



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 16-26

AN ORDINANCE AMENDING CHAPTER 3 OF THE BOROUGH CODE CONCERNING REGULATIONS PERTAINING TO MOTOR VEHICLE TOWING AND STORAGE SERVICES

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 sets forth General Police Regulations by and through Chapter 3 of the Borough Code; and

WHEREAS, the Governing Body has determined that in order to promote the health, safety, and welfare of the public, that it is in the best interests of the residents of the Borough to amend Chapter 3 of the Borough Code to provide standards, regulations and rates pursuant to N.J.S.A. 40:48-2.49 et seq. for law enforcement agency requested and non-preference motor vehicle towing and storage services requiring a response thereto by the licensees; and

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, that Chapter 3, Section 26 entitled "Regulations Pertaining to Motor Vehicle Towing and Storage Services" is hereby created as follows:

I. PROCEDURE

A. DEFINITIONS

1. Authorized storage facility
Any auto body repair shop or service station which has a temporary storage facility for disabled or abandoned vehicles in accordance with the Borough of Highlands or other municipality's Land Use Ordinance.
2. Applicant
An individual or legally formed business entity which seeks to obtain a license from the Chief of Police to furnish towing services within the municipality pursuant to this Chapter.
3. Chief of Police
The Chief of the Police Department of the Borough of Highlands or anyone designated by him/her.
4. Heavy Duty Vehicle
Any truck, omnibus or other vehicle, 26,001 pounds or greater, or any over-height or over-width vehicle.
5. Light-Duty Vehicle
Any passenger automobile, station wagon, pickup truck or panel truck up to 15,000 pounds, or any motorcycle, or all-terrain vehicle.
6. Medium-Duty Vehicle
Any truck, omnibus or other vehicle from 15,001 to 26,000 pounds.
7. Operator
The person, firm or corporation which owns or leases and operates or causes to be operated a tow truck and includes the word "owner" and "permittee."

8. Owner

Any person, firm or corporation who owns and/or operates a vehicle on the roads and highways which vehicle by reason of being disabled or being unlawfully upon said roads requires towing services.

9. Police Officer

Any regular police officer, Class I or Class II Special Police Officer and any State Police Officer and/or their designee.

10. Storage rate charges

Shall begin at 12:01a.m. of the next day, and each day shall end at 11:59 p.m. Storage fees are calculated based on full twenty-four hour periods that a vehicle is in the storage facility.

11. Towing Apparatus

A motor vehicle, including but not limited to a wrecker, tow truck or flatbed truck, employed for the purpose of towing, transporting, conveying and removing any vehicle without causing damage to the vehicle being towed or transported.

12. Vehicles

Includes but is not limited to automobiles, trucks, tractors, trailers, motorcycles, minibikes, mopeds, go-carts, trail bikes, buses, ski mobiles, farm equipment or any other mechanically powered conveyance which shall become disabled or required to be towed from the scene of an accident or in order to safeguard the public health, safety and welfare.

13. Wreckers

A vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying or removing any and all kinds of vehicles, or parts of vehicles, which are unable to be operated under their own power for which a service charge or fee is exacted.

B. LICENSE REQUIRED; TRANSFERABILITY

1. No person, firm or corporation shall participate in the police towing of vehicles within the Borough without first having obtained a towing license as hereinafter provided.
2. A license issued under this chapter shall not be transferable.

C. APPLICATION; FEE

Applications for licenses issued under this regulation shall be made upon forms made available by the Chief of Police. An application fee of \$150.00 to cover administrative expenses must be paid in full at the time of the submission of the completed application. The application shall include the following information:

1. The full name and address of the applicant. If the applicant is made for a corporation, it shall state the names and addresses of the officers and directors thereof, its registered office and its registered agent.
2. The description, by make, model, license number, year, vehicle identification number and color, of all towing apparatus for which licenses are requested, together with the principal location at which the towing apparatus will be maintained.
3. The block and lot number and mailing address of the garage at which the applicant has space available for properly accommodating and providing for the security of all towed motor vehicles. The storage facility must be able to accommodate at least 10 motor vehicles. The location of the storage facility and the location where their wreckers are principally housed may not be more than five driven statute miles over roadways leading to and from the boundaries of the Borough of Highlands. In order to ensure the

prompt clearing of Highlands roadways and further ensure the safety of drivers and stranded motorists, priority will be given applicants who meet the above-referenced criteria and are closest in statute miles over roadways leading to and from the boundaries of the Borough of Highlands.

4. A letter from the Zoning Officer of the municipality in which the premises is located verifying that the storage of motor vehicles is a permitted use upon the premises where the garage is located. At no time shall there be more vehicles stored upon the premises where the garage is located than that permitted by the municipality where vehicles are stored.
5. The certificates of required insurance.
6. A fully executed employment nondiscrimination statement.
7. Certification that the applicant is in full compliance with all state and federal laws and regulations concerning wages, hours and terms of employment.
8. A copy of a mercantile license issued to the business if the municipality wherein the business is located requires such license.
9. All applicants, towing operators, agents of applicants, as well as officers and directors of a corporation must submit to a criminal history check.
10. No towing operator shall be directly involved with another applicant.

D. FILING DATE; ISSUANCE OF LICENSE

Upon this chapter becoming effective, applications shall be received by the Chief of Police during the thirty-day period immediately following and shall be acted upon in accordance with the provisions of this chapter. The Chief of Police shall recommend to the Mayor and Council the issuance of towing licenses for their consent and approval. All licenses issued under this chapter shall expire on the last day of December next succeeding the date of issuance. Prior to renewal of any license issued hereunder, the Chief of Police shall conduct a review of all license holders to assess their compliance with the terms and provisions of the within ordinance and any other regulatory statutes, if applicable.

E. INVESTIGATION; DECISION ON APPLICATION

Within 30 days after the receipt of an application, the Chief of Police shall cause an investigation to be made of the applicant and his or her proposed business operation and shall make or have made an inspection of the towing apparatus proposed to be used in connection therewith. All applicants and/or operators shall be fingerprinted, and a license shall not be issued to a person convicted of a crime of moral turpitude. The Chief of Police may delegate the inspection of the towing apparatus to a person or persons who shall make such an inspection and who shall report to the Chief of Police whether the towing apparatus is in a condition that will not interfere with the public health, safety and welfare and complies with the requirements and standards of this chapter. Upon completion of the investigation and inspection, the Chief of Police shall either refuse to approve the application or shall approve the application in accordance with the standards herein provided and shall inform the applicant of his decision.

F. CONDITION OF ISSUANCE OF LICENSE

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 chapter 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 10 minutes but not more than 30 minutes. Although it is stated in other sections of this chapter, failure to meet this time requirement will initially result in the Police Department calling the next wrecker in the rotation; however, any three 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 \$150 licensing fee.
8. There shall be no charge for any towing of any municipally owned vehicle to a location within five driven miles of the boundaries of the Borough of Highlands.

G. MINIMUM STANDARDS FOR LICENSING

The following shall serve as a minimum standard licensing. A wrecker or tow truck or flatbed truck shall be capable of handling, removing and towing any vehicle as defined in this chapter and must have or be equipped with the following:

1. All wreckers and towers and flatbed trucks shall have a minimum weight of one ton, according to the manufacturer's specifications.
2. A power takeoff or an adequate electric-operated winch with a minimum cable thickness of three-eighths-inch steel.
3. A three-eighths-inch safety chain. The lift chair and the safety chain are not to be attached in any form or manner to the same part of the tow truck or wrecker or a flatbed truck.
4. Front and rear flashing hazard lights.
5. A 360° rotating amber beacon light mounted above the cab or an approved light bar. Proper permits are required for the amber light and proof of such permit shall be provided with the application for the towing license.
6. All lights shall be of such candlepower and intensity so as to be visible 1/4 of a mile away.
7. The company name, address and phone number permanently affixed on both sides of the wrecker or tow truck or flatbed truck. The letters and numbers shall be a minimum of three inches in height.
8. A proper motor vehicle car dolly for each wrecker.
9. Approved towing slings.
10. Clean-up equipment. All tow vehicles are responsible for the prompt and safe removal of the disabled vehicle(s) and for the prompt and complete removal of all litter, debris and spillage resulting from the accident and must carry a broom, rake, trash can and bags, shovel and speedy dry-type material to absorb, remove and properly dispose of any litter, debris and or spillage resulting from the accident, with the exception of

hazardous materials, as set forth in N.J.S.A. 39:4-56.8.

11. Safety equipment. All towing apparatuses shall have: a universal towing sling; one snatch block for 3/8 to 1/2 inch cable, two high-test safety chains; auxiliary safety light kit on rear of towed vehicles; four-lamp or three-lamp revolving amber light or lamp bars of at least five hundred candle power pointed to the rear and mounted as to not be obstructed by the towed vehicle; at least three flares or other suitable warning devices visible for a distance of not less than one thousand feet from the disabled vehicles; toolbox with assortment of hand tools; rear working lights and rear marker lights; cab lights; body-clearing lights located to clear towed vehicle; blocking choke for wrecker; safety cones; steering wheel lock or tie-down; two-way radio communication system; and operational fire extinguisher designed for vehicular fires.
12. All towing apparatuses must be maintained and operated in accordance with all existing traffic regulations and in a safe and prudent manner.
13. Commercial motor vehicle plates.
14. One twenty-pound dry chemical fire extinguisher
15. Additionally, all towing operators and their drivers shall be fully trained and knowledgeable in the operation of all required equipment.
16. The applicant must own or lease an operational fax machine capable of transmitting correspondence via telephone lines.
17. Minimum Storage Standards
 - a. Outside storage facility, fenced and secured large enough to accommodate at least ten (10) passenger vehicles.
 - b. All storage facilities shall have proper sign identification.
 - c. Storage areas shall be lit from dusk through dawn.
 - d. Storage locations shall be in compliance with all applicable codes and municipal ordinances and shall be zoned for all the uses for which they are or will be dedicated.

The storage facility to which the vehicle is towed shall have a business office open to the public between 8:00 a.m. and 6:00 p.m., Monday through Friday, excluding holidays. To accommodate customers who cannot retrieve the vehicle within that timeframe on those days, the towing company shall allow the vehicle to be released on Saturday between 8:00 a.m. and 4:00 p.m. or shall make other reasonable arrangements to allow the vehicle to be released.

H. INSURANCE POLICIES AND INDEMNIFICATION AGREEMENT

1. Each licensee shall obtain and provide proof of coverage of the following policies of insurance naming the Borough, where applicable, as an additional named insured prior to the issuance of the towing license:
 - a. Automobile liability in an amount not less than \$1,000,000.00 combined single limit.
 - b. Garage keeper's policy covering fire, theft and explosion in the minimum amount of \$1,000,000.00 as well as collision coverage for vehicles in tow.
 - c. Garage liability in an amount not less than \$1,000,000.00 combined single limit.

Miscellaneous coverage to provide complete protection to the Borough against any and all risks of loss or liability, including comprehensive general liability in the amount of \$1,000,000.00, on hook insurance in the amount of \$100,000.00, cargo insurance in the amount of \$500,000.00 and workers' compensation insurance for their employees.

2. Each insurance policy required herein must contain an endorsement providing 10 days notice to the Borough in the event of cancellation, revision or modification. The aforesaid insurance policies must be in full force and effect for the entire time period the towing license is issued, and these insurance policies must be written by insurance companies authorized to conduct business in New Jersey and have a satisfactory rating from the Commissioner of Insurance.
3. Prior to the issuance of a towing license, the licensee must duly execute an indemnification agreement in which the licensee agrees to indemnify and hold the Borough harmless from any and all loss or damages, including but not limited to attorney's fees and costs of suit, arising from the conduct of the licensee in the course of towing or attempting to tow any vehicles pursuant to the terms of the license granted.

I. INSPECTION, ENFORCEMENT

The Chief of Police or his designee is hereby authorized to establish reasonable rules and regulations for the inspection and operation of towing apparatus and for the design, construction, maintenance and conditions for the safe conduct of a towing service business, in accordance with the standards provided in this chapter. All vehicles shall be maintained in good working order and meet minimum safety standards. If at any time the Chief of Police shall find the equipment inadequate or unsafe or not complying with the Motor Vehicle Laws of the State of New Jersey or in the event that the towing business operator shall fail to comply with the provisions of this chapter or the provisions of the Zoning Ordinances of the Borough of Highlands or the municipality in which it is situated, he shall have the power to demand immediate correction, and, if not corrected, the Chief shall have the authority to revoke or suspend the license and schedule a hearing relative thereto. The Chief of Police is also hereby authorized and empowered to establish from time to time such additional rules and regulations, not inconsistent herewith, as may be reasonable and necessary in effectuating and carrying out the terms and provisions of this chapter.

J. APPEAL

An appeal of the Police Chiefs ruling shall be filed with the Borough Clerk within 10 calendar days of the Chiefs decision. A hearing before the governing body shall be held within 30 calendar days of the filing, with a ruling forthcoming from the governing body within 20 calendar days of the conclusion of the hearing or at the next regularly scheduled meeting.

K. RATES

- A. Every licensed owner of towing apparatus shall give the owner of the vehicle a written receipt for the fee paid for the rendering of any towing service hereunder. Copies of receipts shall be maintained by the garage owner for three years and be made available for inspection by authorized Borough officials. This chapter requires that all towing contractors adhere to rules and rates and schedules established by the Department of Insurance, N.J.A.C. 13:45A-31.1 et seq., and N.J.S.A. 40:48-2.49 et seq. A copy of said laws will be provided to all approved contractors. Fees may be charged that are less than the rates specified in N.J.A.C. 13:45A-31.1 et seq. and N.J.S.A. 40:48-2.49 et seq. This chapter also seeks to assure the timely dispatch of adequate towing equipment to scenes of accidents and in other circumstances requiring the removal of vehicles in order to safeguard the public health, safety and welfare. The Borough shall not be liable for any of the services performed by the tower unless those services are performed for municipal vehicles. The tower shall proceed directly against the owner of the motor vehicle for the recovery of any fees or charges.

B. Allowable Fee Schedule to be Charged by Operator

Towing Charge

Light Duty Vehicles \$150.00

Medium Duty Vehicles \$200.00

Storage Charge \$35.00 per day

C. A licensed operator that engages in towing at the request of the Borough shall calculate storage fees upon full twenty-four hour periods that a vehicle is in the storage facility. For example, if a vehicle is towed to a storage facility at 7:00 p.m. on one day, and the owner picks up the vehicle before 7:00 p.m. the next day, the operator shall charge the owner of the vehicle only for one day of storage. If a vehicle is stored for more than 24 hours, but less than 48 hours, the operator may charge for two days of storage. However, time shall not begin to accrue for the purposes of calculating storage fees until the time the vehicle actually reaches the storage site.

D. In accordance with N.J.A.C. 13:45A-31.4, in the case of a vehicle involved in an accident, the following additional services, if actually performed, may be charged:

1. Site cleanup, which shall be calculated based upon the number of bags of absorbent used, at a maximum rate of \$25.00 per bag.
2. Winching, which shall be based upon each 1/2 hour spent performing winching, which shall be at a maximum rate of \$100.00 per 1/2 hour for light-duty vehicles and \$150.00 per 1/2 hour for medium-duty vehicles.
3. Use of special equipment other than the first tow truck to recover a motor vehicle that cannot be recovered by winching or pieces of a motor vehicle that cannot be moved by hand, which may be both a labor and an equipment charge billed in half-hour increments at \$50.00 per 1/2 hour.

E. In addition to the fees allowed to be charged against towed vehicles within this section, the Borough has the authority to charge a tow release processing fee of up to \$25.00 per vehicle.

L. CONDUCT OF OWNERS AND OPERATORS

A tow license hereunder shall be issued subject to the following conditions:

1. No person owning or operating a towing apparatus licensed under this regulation shall permit or invite loitering within or near the towing apparatus when in use.
2. No person shall solicit, demand or receive from any person any commission or fee except the fee for transporting the vehicle to be towed.
3. No person shall pay any gratuity, tip or emolument to any third person not involved in the towing or removal of any vehicle or to any police officer for any information as to the location of any accident or for soliciting the employment of the operator's services.
4. The holder of a towing license shall not release to anyone any motor vehicles towed by said license holder without first obtaining a towed vehicle release form issued by the Highlands Police Department or a verbal release authorization if that is all that is required by the Police Department.
5. The holder of a towing license shall forthwith and without delay release to the owner thereof any motor vehicle which has been towed or stored by said license holder upon payment of the towing and/or storage fee and obtaining of a receipt for said vehicle from the owner thereof, during reasonable hours of business.

M. RECORDS REQUIRED TO BE KEPT

1. Vehicles towed by the Police Department. All companies on the towing list shall maintain a record regarding all vehicles towed at the request of the Police Department. This record shall be made available to any police officer for inspection upon request and shall contain the following information:
 - a. The date, time, location and name of the towing apparatus and the name of the driver who towed at the Department's request.
 - b. The physical location of the vehicle after being towed.
 - c. Identification of the towed vehicle, to include make, year, model, color, vehicle identification number, license number and the name of the registered owner or operator, if known.
 - d. Fee charged for such towing service and the manner in which said fee was calculated.
2. A list of all vehicles presently stored shall be submitted to the Highlands Police Department, including the following:
 - a. The make, model and color.
 - b. The registration number and state of registration.
 - c. The vehicle identification number.
 - d. The officer's name requesting the tow or impound
3. The applicant shall maintain all records by means of a computer system to facilitate an expedient and efficient means of retrieving all tow-related information and shall maintain all records at one central location. These records shall be kept for a three (3) year period.
4. The applicant shall maintain accurate records of owner notification(s) and attempted notifications.

The applicant must comply with the recordkeeping provisions in accordance with N.J.A.C. 13:45A-31.9.

N. NOTICE TO VEHICLE OWNERS

All tow wrecker operators shall be required to contact the registered owner of the towed vehicle in order to promptly facilitate the removal of said vehicle from the storage facility. Failure to notify promptly will require the towing contractor to adjust his or her total storage charges as is reasonable for his or her failure to notify. The tow operator will be required to contact the registered owner via the postal service, by registered mail, after the vehicle has been at the storage facility for 20 days. If this mail notification has not been performed, storage charges arising after that period of time will not be charged. The towing contractor may continue charging storage fees provided that all conditions have been met. A copy of the receipt, along with the time and date of telephone conversations, will be maintained and be made available to the Police Department immediately upon request. Failure to submit the required information will result in the removal of the towing service from the tow list, and any request for storage fees will be subject to critical examination. The Highlands police will, at the tow operator's request, supply related information as to the owner of the vehicle, the owner's last known address and any other data that may be of assistance.

O. ROTATING CALL LIST; HEAVY DUTY VEHICLES

1. The Police Department shall establish and publish a call list for all eligible licensees for the purpose of towing service within the Borough. Each licensee deserving to be

placed on the list shall agree to the terms and conditions as may be set and approved by the Chief of Police. The list shall be in alphabetical order and rotated so to be equal to all licensees. Any licensee shall be removed from the list upon:

- a. Written request from the licensee.
 - b. Failure to comply with the terms and conditions as prescribed by the Chief of Police.
 - c. Revocation of towing license.
2. Approved towing contractors will be placed on a daily rotating call basis. On their respective designated days, towing contractors will be expected to respond anywhere in the Borough of Highlands. In the event that the holder of a towing license is unavailable or unable to perform all or part of his or her designated days, it shall be that towing contractor's obligation to provide the Police Department with the name of another licensed towing contractor who has agreed to provide service for all or part of that rotation. A towing contractor who fails to provide such coverage shall forfeit his next scheduled rotation. A second failure to provide coverage could result in that towing contractor's removal from the list and revocation of his or her license. The Police Department shall keep a list of all requests for towing apparatus, indicating therein the date, time and place to which called and whether the tower called was available and, if not available, the reason why and the name of the towing license holder next called. No tower shall respond to the scene of an accident except upon notification by the officer in charge at the scene of an accident or at police headquarters or upon the request of the driver or owner of the vehicle concerned. Towing apparatus must be dispatched upon receipt of notification from the Police Department and shall arrive at the scene within a reasonable period of time, preferably not more than 10 minutes after being so notified. If at any time more than two wreckers are required in order that the performance of towing services may be efficiently rendered and the public's traffic safety assured, the Police Department is hereby authorized to call upon one or more approved holders of towing licenses to respond to the dispatch of the Police Department.
 3. Additional rules and regulations regarding the rotation of wreckers as may be promulgated hereunder by the Chief of Police shall take effect immediately after mailing, by certified mail return receipt requested, a copy thereof to all license holders for towing apparatus in the Borough, which mailing may be made by addressing same to the license holders at their last known addresses.
 4. The foregoing shall not limit in any way the authority herein conferred upon the Chief of Police to promulgate rules and regulations providing for the removal and storage of disabled heavy-duty motor vehicles such as tractor-trailers and construction equipment requiring specialized towing equipment.

P. CLEAN UP AT THE SCENE OF ACCIDENT

The driver of the towing apparatus shall be required to clean up broken glass and debris from the scene of any accident to which it is called before leaving the scene thereof. All towing apparatus shall be equipped with a broom, rake, shovel and special dry and waste containers.

Q. APPLICATION OF REGULATIONS

This chapter shall not apply where the towing apparatus is called to perform services by the owner of the disabled vehicle to be towed or serviced, nor shall any provision contained herein be interpreted or construed in any manner as to interfere with or obstruct a member of the Highlands Police Department in the performance of his/her duties and the enforcement of the Motor Vehicle Traffic Laws of the State of New Jersey.

R. PRESERVATION AND RELEASE OF EVIDENCE

1. The tower shall take all reasonable precautions to protect evidence when required to by the Highlands Police Department. When required, all such vehicles shall be stored as requested and in, a manner so as to protect the evidentiary nature of the vehicle. Such vehicles shall be stored and covered so as to prevent any unauthorized individuals from tampering with or removing any item(s) from the vehicle.
2. Release of any evidence, property or vehicle shall not occur unless written authorization has been obtained by the tower from the Highlands Police Department authorizing said release.

S. CONDUCT OF EMPLOYEES; COMPLAINTS

1. The licensee shall be solely responsible for the conduct of his or her employees.
2. Any complaints received by the Borough of Highlands regarding the licensee or his or her employees involving excessive charging, damage to vehicles, theft from vehicles, discrimination or failure to comply with local, state or federal laws regarding workers' employment regulations shall be addressed to the Chief of Police for review. After review, if the complaint(s) is substantiated, the license of said tower may be revoked or suspended.

T. STORAGE ON MUNICIPAL PROPERTY; FEES

In the event that it shall become necessary to store any privately-owned motor vehicle, or any type of trailer or similar accessory equipment, upon municipal property, the owner or owners of such vehicle or equipment shall be charged a fee of \$15.00 for each day of storage or part thereof. No such vehicle or equipment shall be released until the storage fee provided herein shall have been paid in full.

U. LICENSE SUSPENSION OR REVOCATION

The Chief of Police shall have the authority to suspend or revoke a towing license for violations of safety standards or rules and regulations of operation after notice and opportunity to be heard. The following shall serve as a guide in imposing sanctions:

First offense:	Suspension for one week
Second offense:	Suspension for two weeks
Third offense:	Revocation of license

V. VIOLATIONS AND PENALTIES

Any persons violating the provisions of this chapter shall be subject to a penalty as set forth in Chapter 3-9 entitled Penalty for each violation and/or removal from the approved towing list.

W. SEVERABILITY

Each section, subsection, sentence, clause and phrase of this chapter is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this chapter to be unconstitutional, void or ineffective for any cause, or reason, shall not affect any other portion of this chapter.

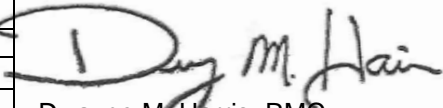
SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

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.

Introduction O-16-26	MOVED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD		X	X			
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			

I, Dwayne M, Harris, Acting Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Regular Meeting, held December 07, 2016. WITNESS my hand this 8th day of December 2016.



Dwayne M. Harris, RMC
Municipal Clerk

Public Hearing and possible adoption will be on December 21, 2016.

Adoption O-16-26	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON		X	X			
CARD						X
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			

I, Dwayne M, Harris, Acting Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Regular Meeting, held December 21, 2016. WITNESS my hand this 23rd day of December, 2016.



Dwayne M. Harris, RMC
Acting Municipal Clerk

X

Frank Nolan

Mayor

December 27, 2016