

1st reading  
9-7-16 (4)

SPONSORED BY: Doyle  
SECONDED BY: Russo

**CITY OF HOBOKEN**  
**ORDINANCE NO.: 16-535 7-434**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HOBOKEN, CHAPTER 68, ENTITLED "ALCOHOLIC BEVERAGES," SPECIFICALLY TO REMOVE § 68-7 THE "FIVE-HUNDRED-FOOT RULE."

WHEREAS, the City has prohibited the granting of any request to transfer or establish any business with a plenary retail consumption license within a distance of 500 feet from any other premises then covered by a plenary retail consumption license; and

WHEREAS, based upon changes in the business environment, and the growth and redevelopment of the City, the City does not believe that it is in the best interest to continue this prohibition.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, that the Code of the City of Hoboken is hereby amended by removing and adding language to § 68-7 as follows:

Section One:

- A. ~~No plenary retail consumption license, except renewals for the same licensed premises and transfers of license from person to person within the same premises, shall be granted or transfer made to other premises within a distance of 500 feet from any other premises then covered by a plenary retail consumption license. There shall be no exceptions to this restriction. Should a license held by a restaurant be transferred to another location for use as a tavern, the restriction promulgated herein shall apply.~~
- B. ~~No plenary retail distribution license, except renewals for the same premises and transfers from person to person, shall be granted or transfer made to other premises within a distance of 500 feet from any other premises then covered by a plenary distribution license.~~
- C. ~~Where the five hundred foot distance is referred to in this section, the same shall be measured by a distance from the center of the entrance door of an existing tavern to the center of the entrance door of a proposed licensed premises as measured by walking along the sidewalk from point to point without any diagonal crossing of streets. If it is necessary to cross a street, such steps are to be taken at the lawful crosswalks in a direct manner. The local license issuing authority may, in its discretion, grant a transfer of an existing license to the same licensee to other premises within 250 feet of the premises from which the transfer is made, notwithstanding that the premises to which the license is so transferred is within 500 feet of an existing plenary retail consumption licensed premises, and grant~~

~~transfer of such license free of such five hundred foot limitation herein fixed in the event of any licensed premises being taken by condemnation for any municipal, county, state or federal project; provided, nevertheless, that the new location to which the license is to be transferred under this exception shall not be located within a distance of 250 feet of a then-existing location licensed to do business under a like license as the one being transferred. Said two hundred fifty foot distance shall be measured in the same manner as herein provided for the measuring of the five hundred foot distance. In the event that any transfer of a license should be allowed under this exception, then and in that event no license shall thereafter be transferred to the premises or any part thereof so vacated by such transfer, nor within a radius of 250 feet thereof; provided, however, that all other provisions of this chapter and applicable law relating thereto are complied with.~~

~~D. "Restaurant," as defined in this section, shall mean an establishment regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of food for its customers and in which no other business, except such as is incidental to such establishment, is conducted and where such premises shall conform to local and state fire and health codes.~~

~~E. This section shall not apply to the Southern Redevelopment Area as defined in Ordinance R-116, passed at the third and final reading on March 15, 1995. However, in said area, the number of retail consumption licenses shall be limited to seven.~~

\*The remainder of this chapter remains unchanged.\*

## **Section Two: Repeal of Inconsistent Provisions**

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect. This Ordinance shall also supersede any inconsistent provisions contained in any resolution or ordinance previously adopted by the Hoboken City Council.

## **Section Three: Severability**

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section Four: Effective Date**

This Ordinance shall take effect upon passage and publication as provided by law.

**Section Five: Codification**

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

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

**Date of Introduction: August 3, 2016.**

Introduction:

Councilperson	Yea /	Nay	Abstain/Present	Absent
Ravinder Bhalla	/			
Peter Cunningham		✓		
Michael DeFusco		✓		
James Doyle	/			
Tiffanie Fisher		✓		
David Mello	/			
Ruben Ramos Jr.	/			
Michael Russo	/			
President Giattino	/			

Final Reading:

Councilperson	Yea	Nay	Abstain/Present	Absent
Ravinder Bhalla				
Peter Cunningham				
Michael DeFusco				
James Doyle				
Tiffanie Fisher				
David Mello				
Ruben Ramos Jr.				
Michael Russo				
President Giattino				

Approved as to Legal Form:

Vetoed by the Mayor for the following reasons:

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

Adopted by the Hoboken City Council  
By a Vote of \_\_\_ Yeas to \_\_\_ Nays  
On the \_\_\_ day of \_\_\_\_, 2016

*-or-*

Approved by the Mayor  
On the \_\_\_ day of \_\_\_\_, 2016

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

\_\_\_\_\_  
Dawn Zimmer, Mayor

10-5-16 (2)

SPONSORED BY: Defusco

MD

SECONDED BY:

RS

CITY OF HOBOKEN  
ORDINANCE NO. Z-440

AN ORDINANCE TO AMEND AND SUPPLEMENT § 196-31 OF THE  
CODE OF THE CITY OF HOBOKEN ENTITLED "SIGNS AND  
SIGNAGE"

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

**Section 1:** The following additions and ~~deletions~~ shall be made to Hoboken City Code §196-31(C)(2)(g) to read as follows:

(g) Feather flags; except when the property is a business establishment in a zone where commercial and retail are permitted uses, and exterior signage ordinarily allowable under this section is not permitted pursuant to landlord or condominium association prohibition, and the property has no more than two (2) street-facing windows, not inclusive of doorway or transom, with total display area totaling less than ten (10) square feet. In the situations where feather flags are permitted pursuant to this exception, said signs shall:

- i. Be displayed only on the business premises; and,
- ii. Be limited to one (1) per business; and,
- iii. Pertain to the business on the premises; and,
- iv. Be displayed only during hours of operation; and,
- v. Be placed in a manner so as to ensure pedestrian safety; and,
- vi. Not block, impede or in any other manner interfere with the pedestrian walkway; and,
- vii. Not be more than twelve (12) feet long, or greater than thirty-six (36) inches in width; and,
- viii. Not block any windows or doors; and,
- ix. Be secured in a manner that prevents displacement from the wind.

L. Upon taking effect, the amended provisions of subsection C(2)(g) shall be retroactive to January 1, 2013.

**Section 2:** This ordinance shall be part of the General Code of the City of Hoboken as though codified and fully set forth therein.

**Section 3:** The City Clerk shall have this ordinance codified and incorporated in the official copies of the Hoboken code. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

**Section 4:** This ordinance shall take effect as provided by law.

**Date of Introduction: September 7, 2016**

**Introduction:**

Councilperson	Yea	Nay	Abstain/Present	Absent
Ravinder Bhalla	✓			
Peter Cunningham		✓		
Michael DeFusco	✓			
James Doyle	✓			
Tiffanie Fisher	✓			
David Mello	✓			
Ruben Ramos, Jr.	✓			
Michael Russo	✓			
President Jennifer Giattino		✓		

**Final Reading:**

Councilperson	Yea	Nay	Abstain/Present	Absent
Ravinder Bhalla				
Peter Cunningham				
Michael DeFusco				
James Doyle				
Tiffanie Fisher				
David Mello				
Ruben Ramos, Jr.				
Michael Russo				
President Jennifer Giattino				

Approved as to Legal Form:

\_\_\_\_\_  
 Brian Aloia, Esq., Corporation Counsel

Adopted by the Hoboken City Council  
 By a Vote of \_\_\_\_ Yeas to \_\_\_\_ Nays  
 On the \_\_\_\_ day of \_\_\_\_, 2016

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

Vetoed by the Mayor for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**-or-**

Approved by the Mayor  
 On the \_\_ day of \_\_\_\_, 2016

\_\_\_\_\_  
 Dawn Zimmer, Mayor