

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

File No. Ord. 20-062
Agenda No. 3.2 (1st Reading)
Agenda No. 4.2 (2nd Reading and Final Passage)



ORDINANCE IMPLEMENTING CHAPTER 67 (PEDESTRIAN MALLS), ARTICLE II (EXCHANGE PLACE PEDESTRIAN MALL).

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

- A. The following implementation to CHAPTER 67 (Pedestrian Malls), ARTICLE II (Exchange Place Pedestrian Mall) are hereby adopted:

**PEDESTRIAN MALLS
ARTICLE II
Exchange Place Pedestrian Mall**

§2-1. Definitions.


The following terms shall have the meanings indicated:

- A. A. “Pedestrian Mall” or “Pedestrian Mall Improvement” or “Pedestrian Plaza” or “Mall”:
Pursuant to N.J.S.A. 40:56-65 et seq., any local improvement designed to be used primarily for the movement, safety, convenience and enjoyment of pedestrians, whether or not a part of a street, that is set apart for roadway or emergency vehicles, transit vehicles and private vehicles, or any of them. A Pedestrian Mall Improvement shall include but not be limited to pedestrian thoroughfares, perimeter parking, public seating, park areas, outdoor cafes, shelters, trees, flower plantings, sculpture, newsstands, telephone booths, traffic signs, kiosks, fire hydrants, street lighting, ornamental signs, ornamental lights, trash receptacles, display cases, marquees, awnings, canopies, overhead radiant heating fixtures, underground radiant heating pipes and devices, walls, bollards and chains and all such other fixtures, equipment, facilities and appurtenances which in the judgment of the governing body of a municipality will enhance the movement, safety, convenience and enjoyment of pedestrians and benefit the municipality and adjoining properties.


§2-2. Findings.

- A. A. The Mayor and Council find and declare:
- (1) The City of Jersey City may undertake development and maintenance of a Pedestrian Mall as a local improvement pursuant to this act and provisions of N.J.S.A. 40:56-67 et seq.
 - (2) That an Exchange Place Pedestrian Mall will enhance the movement, safety, convenience and enjoyment of pedestrians.
 - (3) That Exchange Place, between Hudson Street and the Hudson River Waterfront Walkway, is not a part of any state highway, is located primarily in a business district and is improved to its maximum feasible width with regard to adjoining buildings and improvements.
 - (4) That a reasonably convenient alternative route to other parts of the City and state exists for private vehicles.

APPROVED AS TO LEGAL FORM



Business Administrator



Corporation Counsel

Ordinance implementing Chapter 67 (Pedestrian Malls), Article ii (Exchange Place pedestrian mall).

- (5) That continued unlimited use of the street or part thereof by private vehicles may constitute a hazard to the health and safety of pedestrians.
- (6) That abutting properties can reasonably and adequately be provided with emergency vehicular services and receive and deliver merchandise and materials from other streets and alleys or by provisions for limited use of the streets by emergency vehicles and carriers of such merchandise and materials.
- (7) That it is in the best interest of the City and the public and of benefit to adjacent properties to use such street primarily for pedestrian purposes, and that pedestrian use is determined to be the highest and best use of such street or part thereof.

§2-3. Limitations.

- A. A. A Pedestrian Mall shall be created on the following street(s) or portion thereof:
 - (1) Exchange Place, between Hudson Street and the Hudson River Waterfront Walkway, as indicated on the street map on file in the Office of the City Clerk. This excludes Private Access Road.
- A. B. The use of the surface of the above described Exchange Place shall be limited at all times to pedestrians and also emergency, public works, waste removal, other maintenance and service vehicles (“Permitted Vehicles”), as well as other vehicles explicitly permitted by the City under Section 4 below.
- B. C. The Exchange Place Alliance Special Improvement District shall maintain the Exchange Place Pedestrian Mall Operating Plan that shall contain rules and regulations regarding the specific permitted uses of the Mall, including but not limited to special events, food and beverage service, and improvements and maintenance of the mall.
- C. D. The City acknowledges that there is access to other streets for delivery of or receiving merchandise or materials.

§2-4. Use of pedestrian mall; control and regulation.

- D. A. Under the direction of the Mayor and governing body, a pedestrian mall may be used for any purpose or activity which will enhance the movement, safety convenience or enjoyment of pedestrians, subject to the limitations set forth in this section.
- E. B. The Exchange Place Alliance Special Improvement District shall maintain a Pedestrian Mall Operating Plan, to be enforced by the Department of Public Safety and the Division of Commerce that will provide for the control and regulation of:
 - (1) The distribution and location of movable furniture, sculpture or pedestrian traffic control devices, landscaping and other facilities belonging to the mall and not otherwise located or fixed by plans and specifications.
 - (2) The uses to be permitted on the Mall by occupants of abutting properties, including but not limited to transit or telephone utilities and other concessionaries.
 - (3) The issuance of permits to conduct any special activity(ies) or operation(s) consistent with the broad purpose of the Mall, subject to the limitations set forth in this section.
 - (4) The operation of any heating or other facilities and replacing landscaping and maintain furniture and facilities in the Mall.
 - (5) The designation of parking space and/or other specifically reserved uses of them, all or portions thereof.
 - (6) Pursuant to N.J.S.A. 40:56-69 et seq., the regulation of a limited amount of local vehicle traffic in order to allow for deliveries, pickups and/or drop-offs of business patrons or employees, and/or other loading and unloading of personnel, materials or other goods

Ordinance implementing Chapter 67 (Pedestrian Malls), Article ii (Exchange Place pedestrian mall).

to be used directly or indirectly by a business and/or residence along the pedestrian mall.

F. C. The following minimum restrictions and regulations shall be in effect at all times within the Mall and shall be noted in the Pedestrian Mall Operating Plan”

- (1) Any person(s) creating undue amounts of noise, waste and/or a potentially dangerous or threatening environment for any mall patrons will be subject to removal from the Pedestrian Mall and subject to additional penalties allowed by law, if applicable.
- (2) No person may loiter in the Pedestrian Mall between the hours of 11:00 pm and 6:00 am, whether or not that person is making use of any Pedestrian Mall public seating, fixtures or any other Pedestrian Mall features. Any person in violation of this section will be subject to removal from the Pedestrian Mall in addition to any other penalties allowed by law, if applicable.
- (3) Amplified music or other amplified sounds shall be allowed within the Pedestrian Mall so long as applicable permits have been issued either by the Office of Cultural Affairs or other applicable authority or in accordance with the requirements set forth herein. Any other limits on music or noise (including, without limitation, maximum permitted decibel levels) that would otherwise be applicable to Exchange Place with or without the establishment of the Mall shall remain in full force and in effect within this area.
- (4) All rooftop areas of bars and/or restaurants must operate in accordance with applicable city rules and regulations regarding closing time and food and beverage service.

G. D. The following minimum restrictions and regulations with regard to vehicle access shall be in effect at all times within the Mall and shall be noted in the Pedestrian Mall Operating Plan

- (1) Vehicles are not permitted to enter the Pedestrian Mall at any time, except for the following permitted vehicles; emergency, public works, waste removal, other maintenance and service vehicles (“Permitted Vehicles”) and only under the following conditions:
 - a. Permitted Vehicles specific to waste removal operations may only enter the Pedestrian Mall between the hours of 2:00 AM and 7:00 AM, daily.
 - b. Permitted Vehicles must not remain stationary in any portion of the Pedestrian Mall except along the interior perimeter, explicitly not in the middle area.
 - c. Permitted Vehicle size is limited to any vehicle with two axles or less.
 - d. Permitted Vehicles shall enter the Pedestrian Mall only from demarcated access points.
 - e. Permitted Vehicles may travel at speeds up to five miles per hour.
 - f. Vehicles that requires access for periods longer than 15 minutes and/or outside of the approved access hours must receive approval from the Division of Engineering, Traffic & Transportation.

§2-5. Notice to owners and public meeting.

- A. At least ten (10) days prior to the date fixed for a public hearing, a copy of the proposed ordinance and notice of the date, time and place of the hearing shall be mailed to the owners of the lots and parcels of land abutting or directly affected by the Pedestrian Mall.
- B. The City shall hold a public feedback review meeting between six (6) and eight (8) months after approval of the ordinance from which this article derives and full implementation and construction of the mall. The purpose of this meeting will be to discuss issues and any possible changes and/or improvements to the mall. Adequate notice shall be provided to all property owners within six hundred (600) feet of any mall boundary, the Exchange Place Alliance Special Improvement District, and other adjacent communities and community groups.

§2-6. Operating Plan.

Ordinance implementing Chapter 67 (Pedestrian Malls), Article ii (Exchange Place pedestrian mall).

- H. A. The Mall shall be operated and maintained pursuant to the regulations and restrictions set forth in this Article and also the Exchange Place Pedestrian Mall Operating Plan maintained by the Exchange Place Alliance Special Improvement District and also pursuant to provisions of N.J.S.A. 40:56-65, et seq.

§2-7. Specifications for construction.

- I. A. The Jersey City Division of Architecture and Engineering and the Jersey City Department of Public Works shall approve the materials or combinations thereof of which the Pedestrian Mall shall be constructed if applicable. The City may in its discretion narrow any roadway to be kept and maintained in connection with any pedestrian mall, may cause any street vaults to be reconstructed or removed, may construct crosswalks at any point within a block and may cause the roadway to curve and meander within the limits of the street to enhance the usefulness and appearance of the pedestrian mall.

§2-8. Municipal power retained.

- J. A. Notwithstanding the improvement of any street as a pedestrian mall, the City of Jersey City shall retain all its powers relating to the street or part thereof constituting the mall.
- K. B. No such action shall be construed as a vacation in whole or in part, the establishment of a pedestrian mall is a matter of regulation only.

§2-9. Abandonment of operation.

- L. A. Nothing shall prevent the City, from subsequently abandoning the operation of the pedestrian mall, changing special assessments or taxes for annual costs or changing or repealing any limitation on the use of the mall for a particular purpose by ordinance.

§2-10. Procedures incident to development and maintenance.

- M. A. Condemnation proceedings and all other procedures incident to be development and maintenance of a pedestrian mall shall be authorized under N.J.S.A. 40:56-69 et seq., if required.
- a. All ordinances and parts of ordinances inconsistent herewith are hereby repealed with the exception of Ordinance 18-144.
- b. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- c. This ordinance shall take effect at the time and in the manner as provided by law.
- d. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict of those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.
- e. The Jersey City Division of Planning is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S.A. 40:49-2.1

Note: All matter is new therefore underlining has been omitted.

Ordinance implementing Chapter 67 (Pedestrian Malls), Article ii (Exchange Place pedestrian mall).

RECORD OF COUNCIL VOTE ON INTRODUCTION – Aug 12 2020						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	8-1
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	NAY	ROBINSON	AYE	WATTERMAN, PRES	AYE	


RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING –						
RIDLEY		SALEH		LAVARRO		
PRINZ-AREY		SOLOMON		RIVERA		
BOGGIANO		ROBINSON		WATTERMAN, PRES.		

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY –						
RIDLEY		SALEH		LAVARRO		
PRINZ-AREY		SOLOMON		RIVERA		
BOGGIANO		ROBINSON		WATTERMAN, PRES.		


RECORD OF FINAL COUNCIL VOTE – Sep 10 2020						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES.	ABSENT	

Adopted on first reading of the Council of Jersey City, N.J. on Aug 12 2020
Adopted on second and final reading after hearing on Sep 10 2020

This is to certify that the foregoing Ordinance was adopted
by the Municipal Council at its meeting on Sep 10 2020




City Clerk



Joyce E. Watterman, President of Council
Approved: Sep 10 2020

Amendment(s):
Amendments are underlined and in italics. The
Operating Plan was also amended. See attachment.



Steven M. Fulop, Mayor
Date to Mayor: Sep 11 2020
Approved: Sep 11 2020

Ordinance implementing Chapter 67 (Pedestrian Malls), Article ii (Exchange Place pedestrian mall).

FACT SHEET -

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

Project Manager

Brian Platt, Business Administrator	201-547-5147	bplatt@jcnj.org
Division	Office of the Business Administrator	

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Purpose

Exchange Place Pedestrian Mall

Cost (Identify all sources and amounts)

Contract term (include all)

n/a

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ATTACHMENTS:

Exchange Place Pedestrian Mall Council Letter 8.3.2020 Sept. 10 2020 - Ord. 20-062 - Operating Plan - Further Amendment

Approved by	Status:
John Mercer, Assistant Business Administrator	Approved - Aug 04 2020
Melissa Kozakiewicz, Assistant Business Administrator	None
Gregory Corrado, Asst. Business Administrator	None
John McKinney, Attorney	None
Peter Baker, Corporation Counsel	None
Amy Forman, Attorney	Approved - Aug 04 2020
Nick Strasser, Attorney	None
Norma Garcia, Attorney	None
Ray Reddington, Attorney	None
Jeremy Jacobsen, Attorney	None
Sapana Shah, Attorney	None
Brian Platt, Business Administrator	Approved - Aug 04 2020



STEVEN M. FUDOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY OFFICE OF THE MAYOR

CITY HALL | 280 GROVE STREET | JERSEY CITY, NJ 07302
P: 201 547 5200 | F: 201 547 5442



STEVEN M. FUDOP
MAYOR OF JERSEY CITY

RE: Exchange Place Pedestrian Mall

Dear Council President and Members of the Municipal Council:

The following report has been prepared for your consideration in order to provide supporting evidence and research for supporting the creation of a Pedestrian Mall on Exchange Place between Hudson Street and the Hudson River Waterfront Walkway, excluding a private access easement for vehicles entering and exiting 1 and 15 Exchange Place.

1. Exchange Place between Hudson Street and the Hudson River Waterfront Walkway is suitable for the creation of a Pedestrian Mall.

Streets and Traffic

- Exchange Place is not part of any state highways and is not a major vehicle traffic artery or through street to other areas of the city or region. In fact, Exchange Place lies at the easternmost terminus of Montgomery Street and is traversed daily by pedestrians going to a number of destinations, including but not limited to the Hudson-Bergen Light Rail, the Exchange Place PATH station, the NJ Transit bus stops west of Hudson Street on Montgomery Street or on Christopher Columbus Drive, or any number of destinations and buildings.

Existing Traffic Routes, Vehicular Access, and Maintenance

- Exchange Place is not a bus route or cargo and/or other type of delivery route. At one time, this area was used as an NJ Transit bus stop, however this has long been discontinued and most of the bus shelters have been disassembled. The Exchange Place Alliance is also actively working with the Division of Engineering, Traffic and Transportation to remove outdated bus signage and replace them with No Parking Anytime signs for the interim period until such time as the area is designated as a Pedestrian Mall to further deter vehicular parking.
- Exchange Place is not a preferred route of travel for emergency vehicles, except for those vehicles that must directly access this area.

- The proposed Pedestrian Mall plan preserves all current service and maintenance operations, with no disruptions to waste removal operations or inhibition of emergency vehicle access.
- The City of Jersey City may undertake development and maintenance of a Pedestrian Mall as a local improvement pursuant to the provisions of N.J.S.A. 40:56-69 et seq.
- Pedestrian Malls utilizing a shared space format (allowing vehicles and pedestrians to share the space) have been successfully implemented in a variety of cities and neighborhoods throughout the country and have seen success with the Newark Avenue Pedestrian Mall here in Jersey City.

2. The Exchange Place Pedestrian Mall will support the local economy, enhance the patronage of local businesses, and enhance pedestrian safety.

Adjacent Businesses and Properties

- Exchange Place is surrounded by three landmark buildings that include 10 Exchange Place, a 30-story Class A commercial office building, 15 Exchange Place, an 11-story Class A commercial office building constructed in 1920, and 1 Exchange Place, which is home to the Hyatt House Hotel. These buildings host a variety of tenants and establishments, including but not limited to the RoofTop at Exchange Place, Starbucks, Gregor's Coffee, PNC Bank, Bistro Exchange Place, Potbelly Sandwich Shop, Dunkin' Donuts, Subway, and soon to be the Committed Pig. The immediate vicinity of Exchange Place is teeming with activity and businesses of every variety, all of which will benefit from increased foot traffic and activation of a new public open space through the Pedestrian Mall.

Safety Will Be Enhanced

- Currently, pedestrian safety in Exchange Place is fraught with hazards and limitations due to an unwelcoming and uninviting streetscape. Exchange Place already sees a high volume of foot traffic, and with the arrival of new developments and amenities, there has been increased foot traffic in the overnight hours and into the weekends.
- Despite the fact that there are No Parking Anytime signs in Exchange Place, cars illegally park for extended periods of time on a daily basis and still more cars stop and stand amidst the throngs of pedestrians, creating further hazards.
- The businesses and property owners surrounding Exchange Place along with the greater membership of the Exchange Place Alliance Special Improvement District are in support of this Pedestrian Mall, noting it will not only drive activity, more visitors, and foot traffic to this area and its businesses but will serve as a critical step for the long-term goal of establishing a new park in the area, something that will be advanced in the future and only with the advice and consent of City Council. With this new Pedestrian

Mall, vehicle access will be limited to emergencies, deliveries, and patrons that require local drop-offs and pickups.

3. The Exchange Place Pedestrian Mall will create a safer, more pedestrian friendly area and will foster more frequent cultural and social exchanges in the community.

- Exchange Place is utilized by thousands of daily commuters traveling on foot and by other non-vehicular means to a variety of destinations.
- Despite current use as a pedestrian thoroughfare, Exchange Place does not currently provide adequate pedestrian safety or promote positive interactions between pedestrians and between pedestrians and vehicles.
- The overbearing presence of cars, at times moving in different directions, is a safety hazard for the large number of pedestrians that traverse Exchange Place daily.
- A Pedestrian Mall on Exchange Place will enhance the movement, safety, convenience, and enjoyment of pedestrians throughout the waterfront by decreasing the volume of vehicles, reducing air pollution, and increasing socialization and other interactions between local residents and visitors.
- A Pedestrian Mall on Exchange Place will remain in compliance with all applicable ADA regulations and will continue to ensure equal access to all patrons and visitors.
- The Exchange Place Alliance and its membership are supportive of a Pedestrian Mall on Exchange Place and request further partnership with the City on the following items:
 - Restrictions on activities, noise, and public disturbances;
 - Increased police presence and/or other enhanced safety measures;
 - Limited vehicle access for emergencies, deliveries, and for residents, patrons, and/or tenants that require local drop-offs and pickups.

4. The Exchange Place Pedestrian Mall will be a unique asset for Jersey City and will serve as a continued destination for residents and visitors and, along with the continued development and enhancement of the waterfront, will become a highlight attraction for Jersey City.

- This will be among the first Pedestrian Malls along the waterfront and will help to bring more activity and socialization to better and more creatively activate the streetscape.
- A Pedestrian Mall on Exchange Place will service as a tourist attraction, a source of pride for the local community, and a source of increased commercial activity for the surrounding businesses in the City.
- A Pedestrian Mall on Exchange Place will expand cultural and social opportunities with the addition of a distinctive public open space that allow for gatherings, events, and expanded socializing.

- A Pedestrian Mall on Exchange Place will allow for implementation of a variety of new artistic elements as well as additional green infrastructure in a public open space.

5. Data and information has been gathered from a variety of sources including a pilot program in spring-summer 2018.

- A pilot Exchange Place Pedestrian Mall was put into place in the spring-summer of 2018 as part of a larger study being implemented to monitor traffic and pedestrian patterns for Exchange Place Park.
- Thousands of patrons utilized the newly created Pedestrian Mall and the Exchange Place Alliance were quick to appoint the Exchange Place Pedestrian Mall with tables, chairs, shade umbrellas, and bring in mobile food trucks to vend at certain times and events.
- Multiple meetings were held with property owners and local stakeholders to solicit feedback from the community.
- Ongoing conversations have ensued at public Exchange Place Alliance Special Improvement District meetings and with pertinent City agencies and stakeholders.
- Relevant City officials and other stakeholders were also consulted throughout the process, including representatives from the following groups and offices:
 - i. Council President Joyce Watterman;
 - ii. Councilman James Solomon;
 - iii. Jersey City Mayor's Office;
 - iv. Jersey City Fire Department;
 - v. East District Police Department;
 - vi. Department of Public Safety;
 - vii. Jersey City Medical Center EMS;
 - viii. Department of Administration;
 - ix. Cultural Affairs;
 - x. Division of Commerce;
 - xi. Division of Planning;
 - xii. Division of Parking;
 - xiii. Traffic and Engineering;
 - xiv. Department of Public Works;
 - xv. Exchange Place Alliance (EPASID);
 - xvi. Jersey City Corporation Counsel;
 - xvii. Department of Health and Human Services;
 - xviii. NJ Transit;
 - xix. PATH.

Please let me know if you have any further questions.

Sincerely,

Brian Platt
Business Administrator
Department of Administration

Exchange Place Pedestrian Mall Operating Plan

NOTE: This plan shall be maintained by the Exchange Place Alliance Special Improvement District and the most recent version shall always be posted on the Alliance's website (<https://www.exchangeplacealliance.com/>)

1. Definitions.

- a. "Exchange Place Pedestrian Mall" or "Pedestrian Mall" or "Mall": The street surface area of Exchange Place from Hudson Street to the Hudson River Waterfront Walkway, excluding the Private Access Road.
- b. "Private Access Road": The street surface area at the southernmost edge of Exchange Place designated to be preserved and maintained as a fully functional vehicular access lane for activities related to the tenants, patrons and visitors of 1 and 15 Exchange Place.

2. Vehicular Access.

- a. The Pedestrian Mall shall be limited at all times to pedestrians and the following types of permitted vehicles: emergency, public works, waste removal, other maintenance and service vehicles ("Permitted Vehicles").
- b. Permitted Vehicles specific to waste removal operations may only enter the Pedestrian Mall between the hours of 2:00 AM and 7:00 AM, daily.
- c. Permitted Vehicles must not remain stationary in any portion of the Pedestrian Mall except along the interior perimeter, explicitly not in the middle area.
- d. Permitted Vehicle size is limited to any vehicle with 2 axles or less.
- e. Permitted Vehicles may travel at speeds up to 5 miles per hour (M.P.H.).
- f. Vehicles that require access for periods longer than 15 minutes and/or outside of the approved access hours must receive a permit from the Division of Engineering, Traffic & Transportation.
- g. Permitted vehicles shall enter the Pedestrian Mall only from demarcated access points.
- h. Careless and/or reckless vehicle operation that threatens the safety of pedestrians in or around the Pedestrian Mall including but not limited to vehicle speeds over 5 M.P.H., utilizing the street as a through lane, abrupt turns or sudden vehicle movements, utilizing the Pedestrian for uses other than as described herein, and blocking pedestrian and/or emergency vehicle access will be subject to applicable traffic summonses and/or may also result in revocation of vehicle access permits.

Exchange Place Pedestrian Mall Operating Plan

- i. The City of Jersey City reserves the right to revoke any vehicle access permit or to further restrict traffic in and around the Pedestrian Mall at any time.

3. Pedestrian Mall Access Lane, Loading Zones, Private Access Road.

- a. At least one 16-foot-wide span of the street surface shall remain clear of all permanent and/or temporary Pedestrian Mall features in order to allow for safe access for emergency vehicles and other Permitted Vehicles. This Access Lane shall not be utilized as a through lane or for any purpose not specifically approved in this plan. This lane shall not be marked as a travel lane or have any other noticeable markings so as to avoid confusion that the Pedestrian Mall may be used for general vehicle traffic purposes.
- b. No loading zones are established within the Pedestrian Mall. Deliveries are encouraged to utilize building loading docks and other locations outside of the Pedestrian Mall. Loading zones can be found either in designated buildings are on adjacent streets such as York, Hudson Street and Christopher Columbus Drive, as permitted by applicable laws and regulations. This plan does not regulate these activities.
- c. Continued access to 1 and 15 Exchange Place will be ensured through the Private Access Road, which will be located between the 1 and 15 Exchange Place buildings and the southern border wall of the Pedestrian Mall. The Private Access Road is not subject to the rules and regulations of the Pedestrian Mall, unless such events or activities necessitate otherwise. Vehicles must not remain stationary in any portion of the Private Access Road.

4. Pedestrian Mall Features.

- a. Any permanent and/or temporary Pedestrian Mall features, including but not limited to planters, tables, chairs, umbrellas, pianos, benches, and other barriers, shall be installed and maintained only by the City of Jersey City and/or the Exchange Place Alliance Special Improvement District and shall be subject to approval by the City.
- b. Open flames, light emitting devices, heavy machinery or other gas-powered devices, and food preparation or food storage devices (including but not limited to refrigerators, freezers, stoves, grills, microwaves, portable burners, and/or hot plates) will not be allowed within 50 feet of any Pedestrian Mall boundary or within the Pedestrian Mall unless specifically permitted.
- c. All items placed in the Pedestrian Mall are the property of the City of Jersey City and/or the Exchange Place Alliance and the use of these features is at the discretion of the City of Jersey City and/or the Exchange Place Alliance.

Exchange Place Pedestrian Mall Operating Plan

5. Non-motorized vehicles.

- a. Any person(s) operating any non-motorized vehicle, including but not limited to bicycles, skateboards, scooters, or rollerblades, must exercise extreme caution when utilizing the Pedestrian Mall. Non-motorized vehicles must stay off of lawn areas when in use.
- b. The maximum speed of non-motorized vehicle travel within the Pedestrian Mall is 5 M.P.H.
- c. Careless and/or reckless non-motorized vehicle operation that threatens the safety of pedestrians in or around the Mall, including but not limited to speeds over 5 M.P.H., aggressive or intimidating activity, or any other operation or behavior that could be deemed dangerous for other Pedestrian Mall patrons will be subject to removal from the Pedestrian Mall and to additional penalties allowed by law, if applicable.

6. Public Safety.

- a. Consistent with First Amendment rights, any person(s) creating undue amounts of noise, waste, and/or a potentially dangerous or threatening environment for any Pedestrian Mall patrons will be subject to removal from the Pedestrian Mall and to additional penalties allowed by law, if applicable.
- b. Consistent with First Amendment rights, no person may loiter in the Mall between the hours of 11:00 PM and 6:00 AM, whether or not that person is making use of any Pedestrian Mall public seating, fixtures, or any other Pedestrian Mall features. Any person in violation of this section will be subject to removal from the Pedestrian Mall in addition to any other penalties allowed by law, if applicable.
- c. A permanent police post of one or more officers will be assigned whenever manpower allows and during high pedestrian volume times. Posts will be assigned to the area at the discretion of the Department of Public Safety and the City Administration, which will make a good faith effort to respond to any concerns noted by the public.
- d. The Jersey City Department of Public Safety will provide directed patrols throughout the Pedestrian Mall as needed and as directed by the Department of Public Safety and the City Administration.
- e. All businesses serving alcoholic beverages and with an entrance and/or exit within the boundaries of the Pedestrian Mall must have a security guard on duty at the entrance(s)/exit(s) of the business at least between the hours of 11:00 PM until business closing time on Thursday, Friday, and Saturday evenings.
- f. Minors shall be subject to the rules and regulations regarding curfews as noted in § 137-1. et seq.

Exchange Place Pedestrian Mall Operating Plan

7. Events and activities.

- a. In addition to other applicable rules and restrictions, all events and other activities held within the Pedestrian Mall are subject to approval pursuant to any applicable special event permit rules and regulations and also by the Jersey City Office of Cultural Affairs. Regulations governing such events are subject to the standard regulations for standard public events and the limitations set forth in the Municipal Code.
- b. The Office of Cultural Affairs will provide additional oversight and make a good faith effort to ensure the number and variety of events is evenly distributed over time in order to prevent an undue burden on the local residents and/or local businesses.
- c. The Office of Cultural Affairs will notify the Exchange Place Alliance Special Improvement District about requests for events within the Pedestrian Mall and Cultural Affairs will collaborate with the Exchange Place Alliance to ensure appropriate event planning. Consistent with First Amendment rights, the Exchange Place Alliance reserves the right to deny its consent for any event from operating within the Pedestrian Mall, at any time and for any reason; provided, however, if the City elects to issue the permit, which authority the City shall have the exclusive right to do, the Exchange Place Alliance shall be relieved of any liability pursuant to City Ordinance §122-4(F).

From
11:00PM
+0
10:00PM

- d. Events may be held within the Pedestrian Mall during the hours of 10:00 AM to 11:00 PM, daily.
- e. Amplified music or other amplified sounds shall be allowed within the Pedestrian Mall so long as applicable permits have been issued either by the Office of Cultural Affairs or other applicable authority and in accordance with the requirements set forth here. Any other limits on music or noise (including, without limitation, maximum permitted decibel levels) that would otherwise be applicable to Exchange Place with or without the establishment of the Mall shall remain in full force and in effect within this area.
- remove → f. No more than 1 total event per month shall be permitted to occur within the Pedestrian Mall that includes more than 50 anticipated attendees.
- g. There will be no exceptions for the above-mentioned rules for city-sponsored events.

8. General Rules.

- a. Smoking is prohibited within the Exchange Place Pedestrian Mall.
- b. Visitors must use litter baskets.
- c. Visitors must stay on the paths, unless another area is open.
- d. Visitors will not plant or remove vegetation, including flowers, trees, shrubbery, etc.
- e. The use of toy or model planes, kites, and drones is not permitted in the Exchange Place Pedestrian Mall.
- f. Dogs and pets are allowed in most sections of the Exchange Place Pedestrian Mall whenever it is open to the public, however all pets must

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be leashed at all times and under the control of their owner. Dogs and pets must not be allowed to go to the bathroom on any lawn area; any lawn area is explicitly not a dog run unless marked otherwise. Dogs and pets must not dig, chase or harm wildlife, damage park property, or interfere with other Mall users.

- g. Exchange Place Pedestrian Mall's lawns are open most days during spring, summer, and fall. To allow for scheduled maintenance and rest after inclement weather, lawn areas may be marked with a red flag to alert the public that the area is closed. If there is a red flag on a lawn, that area is closed.
- h. Respect the lawn and landscaped areas. The use of any non-motorized vehicle is prohibited in these areas.
- i. Sports are prohibited in the Exchange Place Pedestrian Mall unless otherwise permitted.

9. Food and Beverage Service.

- a. If applicable, sidewalk cafés will be permitted on sidewalks adjacent to the Pedestrian Mall and in accordance with the municipal sidewalk café rules and regulations as noted in § 296-80 et seq.
- b. If applicable, alcoholic beverage service is permitted in sidewalk cafés and must be provided in accordance with sidewalk café license rules and regulations.
- c. Pedestrian Mall patrons are permitted to carry and consume food and/or beverages anywhere within the Pedestrian Mall with the exception of alcoholic beverages.
- d. Alcoholic beverages are not permitted to be consumed and/or open in any areas of the Pedestrian Mall, except within permitted sidewalk cafés, and except during a limited number of approved and permitted events.
- e. Alcoholic beverages not provided by a business directly adjacent to any Pedestrian Mall boundary and/or from an approved vendor during an approved and permitted event are prohibited to be consumed and/or open in any areas of the Pedestrian Mall including sidewalk cafés.
- f. All rooftop areas of bars and/or restaurants must operate in accordance with applicable city rules and regulations regarding closing time and food and beverage service.

10. Waste Removal and Maintenance.

- a. Waste shall not be placed anywhere within the Pedestrian Mall, outside of approved events or activities.
- b. Waste removal operations, if applicable, shall take place between the hours of 2:00 AM and 7:00 AM.

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- c. The Department of Public Works will continue normal waste removal operations and the implementation of a Pedestrian Mall shall not disrupt any prior waste removal operations.
- d. All businesses within the Pedestrian Mall must have all waste removed from the entirety of the Pedestrian Mall by 8:00 AM every morning.
- e. Businesses are encouraged to enter into a joint contract for waste removal services or else are encouraged to find alternate means to minimize the number of waste removal vehicles entering the Pedestrian Mall on any given day.
- f. The City and the Jersey City Department of Public Works will collaborate with the Exchange Place Alliance to ensure the Pedestrian Mall will remain clean of waste and other debris.
- g. The City of Jersey City will be responsible for maintenance of the Pedestrian Mall and all Pedestrian Mall Features.
- h. Street sweeper and plowing operations will be modified to accommodate installation of Pedestrian Mall features.

11. Mobile Food Vendors.

- a. Mobile Food Vendors must abide by all regulations as noted in § 175-9.3. et seq. and by standards, guidelines, and regulations set forth by the Exchange Place Alliance.

12. Planning and Implementation.

- a. The City solicited feedback from the following people/groups/entities in the planning and implementation process:
 - i. Council President Joyce Watterman;
 - ii. Councilman James Solomon;
 - iii. Jersey City Mayor's Office;
 - iv. Jersey City Fire Department;
 - v. East District Police Department;
 - vi. Department of Public Safety;
 - vii. Jersey City Medical Center EMS;
 - viii. Department of Administration;
 - ix. Cultural Affairs;
 - x. Division of Commerce;
 - xi. Division of Planning;
 - xii. Division of Parking;
 - xiii. Traffic and Engineering;
 - xiv. Department of Public Works;
 - xv. Exchange Place Alliance (EPASID);
 - xvi. Jersey City Corporation Counsel;
 - xvii. Department of Health and Human Services;
 - xviii. NJ Transit;

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xix. PATH.

- b. The City will continue to solicit feedback and information regarding implementation and operation of the Pedestrian Mall and if appropriate, will make changes and revisions to the operating plan and also if appropriate the enabling ordinance.

13. Implementation.

- a. A pilot Exchange Place Pedestrian Mall was put into place in the spring-summer of 2018 as part of a larger study being implemented to monitor traffic and pedestrian patterns for Exchange Place Park.
- b. Traffic or other vehicle related violations or summonses may be waived within the first week after any ordinances takes effect (“grandfather period”), depending on circumstances of the violation. The grandfather period does not apply to any other quality of life, public safety, other public nuisance, or operational regulations and/or restrictions.