitled "Revised Map of New Brunswick Industrial Park Section 2" as filed in the Office of the Middlesex County Clerk on January 7, 1964 as Map No. 2734 in File 951, said property being more particularly described as follows:

Beginning at a 4" x 4" wide concrete monument found in the southerly line of Terminal Road (60.00 foot wide right of way), said monument being distant 50.00 feet on a course South 45 degrees 00 minutes 50 seconds West from the intersection of the southerly line of Terminal Road, extended northeasterly with the westerly line of Industrial Drive (60.00 foot wide right of way) extended northwesterly and from said monument proceeding, thence

1. Southeasterly, along the southerly right of way of Industrial Drive and Terminal Road, along a curve bearing to the right, having a radius of 50.00 feet, an arc distance of 78.54 feet, a chord bearing of South 89 degrees 59 minutes 10 seconds East, a chord distance of 70.71 feet and a central angle of 90 degrees 00 minutes 00 seconds to a point of tangency; thence

2. South 44 degrees 59 minutes 10 seconds East along the westerly line of Industrial Drive, a distance of 606.51 feet to a ¾ inch diameter, steel pin set on the northerly line of lands now or formerly owned by the United New Jersey Rail Road and Canal Company as recorded in Book 2041 of Deeds, page 568; thence

3. South 47 degrees 15 minutes 56 seconds West along said northerly line a distance of 46.24 feet to a ¾ inch diameter steel pin set at an angle point in said line; thence

4. South 50 degrees 25 minutes 05 seconds West, continuing along said northerly line, a distance of 426.66 feet to a ¾ inch diameter steel pin set for a corner; thence

5. North 44 degrees 59 minutes 10 seconds West, along the easterly line of lands now or formerly owned by Henry Heide, Incorporated as recorded in Book 3370 of Deeds, page 873, a distance of 614.51 feet to a ¾ inch diameter steel pin set for a corner in the southerly line of Terminal Road (60.00 foot wide right of way); thence

6. North 45 degrees 00 minutes 50 seconds East, along the said southerly line of Terminal Road, a distance of 420.97 feet to the point and place of Beginning.

The property as hereinabove described being and intended to be the same premises as described in Book 4070 of Deeds, page 365. Said property also known as Lot 1 in Block 597.03 as depicted on the Official Tax Maps of the City of New Brunswick.

The above description is drawn in accordance with a survey prepared by ESP Associates, dated April 15, 1994.