



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-108

RESOLUTION APPOINTING THE PUBLIC OFFICER

WHEREAS, in accordance with N.J.S.A. 40:48-1 et seq., the governing body of every municipality may make, amend, repeal and enforce ordinances to provide for the removal or destruction of any building, wall or structure which is or may become dangerous to life or health, or might tend to extend a conflagration; and to assess the cost thereof as a municipal lien against the premises; and

WHEREAS, in accordance with N.J.S.A. 40:48-2.3, whenever any municipality of this State finds that there exists in such municipality any building or buildings which are unfit for human habitation or occupancy, or use, due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitation facilities, or due to other conditions rendering such building or buildings, or part thereof, unsafe or insanitary, or dangerous or detrimental to the health or safety or otherwise inimical to the welfare of the residents of said municipality, power is hereby conferred upon such municipality to exercise its police powers to repair, close or demolish, or cause or require the repairing, closing or demolition of such building or buildings or parts thereof, in the manner herein provided; and

WHEREAS, in accordance with N.J.S.A. 40:48-2.3a, any building or buildings, or parts thereof, which have been damaged to such an extent that nothing remains but the wall, or parts of the walls and other supports, shall, regardless of the safety and sturdiness of those remaining walls and other parts thereof, be deemed inimical to the welfare of the residents of the municipality wherein it is located, and the municipality may exercise its police power to repair, demolish, or cause the repairing or demolishing of the building or buildings, or parts thereof; and

WHEREAS, in accordance with N.J.S.A. 40:48-2.5, upon the adoption of a resolution finding that building conditions of the character described in N.J.S.A. 40:48-2.3 exist within a municipality, the governing body of such municipality is hereby authorized to adopt an ordinance relating to buildings within such municipality which are unfit for human habitation or occupancy or use. Such ordinance shall include (a) that a public officer be designated or appointed to exercise the powers prescribed by the ordinance; and

WHEREAS, the Code of the Borough of Highlands, Section 10-4 sets forth a Declaration of Necessity for buildings unfit for Human Habitation, Occupancy or Use in accordance with N.J.S.A. 40:48-2.3; and

WHEREAS, the Code of the Borough of Highlands, Section 10-4.2 establishes the position of Public Officer; and

WHEREAS, the Code of the Borough of Highlands, Section 10-4.2 provides for the appointment of the public officer for a term of one (1) year, wherein he/she shall be nominated by the Mayor and confirmed by the governing body and when so appointed shall exercise the powers prescribed in the aforesaid Section of the Borough Code; and

WHEREAS, the Mayor has offered the name of Dave Mercado, Code Enforcement Officer, to serve as the aforesaid Public Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, that the Borough hereby appoints Dave Mercado, Code Enforcement Officer, to serve as the Public Officer who shall exercise the powers prescribed in Borough Code Section 10-4 concerning buildings unfit for human habitation, occupancy or use.

BE IT FURTHER RESOLVED that Dave Mercado, Code Enforcement Officer, shall serve in the position of public officer for a one (1) year term to expire December 31, 2017.

Motion: Approve Resolution 17-108, **moved** by Mayor O'Neil; **Seconded** by Councilmember Card

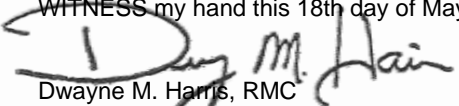
Vote: Motion carried by roll call vote (summary: Yes = 5; No = 0).

Yes: Councilmembers Broullon, Card, D'Arrigo, Wells and Mayor O'Neil

No: None

Abstain: None

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 Meeting, held May 17, 2017.
WITNESS my hand this 18th day of May 2017.


Dwayne M. Harris, RMC
Acting Municipal Clerk