

## NOTICE OF PENDING ORDINANCE

### ORDINANCE NO. 10-1287

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey, held on January 5, 2010. This Ordinance will be further considered for adoption, after the public hearing is held thereon, at a meeting of the Borough Council to be held on Tuesday, January 19, 2010, in the Municipal Center, 556 Tinton Avenue, Tinton Falls, NJ beginning at 7:30 o'clock P.M. During the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available in the Clerk's Office to the members of the general public who shall request the same.

KAREN MOUNT-TAYLOR, RMC, CMC

### **AN ORDINANCE AUTHORIZING RENEWAL OF AN INTERLOCAL SERVICE AGREEMENT BETWEEN THE BOROUGH OF RED BANK AND THE BOROUGH OF TINTON FALLS FOR STORAGE OF IMPOUNDED OR SEIZED MOTOR VEHICLES**

BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls, County of Monmouth, State of New Jersey:

#### SECTION 1

1. The Borough of Tinton Falls will provide space within the confines of the municipal impound facility located at 556 Tinton Avenue, Tinton Falls, New Jersey for the purpose of storage of impound or seized motor vehicles that are seized by the Borough of Red Bank Police Department.
2. The Borough of Red Bank will pay the Borough of Tinton Falls the sum of \$5.00 (five dollars) per day for each day each vehicle is stored in the municipal impound facility, until said vehicles are sold at auction at which time the Borough of Tinton Falls will receive 10% of the sale of the seized vehicle.
3. The responsibility of the collection fees owed by the owner of the vehicle will be collected by the Borough of Red Bank Police Department. A written certification of release signed by a member of the Borough of Red Bank Police Department will be presented at the time of the vehicle's release. No vehicle will be release until this certification is presented.
4. The responsibility of documenting the contents of each vehicle and the damage to each vehicle entering the Borough of Tinton Falls will be the sole responsibility of the Borough of Red Bank Police Department. The Borough of Tinton Falls will take all prudent actions to preserve the vehicle in the condition that it is in at the time of placement into the impound facility.
5. All decisions to release the vehicle will be the sole responsibility of the Borough of Red Bank Police Department. The Borough of Tinton Falls will have no authority to release those vehicles impounded or seized by the Borough of Red Bank.
6. All Division of Motor Vehicle titling of impounded or seized motor vehicles will be the responsibility of the Borough of Red Bank Police Department, prior to the sale at the Borough of Tinton Falls Municipal Auctions.
7. Holding the required Municipal Auctions will be the responsibility of the Borough of Tinton Falls. All fees required by the Auctioneer will be subject to prior contract with each Borough.
8. Payments to the Borough of Tinton Falls will be made on a quarterly basis for all vehicles released. Payments to the Borough of Tinton Falls will be made within 60 days of receipt after auction.
9. This agreement will be in effect for the period of July 1, 2008 through June 30, 2013. The terms of this agreement are subject to review 60 days prior to its expiration.
10. The Mayor and Borough Clerk of the Borough of Tinton Falls are hereby authorized to execute the interlocal agreement with the Borough of Red Bank.

11. The Borough of Red Bank will provide to the Borough of Tinton Falls a hold harmless agreement and a certificate of insurance in the amount of \$1,000,000.00 (one million dollars).

**SECTION 2**

If any clause of the within Ordinance be deemed by a Court of competent jurisdiction to be unlawful, the remaining provisions of the within ordinance shall remain in full force and effect.

**SECTION 3**

Said Ordinance shall become effective 20 days after publication as provided by law.