

Highlands Borough Mayor & Council Meeting Agenda
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, March 20th 2019 – 7:00 p.m.

As per requirement of Public Law 1975, Chapter 231, notice is hereby given that this is a Regular Meeting of the Borough of Highlands Mayor and Council and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board. Formal Action will be taken.

Call to Order
Meeting Statement
Roll Call

EXECUTIVE SESSION: 7:00PM

Attorney-Client Privilege: Redevelopment Amendment
 OPMA
 OPRA

REGULAR MEETING: 8:00PM

Call to Order
Pledge of Allegiance
Roll Call

Resolution & Swearing In

R-19-095 Authorize the Promotion of Police Sergeant

Minutes

March 6, 2019

Consent Agenda

R-19-096 Approve Payment of the Bills
R-19-097 Amend Resolution Authorizing the Disposal of Surplus Property
R-19-098 Authorize Self-Examination of Budget Resolution
R-19-099 Appoint Part-Time Police Communications Operator
R-19-100 Appoint Part-Time School Crossing Guard

Ordinance: Second Reading, Public Hearing & Possible Adoption

O-19-06 Amend Chapter 17 Establishing a Business Improvement District

Resolutions

R-19-101 Adopt HBP Budget for 2019
R-19-103 Appoint Economic Development Officer for 2019 & Authorize Award of a Non-Fair & Open Contract for Professional Economic Development Services
R-19-104 Authorize Advertisement of RFPs for Private Collection Agency Services for Municipal Court Debt

Ordinances: Second Reading, Public Hearing & Possible Adoption

O-19-04 Amend Chapter 8-2 of Borough Code, Excavation in the Public Streets
O-19-05 Amend Chapter 11 Concerning the Uniform Fire Code
O-19-07 Exceed Municipal Budget Appropriation Limits & Establish a CAP Bank

Other Business

Administrator's Report
Police Chief's Report
Engineers' Report

Public Comments:

Adjourn



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-095

RESOLUTION AUTHORIZING THE PROMOTION OF A POLICE SERGEANT

WHEREAS, there exists a need within the Police Department to make certain promotions; and

WHEREAS, based on the results of the current Civil Service promotional examination, Chief Burton hereby recommends the promotion of Sergeant William Siegle to the position of Police Lieutenant.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that Sergeant William Siegle is hereby promoted to Lieutenant William Siegle

BE IT FURTHER RESOLVED, that as per PBA Local 48 Collective Bargaining Agreement with the Borough of Highlands, said promotion will be compensated at a rate determined by said contract.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-096

AUTHORIZING BILLS LIST

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated March 15, 2019, which totals as follows:

Current Fund	\$ 145,060.45
Sewer Account	\$ 68,685.29
Capital Fund	\$ 3,557.25
Trust-Other	\$ 65,865.11
Federal/State Grants	\$ 0.00
Total	\$ 283,168.10

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$283,168.10** be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills is posted on the borough website at www.highlandsborough.org and on file in the Municipal Clerk's office for reference.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-097

AMENDING RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY OF HIGHLANDS BOROUGH

WHEREAS, the Highlands Borough is the owner of certain surplus property which it no longer needs for public use: and

WHEREAS, the Highlands Borough is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW THEREFORE BE IT RESOLVED by the Highlands Borough as follows:

- (1) The sale of the surplus property shall be conducted through the State Contract with Sourcewell (#041316-IPI) in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovPlanet is available online at govplanet.com and also available from the Highlands Borough.
- (2) The sale will be conducted online and the address of the auction site is www.govplanet.com
- (3) The items of surplus property to be sold is as follows:

	Year	Make	Model	Vin
1	2001	Chevy	Suburban	1GNFK16T21J218682
2	2010	Ford	Crown Vic	2FABP7BV1AX100204
3	1996	GMC	Wagon	1GDJK34F9TE531604
4	1998	International	Single Axle Dump	1HTSCAAL0WH561908
5	2004	Dodge	Dakota	1D7GG16K94S630673
6	2008	Ford	F-350	1FDWF37528ED70193
7	1999	Toro	Z-Master 153	200000430
8	2008	Ford	Crown Vic	2FAFP71V48X16997
9	2005	Ford	Crown	2FAFP71W66X118717

- (4) The surplus property shall be sold in an “as is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (5) The Highlands Borough reserves the right to accept or reject any bid submitted.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-098

RESOLUTION AUTHORIZING SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Highlands has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2019 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Highlands that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,

- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-099

RESOLUTION APPOINTING PART-TIME POLICE COMMUNICATIONS OPERATOR

WHEREAS, there exists a need within the Police Department to appoint part-time Police Communications Operators in order to cover the monthly scheduling; and

WHEREAS, it is the recommendation of the Chief of Police that Alexandra M. Quast-Cadavid be appointed as part-time Police Communications Operator.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Alexandra M. Quast-Cadavid is hereby appointed as part-time Police Communications Operators effective March 15th 2019

BE IT FUTHER RESOLVED that said appointment be compensated at an hourly rate of \$11.50 per hour.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-100

RESOLUTION APPOINTING PART-TIME SCHOOL CROSSING GUARD

WHEREAS, there exists a need within the Police Department to appoint a part-time crossing guard to cover open shifts; and

WHEREAS, it is the recommendation of the Chief of Police that Susan Guiney be appointed; and

WHEREAS, the appointment is contingent upon the successful completion of a background investigation and physical examination;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Highlands hereby appoints Susan Guiney as a part-time crossing guard, contingent upon the successful completion of a background investigation and physical examination and effective March 18th 2019.

BE IT FURTHER RESOLVED, that said appointment be compensated at an hourly rate of \$9.50 per hour.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-101

RESOLUTION ADOPTING HIGHLANDS BUSINESS PARTNERSHIP BUDGET FOR THE YEAR 2019

WHEREAS, in accordance with Chapter 17-6 of the Borough Code, the nonprofit corporation, Highlands Business Partnership, Inc., is designated as the District Management Corporation for the Business Improvement District; and

WHEREAS, Chapter 17-8 of the Borough Code sets forth that the District Management Corporation shall submit no later than December 1 of each year a detailed annual budget for the following year for approval by the Mayor and Council; and

WHEREAS, Chapter 17-8 of the Borough Code also sets forth that the aforesaid budget shall be proposed and adopted by the Borough on or before April 1st of each year in accordance with the procedures set forth in N.J.S.A. 40:56-84; and

WHEREAS, the Highlands Business Partnership has submitted its annual budget for the year 2019 for approval by the Mayor and Council; and

WHEREAS, in accordance with the procedures set forth in N.J.S.A. 40:56-84, the governing body introduced the aforesaid budget of the Highlands Business Partnership for the year 2019, at its meeting on February 20, 2019 by way of Resolution 19-081, and set a public hearing date of March 20, 2019 at 8:00p.m.; and

WHEREAS, the governing body has since introduced Ordinance O-19-06, which, if adopted, would amend the Business Improvement District's expiration date to the end of the third quarter, on September 30, 2019;

WHEREAS, in light of the proposed amendment, the Borough of Highlands considered a proposed amended budget pursuant to N.J.S.A. 40:56-84(g), to reduce the assessment income provided by the Borough by 25% to \$54,750 due to the amended expiration date of the Business Improvement District; and

WHEREAS, the amended budget, a copy of which is annexed hereto, was advertised in accordance with N.J.S.A. 40:56-84(g) and scheduled for the same public hearing date as previously scheduled, on March 20, 2019 at 8:00 p.m.; and

WHEREAS, a public hearing having been held in accordance with the procedures set forth in N.J.S.A. 40:56-84 and all of the requirements attendant thereto having been met.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the governing body hereby adopts the amended annual budget for the Highlands Business Partnership for the year 2019 which is annexed hereto.

HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
Highlands Business Partnership
January 1, 2019– December 31, 2019

COMMERCIAL DISTRICT PROGRAM BUDGET	2019 EXPENSE
Visual Improvement.....	\$15,000.00
<input type="checkbox"/> Beautification & Public Space	
<input type="checkbox"/> Maintenance	
<input type="checkbox"/> Holiday & Seasonal	
 Special Events Expenses.....	 \$75,000.00
<input type="checkbox"/> Production Costs for Annual Event Calendar; i.e. stage, electric, propane, entertainment, sanitation, supplies	
 Marketing & Communications.....	 \$25,000.00
<input type="checkbox"/> Online Advertising Campaigns	
<input type="checkbox"/> County & State Tourism Ads	
<input type="checkbox"/> Social Media Ads	
<input type="checkbox"/> Visitor Guide Updates, Design & Printing	
<input type="checkbox"/> Miscellaneous Print Advertising & Rack Cards	
<input type="checkbox"/> Maintain Website & Database & Graphic Ad Design	
 Economic Development.....	 \$15,000.00
• Business Grants	
 Administrative Budget	
Staff Payroll, Workers, Interns.....	\$60,000.00
 Miscellaneous.....	 \$20,000.00
<input type="checkbox"/> Legal Fees	
<input type="checkbox"/> Audit, Accounting, Tax Returns	
<input type="checkbox"/> Insurance (JIF & D&O)	
<input type="checkbox"/> Office Supplies	
<input type="checkbox"/> Utilities – Telephone, fax & electric	
<input type="checkbox"/> Dues, Subscriptions, Filing Fees	
 TOTAL Expenses.....	 \$210,000.00

**HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
Highlands Business Partnership
January 1, 2019– December 31, 2019**

COMMERCIAL DISTRICT **2019**
PROGRAM BUDGET **Income**

Special Events Income (before expenses)\$105,000.00

- Vendor, Raffle, Social Affairs Income

Marketing & Grant Income.....\$ 32,000.00

- Sponsorship Income (approx. \$15k)
- Grant Income (\$16,250)
- Barter Goods & Services (approx. \$15k)

TOTAL Income\$137,000.00

TOTAL ASSESSMENT INCOME REQUIRED TO OPERATE - \$73,000.00

**TOTAL ASSESSMENT INCOME ALLOWED PURSUANT TO
AMENDED BID EXPIRATION DATE OF 9/30/2019 \$54,750.00**



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-103

RESOLUTION APPOINTING BOROUGH ECONOMIC DEVELOPMENT OFFICER FOR THE CALENDAR YEAR 2019 & AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ECONOMIC DEVELOPMENT SERVICES

WHEREAS, the Borough of Highlands has a need for an Economic Development Officer for the Borough of Highlands for the calendar year 2019; and

WHEREAS, the Borough has publicly advertised for a Request for Proposals and Qualifications and said requests for Economic Development Officer were to be received in the Office of the Municipal Clerk no later than March 5th 2019; and

WHEREAS, Clifford J. Moore, III submitted the only proposal received by the Borough; and

WHEREAS, the Borough has reviewed the proposal received and has determined that the Mayor and Borough Council desires to authorize the execution of a contract between Clifford J. Moore, III and the Borough for the provisions of said services for the year of 2019; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Highlands as follows:

1. Clifford J. Moore, III is hereby appointed Economic Development Officer for the calendar year 2019 and is awarded a contract for an amount not to exceed \$35,000 prorated for economic development officer services provided for the period of January 1, 2019 through December 31, 2019.
2. That the services to be rendered shall be in compliance with the Laws of New Jersey.
3. The Mayor and Borough Clerk are hereby authorized to sign a contract for such services in a form to be reviewed and approved by the Borough Attorney.
4. This contract is awarded without competitive bidding because it does not exceed the bid threshold as established by N.J.S.A. 40A:11-3 and Borough Resolution 15-145.
5. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk.

6. The Borough Clerk is hereby directed to publish notice of this award as required by law.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-104

RESOLUTION AUTHORIZING ADVERTISEMENT FOR REQUESTS FOR PROPOSALS FOR PRIVATE COLLECTION AGENCY SERVICES FOR MUNICIPAL COURT DEBT

WHEREAS, the Borough of Highlands has a need for a private collection agency for the uncollected adjudicated debt of the Municipal Court incurred by the general public; and

WHEREAS, in order to achieve the Borough's objectives, the Mayor and Council have determined that it is in the Borough's best interests to advertise for the solicitation of request for proposals for Private Collection Agency Services.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Highlands that the Borough Officials, including the Borough's Qualified Purchasing Agent, be and are hereby authorized to advertise for request for proposals for Private Collection Agency Services.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 19-04

AN ORDINANCE AMENDING CHAPTER 8-2 OF BOROUGH CODE CONCERNING EXCAVATIONS IN THE PUBLIC STREETS

WHEREAS, the governing body of the Borough of Highlands has determined that it is in the best interest of the residents to update permitting requirements for persons seeking to make an excavation in the Borough's streets.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I.

The following Sections of Chapter 8, Section 2 entitled "Excavations in the Public Streets" of the Borough Code shall be amended as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as ~~**strikeovers in bold italics.**~~)

8.2 EXCAVATIONS IN THE PUBLIC STREETS.

8-2.1 Definitions.

As used in this section words shall have the following meanings:

a. *Street* shall mean any road, highway, public way, public alley, easement or other right of way accepted or maintained by the borough as a public street, as well as any state or county road or highway over which the borough has acquired jurisdiction by agreement.

b. *Director* shall mean the director of the department of public works of the borough.

8-2.2 Permit Required.

a. No person shall make an excavation in or tunnel under any street without first obtaining a permit from the director.

b. A tunnel or excavation may be commenced without a permit where an emergency has arisen which makes it necessary to start work immediately, provided that the application for permit is made simultaneously with the commencement of the work or as soon thereafter as is practical. The permit, when issued, shall be retroactive to the date on which the work has begun.

c. The department of public works may issue permits to other public bodies without fee.

8-2.3 Denial of Permit; Appeal.

a. The director is authorized to refuse the issuance of any permit, if such refusal is in the interest of public safety, public convenience or public health. In the event that any permit is refused by the director, an appeal may be taken to the council. The council, after hearing the applicant and the director and other evidence as may be produced, may either direct the issuance of the permit or sustain the refusal of the director.

b. *Additional Requirements for Excavations on Paved Streets Less than Seven Years Old.*

1. No permit shall be issued by the director which would allow an excavation or opening of a paved or improved street surface less than seven years old unless the applicant can clearly demonstrate that public health or safety requires that the proposed work be permitted or unless an emergency condition exists.

2. If by special permission of the director a permit is issued to open any paved or improved street surface less than seven years old, an additional fee shall be charged for the opening, except that the additional fee shall be waived in the event the work is of an emergency nature. The additional fee shall be equal to the sum of one thousand (\$1,000.00) dollars plus total cost of repair as set forth by the Borough Engineer.

3. Appeals from this section may be had in the same manner as those set forth in subsection 8-2.3a. above.

8-2.4 Applications for Permits.

Applications for a permit shall be made to the department of public works **for each individual opening.** **Applications and** shall contain the following information:

- a. Name and address of the applicant.
- b. Name of the street where the opening is to be made and the street number, if any, of the abutting property.
- c. The borough tax map block and lot number of the property for the benefit of which the opening is to be made.
- d. Nature of the surface in which the opening is to be made.
- e. Character and purpose of the work proposed.
- f. Time when the work is to be commenced and completed.
- g. Each application shall be accompanied by a set of plans in quadruplicate showing the exact location and dimensions of **all openings the opening.**
- h. The name and address of the workman or contractor who is to perform the work.
- i. A statement that the applicant agrees to replace at his own cost and expense, the street, curb, gutter and sidewalk in the same state and condition in all things as they were at the time of the commencement of the work within 48 hours of the commencement of same.

8-2.5 Issuance of Permit.

Permits shall be issued under the authority of the director and in accordance with the provisions of this section and the regulations which the director may establish. The director shall determine the initial time limit during which the permit shall be valid.

Separate permits are required for each individual opening.

8-2.6 Contents of Permit; Filing.

Each permit shall state the identity and address of the applicant, the name of the street and the location where the excavation or tunnel is to be made, the dimensions of the opening and the period during which the permit shall be valid. The original of each permit shall remain on file with the department of public works.

8-2.7 Fees.

Fees must be paid when the application is made. The applicant shall be charged a fee of ~~fifty (\$50.00)~~ **one hundred ninety (\$190.00)** dollars for each permit.

In addition to the fee prescribed by this subsection the application shall be accompanied by a deposit to secure the obligation to restore the surface of the street as required by this section. The amount of this deposit shall be as follows:

- a. For ~~an excavation~~ **excavations not** exceeding **20 16** square feet, ~~five hundred (\$500.00)~~ **one thousand (\$1,000.00)** dollars.
- b. Unpaved street, two hundred (\$200.00) dollars.
- c. For ~~larger~~ excavations **in excess of 16 square feet**, such amount as the borough engineer shall determine as reasonable for the cost of restoration, including the setting of a bond amount and imposing of any other conditions the engineer deems reasonable involving the restoration work to be done. A separate review fee shall be charged by the engineer as a result of this evaluation not to exceed ~~fifty (\$50.00)~~ **two hundred (\$200.00)** dollars.
- d. In the event that the applicant does not restore the property to its original condition immediately after the completion of the work, final restoration to be completed within 30 days, the borough may restore the property and deduct the reasonable cost from the deposit, any balance to be returned to applicant.

8-2.8 Bonds.

No permit shall be issued for excavations over 100 square feet until the applicant has filed a bond in an amount determined to be sufficient by the director. The director may waive the requirements of this subsection in the case of public utilities upon the presentation of satisfactory proof that it is capable of meeting any claims against it up to the amount of the bond which would otherwise be required. The bond shall be executed by the applicant as principal and a surety company licensed to do business in the State of New Jersey as surety and shall be conditioned as follows:

- a. To indemnify and hold harmless the borough from all loss, damage, claim or expense, including expenses incurred in the defense of any litigation arising out of injury to any person or property resulting from any work done by the applicant under the permit.

b. To indemnify the borough for any expense incurred in enforcing any of the provisions of this section.

c. To indemnify any person who shall sustain personal injuries or damage to his property as a result of any act or omission of the applicant, his agents, employees or subcontractors done in the course of any work under the permit.

d. The bond shall also be conditioned upon the applicant's restoring surface and foundation of the street for which the permit is granted in a manner acceptable to the department of public works.

One bond may be accepted to cover a number of excavations by the same applicant. Bonds shall remain in force for a period to be determined by the department of public works.

8-2.9 Insurance.

No permit shall be issued until the applicant has furnished the department of public works with satisfactory proof that he is insured against injury to persons and damage to property caused by any act or omission of the applicant, his agents, employees or subcontractors done in the course of the work to be performed under the permit. The insurance shall cover all hazards likely to arise in connection with the work, including but not limited to collapse and explosion, and shall also insure against liability arising from completed operations. The limits of the policy of insurance shall be ~~one hundred thousand (\$100,000.00) dollars for injury to any one person, three hundred thousand (\$300,000.00) dollars for injuries to more than one person in the same accident~~ in the amount of one million (\$1,000,000) dollars combined single limit for personal injury liability, and ~~an aggregate of one hundred thousand (\$100,000.00) in the amount of five hundred thousand (\$500,000) dollars~~ for property damage for a single incident. The director may waive the requirements of this subsection in the case of public utilities upon the presentation of satisfactory proof that it is capable of meeting claims against it up to the amount of the limits of the insurance policy which would otherwise be required.

8-2.10 Rules and Regulations; Backfilling.

All permits issued under this section shall be subject to the following rules and regulations:

a. All excavations shall be kept properly barricaded at all times and during the hours of darkness shall be provided with proper warning lights. This regulation shall not excuse the permittee from taking any other precaution reasonably necessary for the protection of persons or property.

b. All work shall be done in such a manner as to cause a minimum of interference with travel on the street affected. No street shall be closed to traffic unless the closing is approved by the chief of police. The police department shall be informed of all street closings at least 24 hours in advance, except where the work is of an emergency nature when notice shall be given to the police department when work commences.

c. The director may, upon application by the permittee, extend the time limit during which the permit shall be valid.

d. All refuse and material must be removed within 48 hours.

e. All excavations shall be completely backfilled by the permittee, and shall be compacted by tamping or other suitable means in a manner prescribed by the department of public works. Where the department of public works determines that the excavated material is unsuitable for backfill, the permittee shall backfill the excavation with sand, soft coal, cinders or other suitable material which shall be placed in layers not exceeding six inches in depth and thoroughly compacted in the manner prescribed by the department. Upon completion of the work, the permittee shall remove any excess material and leave the premises in a clean condition. If the department determines that any backfilled excavation has settled or caved in, it shall so notify the permittee, who shall promptly continue backfilling until the department determines that settlement is complete.

f. If tunneling operations are required, the tunnel shall be backfilled with rammed concrete composed of one part cement to ten parts sand.

g. If blasting is required to be done in the course of any excavation, it shall be done in strict compliance with all applicable state laws and regulations.

h. If the work is not completed within the time specified in the permit or any extension granted by the department of public works, or is not performed in accordance with the regulations set forth in this subsection and any other regulations that may be established by the department of public works, then the department may complete the work itself and restore the surface of the street. The cost of completing the work and restoring the street shall be charged to the permittee and may be deducted from his deposit or recovered by an action in any court of competent jurisdiction.

8-2.11 Rules and Regulations for Restoration of Surface.

In all cases the permittee shall restore the surface of the street in accordance with the following rules, regulations and requirements:

a. No permittee shall commence the restoration of any street foundation or surface until the department of public works has determined that settlement of the subsurface is complete and the area properly prepared for restoration.

b. The street surface shall be restored so as to extend six inches beyond the excavation on all sides.

c. The street surface shall be restored to the satisfaction of the director.

8-2.12 Permit Conditions and Regulations.

a. *Transferability.* Every permit shall apply only to the person to whom it is issued and shall not be transferable.

b. *Commencement of Work.* Work under a permit shall commence within 45 days from the date of issuance of the permit. If work is not commenced within that time, the permit shall automatically terminate, unless extended in writing by the director. **The permittee shall notify the director at least 24 hours in advance of the anticipated commencement of work under a permit.**

c. *Possession of Permit.* A copy of the permit together with a copy of the plan endorsed with the approval of the director must be kept in possession of the person

actually performing the work and shall be exhibited on demand to any duly authorized employee of the department of public works or to any police officer of the borough.

d. *Revocation of Permit.* The director may revoke a permit for any of the following reasons:

1. Violation of any provision of this section or any other applicable rules, regulations, law or ordinance.
2. Violation of any condition of the permit issued.
3. Carrying on work under the permit in a manner which endangers life or property, or which creates any condition which is unhealthy, unsanitary or declared by any provision of the revision to constitute a nuisance.

The procedure for revoking a permit shall be the same as that set forth in this revision for the revocation of licenses, except that the initial hearing shall be before the director with a right of appeal to the council; and the director may provide in his decision that the revocation shall not become effective if the permittee corrects the violation within a specified period of time.

e. *Modification of Permit Conditions.* In a special case the council may by resolution impose special conditions to which the issuance of the permit may be subject, or may decide that any provision of this section shall not apply or shall be altered.

8-2.13 Power To Make Additional Rules and Regulations.

The director may make any rules and regulations which he considers necessary for the administration and enforcement of this section, but no regulation shall be inconsistent with, alter or amend any provision of this section, or impose any requirement which is in addition to those expressly or by implication imposed by this section. No regulations shall be effective unless they shall be approved by resolution of the council. Copies of all current regulations shall be furnished each permittee at the time of the issuance of the permit.

8-2.14 Notice to Property Owners.

Not less than 90 days prior to the commencement of paving or repaving of a public street in the Borough of Highlands, the governing body shall notify all abutting property owners by certified mail, return receipt requested, or by personal service, of the proposed date for the commencement of the paving of the roadway.

8-2.15 Contents of Notice.

The notice to the abutting property owners shall advise each property owner that permits for excavation in the public street shall not be granted for a period of three years from the date of the proposed commencement of the paving as specified in the notice, except by a special permit issued by the governing body in the event of an emergency.

8-2.16 Fee for Emergency Permits.

The fee for an emergency permit shall be equal to 200 percent of the amount required for the fee for a regular permit as provided in this section.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect immediately after final passage.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 0-19-05

AN ORDINANCE AMENDING CHAPTER 11 OF BOROUGH CODE CONCERNING THE UNIFORM FIRE CODE

WHEREAS, the Uniform Fire Code of the Borough of Highlands contains references to outdated provisions of the New Jersey Administrative Code, as well as outdated fees for inspections.

WHEREAS, certain sections of the Borough Code related to the Uniform Fire Code are currently located within the Police Regulations and should be updated and relocated.

WHEREAS, the governing body of the Borough of Highlands has determined that it is in the best interest of the residents to update and consolidate provisions of the Uniform Fire Code of the Borough of Highlands.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I.

Article II of Chapter 11 (Section 11-16) is hereby deleted in its entirety.

SECTION II.

Section 3-5 of the Borough Code entitled "Storage of Explosives" is hereby deleted in its entirety. Such provisions were superseded by New Jersey's Uniform Fire Code.

SECTION III.

Section 3-19 of the Borough Code entitled "Fire Zones A/K/A Fire Lanes" is hereby deleted in its entirety. This section is being relocated to Chapter XI, Section 11 as set forth below.

SECTION IV.

Section 3-4 of the Borough Code entitled "Elimination of Fire Hazards" is hereby deleted in its entirety. This section is being relocated to Chapter XI, Section 12 as set forth below.

SECTION V.

Section 3-6 of the Borough Code entitled "Storage of Boats" is hereby deleted in its entirety. This section is being relocated to Chapter XI, Section 12.5 as set forth below.

SECTION VI.

The following Sections of Chapter 11 entitled "Uniform Fire Code" of the Borough Code shall be amended as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as ~~**strikeovers in bold italics.**~~)

11-1 LOCAL ENFORCEMENT.

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383), the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) shall be locally enforced in the Borough of Highlands.

11-2 AGENCY DESIGNATION.

The Highlands Fire Department through its Bureau of Fire Prevention shall hereinafter be known as the local enforcing agency.

11-3 DUTIES.

a. The local enforcing agency shall enforce the Uniform Fire Code in all buildings, structures, and premises within the established boundaries of the Borough of Highlands other than one and two unit owner-occupied dwellings used exclusively for dwelling purposes and buildings, structures, and premises owned or operated by Federal government, interstate agencies or the State.

b. The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

11-4 ORGANIZATION.

a. The Bureau of Fire Prevention established by section 11-2 of this chapter shall be under the direct supervision and control of a fire official who shall report to the chief of the fire department.

b. The bureau of fire prevention shall have at least one paid inspector.

11-5 APPOINTMENTS, QUALIFICATIONS, TERM OF OFFICE, REMOVAL.

11-5.1 Appointment and Qualifications of the Fire Official.

The fire official shall be certified by the State and appointed by the governing body from a list of three names submitted by the chief of the fire department.

11-5.2 Appointment and Qualifications of Inspectors and Other Employees.

Inspectors and other employees of the enforcing agency shall be appointed by the governing body upon recommendation of the fire official. All life hazard use inspectors shall be certified by the State.

11-5.3 Appointment of Legal Counsel.

The governing body shall specifically appoint legal counsel to assist the agency in enforcing the Uniform Fire Code.

11-5.4 Term of Office.

The fire official shall serve ~~for a term of a minimum of one year. Any vacancy shall be filled for the unexpired term under the rules that govern the Civil Service for public employment in New Jersey, set forth in the Administrative Code at Title 4A.~~

11-5.5 Removal from Office.

The fire official, inspectors and other employees of the agency shall be subject to removal by the governing body for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the governing body or a hearing officer designated by the same.

11-6 LIFE HAZARD USES.

a. The bureau of fire prevention established by section 11-2 of this chapter shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on Behalf of the Commissioner of the New Jersey Department of Community Affairs.

b. Life hazard use fees established by the New Jersey Uniform Fire Code, as established in N.J.A.C. 5:70-29(a) shall be followed.

11-7 NON LIFE HAZARD USES.

In addition to the registrations required by the Uniform Fire Code, the following non life hazard uses shall register with the bureau of fire prevention. These uses shall be inspected once per year and pay an annual fee. (The following is a recommended fee schedule for non life hazard use in the local enforcing agency's jurisdiction, and shall be included in Sub-Chapter 2 of the Uniform Fire Code, amended by local ordinance, the fee schedule amount for each non life hazard use may be amended to fit the needs of the local enforcing agency. The fee is not to be used for life hazard uses as defined in the Uniform Fire Code.)

a. Assembly.

A-1	Eating establishment under 50.....	\$ 35.00 <u>\$45.00</u>
A-2	Take-out food service (no seating).....	\$ 35.00 <u>\$45.00</u>
A-3	Church or synagogue.....	\$ 35.00 <u>\$45.00</u>
A-4	Recreation centers, multi-purpose rooms, etc. fewer than 100.....	\$ 50.00 <u>\$65.00</u>
A-5	Court rooms, libraries, fraternal organizations	

	condominium centers fewer than 100.....	\$ 50.00	<u>\$65.00</u>
A-6	Senior citizen centers fewer than 200.....	\$ 50.00	<u>\$65.00</u>
b.	<i>Business/Professional.</i>		
B-1	Professional use 1 & 2 story less than 5,000 sq. ft. per floor.....	\$ 35.00	<u>\$45.00</u>
B-2	1 & 2 story more than 5,000 sq. ft. less than 10,000 sq. ft. per floor.....	\$ 50.00	<u>\$65.00</u>
B-3	1 & 2 story more than 10,000 sq. ft.....	\$ 75.00	<u>\$90.00</u>
B-4	3 to 5 story less than 5,000 sq. ft. per floor.....	\$100.00	<u>\$130.00</u>
B-5	3 to 5 story more than 5,000 sq. ft. less than 10,000 sq. ft. per floor.....	\$150.00	<u>\$195.00</u>
B-6	3 to 5 story over 10,000 sq. ft. per floor.....	\$200.00	<u>\$260.00</u>
c.	<i>Retail (Mercantile).</i>		
M-1	1 & 2 story less than 5,000 sq. ft. per floor.....	\$125.00	<u>\$160.00</u>
M-2	1 & 2 story more than 5,000 sq. ft. less than 10,000.....	\$150.00	<u>\$195.00</u>
M-3	1 & 2 story more than 10,000 sq. ft. per floor.....	\$175.00	<u>\$225.00</u>
M-4	3 to 5 story less than 5,000 sq. ft. per floor.....	\$200.00	<u>\$260.00</u>
M-5	3 to 5 story more than 5,000 sq. ft. less than 10,000 sq. ft..	\$225.00	<u>\$290.00</u>
M-6	3 to 5 story over 10,000 sq. ft.....	\$250.00	<u>\$325.00</u>
M	with the exception of hardware store 3,000 sq. ft., retail store over 12,000 sq. ft. are life hazard uses.		
d.	<i>Manufacturing (Factory).</i>		
F-1	1 & 2 story less than 5,000 sq. ft. per floor.....	\$ 75.00	<u>\$90.00</u>
F-2	1 & 2 story more than 5,000 sq. ft. less than 10,000 sq. ft. per floor.....	\$100.00	<u>\$130.00</u>
F-3	1 & 2 story more than 10,000 sq. ft.....	\$150.00	<u>\$195.00</u>
F-4	3 to 5 story less than 5,000 sq. ft. per floor.....	\$175.00	<u>\$225.00</u>
F-5	3 to 5 story more than 5,000 sq. ft. less than 10,000 sq. ft..	\$200.00	<u>\$260.00</u>
F-6	3 to 5 story over 10,000 sq. ft.....	\$250.00	<u>\$325.00</u>
F	exception life hazard uses.		
e.	<i>Storage S-1 (Moderate hazard S-1, low hazard S-2).</i>		
S-1	1 & 2 story less than 5,000 sq. ft. per floor.....	\$ 50.00	<u>\$65.00</u>
S-2	1 & 2 story more than 5,000 sq. ft. less than 10,000 sq. ft. per floor.....	\$100.00	<u>\$130.00</u>

S-3	1 & 2 story more than 10,000 sq. ft.....	\$150.00 <u>\$195.00</u>
S-4	3 to 5 story less than 5,000 sq. ft. per floor.....	\$175.00 <u>\$225.00</u>
S-5	3 to 5 story more than 5,000 sq. ft. less than 10,000 sq. ft.	\$200.00 <u>\$260.00</u>
S-6	3 to 5 story over 10,000 sq. ft.....	\$250.00 <u>\$325.00</u>
S	exception life hazard uses.	

f. Residential (LEA listed with multi-family BHI) and common areas in multi-family dwellings. Fee is for each building.

R-1	1 to 6 units.....	\$ 35.00 <u>\$45.00</u>
R-2	7 to 12 units.....	\$ 50.00 <u>\$65.00</u>
R-3	13 to 20 units.....	\$ 75.00 <u>\$90.00</u>
R-4	21 to 50 units.....	\$125.00 <u>\$160.00</u>
R-5	For each additional unit.....	\$ 3.00 <u>\$5.00</u>

11-8 SMOKE DETECTOR INSPECTION FEES.

CSDC-1	More than 10 business days with a scheduled appointment.....	\$ 35.00 <u>\$45.00</u>
CSDC-2	4 to 9 business days with a scheduled appointment.....	\$ 50.00 <u>\$90.00</u>
CSDC-3	Less than 4 business days with a scheduled appointment.....	\$ 75.00 <u>\$161.00</u>
CSDC-4	If a scheduled appointment is not met by the owner/ appointee and/or there is a failure to have properly installed or have operating smoke detectors in accordance with the Uniform Fire Code, a fee will be added for each reinspection.....	\$ 15.00 <u>\$25.00</u>

11-9 PERMIT FEE.

a. The permit fees established by the New Jersey Uniform Fire Code, as established in N.J.A.C. 5:70-2.9 shall be followed. Permits shall be obtained from the **fire marshal fire official** for any activities listed in N.J.A.C. 5:70-2.7. For issuance of such permits and on-site inspection(s), the following fees shall be paid by the owner or applicant.

PF-1	TYPE-1	Thirty-five <u>Forty-five</u> dollars.....	\$ 35.00 <u>\$45.00</u>
PF-2	TYPE-2	One hundred thirty-eight <u>Two hundred fourteen</u> dollars.....	\$138.00 <u>\$214.00</u>
PF-3	TYPE-3	Two hundred seventy-six <u>Four hundred</u>	

~~twenty-seven~~ dollars..... ~~\$276.00~~ \$427.00

PF-4 TYPE-4 ~~Four hundred fourteen~~ Six hundred forty-one dollars..... ~~\$414.00~~ \$641.00

b. The ~~fire marshal~~ fire official is empowered to issue special permits for activities of a nonrecurring nature not covered in the permit sections of this chapter. However, no such permit shall be granted without maximized assurance of the safety of the public. The fees for such permits shall be neither less than ~~thirty-five (\$35.00)~~ forty-five (\$45.00) dollars nor more than ~~four hundred fourteen (\$414.00)~~ six hundred forty-one (\$641.00) dollars as deemed appropriate by the fire marshal.

11-10 COPY OF DOCUMENT FEES. TECHNICAL AMENDMENTS.

~~a. Fire Report. Nine (\$9.00) dollars per copy.~~

~~b. Other Documents. Copies of all other documents, including, but not limited to, reports, photographs, statements, etc. eight (\$8.00) dollars for the first page or photographs and three (\$3.00) dollars for each additional copy of page or photographs of the same report.~~

a. Smoke Detectors: In addition to those requirements mandated by the Uniform Fire Code, the following are required within the Borough of Highlands:

1. Mixed Uses: Any mixed use occupancy with apartments above or attached shall have operating, hard-wired smoke detectors in all common areas and hallways. These detectors shall all sound simultaneously when any one detector is activated,

2. New Construction: All new structures erected within the Borough of Highlands shall comply with the smoke detector requirement of the Uniform Construction Code or this article,

3. Renovation of Existing Structures: Any existing structure renovated or reconditioned in a dollar value in excess of 50 percent of its assessed valuation (excluding land) shall comply with the installation requirements for smoke detectors.

4. One and Two Family Dwellings: Residential one and two family dwellings shall not be sold or rented unless hard-wired smoke detection devices are installed. Each dwelling unit shall have a minimum of one detector for each level of occupancy and one placed at a distance not greater than 15 feet from the main heating plant. In dwellings where the heating plant is in a confined space a fixed temperature detector (heat) shall be utilized.

5. Installation Requirements: The installation requirements for smoke detectors shall conform to the standards of NFPA 72 and shall be approved by the Fire Sub-Code Official of the municipality.

6. Tampering: It shall be unlawful to tamper with, disconnect, interrupt, or remove from service any smoke detection device or smoke detection alarm system without prior notice to, and approval of the authority having jurisdiction.

7. Penalties: The penalty for any violation shall be two hundred fifty (\$250.00) dollars for the first offense, seven hundred fifty (\$750.00) dollars for the second offense, and one thousand five hundred (\$1,500.00) dollars for each offense thereafter.

b. Blocking or Obstructing of Fire Hydrants or Fire Department Connections: It shall be unlawful to obscure from view, damage, deface, obstruct, or restrict access to, any fire hydrant or fire department connection used for the pressurization of fire department suppression systems. Any person who shall at any time park a vehicle or in any other manner obstruct a fire hydrant or fire department connection shall be fined one hundred twenty-five (\$125.00) dollars.

11-11 FIRE ZONES A/K/A FIRE LANES.

11-11.1 Findings.

Various approvals issued by the planning board and/or board of adjustment of the Borough of Highlands have required certain areas to be set aside as fire zones a/k/a fire lanes, which are used interchangeably herein.

Certain structures and uses have not heretofore had areas designated as fire lanes, and it is desirable for the protection of life and property for fire lanes to be established where practicable.

N.J.A.C. 5:70 et seq. empowers the municipal fire official to create fire zones, and sets forth procedures for creating the same, which the Borough of Highlands adopts herein by reference.

11-11.2 Required.

a. The owner or owners of property are hereby required to establish and maintain fire lanes which may have heretofore been required or in the future which may be required by the planning board and/or the board of adjustment of the Borough of Highlands in connection with approval of use, improvement and/or development of property in the Borough of Highlands.

b. With respect to any shopping centers, commercial structure, place of public assembly, multiple dwelling structures and groups, individual parks, office buildings, hotels, motels, schools, condominiums, cooperative housing, nursing homes, homes for the physically or mentally impaired, or any property and structure used for the purposes similar to the aforesaid, the owner or owners of such property or properties upon which any of the aforesaid activities take place for which fire lanes have not heretofore been required and where practicable shall designate areas as fire lanes where such fire lanes shall be required by the bureau of fire prevention for the Borough of Highlands within which such property or activity is located.

11-11.3 Authorization for Private Property.

The Highlands fire official is authorized to designate fire lanes on private property in accordance with N.J.A.C. 5:70 et seq.

11-11.4 Definitions.

As used in this section:

The words "fire lanes" or "fire zones" shall mean a lane or zone no less than ten feet in width nor more than 50 feet in length which runs from public streets or rights-of-way to any improvement or structure and which may also run alongside or abut such improvement or structure. Where strict enforcement of this section may not be practicable, the bureau of fire prevention may allow deviation in the location and establishment of fire lanes.

- 11-11.5 Marking of Fire Lanes.

Fire lanes shall be striped in yellow letters on paved surfaces and bear the words "fire lane" or "fire zone" and in either event shall also bear the words "no parking or obstruction". Curbs on edges of fire zones shall be painted yellow. The bureau of fire prevention shall provide the owner with a sketch of the required markings and location of any required signs. The said bureau shall require where practicable metal signs setting forth the designation of "fire zones" so as to inform the public of location of fire zones. Said markings shall be legible at all times and shall be maintained by the owner or owners of such property.

- 11-11.6 Criteria for Establishing Fire Lanes.

In establishing and requiring fire lanes, the bureau of fire prevention shall take into consideration the size, type and location of the building or buildings on the premises regulated, the type of activity or activities, the number of parking spaces which may be required by law, traffic patterns, existing means of ingress and egress, the total area of the premises and area available for fire lanes and such other means of ingress to the structure or structures in the event of fire or other emergency.

- 11-11.7 Purpose.

The purpose of establishing fire lanes is to allow access to premises and structures in the event of a fire emergency for fire fighting and emergency vehicles and equipment.

- 11-11.8 Obstruction Prohibited.

No person shall at any time park a vehicle or in any other manner obstruct a driveway or any other area that has been designated as a "fire zone" or "fire lane".

- 11-11.9 Notice to Establish Fire Lane; Appeals.

a. Upon notice from the bureau of fire prevention an owner or owners of property wherein a fire lane has not heretofore been required shall confer with the fire official or his agent of the bureau of fire prevention in order to establish a fire lane in accordance with this section. After such conference or in the event the owner does not so confer, the said fire official or his agent shall direct the establishment of the fire zone.

b. The fire official or his agent shall give written notice to the owner or owners specifically setting forth the location or dimensions of the required fire zone. Such notice shall be by registered or certified mail, or by hand delivery. The owner or owners may appeal from the requirements of said notice by filing a notice of appeal with the clerk of the Monmouth County Board of Construction Appeals, and said clerk shall schedule a hearing thereon.

c. In the event no such appeal is filed within 14 calendar days of the date of said notice from the supervisor, the owner or owners shall establish the fire zone within 30 days of the date of said notice.

d. In the event an appeal is taken in accordance with the aforesaid to the Monmouth County Board of Construction Appeals and a decision is rendered requiring the establishment of a fire zone, the Monmouth County Board of Construction Appeals shall give written notice of its decision by mailing the same by certified mail/return receipt requested to the owner, and the owner shall, within 30 days of mailing of notice, establish a fire zone as required by the Monmouth County Board of Construction Appeals.

11-11.10 Violations and Penalties.

a. Obstruction of Fire Lane. Any person who shall at any time park a vehicle or in any other manner obstruct a fire zone or fire lane shall be fined one hundred twenty five (\$125.00) dollars. There shall be no court appearance required, unless the said individual wishes to plead not guilty. If the individual chooses to contest this fine, he/she may plead his case in the municipal court of the Borough of Highlands.

b. Failure to Comply. Any owner or owners of property who fail to comply with the terms of this section shall be subject to a fine of up to one hundred fifty (\$150.00) dollars a day, together with court costs, enforceable in the municipal court of the Borough of Highlands.

c. Fees and Expenses. In addition to the aforesaid, any owner or owners in violation of this section shall be subject to such legal and equitable relief as is allowed by law, in which case such owner or owners shall be responsible for the payment of reasonable attorney fees and court costs, together with all other expenses incurred to enforce the provisions of this section.

d. Fines. All remedies and fines provided in this section shall be cumulative and not in exclusion of each other and shall be deposited in the bureau of fire prevention of the Borough of Highlands account.

11-11.11 Enforcement.

The bureau of fire prevention and the police department of the Borough of Highlands are hereby authorized to enforce this section.

11-11.12 Towing of Violations.

The bureau of Fire Prevention and the police department of the Borough of Highlands are hereby authorized to tow and remove motor vehicles and all obstructions from any fire zone and/or fire lane. All such motor vehicles and/or

obstructions which are so removed may be stored, and the cost of removal and storage shall be charged to the owner of the vehicle and/or other obstruction, and the charges shall be paid prior to the release of said vehicle or obstruction. Reasonable steps shall be taken to identify the owner of the vehicle or vehicles or obstruction or obstructions removed, and to give the owner notice as soon as conveniently may be done of the removal and storage of such vehicle or obstruction.

11-12 ELIMINATION OF FIRE HAZARDS.

11-12.1 Duty of Owner to Remove Hazards.

The owner or tenant of any lands lying within the Borough where it shall be necessary and expedient for the preservation of the public health, safety, general welfare or elimination of fire hazards to remove from such lands or dwellings brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash, and debris shall within ten (10) days after notice remove the same.

11-12.2 Removal by Borough.

If the owner or tenant refuses or neglects to remove the same within the time provided above, the borough shall provide for the removal of same.

11-12.3 Cost of Removal To Be Lien Against Premises.

If the same is removed by the Borough, such officer shall certify the cost thereof to the Mayor and Council who shall examine the certificate and if found correct shall cause the cost as shown thereon to be charged against the lands or dwellings and the amount so charged shall become a lien upon the lands or dwellings and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands or dwellings and to bear interest at the same rate as taxes and be collected and enforced by the same officers and in the same manner as taxes.

In addition to the provisions set forth above any person who shall violate the terms of this section shall, upon conviction thereof, be subject to punishment by a fine not to exceed five hundred (\$500.00) dollars, or by imprisonment not exceeding fifteen (15) days, or both, in the discretion of the court.

11-12.4 Duty of Monmouth County.

For the purpose of this section, the County of Monmouth through any designated official is hereby appointed as an officer of the borough empowered to carry out this section on all county roads and at all intersections with county roads.

11-12.5 Storage of Boats.

All boats which are stored within the borough, either privately or within a marina, are to be stored a minimum of five feet from adjoining property lines.

SECTION VII. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such

decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION VIII. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IX. EFFECTIVE DATE. This Ordinance shall take effect immediately after final passage.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 0-19-06

AN ORDINANCE AMENDING CHAPTER 17 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS THAT ESTABLISHED A BUSINESS IMPROVEMENT DISTRICT WITHIN THE BOROUGH OF HIGHLANDS

WHEREAS, the Borough of Highlands, by Ordinance O-11-9 and codified in Chapter XVII of the Code of the Borough of Highlands, established a business improvement district, which Ordinance had previously been extended, by Ordinance O-18-02, to the expiration date of December 31, 2020; and

WHEREAS, the Borough of Highlands wishes to amend the expiration date of Ordinance O-11-9 and its provisions codified in Chapter XVII of the Code of the Borough of Highlands to September 30, 2019.

WHEREAS, the Borough of Highlands finds that it is in its best interest to amend Chapter XVII of the Borough Code to address additional procedural requirements for the business improvement district.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION ONE: Chapter XVII of the Revised Borough Code of the Borough of Highlands shall be amended as follows (underscores represent additions; strikethroughs represent deletions):

CHAPTER XVII BUSINESS IMPROVEMENT DISTRICT

17-1 DEFINITIONS.

Business Improvement District (sometimes also referred to as "District" or "Special Improvement District") shall mean an area within the Borough of Highlands, designated by this chapter, as an area in which a special assessment on property within the District shall be imposed for the purposes of promoting the economic and general welfare of the District.

District Management Corporation shall mean ~~"Business Improvement District of Highlands, New Jersey, Inc."~~ the Highlands Business Partnership, Inc. (also referred to as "management corporation"), an entity incorporated pursuant to Title 15A of the New Jersey Statutes, and designated by municipal ordinance to receive funds collected by a special assessment within the Business Improvement District, as authorized by this chapter and any amendatory supplementary ordinances.

17-2 FINDINGS.

The Mayor and Council find and declare:

a. That the area within the Borough of Highlands, as described by lot and block number, and by street addresses as set forth in Schedule A of this chapter, will benefit from being designated as a Business Improvement District.

b. The rental apartments containing five (5) or more units on the attached Schedule A as Class 4C are hereby included within the Special Improvement District as established by this chapter, ~~, provided, however, that no assessment shall be collected from Shore Landings, L.L.C. unless the decision of the Superior court, Law Division in Shore Landings v. Borough of Highlands is modified or reversed by appeal or agreement.~~

~~All the properties included on Schedule A as Class 4 income producing properties hereto are hereby deemed to be included within the Special Improvement District as established by this chapter.~~

c. That a District Management Corporation would provide administrative and other services to benefit the businesses, employees, residents and consumers in the Business Improvement District. These services shall be over and above the services already provided to the District by the Borough.

d. That a special assessment shall be imposed and collected by the Borough with the regular property tax payment or payment in lieu of taxes or otherwise, and that all of these payments shall be transferred to the District Management Corporation to effectuate the purposes of this chapter and to exercise the powers given to it by this chapter.

e. That it is in the best interests of the municipality and the public to create a Business Improvement District and to designate a District Management Corporation.

f. That the business community should be encouraged to provide self-help and self-financing programs to meet local business needs, goals and objectives.

17-3 CREATION OF DISTRICT.

a. There is hereby created and designated within the Borough of Highlands a Business Improvement District to be known as the Highlands Business Improvement District consisting of the properties designated and listed on Schedule "A" by tax lot and block number and street addresses. The Business Improvement District shall be subject to special assessments on all affected property within the District which assessment shall be imposed by the Borough of Highlands for the purposes of promoting the economic and general welfare of the District.

b. All business properties within the Business Improvement District, including all private, nonresidential assessed properties, are deemed included in the assessing provisions of this chapter and are expressly subject to potential assessment made for Business Improvement District purposes.

c. All properties within the Business Improvement District that are tax-exempt or are used exclusively for residential purposes, are deemed excluded from the assessing provisions of this chapter and are expressly exempt from any assessment made for Business Improvement District purposes.

17-4 APPEAL OF PROPERTY OWNER FROM INCLUSION IN THE DISTRICT.

Any owner of property included within the Business Improvement District and subject to the assessing provisions of this chapter, may appeal to the Tax Assessor of the Borough of Highlands, requesting to be excluded from the District and from any assessment provisions of this chapter.

This appeal is only as to whether or not a property should be included within the District under the standards set forth in Section 17-3 of this chapter. It is not an appeal with regard to any taxes. Appeals with regard to taxes should be taken in the usual manner to the Monmouth County Board of Taxation or to the Tax Court.

This appeal seeking exclusion from the District and any assessment provisions of this chapter, shall be in writing and specifically detail the factual basis for the appeal. The Assessor shall investigate the matter and conduct an informal hearing or conference within thirty (30) days of receipt of the appeal. Within ten (10) days after the conclusion of the informal hearing or conference, the Assessor shall file a report and recommendation with the Governing Body. The Governing Body shall review the matter and act within thirty (30) days upon receipt of the report and recommendation from the Assessor.

17-5 ASSESSMENTS.

a. *Maintenance of District.* Annual operation and maintenance costs relating to services peculiar to the District, as distinguished from services normally provided by the Borough, will provide benefits primarily to the properties included within the District rather than to the Borough as an entirety. These annual costs shall be assessed and taxed to the benefited properties pursuant to the provisions of this chapter and N.J.S.A. 40:56-65, et seq.

b. *Development, Construction or Acquisition Costs.* All costs of development, construction and acquisition relating to improvements to the District shall be financed and assessed to properties especially benefited thereby. The Borough may, by separate ordinance, or by amendment to this chapter, provide that improvements and facilities hereinafter acquired or developed shall be operated and maintained and the costs assessed to the benefited properties.

17-6 DESIGNATED DISTRICT MANAGEMENT CORPORATION.

The nonprofit corporation, Highlands Business Partnership, Inc., is hereby designated as the District Management Corporation for the District. This Management Corporation shall conduct its business in accordance with the Open Public Meetings Law,

and all of its operations shall be subject to the Open Public Records Act (OPRA). This Corporation shall have no power of condemnation or eminent domain.

To comply with the provisions of OPRA, the Corporation shall maintain its records at the Highlands Borough Hall and regularly file copies of the minutes of its meetings with the Borough Clerk so the minutes shall be conveniently available to the public for inspection.

17-7 POWERS AND DUTIES OF THE DESIGNATED DISTRICT MANAGEMENT CORPORATION.

The District Management Corporation, in addition to acting as an advisory board to the Mayor and Council, shall have all powers and responsibilities necessary and requisite to effectuate the purposes of this chapter and the District, including, but not limited to:

a. Adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its functions and duties; the bylaws and other corporate documents shall provide that the corporation shall conduct its business in accordance with the Open Public Meeting Law; shall conduct regular meetings no less than quarterly and that the Board of Directors shall consist of **no less than fourteen (14) and no more than** twenty-one (21) members. As to the membership of the Board of Directors it shall include (1) a member of the Governing Body selected by the Governing Body; (2) a member of the Borough Planning Board selected by the Governing Body; (3) one (1) resident of the Borough who shall not be an owner or occupant of commercial property within the District. All of these appointments shall serve at the pleasure of the appointing authority.

~~Additionally the Board of Directors shall consist of one (1) nonvoting member appointed from bodies such as:~~

- ~~1. _____ **Northern Monmouth Area Chamber of Commerce**~~
- ~~2. _____ **Gateway National Park**~~
- ~~3. _____ **Twin Lights Historic State Park**~~
- ~~4. _____ **Not named**~~

b. **~~The members appointed by these bodies shall serve at the pleasure of the appointing body.~~** The remaining **fourteen (14)** members of the Board of Directors shall consist of owners or occupants of commercial property located within the District. The Mayor and Council will designate the BID Steering Committee members to carry on the duties of the nonprofit corporation, to include securing corporate and nonprofit status and creation of bylaws, form a nominating and election committee, utilize technical assistance of the League of Women Voters. The BID Committee shall not expend or commit any District Management Corporation funds without a simple majority vote of BID Committee members. The bylaws shall provide for an election to create the Board of Directors by owners and/or occupants of commercial property included within the District, which election shall be held on or before the third month anniversary from the date of the adoption of the chapter (this chapter was adopted May 5, 1999 by Ordinance No. O-99-06). Said elections will be for a term of three (3) years, except, however, at the first

election five (5) members shall be elected for one (1) year; four (4) members shall be elected for two (2) years and five (5) members shall be elected for three (3) years. Any vacancies with regard to these elected members shall be filled by a majority vote of the Board members for the balance of the term. **The Board of Directors shall also elect a President, Vice President, and Treasurer to two (2) year terms. There shall be no limit to the overall number of terms served, however the President, Vice President, and Treasurer shall not serve more than two (2) consecutive terms. Upon completion of a second term, any individual serving as President, Vice President, and Treasurer shall not serve as either President, Vice President, or Treasurer until one full two-year term has elapsed since the conclusion of their service.**

c. The Designated District Management Corporation shall also:

1. Employ such persons as may be required and, fix and pay their compensation from funds available to the corporation.

2. Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money.

3. Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the corporation, including contracts with any person, firm, corporation, governmental agency or other entity.

4. Administer and manage its own funds and accounts and pay its own obligations.

5. Borrow money from private lenders for periods not to exceed one hundred eighty (180) days and from governmental entities for that or longer periods.

6. Fund the improvement for the exterior appearance of properties in the District through grants or loans. Standards for eligibility and standards for terms of such grants and loans shall be established by the Board of Directors.

7. Fund the rehabilitation of properties in the District through grants or loans. Standards for eligibility and standards for terms of such grants and loans shall be established by the Board of Directors.

8. Accept, purchase, rehabilitate, sell, lease or manage property in the District.

9. Enforce the conditions of any loan, grant, sale or lease made by the corporation.

10. Provide security, sanitation and other services to the District, supplemental to those provided normally by the municipality.

11. Undertake improvements designated to increase the safety or attractiveness of the District to businesses, which may wish to locate there or to visitors to the District including, but not limited to, litter cleanup and control, landscaping, parking areas and facilities, recreational and rest areas and facilities, pursuant to pertinent regulations of the Borough of Highlands.

12. Publicize the District and the businesses included within the District boundaries.

13. Recruit new businesses to fill vacancies in, and to balance the business mix of, the District.

14. Organize special events in the District.

15. Provide special parking arrangements for the District.

16. Provide temporary decorative lighting in the District.

17. Solicit at least two (2) price quotations for any single expenditure over \$2,500, or for any recurring payment to a person or entity that exceeds \$2,500 per year.

18. Advertise for bids for any expenditure over \$15,000. Such advertisement process shall comply with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. Any such expenditure shall be awarded to the lowest responsible bidder unless otherwise required by statute.

19. Comply with government standards accounting.

20. Appear annually at a public meeting before the governing body to answer any questions from the governing body and from the public. This meeting shall be held in May upon publication of notice in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

17-8 ANNUAL BUDGET, HEARING AND ASSESSMENTS.

a. The fiscal year of the District and of the management corporation shall be the calendar year. The first budget has been approved by the Mayor and Council. Hereafter, beginning December 1, 1999, the District Management Corporation shall submit no later than December 1 of each year a detailed annual budget for the following year for approval by the Mayor and Council. The budget shall be processed and adopted by the Borough on or before April 1st of each year in accordance with the procedures set forth in N.J.S.A. 40:56-84.

b. The budget shall be submitted with a report, which explains how the budget contributes to goals and objectives for the Business Improvement District together with the following:

1. The amount of such costs to be charged against the general funds of the municipality, if any.

2. The amount of costs to be charged and assessed against properties benefited in the District in proportion to benefits which shall be the aggregate of costs of annual improvements to be made in the District during the year.

3. The amount of costs, if any, to be specially assessed against properties in the District.

c. Each year, when the Mayor and Council shall have acted on the estimated costs and/or on the budget, the Municipal Assessor shall prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the District. Descriptions of such properties, and the names of

the ten (10) current owners of such properties, so far as names are available, shall be included in each annual assessment roll. The assessment roll, when so prepared, shall be filed in the office of the Municipal Clerk and be there available for inspection. The Mayor and Council shall annually meet to consider objections to the amounts of such special assessments at least ten (10) days after a notice of hearing has been published once in the official newspaper and mailed to the named owners of all tracts, parcels and lots of property proposed to be assessed. The notice shall set forth the purpose of such meeting, but may refer to the assessment roll for further particulars. When the Governing Body shall have approved the amounts of the special assessments set forth therein, or as may be changed by it, the Municipal Clerk shall forthwith certify a copy of the assessment roll, with such changes, if any to the Monmouth County Tax Board.

d. For the purpose of this section, "annual improvements" shall mean and include any reconstruction, replacement or repair of trees and plantings and other facilities of the Business Improvement District and the furnishing of any other local improvement which benefits properties within the District. For the purpose of this act, "costs" shall, with respect to annual improvements to and operation and maintenance of the Business Improvement District, mean costs of annual improvements; and all other costs, including planning costs, incurred or to be incurred in connection with annual improvements to and operation and maintenance of the District.

e. Moneys appropriated and collected on account of annual improvement costs, and costs of operating and maintaining a Business Improvement District, shall be credited to a special account. The Mayor and Council may incur the annual costs of improving, operating and maintain a Business Improvement District, during any fiscal year, though not specifically provided for by line item or other category in an approved estimate for such fiscal year, it in its discretion it shall be deemed necessary to provide for such annual improvements or operation or maintenance prior to the succeeding fiscal year and so long as the total amount of the account as approved for that year is not exceeded by that expenditure. Any balances to the credit of the account and remaining unexpended at the end of the fiscal year shall be conserved and applied towards the financial requirements of the succeeding year.

f. The Mayor and Council shall pay over funds to the management corporation quarterly on the first day of March, June, September and December of each year. **The Mayor and Council may, in their discretion, withhold payment of funds due to the District Management Corporation's failure to comply with the provisions of this Chapter.**

17-9 ANNUAL AUDIT OF DISTRICT MANAGEMENT CORPORATION.

The District Management Corporation shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the Mayor and Council and for that purpose the corporation shall employ a certified public accountant of New Jersey. **The annual audit shall be in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards as they pertain to non-profit entities.** The annual audit **and an accompanying management report** shall be completed and

filed with the Governing Body within four (4) months after the close of the fiscal year of the corporations, and a certified duplicate copy of the audit shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs within five (5) days of filing of the audit with the Mayor and Council. **The District Management Corporation shall report out on the annual audit to the Highlands governing body no later than the second public meeting in May.**

17-10 ANNUAL AND QUARTERLY REPORTS TO MUNICIPALITY.

a. The district management corporation shall, within thirty (30) days after the close of each fiscal year, make an annual report of its activities for the preceding fiscal year to the Mayor and Clerk of the Borough.

b. **The district management corporation shall make quarterly reports of its activities for the preceding quarter to the Mayor and Clerk of the Borough. The quarterly report shall set forth all actual expenditures incurred by the district management corporation. The quarterly reports must also summarize how the district management corporation has met the elements of its duties as provided in Section 17-7(c) and the purposes as set forth in Section 17-14.1. Quarterly reports shall be due to the Mayor and Clerk of the Borough on April 1, July 1, October 1, and January 1 of each year.**

17-11 MUNICIPAL POWERS RETAINED.

Notwithstanding the creation of a Business Improvement District, the Borough of Highlands expressly retains all its powers and authority over the area designed as within the Business Improvement District. No improvements or modifications shall be made to any public property without the prior formal approval of the Borough Governing Body.

17-12 SEVERABILITY.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions of the chapter and to this end the provisions of this chapter are severable.

17-13 EFFECTIVE DATE.

This chapter shall take effect immediately after passage and publication as required by law, ~~with an effective date of January 1, 2018.~~ This chapter shall expire ~~in three (3) years on September 30, 2019~~ unless reenacted by the Mayor and Council of the Borough of Highlands prior to ~~December 31, 2020~~ **September 30, 2019.** ~~Upon the third~~

~~anniversary of the Business Improvement District, the This~~ chapter will expire on September 30, 2019 unless the Board of Directors recommends the continuation of the BID with the approval of the Mayor and Council.

17-14 DOWNTOWN BUSINESS IMPROVEMENT ZONE ~~(D-B12)~~ (D-BIZ).

17-14.1 Purpose.

The purpose of this section is to (a) promote economic growth and employment within the business district and, in particular, the Business Improvement District; (b) foster and encourage self-help programs to enhance to local business climate; and (c) authorize, permit and facilitate the Business Improvement District and the Highlands Business Partnership to apply for and accept funds or loans from the State Department of Community Affairs for public improvements as contemplated by P.L. 1998, c. 115.

17-14.2 Zone Created.

There is hereby created and designated within the Borough a Downtown Improvement Zone (“D-BIZ”) which shall be co-extensive with the Business Improvement District as defined by the Code of the Borough of Highlands, Section 17-3.

SCHEDULE A
(Section 17-2)

Block	Lot	Qual Class	Property Location
<u>1</u>	<u>11</u>	<u>4C</u>	<u>88 PORTLAND ROAD</u>
<u>6</u>	<u>8</u>	<u>4C</u>	<u>47-49 SOUTH BAY AVENUE</u>
7	1	4C	44 SOUTH BAY AVENUE
8	1	4A	42 SOUTH BAY AVENUE/RIPAR
9	5	4A	PORTLAND & BRIDGE
<u>9</u>	<u>6.01</u>	<u>1</u>	<u>MONUMENT PLACE</u>
9	7	4	1 SOUTH BAY AVENUE
<u>10</u>	<u>2</u>	<u>2</u>	<u>108 HILLSIDE AVENUE</u>
11	18	4A	NEW RD & GRAND TOUR
14	1.01	4A	PORTLAND ROAD
20	1	4A	1 NAVESINK AVENUE
34	8	4A	1 WOODLAND STREET
35	17	4C	82 VALLEY AVENUE

<u>38</u>	<u>3</u>	<u>4A</u>	<u>36 NAVESINK AVENUE</u>
38	4	4A	30 NAVESINK AVENUE
38	5	4A	26 NAVESINK AVENUE
38	6	4A	22 NAVESINK AVENUE
38	8	4A	2 NAVESINK AVENUE
38.01	11.01	4A	1 BAY AVENUE
38.01	12	4A	15 BAY AVENUE
38.01	13	4A	19 BAY AVENUE
38.01	15.01	4A	23 BAY AVENUE
<u>38.01</u>	<u>16</u>	<u>1</u>	<u>49 BAY AVENUE</u>
39	7.01	4A	34 BAY AVENUE
39	8	4A	26 BAY AVENUE (DOCK)
39	9	4A	24 BAY AVENUE
39	10	4A	18 BAY AVENUE
39	12	4A	12 BAY AVENUE
39	14	4A	2 BAY AVENUE
39	15	4A	2 SOUTH BAY AVENUE
40	11.02	4A	EXTENSION OF FIRST ST
40	15.01	4A	116 NAVESINK AVENUE
40	18.19	4C	MILLER STREET
41	8	4A	75 BAY AVENUE
41	9	4A	BAY AVENUE
42	10	4A	88 BAY AVENUE
42	13	4A	78 BAY AVENUE
42	15	4A	68 BAY AVENUE
45	4.01	4A	102 BAY AVENUE
<u>45</u>	<u>6.01</u>	<u>1</u>	<u>98 BAY AVENUE</u>
45	7	1	92 BAY AVENUE - KAY STREET
46	1	4A	103-107 BAY AVENUE
46	2	4A	111 BAY AVENUE
46	3	4A	123 BAY AVENUE

46	7	4C	143 BAY AVENUE
47	6	4A	132 BAY AVENUE
47	7	4A	130 BAY AVENUE
47	8	4A	128 BAY AVENUE
47	9	4A	126 BAY AVENUE
47	11	4A	122 BAY AVENUE
47	12	4A	120 BAY AVENUE
48	1	4C	45 CENTER STREET
48	7	4A	30 JACKSON STREET
50	1	4A	52 SHREWSBURY AVENUE
50	2	4A	52 SHREWSBURY AVENUE
50	4	4A	56 SHREWSBURY AVENUE
51	2	4A	3 CORNWALL STREET
52	2	4A	140 BAY AVENUE
53	2	4C	65 MILLER STREET
53	8	4A	157 BAY AVENUE
53	9	4A	151 BAY AVENUE
54	1	4A	150 BAY AVENUE
54	3.01	4A 2	146-148 BAY AVE
54	4	4A	144 BAY AVENUE
54	24.01	4A	11-13 MILLER STREET
55	1	4A	70 SHREWSBURY AVENUE
55	4.01	4A	88 SHREWSBURY AVENUE
56	14	4C	18 FIFTH STREET
56	15	4C	22-24 FIFTH STREET
56	16	4C	26 FIFTH STREET
<u>58</u>	<u>1</u>	<u>4A</u>	<u>154 BAY AVENUE</u>
58	18	4A	190 BAY AVENUE
58	19	4A	188 BAY AVENUE
58	23.01	4A	182 BAY AVENUE
58	24	4A	170 BAY AVENUE

58	25	4A	168 BAY AVENUE
58	26	4A	164 BAY AVENUE
59	9	4A	165 BAY AVENUE
60	7.01	4A	<i>SHORE DRIVE</i>
63	5	2	<i>197 BAY AVENUE</i>
63	7	4A	205 BAY AVENUE
63	19.01	4A	231 BAY AVENUE
64	1	4A	196 BAY AVENUE
64	24	4A	214 BAY AVENUE
64	28.01	4A	208 BAY AVENUE
66	10	4C	58 FIFTH STREET
66	12	4A	62 FIFTH STREET
69	4.01	4A	242 BAY AVENUE
69	13	4A	ATLANTIC STREET
72	8	4A	FT OF ATLANTIC ST
72	9.012	4A	MARINA ON THE BAY
72	11.01	4A	270 BAY AVENUE
72	12	4A	272 BAY AVENUE
73	2	2	<i>SEADRIFT AVENUE</i>
74	9	4A	277 BAY AVENUE
75	1	4C	274-276 BAY AVENUE
81	10.01	4A	295 BAY AVENUE
82	1.01	4A	297-299 BAY AVENUE
82	5.01	4C	83 HUDDY AVENUE
83	1	4A	300 BAY AVENUE
84	2.01	4A	MARINE PLACE
88	1.01	4A	311 BAY AVENUE
88	3	4A	71 WATERWITCH AVENUE
88	4.01	4A	67-69 WATERWITCH AVENUE
88	5	4A	321 BAY AVENUE
89	1	4A	310 BAY AVENUE

96	3	4A	409 BAY AVENUE
100	27	4A	326 SHORE DRIVE
100	27.06	4C	SHORE LANDING APARTMENTS
101	12.01	1	348 SHORE DRIVE
101	14	4A	354 SHORE DRIVE
101	<u>27.03</u>	4A	WILLOW STREET
101	30	4A	LOCUST ST
105.107	1.1	4A	SHADOW LAWN TRAILER PARK
			<u>440 NAVESINK AVENUE</u> 450 STATE HIGHWAY 36, also known as 450 NAVESINK
108	1.01	4A	AVE.
108	2.04	4A	470 STATE HIGHWAY 36, also known as 470 NAVESINK AVE.
114	1.01	4A	301 SHORE DRIVE
114	1.02	4A	SHORE DRIVE
116	11	4A	404 NAVESINK AVE
116	13	4A	410 NAVESINK AVENUE
116	14	4A	426 NAVESINK AVENUE
120	8.04	4A	254 NAVESINK AVENUE

SECTION TWO. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION THREE. REPEALER.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION FOUR. EFFECTIVE DATE.

This ordinance shall take effect immediately after final passage.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 19-07

CALENDAR YEAR 2019 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Borough Council of the Borough of Highlands, in the County of Monmouth, finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$77,654.87 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Highlands, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Borough of Highlands shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$271,792.08, and that the CY 2019 municipal budget for the Borough of Highlands be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, _ that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.