



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## ORDINANCE O-20-20

### AN ORDINANCE AMENDING CHAPTERS 3 AND 7 OF BOROUGH CODE TO ADDRESS PUBLIC PARKING REQUIREMENTS

WHEREAS, pursuant to N.J.S.A. 39:4-197, the Borough has the authority to pass an Ordinance, without the approval of the Commissioner of the Department of Transportation, and consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, relating to the regulation of parking of vehicles upon land owned by the municipality; and

WHEREAS, the governing body of the Borough of Highlands wishes to amend its public parking requirements for beaches, parks, and other Borough property.

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

#### SECTION I.

Borough Code Section 3-13.13 "Parking at Public Parks and Public Beaches" is hereby repealed in its entirety.

#### SECTION II

Borough Code Section 7-3.5 "Regulation of Municipal Parking" shall be amended as follows: (All additions are shown in ***bold italics with underlines***. The deletions are shown as ***strikeovers in bold italics***.)

##### 7-3.5 Regulation of Municipal Parking.

All ***municipal parking lots, including but not limited to that portion of*** lots 5, 6 and 10 in Block 59 on the tax map of the borough, ~~not required for parking of municipal vehicles and marked for public parking~~ are hereby opened for public parking subject to the rules and regulations herein.

a. ~~No person shall be permitted, when posted, to park or permit any motor vehicle to remain parked in the parking area continuously for more than 30 minutes within the parking stalls so designated accessible from Bay Avenue. No person shall be permitted, when posted, to park or permit any motor vehicle to remain parked in the parking area continuously for more than eight hours in the rear of the municipal building on lots 5, 6 and 10 in Block 59 accessible~~

~~from Miller Street and from Second Street. In no event shall any person be permitted to park or permit any motor vehicle to remain parked in said parking area continuously for more than the period of times posted for any designated public parking space. Public parking shall be permitted within any designated parking stalls between the hours of 5am and 2am. No overnight public parking between the hours of 2am and 5am shall be permitted.~~

b. All vehicles shall park within the white lines designated for each separate parking space, and any person parking a vehicle over any dividing line, or parking any vehicle beyond the end of such parking lines, shall be guilty of a violation of this subsection.

c. Public parking is prohibited at the times and locations specified:

<i>Name of Street</i>	<i>Side</i>	<i>Hours</i>	<i>Locations</i>
<del>Municipal Parking Lot at easterly terminus of Second Street</del>	<del>North</del>	<del>At all times</del>	<del>Parking area to the rear of the Borough Hall</del>
<del>Municipal Parking Lot at easterly terminus of Second Street</del>	<del>South</del>	<del>8:00 a.m. to 6:00 p.m. Mon.—Fri. (except holidays)</del>	<del>Parking area to the rear of the Borough Hall</del>
Shore Drive	North	7:30 a.m. to 5:30 p.m. Mon. ---Fri. (except holidays)	From Miller Street eastward to the entrance of the Recycling Yard except that there shall be no parking adjacent to the Fire Department at any time.

d. ~~As to the parking area on the north side of Second Street, the~~ The governing body is empowered to reserve spaces by resolution for specific borough employees, officials or departments, or residents as specified by posted signs or markings on the pavement, and the prohibitions and restrictions set forth in this chapter ~~prior to this amendment do~~ shall not apply to those borough employees, officials, ~~or~~ departments, or residents validly parked pursuant to such resolutions.

e. Municipal vehicles shall be exempt from the parking time restrictions set forth in this subsection.

### SECTION III

Borough Code Section 7-3.7 “Regulation of Municipal Parking” shall be amended as follows: (All additions are shown in bold italics with underlines. The deletions are shown as ~~strikeovers in bold italics~~.)

**7-3.7 Parking of Certain Vehicles, Boats, Trailers, Campers or Drivable Recreational Vehicles and Other Equipment on Certain Streets, Municipal Parking Lots and Other Borough Owned Property.**

a. No person shall park or leave unattended any boat, trailer, camper or drivable recreational vehicle, wider vehicles or any other equipment on any borough street, municipal parking lot, or other borough owned property. *Equipment Other equipment shall include, but shall not be limited to, all lawn cutting equipment, all construction equipment and any other type of heavy machinery.*

b. No person shall place any vehicle or other equipment on any borough street for the purpose of performing routine repairs and maintenance. Any repairs that are an emergency to such vehicle or equipment are exempt from this section.

c. Excessive leakage of automobile fluids, excluding water shall also be deemed a violation of this section.

d. Emergency repairs, towing or changing of flat or defective tires shall not be deemed a violation of this section. With reference to this section special permission for an exemption can only be given in writing by the Chief of Police, his designee or the Borough Administrator.

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

**SECTION VI. EFFECTIVE DATE.** This ordinance shall take effect immediately upon its passage and publication in accordance with law.

First Reading and Set Hearing Date for O-20-20

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL						
MAZZOLA						
RYAN						
VALKOS						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: 09/16/2020

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Michelle Hutchinson, Acting Municipal Clerk  
Borough of Highlands

Public Hearing and Adoption October 7, 2020 O-20-20

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL						
MAZZOLA						
RYAN						
VALKOS						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: 10/7/2020

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Michelle Hutchinson, Acting Municipal Clerk  
Borough of Highlands

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Carolyn Broullon, Mayor



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **ORDINANCE O-20-21**

### **AN ORDINANCE AMENDING CHAPTER 10 OF THE BOROUGH CODE, BUILDING AND HOUSING, BY CREATING SECTION 10-15, DISPLAY OF FLAGS**

**WHEREAS**, the Government Speech Doctrine establishes that a government organization, such as the Borough of Highlands, may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference (See Matal v. Tam, 137 S. Ct. 1744, 1757 (2017)); and

**WHEREAS**, the Borough of Highlands maintains flagpoles on various public buildings and within public parks and playgrounds within the Borough of Highlands; and

**WHEREAS**, the Borough Council wishes to permit the display of commemorative flags upon Borough owned flagpoles as a form of government expression; and

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

#### **SECTION I.**

Chapter 10, Building and Housing, Section 10-15, Display of Flags, is hereby created to read as follows:

#### **10-15 DISPLAY OF FLAGS.**

##### **Section 10-15. Display of Flags.**

A. In addition to the Flag of the United States, the Borough of Highlands may display such additional flags on Borough owned flagpoles on public buildings and in public parks and playgrounds as the Borough Council may authorize by resolution as a form of government speech, provided the display of same shall not show religious preference.

B. The Flag of the United States shall be displayed highest and any such additional flags shall be flown below the Flag of the United States. The Flag of the United States shall be displayed in accordance with and in the manner prescribed in Chapter 1 of Title 4 of the United States Code (4. U.S.C.S. §§ 1-10).

C. The Borough's flagpoles are not intended to serve as a forum for free expression by the public. Rather, the Borough's flagpoles are to be used exclusively by the Borough, where the Borough Council may display a commemorative flag as a form of government expression. The Borough will not display a commemorative flag based on a request from a third party, nor will the Borough use its flagpoles to sponsor the expression of a third party.

D. No person shall display or place upon any flagpole owned by the Borough of Highlands any flag or other object not otherwise authorized as an expression of government speech by the Borough Council of the Borough of Highlands and without the express written permission of the Borough of Highlands.

E. Owing to their very nature as expressive locations meant for contemplation and reflection, monuments and memorials shall not be deemed locations for flying expressive flags via resolution.

F. In addition to the Flag of the United State and such other flags as may be authorized by proclamation of the Mayor or resolution of the Borough Council, the following flags are hereby permitted to be displayed upon flagpoles owned by the Borough of Highlands as a form of expression of government speech, in the manner set forth above:

1. Flag of the State of New Jersey.
2. Flag of the County of Monmouth.
3. Flag of the Borough of Highlands.
4. P.O.W./M.I.A. (Prisoner of War/Missing in Action) flag as provided In Title 36, Chapter 9, §902 of the United States Code (36 U.S.C.S. §902).
5. Killed in Action Flag (required by P.L. 2017, Chapter 188).

**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 upon its passage and publication in accordance with law.

First Reading and Set Hearing Date for O-20-21

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL						
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Michelle Hutchinson, Acting Municipal Clerk  
Borough of Highlands

Public Hearing and Adoption October 7, 2020 O-20-21

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Carolyn Broullon, Mayor



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## ORDINANCE O-20-22

### AN ORDINANCE AMENDING CHAPTER 3, SECTION 26.6 OF THE BOROUGH CODE CONCERNING CONDITIONS OF ISSUANCE OF TOWING AND STORAGE SERVICES LICENSES

**WHEREAS**, N.J.S.A. 40:48-2.49, et seq., authorizes municipalities to regulate, by ordinance, the removal of motor vehicles from private or public property by operators engaged in such practice, including, but not limited to, the fees charged for storage following removal, fees charged for such removal, notice requirements therefor, and the mercantile licensing of such operators; and

**WHEREAS**, the Borough has established licensing provisions for Towing and Storage Services at Chapter 3, Section 26 of the Borough Code; and

**WHEREAS**, the governing body of the Borough of Highlands has determined to amend the requirements for issuance of a Towing and Storage Services license to provide for towing services to the Borough at no charge when the vehicles are in the possession of the Borough or being towed for investigative purposes.

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

#### SECTION I.

Chapter 3, Section 26.6, Condition of Issuance of License shall be amended as follows: (All additions are shown in ***bold italics with underlines***. The deletions are shown as ~~***strikeovers in bold italics.***~~)

#### **3-26.6 Condition of Issuance of License.**

a. The Chief of Police shall approve an application when he finds that the following requirements have been met by the applicant:

1. The insurance policies as required have been procured and supplied.
2. The applicant has at least one wrecker/tow truck in use and operation in order to assure the efficient and diligent dispatch of towing apparatus upon the request of the Police Department.
3. The requirements of this section and all other applicable laws, statutes and ordinances have been complied with.



4. All towing apparatus proposed to be used have been properly licensed and conform to the State Motor Vehicle Laws.
5. The towing apparatus to be approved meet the required minimum standards as set forth herein.
6. The towing contractor must be able to respond to all calls for service by the Highlands Police Department within a reasonable amount of time, preferably ten (10) minutes but not more than thirty (30) minutes. Although it is stated in other subsections of this section, failure to meet this time requirement will initially result in the Police Department calling the next wrecker in the rotation; however, any three (3) failures to comply with the required response time could result in the offending wrecker service being dropped from the list and revocation of its license.
7. Payment of a one hundred fifty (\$150.00) dollar licensing fee.
8. There shall be no charge for any towing of any municipally owned vehicle to a location within five (5) driven miles of the boundaries of the Borough of Highlands.
- 9. There shall be no charge for any towing of vehicles that are in possession of the Borough or being towed for investigative purposes.**

**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 upon its passage and publication in accordance with law; however Towing and Storage Services Licenses issued prior to the effective date of this amendment shall not be affected until after the expiration of the current license term on December 31, 2020.

First Reading and Set Hearing Date for O-20-22

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
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BROULLON						

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DATE OF VOTE: 09/16/2020

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Michelle Hutchinson, Acting Municipal Clerk  
Borough of Highlands

Public Hearing and Adoption October 7, 2020 O-20-22

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DATE OF VOTE: 10/07/2020

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Michelle Hutchinson, Acting Municipal Clerk  
Borough of Highlands

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Carolyn Broullon, Mayor