

**Highlands Borough Mayor & Council Meeting Agenda**  
**Community Center**  
**22 Snug Harbor Avenue, Highlands**  
**Wednesday, September 6, 2017**  
**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 Resolution

**EXECUTIVE SESSION: 7:00PM**

**Contract Negotiations:** Trash Collection  
Block 37, Lots 12.01 & 13  
**Attorney-Client Privilege:** Borough Properties  
**Personnel** Recreation Director

**REGULAR MEETING: 8:00PM**

Call to Order  
Pledge of Allegiance  
Roll Call

**Approval of Minutes**

July 19<sup>th</sup> 2017  
August 16<sup>th</sup> 2017

**Public Comment on Resolutions:**

**Consent Agenda**

R-17-155 Authorized Signatures on Borough Accounts  
R-17-156 Certifying Review of 2016 Audit Report  
R-17-157 Adopting Corrective Action Plan for 2016 Audit  
R-17-158 Authorize Execution of CDBG Project Agreement with Monmouth County  
R-17-159 Authorize Payment of the Bills

**Resolutions**

R-17-160 Authorizing Award for Non-Fair & Open Contract: Sewer Cleaning & TV Inspection  
R-17-161 Awarding Fair & Open Contract for the 2017 Capital Road Improvement Project

**Ordinances: Introduction**

O-17-16 Update Borough's Adoption of International Property Maintenance Code  
O-17-17 Amend Code Concerning Lawn Sprinkler Systems

**Ordinances: Public Hearing & Possible Adoption**

O-17-15 Providing a Stipend for Health Care Benefits Waiver to Employees

**Other Business:**

Consideration of Street Vacancy: Holly Street  
Enforcement of Grease Traps

**Administrator's Update**

**Public Comments:**

**Adjourn**



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 17-155**

### **AUTHORIZED SIGNATURES ON ALL BOROUGH BANK ACCOUNTS**

**WHEREAS**, Carolyn Cummins, Municipal Clerk is out on an extended leave; and

**WHEREAS**, the Governing Body adopted Resolution R-17-115 appointing Bonnie Brookes as Deputy Municipal Clerk for the Borough of Highlands effective June 5<sup>th</sup> 2017.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that effective September 7<sup>th</sup> 2017 Carolyn Cummins be removed as an authorized signature on all borough accounts held in TD Bank, United Roosevelt Bank, Valley National Bank and Two River Community Bank.

**BE IT FUTHER RESOLVED** that effective September 7<sup>th</sup> 2017, Bonnie Brookes is hereby an authorized signature on all the Borough of Highlands bank accounts at the TD Bank, United Roosevelt Bank, Valley National Bank and Two River Community Bank.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-156

### RESOLUTION OF THE BOROUGH OF HIGHLANDS CERTIFYING REVIEW OF AUDIT REPORT FOR THE YEAR ENDED DECEMBER 31, 2016

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year ended December 31, 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, N.J.S.A. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of N.J.S.A. 52:27BB-52, to wit:

N.J.S.A. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or

imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Highlands, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 17-157**

### **ADOPTING CORRECTIVE ACTION PLAN FOR 2016 MUNICIPAL AUDIT**

**WHEREAS**, the Audit for the year ending December 31, 2016 has been previously received and reviewed by the members of the Mayor and Borough Council, and

**WHEREAS**, any Recommendations of the Audit requires that a Corrective Action Plan be undertaken, and

**WHEREAS**, the Audit for the year ending December 31, 2016 did not contain any Recommendations;

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Members of the Borough Council hereby adopt the Corrective Action Plan, which does not apply to the December 31, 2016 Audit, as submitted by the Borough Administrator and Chief Finance Officer.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution are on file and available for inspection by the public in the office of the Borough Clerk and that a copy be forwarded to the State of New Jersey.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-158

### RESOLUTION AUTHORIZING EXECUTION OF A PROJECT AGREEMENT WITH THE COUNTY OF MONMOUTH, THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, FOR THE SANITARY SEWER REHABILITATION PROJECT

**WHEREAS**, the County of Monmouth, Division of Planning Office of Community Development, through the Community Development Block Grant Program, has prepared a Project Agreement (Project No.: G-14-56-892-160-223) entitled Sanitary Sewer Rehabilitation Project by and between the Monmouth County Board of Chosen Freeholders and the Borough of Highlands; and

**WHEREAS**, the Borough will be responsible for the administration of the aforesaid project, wherein Community Development Block Grant funds in an amount not to exceed \$146,286.00, will be used to replace the sanitary sewers from Shore Drive and Bay Avenue between Atlantic Street and Huddy Avenue.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Highlands that the Mayor is hereby authorized to execute the aforesaid Project Agreement with Monmouth County and the Borough Clerk is hereby authorized to attest to the execution of the said Project Agreement.

**BE IT FURTHER RESOLVED** that a copy of this Resolution certified by the Borough Clerk to be a true copy will be forwarded to the Board of Chosen Freeholders, County of Monmouth.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-159

### RESOLUTION AUTHORIZING PAYMENT OF BILLS

**WHEREAS**, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated August 29, 2017, which totals as follows:

Current Fund	\$756,228.14
Sewer Account	26,972.87
Capital Fund	41,469.12
Trust-Other	20,458.58
Federal/State Grants	4,857.39
Total	\$849,986.10

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$849,986.104** 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 on file in the Municipal Clerk's office for reference.





BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-160

### RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR STORM & SANITARY SEWER CLEANING & TV INSPECTION VALLEY STREET & CEDAR STREET

**WHEREAS**, the Borough of Highlands has decided to award a contract for storm and sanitary sewer cleaning and TV inspection of Valley Street and Cedar Street, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, the QPA has determined that the aggregate value of this contract along with previously issued related contracts will exceed \$17,500; and,

**WHEREAS**, the anticipated term of this contract is less than 1 year; and,

**WHEREAS**, Oswald Enterprises, Inc., Inc. has submitted a proposal indicating they will perform all work for the storm and sanitary sewer cleaning and TV inspection of Valley Street and Cedar Street, for \$18,712.50 as outlined in their proposal dated 08/17/2017; and,

**WHEREAS**, Oswald Enterprises, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Oswald Enterprises, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit Oswald Enterprises, Inc. from making any reportable contributions through the term of the contract; and,

**WHEREAS**, Patrick DiBlasio, Chief Financial Officer for the Borough of Highlands, has certified that funds are available for this purpose;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the Borough Administrator and the Purchasing Agent are authorized and directed to enter into an agreement with Oswald Enterprises, Inc. for the storm and sanitary sewer cleaning and TV inspection of Valley Street and Cedar Street, in an amount not to exceed \$18,712.50.

**BE IT FURTHER RESOLVED** that a notice of this action shall be printed once in an official newspaper of the Borough and that this Resolution and the contract shall be available for public inspection in the office of the Municipal Clerk.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

# RESOLUTION 17-161

## RESOLUTION AWARDING FAIR AND OPEN CONTRACT FOR THE 2017 CAPITAL ROAD IMPROVEMENT PROJECT

**WHEREAS**, the Borough of Highlands advertised for bids for the 2017 Capital Road Improvement Project; and

**WHEREAS**, two (2) proposals were received for the 2017 Capital Road Improvement Project and reviewed by the Borough Engineer and Borough Attorney; and

**WHEREAS**, the following two (2) bids were received for Proposal A and Proposal B:

Company	JADS Construction	Fiore Paving Co., Inc.
Proposal A	\$124,500.00	\$154,760.00
Proposal B	\$574,250.00	\$804,915.00
<b>TOTAL</b>	<b>\$698,750.00</b>	<b>\$959,675.00</b>

; and

**WHEREAS**, Proposal A consists of Capital Road Improvements to Miller Street which will be covered by a Grant from the Department of Transportation; and Proposal B consists of Capital Road Improvements to the remainder of the roads throughout the Borough; and

**WHEREAS**, JADS Construction appears to be the lowest responsible bidder for the aforesaid Proposal; and

**WHEREAS**, a certification of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands.

I hereby certify funds are available as follows:

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Patrick DeBlasio, Chief Financial Officer

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Highlands that the Contract for the 2017 Capital Road Improvement Project is hereby awarded to JADS Construction for the aforesaid Proposal, incorporating Proposal A and Proposal B, in the amount of \$698,750.00.



**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

## **ORDINANCE 0-17-15**

### **AN ORDINANCE PROVIDING A STIPEND FOR HEALTH CARE BENEFITS WAIVER TO EMPLOYEES**

**WHEREAS**, in accordance with N.J.S.A. 40A:10-17.1, a municipality which enters into a contract providing group health care benefits to its employees pursuant to N.J.S.A. 40A:10-16 et. seq., may allow any employee who is eligible for other health care coverage to waive coverage under the municipality's plan to which the employee is entitled by virtue of his/her employment with the municipality; and

**WHEREAS**, in accordance with N.J.S.A. 40A:10-17.1, in consideration of filing such a waiver, a municipality may pay to the employee annually an amount, to be established in the sole discretion of the municipality, which shall not exceed 25%, or \$5,000.00, whichever is less, of the amount saved by the municipality because of the employee's waiver of coverage; and

**WHEREAS**, the governing body finds that it is in the best interest of the Borough to continue its past practice of allowing for such a healthcare waiver stipend as permitted by law and to codify the same.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Highlands County of Monmouth, State of New Jersey, as follows:

**SECTION I.** The provisions of Chapter 2, are hereby modified and amended by the addition of a new section. Said Section, Chapter 2, Section 46 entitled "Health care benefits buyout", shall read as follows:

A. Pursuant to N.J.S.A. 40A:10-16 et seq., the Borough shall provide health care benefits to its full time "employees" as that term is defined in N.J.S.A. 40A:10-16b; however, that term shall not include elected officials. The different plans to be made available and the coverage levels shall be determined, from time to time, by the Borough. The Borough may redirect enrollment in and make available different plans and coverage in its discretion.

B. Those employees receiving health care benefits shall contribute to the cost of such benefits as required by P.L. 2011 c.78.

C. If an employee is eligible for health care benefit coverage, and meets the eligibility requirements set forth in Subsection C (1) below, such employee may annually

elect to receive the monetary payments provided for in Subsection C (2) below (“buyout payment”).

- (1) Eligibility. All of the following eligibility requirements must be satisfied.
  - (a) The employee must have health care benefits coverage from another source.
  - (b) The alternate source of coverage must be from a source other than the Borough. For example, if the employee’s spouse is employed by the Borough and both the employee and his/her spouse are eligible for health care benefits coverage through the Borough, a spouse declining coverage under this subsection, would not be eligible for the buyout payment.
  - (c) Employees must execute an appropriate application form as prepared and provided by the office of the Borough Administrator no later than November 30, prior to each calendar year for which the employee will seek the buyout payments.
- (2) Buyout payment. For eligible employees, the following buyout payments will be paid in two equal installments, the first installment on June 1 and the second installment on December 1.
  - (a) If medical coverage, including prescription plan, is declined, the buyout payment will be the lesser of \$5,000 annually or the percentage, as set forth in N.J.S.A. 40A:10-17.1, of the Borough’s cost for the health care coverage declined.
  - (b) The payments provided for hereunder would be subject to income tax, but not considered pensionable income.
- (3) Annual election. The election provided for in this section must be made on an annual basis. If an employee elects the buyout payment for a particular calendar year, he/she may decline to apply for the option provided in this section for a subsequent calendar year and may enroll, during prescribed enrollment periods, for health care benefit coverage through the Borough to resume for such subsequent calendar year.
- (4) An employee who waives coverage because he/she was covered by a spouse’s benefits shall be permitted to resume coverage under the same terms and conditions as though he/she had not waived coverage if the employee ceases to be covered through the employee’s spouse for any reason.
- (5) An employee who wishes to resume coverage shall file a declaration with the Borough, in such form as the Borough shall prescribe, that the waiver is revoked.
- (6) An employee who resumes coverage shall repay, on a pro rata basis, any amount which represents an advance payment for a period of time during which

coverage is resumed.

**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 after final passage as provided by law.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## ORDINANCE 0-17-16

### AN ORDINANCE AMENDING CHAPTER 10-9 OF THE BOROUGH CODE IN ORDER TO UPDATE THE BOROUGH'S ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE TO THE 2015 EDITION AND ANY NEW EDITIONS THEREOF

**WHEREAS**, by way of Ordinance 07-14 the Borough made the determination to empower the Department of Building and Housing to enforce the International Property Maintenance Code as part of the Revised General Ordinances of the Borough of Highlands; and

**WHEREAS**, the governing body has determined that it is in the best interests of the residents to update reference to the aforesaid International Property Maintenance Code to its most recent edition in 2015 and to reference any subsequent supplements, amendments or new editions thereof in Chapter 10-9 of the Borough Code.

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

#### SECTION I.

The following Sections of Chapter 10, Section 9 entitled "International Code Council (ICC) International Property Maintenance Code, 2006 Edition" of the Borough Code shall be amended to provide as follows: (All additions are shown in *bold italics* with underlines. The deletions are shown as ~~*strikeovers in bold italics*~~. Sections of Chapter 10, Section 9 that will remain unchanged are shown in normal type.)

#### **10-9 INTERNATIONAL CODE COUNCIL (ICC) INTERNATIONAL PROPERTY MAINTENANCE CODE, ~~2006~~ 2015 EDITION.**

##### **10-9.1 Adoption by Reference.**

There is hereby adopted, for the purpose of providing regulations for the protection of public health, safety and welfare in existing buildings within the borough, that certain code known as "International Code Council (ICC) International Property Maintenance Code, ~~2006~~ 2015 Edition" and any subsequent supplements or amendments thereto, or new editions thereof, as published by International Code Council, which is hereby adopted as the Property Maintenance Code of the Borough of Highlands in the State of New Jersey for the control of buildings and structures as herein provided; and each and all the regulations, provisions, penalties, conditions and terms of said International Code Council (ICC) International Property Maintenance Code, ~~2006~~ 2015 Edition and any subsequent

supplements or amendments thereto or new editions thereof, as published by International Code Council are hereby referred to, adopted, and made a part hereof, as if fully set out in this section.

### **10-9.2 Enforcement.**

The Department of Building and Housing within the Borough of Highlands, inclusive of all its officials and subcode officials, shall be empowered to enforce the International Code Council (ICC) International Property Maintenance Code, 2006 2015 Edition and any subsequent supplements or amendments thereto or new editions thereof, as published by International Code Council, as part of the Revised General Ordinances of the Borough of Highlands.

### **10-9.3 Penalties.**

Any person violating any provision of this section and therefor, the International Code Council (ICC) International Property Maintenance Code, 2006 2015 Edition and any subsequent supplements or amendments thereto or new editions thereof, as published by International Code Council shall be subject to a fine of not more than five hundred (\$500.00) dollars for each violation.

**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 after final passage as provided by law.



**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

# **ORDINANCE 0-17-17**

## **AN ORDINANCE AMENDING CHAPTER 9-11 OF THE BOROUGH CODE CONCERNING LAWN SPRINKLER SYSTEMS**

**WHEREAS**, Borough Code Chapter 9, Section 11 prohibits the use of lawn sprinkler systems; and

**WHEREAS**, the governing body of the Borough of Highlands has determined that it is in the best interest of the residents to allow for the use of lawn sprinkler systems with certain regulations and restrictions in order to engage in water conservation.

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

### **SECTION I.**

The following Sections of Chapter 9, Section 11 entitled "Lawn Sprinkler Systems Prohibited" of the Borough Code shall be amended to provide as follows: (All additions are shown in *bold italics with underlines*. The deletions are shown as *strikeovers in bold italics*. Sections of Chapter 9, Section 11 that will remain unchanged are shown in normal type.)

#### **9-11 LAWN SPRINKLER SYSTEMS *PROHIBITED.***

~~— a. — No lawn sprinkler or irrigation system shall hereafter be connected to the Borough of Highlands Municipal Water System.~~

~~— b. — The prohibitions of this section shall not extend to lawn sprinkler or irrigation systems existing and connected to the Borough of Highlands Municipal Water System as of the date of the adoption of this section, provided that the owner of the lands upon which such system is located shall file with the plumbing inspector of the Borough of Highlands within six months after the adoption of this section, a certification stating the location and nature of such existing irrigation system and the date upon which it was connected to the Borough of Highlands Municipal Water System.~~

~~— c. — The prohibitions of this section shall not extend to interior water sprinkler systems designed for fire protection or other emergency standby service.~~

~~— d. — The borough clerk shall forward to the Highlands Plumbing Subcode Official a certified copy of this section upon its adoption.~~

~~— e. — Any person violating the provisions of this section shall be subject to a fine by the Borough of Highlands Municipal Court in an amount not to exceed five~~



*hundred (\$500.00) dollars for the first offense and two thousand (\$2,000.00) dollars for any subsequent conviction.*

#### 9-11.1 – Lawn Sprinkler System Applications and Installation

- a. All applications for new lawn sprinkler systems shall be made to the Construction Official.
- b. Application fees shall be waived for applications seeking to upgrade a lawn **sprinkler system which does not utilize “smart” technology controllers to one utilizing “smart” technology controllers** which meet the United States EPA criteria for a WaterSense certification.
- c. All contractors installing and/or maintaining irrigation systems shall hold a **valid Landscape Irrigation Contractor’s license issued by the New Jersey Department of Environmental Protection** in order to construct, maintain, improve or alter a landscape irrigation system pursuant to N.J.S.A. 48:5AA-3.

#### 9-11.2 – Lawn Sprinkler System Design

- a. All newly installed or retrofitted lawn sprinkler control systems shall utilize **“smart” technology controllers** which meet the United States EPA criteria for a WaterSense certification.
- b. Each new lawn sprinkler system shall utilize a rain sensor and/or at least one other weather or soil moisture sensor.
- c. Lawn sprinkler systems shall be designed and positioned to prevent overspray onto sidewalks, streets, adjacent properties or any natural body of water and shall follow industry design standards.
- d. All lawn sprinkler systems must be equipped with a backflow prevention device.

#### 9-11.3 – Water Use Restrictions

- a. Upon adoption of a resolution declaring a Water Emergency as set forth in section 9-10, all residents shall abide by the terms of the resolution. At all other times, all residents shall abide by the water use restrictions set forth herein.
- b. Lawn sprinkler systems may be utilized no more than two days per week. Properties with an even-numbered address shall limit use to even days of the month; properties with an odd-numbered address shall limit use to odd days of the month.
- c. Lawn sprinkler systems shall be set to water lawns and planting beds between the hours of 12:00 midnight and 9:00 a.m.

- d. **“Smart” lawn sprinkler systems which meet the United States EPA criteria for a WaterSense certification are exempt from the restrictions set forth in sections 9-11.3(b) and (c).**
- e. No watering of lawns, by lawn sprinkler system or otherwise, shall be permitted when it is raining.
- f. Watering of any single area shall not exceed thirty minutes per day.

#### 9-11.4 – Violations and Penalty

- a. The water use restrictions imposed pursuant to this section shall be enforced by the Code Enforcement Officer who shall give the violator a written warning, refer the violator to this section, and explain the penalties for a second and third offense as provided by this section. The Code Enforcement Officer shall keep such records as may be reasonable and necessary for the purpose of determining the persons and businesses who have been warned upon a first offense. The Code Enforcement Officer is hereby empowered to write summonses for the violation of the water use restrictions imposed pursuant to this section.
- b. After a first offense in accordance with this section, any person or business who thereafter violates this section shall be fined in accordance with this subsection. For a second offense, the fine imposed shall be five hundred (\$500.00) dollars. For a third and subsequent offense, the fine imposed shall be one thousand (\$1,000.00) dollars.
- c. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such.

**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 after final passage as provided by law.