

City Clerk File No. Ord. 09-004

Agenda No. 3.D 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 09-004

TITLE: ORDINANCE AMENDING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE VI (DEPARTMENT OF ADMINISTRATION), OF THE CITY OF JERSEY CITY CODE TO INCLUDE A REQUIREMENT FOR THE PURCHASE OF GREEN VEHICLES

WHEREAS, the City of Jersey City desires to protect the environment and health and safety of its residents, work force and visitors; and

WHEREAS, emissions from vehicles powered by conventional fossil fuels have detrimental effects on human health and the environment and the City's natural systems; and

WHEREAS, vehicles which are powered by means other than the combustion of conventional fossil fuels (Alternative Fuel Vehicles) exist and are commercially available; and

WHEREAS, the operation of such Alternative Fuel Vehicles often has a significantly less detrimental effect on human health and the environment; and

WHEREAS, the expense of purchasing fossil fuels for the City's fleet vehicles represents a significant expense in the City's annual budget; and

WHEREAS, in some cases the long-term cost of operating Alternative Fuel Vehicles may be lower than operating vehicles powered by conventional fossil fuels; and

WHEREAS, other municipalities throughout the United States have adopted legislation implementing the purchase of vehicles which utilize such Alternative Fuels instead of conventional fossil fuels.

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS

1) That the City's Code at Chapter 3, Article VI, Section 3-51 be and hereby is amended to include subsection (F)(3) "Green Product Procurement Policy" and (F)(4) "Green Vehicle Procurement Policy" as follows:

A. The following amendments to Chapter 3 (Administration of Government) Article VI (Department of Administration) are hereby adopted:

ADMINISTRATION OF GOVERNMENT

ARTICLE VI

Department of Administration

§ 3-51. Purchasing; Division of Purchasing and Central Services.

A. Through E. No Change.

F. Division of Purchasing; Purchasing Agent in charge; qualifications; functions.

(1) No Change.

(2) No Change.

(3) **Green Product Procurement Policy.**

(4) **Green Vehicle Procurement Policy.** Under the direction of the Business Administrator, the Purchasing Agent in consultation with the Department of Public Works shall purchase Green Vehicles pursuant to the following policy:

(a) **Purpose.** This Subsection shall be known as the “Green Fleet Vehicle Initiative.” Its purpose is to promote the purchase of products which minimize damage to human health and the City’s natural environment, to reduce carbon and greenhouse gas emissions in the City, to reduce the City’s dependence on fossil fuels, and reduce the City’s costs by increasing the fuel efficiency of its fleet of non-emergency vehicles.

(b) **Definitions.** For the purposes of subsection F(4) the following definitions apply:

“Alternative Fuel Vehicles” mean vehicles which utilize any combination of one or more Alternative Fuels as a means to produce all of the energy necessary for their locomotion.

“Alternative Fuels” include 100% Biodiesel Fuel (B100), blends of 20% Biodiesel Blend Stock (B20) or higher, Ethanol, blends of 85% Ethanol (E85) or higher, compressed natural gas, propane, hydrogen, methanol, electricity or any fuel that is substantially non-petroleum in nature, is not gasoline or diesel, and is defined as an alternative fuel by the U.S. Dept of Energy through the authority granted by the Energy Policy Act of 1992.

“Bio-based Automotive Lubricants” mean motor oil and refined lubricants such as hydraulic and transmission fluid and similar oils that utilize biological products or renewable animal, marine, or forestry materials.

“Biodiesel Fuel” or “Biodiesel” is hereby defined as a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal matter, designated B100 or “neat biodiesel”, that meet the requirements for fuels and fuel additives established by the Federal Environmental Protection Agency and standards established by the American Society of Testing and materials (ASTM) according to ATSM D 6751.

“B5” means a blend of 5% Biodiesel and 95% petroleum that meets the most current applicable ASTM standards.

“B10” means a blend of 10% Biodiesel and 90% petroleum that meets the most current applicable ASTM standards.

“B20” means a mixture of 20% Biodiesel and 80% petroleum that meets the most current applicable ASTM standards.

“E10” means a blend of 10% Ethanol and 90% gasoline that meets the most current applicable ASTM standards.

“E85” means a blend of 85% Ethanol and 15% gasoline that meets the most current applicable ASTM standards.

“Diesel” means petroleum based liquid that is suitable for use as fuel in diesel powered vehicles.

“Ethanol” means ethyl alcohol, a flammable liquid used or sold for the purpose of blending or mixing with gasoline.

“Excessive costs” are hereby defined as costs of purchasing Green Vehicles where either the immediate cost of purchasing the Green Vehicle exceeds by 30% the immediate cost of purchasing a non-green vehicle in the current fiscal year, or where the projected average yearly cost of the Green Vehicle exceeds by 30% the average yearly cost of purchasing and operating the non-green vehicle. Average yearly cost is to be amortized over the entire lifetime of both the Green Vehicle and non-green vehicles and calculations shall compare purchase price, financing costs, shipping costs, maintenance and repair costs, cost of procuring or producing fuel or parts, purchasing discounts, projected economies of scale, and resale value.

“Fuel Efficient Vehicles” mean non-green vehicles which are rated at both 20 or more miles/gallon in city driving and 29 or more miles/gallon in highway driving according to the U.S. Environmental Protection Agency (EPA) and U.S. Department of Energy’s Fuel Economy Guide.

“Green Vehicles” mean either Alternative Fuel Vehicles and or Hybrid Electric Vehicles.

“Hybrid Electric Vehicles” mean vehicles that get a substantial percentage of the power necessary for their locomotion from an electric motor powered by a battery pack which supplements an internal combustion engine that runs on gasoline or Diesel, and which are rated by the U.S. Environmental Protection Agency (EPA) and U.S. Department of Energy’s Fuel Economy Guide at least 30 miles/gallon in city driving and 25 miles/gallon in highway driving.

“Purchasing Agent” is hereby defined as the Purchasing Agent for the City of Jersey City or his or her designees.

(c) Green Vehicles Required for New Purchases or Leases. Subject to subsections (d)-(f) below, the Purchasing Agent shall:

[1] Purchase or lease only Green Vehicles where such vehicles are available.

[2] Where such a Green Vehicle is not available or where purchase of a Green Vehicle has been waived pursuant to subsection (e), purchase or lease only Fuel Efficient Vehicles.

(d) Waiver of Green Vehicle Purchasing Requirement. Purchasing Agent may waive subsection (c)[1] requirements for purchasing Green Vehicles and may purchase, lease, or allow the purchase or lease of non-green vehicles where:

[1] There are significant concerns regarding the Green Vehicle’s safety, performance, effect on human health, or suitability for its intended use.

[2] A suitable Green Vehicle is not available within a reasonable period of time or available only at an Excessive Cost.

[3] Purchase of the Green Vehicle conflicts with federal, state or local law.

(e) **Waiver of Fuel Efficient Vehicle Requirement.** Where Green Vehicle purchasing requirement has been waived, Purchasing Agent may also waive subsection (c)[2] requirements for purchasing Fuel Efficient Vehicles and may purchase, lease, or allow the purchase or lease of non-fuel efficient vehicles where:

[1] There are significant concerns regarding the Fuel Efficient Vehicle's safety, performance, affect on human health, or suitability for its intended use.

[2] A suitable Fuel Efficient Vehicle is not available within a reasonable period of time or available only at an Excessive Cost.

[3] Purchase of the Fuel Efficient Vehicle conflicts with federal, state or local law.

(f) **Documentation of Waiver.** Reasons for any waiver pursuant to subsections (e) or (f) shall be detailed in writing by the Purchasing Agent and maintained in the contract file.

(g) **Vehicle Maintenance.** For maintenance, all City vehicles shall use recycled-content or Bio-based Automotive Lubricants and recycled oil unless these products are:

[1] not available; or

[2] not available within a reasonable time; or

[3] not able to meet appropriate performance, health or safety standards; or

[4] available only at price that exceeds by 30% the price of competing products.

(h) **Biodiesel Initiative for City-Owned Vehicles.** Department of Public works in conjunction with the Purchasing Agent shall develop and implement a plan whereby:

[1] City-owned diesel vehicles shall be converted to operate using blends of 20% Biodiesel (B20) or greater concentration, wherever practicable.

[2] All City-owned diesel vehicles not so converted shall be operated using B5 to the greatest extent practicable.

[3] The City shall make reasonable efforts to procure, produce, or otherwise acquire blends of B20 of greater as necessary for the operation of converted City-owned vehicles and B5 for the operation of non-converted city vehicles.

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the earliest possible time provided by law.
- E. 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 between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; words in [brackets] are omitted. For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

WM/igp
1/7/09

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: B. O'Keefe
Business Administrator

Certification Required
Not Required

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

Ord. 09-004

ORDINANCE NO. _____
 TITLE: 3.D. JAN 14 2009 4.D.



Ordinance amending Chapter 3 (Administration of Government), Article VI (Department of Administration), of the City of Jersey City Code to include a requirement for the purchase of Green Vehicles.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
JAN 14 2009 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	ABSENT			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JAN 14 2009

Adopted on second and final reading after hearing on _____

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

APPROVED:

Robert Byrne, City Clerk

Mariano Vega, Jr., Council President

Date: _____

APPROVED:

*Amendment(s):

Date _____

Jerramiah T. Healy, Mayor

Date to Mayor _____