

City Clerk File No. Ord. 11-142

Agenda No. 3.A. 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-142

TITLE: AN ORDINANCE AMENDING CHAPTER 319 - (TOWERS AND TOWING) TO PERMIT PRIVATE TOWERS TO PROVIDE TOW POUND SERVICES TO THE CITY OF JERSEY CITY

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

WHEREAS, the City of Jersey City (the "City") desires to permit private towers to provide tow pound services to the City pursuant to N.J.S.A. 40:48-2.49 and N.J.S.A. 40:48-2.54; and

WHEREAS, the City will enjoy cost savings by eliminating the tow pound currently operated by the Jersey City Incinerator Authority;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Jersey City, that:

A. The following amendments to Chapter 319 (Towers and Towing) Article VI (Department of Administration) are hereby adopted:

§ 319-11.- Schedule of maximum prices; disclosure.

A. Maximum fees to tow, transport, convey or move vehicles.

(1) No tower shall charge more than the following maximum fees to tow, transport, convey or otherwise move a vehicle from one location within the City of Jersey City to another location within the City of Jersey City:

(a) Class I vehicle: \$150 (one hundred fifty dollars) inclusive of a forty-dollar (\$40) administrative fee. [~~\$120. In the event the vehicle is towed to the city's impound yard, the one hundred twenty-dollar (\$120) fee shall include a forty-dollar (\$40) administrative fee.~~]

[Amended 6-25-2008 by Ord. No. 08-093]

(b) Class II vehicles: \$200 (two hundred dollars) inclusive of a forty-dollar (\$40) administrative fee. [~~\$160. In the event the vehicle is towed to the city's impound yard, the one hundred sixty-dollar (\$160) fee shall include a forty-dollar (\$40) administrative fee.~~]

[Amended 6-25-2008 by Ord. No. 08-093]

(c) Class III vehicles: \$225 per hour (minimum two hours).

§ 319-15.- Rotating system of summoning towers.

(6) Licensees will respond to Jersey City Police Department requests for service within twenty (20) minutes. If a tower does not respond within the allotted time and another tower is called to respond, the first tower may be suspended or removed from the rotation list at the discretion of the Police Director.

~~§ 319-18.- Impound yard surrender fee; penalty.~~

~~Vehicle owners who wish not to claim and or remove their vehicle from the city's impound yard must sign a certificate of ownership which transfers ownership to the Jersey City Incinerator Authority and pay a surrender fee of \$150 to cover costs relating to the disposal of the vehicle. Failure to do so may result in the owner being cited with a summons for abandonment of motor vehicle pursuant to N.J.S.A. 39:4-56.5 which will subject the owner, for the first offense, to a fine of not less than \$100 nor more than \$500, and his license or driving privilege may be suspended or revoked for not more than two years. For any subsequent violation, the owner will be subject to a fine of not less than \$500 nor more than \$1,000, and his license or driving privilege may be suspended or revoked for not more than five years.]~~

§ 319-19.- Impounded vehicle yard operator, operations.

Vehicles impounded by the Police Department shall be towed to a privately operated tow pound.

1. Tow pound operators shall possess both Class A Tower's License (Heavy Duty) and Class A Tower's License (Light Duty) as described herein and comply with all associated rules and regulations as promulgated by the Director and the Police Director. They shall be on the Police Department's impound towing list and comply with the related policies and rules.

2. Tow pound operators shall maintain within the City limits a minimum of 300 (three hundred) storage spaces for Class I vehicles, 10 (ten) spaces for Class II vehicles, and 10 (ten) spaces for Class III vehicles.

3. As per N.J.S.A. 39:10A 1, vehicles left unclaimed may be sold at public auction after 20 business days but shall be sold no later than 90 business days. Tow pound operators will have the right to recover their fees from the vehicle owner when the vehicle is auctioned, with the difference between the moneys owed the tow pound operator and the auction price to be returned to the City. Tow pound operators will prepare all the paperwork associated with the transfer of title in accordance to procedure established by the Police Director. Tow pound operators will maintain (and provide to the City) adequate records relating to the processing of tows, impounds, releases (including storage fees and other receipts). Operators will also provide quarterly financial statements prepared in accordance with generally accepted accounting principles summarizing fees and income collected. When possible, all viable personal property from the impounded vehicles must be removed from the vehicle by the owner prior to being towed to the tow pound. Operators will provide access for release of vehicles to the public between the hours of 8 AM to 6 PM Monday through Saturday.

4. Duly licensed towers on the Police Department's impound towing list shall tow impounded vehicles to a tow pound operator described herein and designated by the Director. The tow pound operator shall pay the tower \$90 (ninety dollars) upon receipt of the vehicle at the tow pound. The tower shall not receive any other payment for the towing of the vehicle to the tow pound. The difference between the total towing fee of \$150 (one hundred fifty dollars) less the City's administrative fee of \$40 (forty dollars), less the towing fee of \$90 (ninety dollars), shall be \$20 (twenty dollars) and go to the tow pond operator.

- B. The Mayor and/or Business Administrator are hereby authorized to execute any agreements appropriate or necessary to effectuate the purposes of this ordinance.
- C. All ordinances or portions of ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.
- D. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the other provisions or paragraphs of this Ordinance shall not be affected, except so far as the provision or paragraph declared invalid shall be inseparable from the remainder or any portion thereof.
- E. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- F. This ordinance shall take effect at the time and in the manner as provided by law.
- G. 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*.

GC/gc
11/2/11

APPROVED AS TO LEGAL FORM

Jaime Monahan
Corporation Counsel

Certification Required
Not Required

APPROVED:

[Signature]
Business Administrator

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The department, division or agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

1. Full Title of Ordinance/Resolution/Cooperation Agreement :

AN ORDINANCE AMENDING CHAPTER 319 - (TOWERS AND TOWING) TO PERMIT PRIVATE TOWERS TO PROVIDE TOW POUND SERVICES TO THE CITY OF JERSEY CITY

2. Name and Title of Person Initiating Ordinance/Resolution :

JOHN KELLY, BUSINESS ADMINISTRATOR

3. Concise Description of the Program, Project or Plan Proposed in the Ordinance/Resolution:

THE AMENDMENT TO THE ORDINANCE WILL REPLACE THE CITY-OPERATED CAR POUND WITH PRIVATELY OPERATED CAR POUNDS. DETAILS ARE DELINEATED IN THE ATTACHED MEMORANDUM.

4. Reasons (Need) for the Proposed Program, Project, etc.:

CLOSING THE CITY-OPERATED POUND WILL SAVE THE CITY OVER \$300,000 PER YEAR.

5. Anticipated Benefits to the Community:

THE COST SAVINGS WILL BE PASSED ON TO TAXPAYERS THROUGH A REDUCTION IN THE ANNUAL APPROPRIATION TO THE JERSEY CITY INCINERATOR AUTHORITY.

6. Cost of Proposed Program, Project, etc. (Indicate the dollar amount of City, State and Federal Funds to be used, as well as match and in-kind contributions.)

THERE IS NO COST ASSOCIATED WITH THIS AMENDMENT.

7. Date Proposed Program or Project will Commence:

THE PROGRAM WILL BEGIN UPON THE EFFECTIVE DATE OF THE ADOPTED ORDINANCE AMENDMENT.

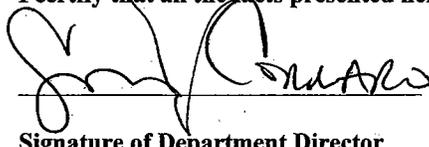
8. Anticipated Completion Date:

THE TRANSITION WILL BE COMPLETE WITHIN 60 DAYS OF THE EFFECTIVE DATE OF THE ADOPTED ORDINANCE AMENDMENT.

9. Person Responsible for Coordinating Proposed Program/Project:

GREGORY CORRADO, FOR THE BUSINESS ADMINISTRATOR'S OFFICE
OREN DABNEY, FOR THE JERSEY CITY INCINERATOR AUTHORITY

I certify that all the facts presented herein are accurate. To my knowledge.


Signature of Department Director

11/2/11
Date

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

ORDINANCE NO. Ord. 11-142
 TITLE: 3.A. NOV 09 2011 4.A.



An Ordinance amending Chapter 319 (Towers and Towing) to permit private towers to provide tow pound services to the City of Jersey City.

RECORD OF COUNCIL VOTE ON INTRODUCTION								NOV 09 2011 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			AHMAD	✓		
LOPEZ	✓			RICHARDSON	✓			VELAZQUEZ	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson				moved, seconded by Councilperson				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON							

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON							

✓ 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			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON							

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 09 2011

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

 Peter M. Brennan, Council President

*Amendment(s):

Date:

APPROVED:

 Jerramiah T. Healy, Mayor

Date _____

Date to Mayor _____

City Clerk File No. Ord. 11-143

Agenda No. 3.B. 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-143

TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) OF THE JERSEY CITY CODE ARTICLE VII (METERED PARKING) AMENDING THE DESIGNATION OF PARKING SPACES AND SUPPLEMENTING THE ON-STREET PARKING METER ZONES TO INCLUDE THE EAST SIDE OF WARREN STREET BETWEEN CHRISTOPHER COLUMBUS DRIVE AND MORGAN STREET

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

A. Chapter 332 (Vehicles and Traffic) Article VII (Metered Parking) of the Jersey City Code is hereby supplemented as follows:

Article VII Metered Parking

§332-48. Designation of parking spaces.

The Jersey City Parking Authority is hereby directed and authorized to provide for the marking off of individual parking spaces in the parking meter zones designated and described below, said parking spaces to be designated by lines painted or marked on the curbing or surface of the street or lot. At each space so marked off, it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the limits of the space so designated. When a parking space in any parking meter zone is at right angles or diagonal to the curb, sidewalk or island, any vehicle parked in such a parking space shall be parked with the front of the vehicle facing such meter.

A. On-street parking meter zones. Parking or standing a vehicle in a parking meter space in the on-street parking meter zones described below shall be lawful during the hours specified only upon the deposit of such amount as is indicated for each specified period of time:

Parking Meter Zones

Name of Street	Limits
<u>Warren St</u>	<u>East side; 35 feet north of Columbus Drive to 60 feet north</u>

B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

0201212

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) OF THE JERSEY CITY CODE ARTICLE VII (METERED PARKING) AMENDING THE DESIGNATION OF PARKING SPACES AND SUPPLEMENTING THE ON-STREET PARKING METER ZONES TO INCLUDE THE EAST SIDE OF WARREN STREET BETWEEN CHRISTOPHER COLUMBUS DRIVE AND MORGAN STREET

- 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 time and in the manner as 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 indicated by **boldface** and repealed matter by *italic*.

JM/he
10/31/11

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required

Not Required



MEMORANDUM

DEPARTMENT OF ADMINISTRATION

To: Council President Brennan and Council Members
From: Gregory J. Corrado, Assistant Business Administrator
Re: Jersey City Car Pound – Revised Amendments
Date: November 2, 2011

At the request of the Council and the Mayor's Office, the Administration has investigated ways to address concerns raised at the recent Council Meeting regarding proposed changes to Chapter 319 (Towers and Towing) of the City's code.

Addressing Concerns Raised at First Reading

Specifically, Council Members voiced the opinion that the new car pound operator should be located within the City limits if possible. Towers, present at the meeting, expressed the concern that the new license requirements would preclude them from towing vehicles involved in traffic accidents (as an inadvertent result of the ordinance amendment).

Consequently, on Thursday, October 27, 2011, I coordinated a meeting between the Business Administrator, myself, and all Jersey City licensed towers in the Business Administrator's conference room. The conversation was lively and incisive; and we believe that the revised ordinance amendments will satisfy most of the tower's concerns, most specifically with regard to the towing of vehicles involved in traffic accidents.

In addition, we have met with the Mayor's Office and the leadership of the Jersey City Incinerator Authority (JCIA) to fine tune the ordinance amendments that directly affect the location of the new pound and the process of vehicle auctions. As a result, the amendments will endeavour to identify an operator within the City limits, and the JCIA will continue to process vehicle titles and conduct the City's abandoned vehicle auction.

Overview

I would like to take this opportunity to reiterate the reasons behind the Administration's actions regarding the Tow Pound.

As part of the Business Administrator's efforts to make City operations more efficient, we are identifying City functions that replicate private sector businesses with the intention to determine whether it would be beneficial for the City to discontinue providing the duplicated function.

One example of private sector duplication is the City Car Pound operated by the Jersey City Incinerator Authority (JCIA). The Car Pound runs at a deficit and is readily replaced by the private sector. In 2010, the Car Pound deficit was over \$325,000. This is especially disturbing considering that no other nearby municipality or county runs a car pound. It is the Administration's intention to close the pound and permit private towers to store towed cars.

Not only will the closing of the car pound save City operating expenses, but it will also save approximately \$1.4 million in construction costs at the new Jersey City Incinerator Authority (JCIA)/Department of Public Works (DPW) compound at East Linden Avenue.

In addition, the closing will make the current Car Pound land available for sale immediately (as opposed to when the East Linden Avenue compound is complete). The Car Pound land sale would provide needed revenue for CY2012, and result in the land being returned to City tax role for revenue in future years.

Description of Current Operations

Currently, private towers respond on a rotating basis to requests for service by the Jersey City Police Department (JCPD). Cars are then towed to the Jersey City Car Pound on Burma Road at the edge of Liberty State Park.

Towing Rates are strictly controlled by City Ordinance (Chapter 319); towing policy and procedures are promulgated by the Jersey City Police Director. The owners of the vehicles pay the towing and storage fees when they claim their vehicles.

Unfortunately, many vehicle owners do not pick up their vehicles promptly or do not pick up their vehicles at all and thereby abandon them. After a period of ninety days abandoned vehicles are sold at auction, often at prices less than the total towing and storage fees owed. This leaves the City with substantial financial losses.

According to the JCIA official 2010 financial audit, the Car Pound ran a deficit of \$242,376. This loss does not include associated costs of benefits, payroll, maintenance, utilities, purchasing, accounting, legal, and liability issues related to the running of the Pound. These associated costs would increase the loss above \$242,376.

In addition, the JCPD maintains two full-time civilians at the car pound (to receive payments and process vehicle release paperwork) for a total of approximately \$80,000 per year.

Currently, the design of the JCIA/DPW compound contains the provision for a new car pound which will cost approximately \$1.9 million to construct. This includes paving, foundations, car racks, lighting, fencing, and security. If the area is instead only paved for industrial parking, the cost will be approximately \$500,000. The net savings will be \$1.4 million.

Proposed Towing Operations

The Administration investigated towing practices of several nearby municipalities (Bayonne, Hoboken, Newark, Orange) and counties (Hudson, Essex). Not one of them operates a large municipal vehicle pound like Jersey City; all of them rely on private entities to tow and store most vehicles.

Therefore, the Administration proposes to create a private vehicle pound licensee, who will tow impounded vehicles and also accept impounded cars from third party towers. This private pound licensee will store cars on their property and dispose of them according to applicable law. When abandoned vehicles are sold at auction, the difference between the sale prices and the towing/storage fees will go to the City. To the vehicle owners, the towing process would not change at all. Only the location of their towed vehicle would change.

The Administration toured several tow pound facilities as part of analyzing the merits of this proposal. GXR Auto, located at 10 East Linden Avenue in Jersey City, is interested in becoming the City's tow pound. GXR is immediately across the street from the new JCIA/DPW compound, and only a short walk to the Light Rail Station at Danforth Avenue. GXR Auto has also performed services at the City tow pound in recent years.

Once the ordinance amendment is effective, the pound will need to be emptied. The JCIA holds public auctions to dispose of abandoned vehicles. At the most recent auction on August 31, 2011, over 120 vehicles were sold. The current stock of vehicles will be similarly auctioned off as per state statute. Vehicles retained by the Prosecutor's Office would be temporarily relocated to the DPW compound on Route 440.

It has wrongly been suggested the City's license agreement with the JCIA will need to be amended to reflect this change. The New Jersey Department of Community Affairs has determined that all elements in the license agreement outside the NJ statute authorizing the establishment of the JCIA are ultra vires and not permissible. The closing of the tow pound complies with the DCA's determination.

In order to achieve this end, the City's towing ordinance needs to be amended to increase minimal storage capacity to address the City's needs. At the same time, the Administration recommends taking this opportunity to increase base towing rates. The following is an analysis of comparative towing and storage rates.

Towing Rates Comparison

Government Entity	Towing Class I Vehicles (cars and SUVs)	Towing Class II Vehicles (larger vehicles)	Towing Class III Vehicles (very large > 14,000 lbs.)
Jersey City <i>Current</i>	\$120	\$160	\$225 per hour
Jersey City <i>Proposed</i>	\$150	\$200	\$225 per hour
Bayonne	\$70 plus \$1.75/mile	\$100 plus \$1.75/mile	200 per hour (2 hour minimum)
Newark	\$175 plus \$4/mile	\$350 plus \$7/mile	\$350 plus \$7/mile
City of Orange	\$125	\$250 per hour	\$350 per hour
Essex County	\$60 plus \$2.50/mile	150% of Class I rate (\$90 plus \$3.75 mile)	250% of Class I rate (\$150 plus \$6.25/mile)
NJ State Police (Turnpike Towing)	\$175	\$375	\$375

Attached is the proposed ordinance amending Chapter 319 – Towing and Towing. The Administration intends to present the revised amendments for consideration at the next Council Meeting. Your anticipated support and approval is greatly appreciated.

C: Mayor Healy
 Rosemary McFadden, Chief of Staff
 Jack Kelly, Business Administrator
 William Matsikoudis, Corporation Counsel
 Oren Dabney, Executive Director, JCIA

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

ORDINANCE NO. Ord. 11-143
3.6. NOV 09 2011 4.6.
 TITLE:



An ordinance supplementing Chapter 332 (Vehicles and Traffic) of the Jersey City Code Article VII (Metered Parking) amending the designation of parking spaces and supplementing the on-street parking meter zones to include the east side of Warren Street between Christopher Columbus Drive and Morgan Street.

RECORD OF COUNCIL VOTE ON INTRODUCTION								NOV 09 2011 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			AHMAD	✓		
LOPEZ	✓			RICHARDSON	✓			VELAZQUEZ	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson				moved, seconded by Councilperson				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON							

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON							

✓ 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			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON							

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 09 2011

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

 Peter M. Brennan, Council President

*Amendment(s):

Date: _____

APPROVED:

 Jerramiah T. Healy, Mayor

Date _____

Date to Mayor _____

City Clerk File No. Ord. 11-144

Agenda No. 3.C. 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-144

TITLE: **ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT
TO LEASE CERTAIN PROPERTY LOCATED AT 392-394 CENTRAL
AVENUE FROM THE JERSEY CITY PARKING AUTHORITY.**

WHEREAS, on July 16, 2008 the Municipal Council of the City of Jersey City (City) adopted Ordinance # 08-096 authorizing the City to entered into a three (3) year sublease agreement with the Jersey City Parking Authority for space located at 392-394 Central Avenue for a closed circuit surveillance television system (CCTV); and

WHEREAS, the sublease with the Jersey City Parking Authority expired on June 30, 2011; and

WHEREAS, the Jersey City Parking Authority purchased the property and is now the owner of record of Block 771 Lot 47, more commonly known as 392-394 Central Avenue, Jersey City, New Jersey 07307; and

WHEREAS, the City desires to use and occupy approximately 3,040 sq. ft. on the second floor in the rear of the building for the following purposes: video control room for a CCTV system for a period of six (6) months effective July 1, 2011 through December 31, 2011; and

WHEREAS, the CCTV offices currently occupy 3,040 sq. ft. at \$16.45 per sq. ft. for a rent of \$4,166.67 monthly; and

WHEREAS, funds in the amount of \$25,000.00 are available in Account #01-201-31-432-304.

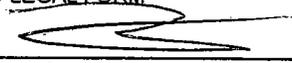
ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT TO LEASE CERTAIN PROPERTY LOCATED AT 392-394 CENTRAL AVENUE FROM THE JERSEY CITY PARKING AUTHORITY.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City that:

1. The Mayor or Business Administrator is hereby authorized to execute the lease agreement in substantially the form attached, subject to such modifications as the Business Administrator or Corporation Counsel deems appropriate or necessary.
2. The CCTV offices currently occupy 3,040 sq. ft. at \$16.45 per sq. ft. for a rent of \$4,166.67 monthly.
3. Funds in the amount of \$25,000.00 are available in Account #01-201-31-432-304.
 - a. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
 - b. The ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
 - c. This ordinance shall take effect at the time and in the manner provided by law.
 - d. The City Clerk and Corporation Counsel are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code in order to avoid confusion and possible accidental repealers of existing provisions.

I Donna Mauer Donna Mauer, Chief Financial Officer certify that there are sufficient funds available for the payment of the above ordinance in Account #01-201-31-432-304. P.O. 104764

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required
Not Required

LEASE AGREEMENT

This Lease Agreement made this _____ day of _____ 2011, between the Parking Authority of the City of Jersey City (Parking Authority) located at 392-394 Central Avenue, Jersey City, N.J. 07307 and the City of Jersey City (City) having its principal place of business at City Hall, 280 Grove Street, Jersey City, N.J. 07302 .

WHEREAS, the City requires 3,040 sq. ft. of space on the second floor in the rear of of the building located at 392-394 Central Avenue for a video control room for a closed circuit surveillance television system (CCTV); and

WHEREAS, the Parking Authority agrees to lease to the City 3,040 sq. ft. of second floor rear space at 392-394 Central Avenue, Jersey City, New Jersey; and

WHEREAS, the lease shall be for a term of six (6) months; and

WHEREAS, the City and the Parking Authority desire to enter into this Agreement for the leasing of 3,040 sq. ft. of space at 393-394 Central Avenue effective July 1, 2011.

Now, Therefore, in consideration of the mutual promises and covenants set forth herein, the parties agree as follows :

ARTICLE I PREMISES

The Parking Authority does hereby lease to the City and the City does hereby rent from the Parking Authority the following described premises : 3,040 sq. ft. of second floor rear space at 393-394 Central Avenue, Jersey City, New Jersey.

ARTICLE II TERM

For a term effective July 1, 2011 through December 31, 2011.

ARTICLE III
USE

Under the terms of this Lease, the City shall have the right to use and occupy 3,040 sq. ft. of space on the second floor rear of the building at 392-394 Central Avenue, Jersey City, New Jersey.

ARTICLE IV
Payment of Rent

The City covenants and agrees to pay the Parking Authority for and during the term hereof, the sum of \$25,000.00 payable in one payment of \$25,000.00 for July 1, 2011 through December 31, 2011 for the term of this Lease.

ARTICLE V
Assignment Sub-Lease

The City shall not, without the prior written consent of the Parking Authority, assign Mortgage or hypothecate this Lease, not sublet or sublease the premises or any part hereof.

ARTICLE VI
Termination

The term of the Lease is for six (6) months. July 1, 2011 through December 31, 2011. The City shall have the right at its convenience to terminate the Lease at any time during its term by giving thirty (30) days' notice prior to the effective date of termination.

ARTICLE VII
Validity of Lease

The terms, conditions, covenants and provisions of the Lease shall be deemed to be severable. If any clause or provision herein contained shall be adjudged to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, it shall not affect the validity or any other clause or provision herein, but such other clauses or provisions shall remain in full force and effect.

ARTICLE VIII
Notices

All notices required under the terms of this Lease shall be given and shall be complete by mailing such notices by certified or registered mail, return receipt requested, or by hand delivery to the parties as shown at the head of the Lease, or to such other address as may be designated in writing, which notice of change of address shall be given in the same manner.

ARTICLE IX
Entire Contract

This Lease contains the entire Contract between the parties. No representative, agent or employee of the Parking Authority has been authorized to make any representations or promises with reference to the within letting or to vary, alter or modify the terms hereof. No additions, changes or modifications, renewal or extensions hereof, shall be binding unless reduced to writing and signed by the Parking Authority and the City.

ARTICLE X

This Lease may not be filed by the City without the prior written consent of the Parking Authority.

The Parking Authority may pursue the relief or remedy sought in any invalid clause, by conforming the said clause with the provisions of the statutes or the regulations of any governmental agency in such case made and provided as if the particular provisions of the applicable statutes or regulations were set forth herein at length.

In all references herein to any parties, persons, entities or corporation, the use of any particular gender or the plural or singular number is intended to included the appropriate gender or number as the text of the within instrument may require. All the terms, covenants and conditions herein contained shall be for and shall insure to the benefits of and shall bind the respective parties hereto, and their heirs, executors, administrators, personal or legal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties have hereunto set their hand and seals, or caused these presents to be signed by their proper corporate officers and their proper corporate seal to be hereunto affixed, the day and year first above written.

ATTEST:

CITY OF JERSEY CITY

ROBERT BYRNE
City Clerk

JOHN KELLY
Business Administrator

WITNESS:

**PARKING AUTHORITY OF
JERSEY CITY**

CITY OF JERSEY CITY

Requisition #

0155914

Assigned PO #

Requisition

Vendor

JERSEY CITY PARKING AUTHORITY
392-394 CENTRAL AVENUE
JERSEY CITY NJ 07307

Dept. Bill To

REAL ESTATE
280 GROVE STREET
JERSEY CITY NJ 07302

Dept. Ship To

280 GROVE STREET
JERSEY CITY NJ 07302

JE296250

Contact Info

PEGGY RAUSCH X5234
0000000000

Quantity	UOM	Description	Account	Unit Price	Total
1.00	EA	SEE THE FOLLOWING	01-201-31-432-304	25,000.00	25,000.00

THIS PURCHASE ORDER IS ISSUED FOR ENCUMBRANCY PURPOSES ONLY TO ESTABLISH FUNDING FOR
NAME OF CONTRACT: JERSEY CITY PARKING AUTHORITY
FOR A VIDEO CONTROL ROOM FOR A CLOSED CIRCUIT SURVEILLANCE TELEPHONE SYSTEM (CCTV)
DATE OF CONTRACT: JULY 1, 2011
CONTRACT PERIOD: 7/1/11 - 12/31/11
TOTAL AMOUNT OF CONTRACT: \$25,000.00
ENCUMBRANCY: \$25,000.00

Requisition Total 25,000.00

Req. Date: 10/12/2011

Requested By: PEGGYR

Approved By: _____

Buyer Id:

This Is Not A Purchase Order

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

ORDINANCE NO. Ord. 11-144
 TITLE: 3.C. NOV 09 2011 4.C.



Ordinance authorizing the execution of an agreement to
 lease certain property located at 392-394 Central Avenue
 from the Jersey City Parking Authority.

RECORD OF COUNCIL VOTE ON INTRODUCTION								NOV 09 2011			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				AHMAD			
LOPEZ				RICHARDSON				VELAZQUEZ			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson				moved, seconded by Councilperson				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON							

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON							

✓ 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			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON							

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 09 2011

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

 Peter M. Brennan, Council President

*Amendment(s):

Date: _____
 APPROVED: _____

 Jerramiah T. Healy, Mayor

Date _____

Date to Mayor _____