

Highlands Borough Mayor & Council Meeting Agenda
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, February 20th 2019, 6:30 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: 6:30PM

Attorney-Client Privilege:	Snug Harbor Park Improvements Form Based Code Highlands Business Partnership
Litigation:	COAH Good Neighbors, LLC

REGULAR MEETING: 8:00PM

Call to Order
Pledge of Allegiance
Roll Call

Approval of Minutes

July 18th 2018
July 30th 2018
August 15th 2018
September 20th 2018
October 3rd 2018
October 17th 2018
December 5th 2018

Consent Agenda

R-19-074	Approve Payment of the Bills
R-19-075	Approve Refund of Taxes
R-19-077	Amend Open Space Committee Membership

Resolutions

R-19-076	Setting Forth the Reasons for Adopting Ordinance 19-01 Notwithstanding the LUB Consistency Report
R-19-078	Authorize Execution of Monmouth County Open Space Grant for Snug Harbor Park
R-19-079	Authorize Award of Non-Fair & Open Contract to CME for
R-19-080	Authorize Renewal of Shared Service Agreement with Middletown for Animal Control
R-19-081	Introduce HBP's 2019 Budget & Set Hearing for Adoption

Ordinance: First Reading & Introduction

O-19-03	Amend Chapter 8-5 of Borough Code, Snow & Ice Removal
O-19-04	Amend Chapter 8-2 of Borough Code, Excavation in the Public Streets

Ordinance: Public Hearing & Possible Adoption

O-19-01	Amend Chapter 21, Article XIV, Section 74 – Prohibitive Uses
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O-19-02 Amend Permit Parking for Residents

Other Business

Administrator's Report

Police Chief's Report

Public Comments:

Adjourn



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-074

AUTHORIZING BILLS LIST

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

Current Fund	\$ 248,110.23
Sewer Account	\$ 13,040.61
Capital Fund	\$ 113,729.09
Trust-Other	\$ 15,538.53
Federal/State Grants	\$ 3,820.00
Total	\$ 394,238.46

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$394,238.46 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 19-075

AUTHORIZING REFUND OF TAX OVERPAYMENTS

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes: and

WHEREAS, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
35	15	2019	\$2,599.40	Wells Fargo Real Estate



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-076

RESOLUTION SETTING FORTH REASONS FOR ADOPTING ORDINANCE NUMBER O-19-01 NOTWITHSTANDING THE LAND USE BOARD'S CONSISTENCY REPORT

WHEREAS, the Borough of Highlands adopted on first reading Ordinance O-19-01 ("the Ordinance") which prohibits retail or wholesale establishments, businesses, persons or entities from selling or offering to sell marijuana or marijuana products, for medicinal or recreational use, or paraphernalia that facilitates the use of marijuana and to further prohibit the growing, cultivation or harvesting of any type of marijuana plant within the Borough; and

WHEREAS, Ordinance O-19-01 also updated an outdated reference to the B-1 and B-2 Zones and addressed inconsistent and unnecessary prohibitions on pool halls, arcades and the keeping of rabbits; and

WHEREAS, the Ordinance was referred to the Borough of Highlands Land Use Board pursuant to N.J.S.A. 40:55D-26(a) for a Consistency Report; and

WHEREAS, the Land Use Board issued a Consistency Report, dated February 7, 2019 and found that the proposed development regulation, revision or amendment is consistent with the Borough's Master Plan; and

WHEREAS, in accordance with the aforesaid Consistency Report that was issued by the Land Use Board, the Board made the following recommendations:

- Remove strikeout of the uses contained in the last three sentences of Section 21-74 PROHIBITED USES "In addition the following uses are prohibited in the B-1 and B-2 zones: pawn shops, tattoo parlors, checkcashing shops, automotive transmission, automobile body shops, heavy duty machine shops and new or used automobile sales are also prohibited."
- Allow strikeout of arcades and pool halls to become permitted uses.
- Allow rabbits to be permitted; and

WHEREAS, the governing body of the Borough of Highlands in considering the adoption of Ordinance O-19-01, reviewed the report of the Land Use Board, dated February 7, 2019, and disapproves of the said report and rejects the recommendations contained therein.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough Highlands that it is of the opinion that Ordinance O-19-01 should be adopted, insofar as the Consistency Report fails to acknowledge that the ~~strikeout of the uses that are contained in the last three sentences of Section 21-74~~ are due to the fact that the said section contains an outdated reference to the B-1 and B-2 zones, which have since been replaced by the CBD Zone as set forth in Borough Ordinances O-18-01 and O-18-06.

BE IT FURTHER RESOLVED, by the Council of the Borough of Highlands that it is of the opinion that Ordinance O-19-01 should be adopted, insofar as the Consistency Report while agreeing with the ~~strikeout of arcades, pool halls and the keeping of rabbits from the list of prohibited uses~~, sets forth that the same should be permitted uses, however Chapter 21-74 of the Borough Code only pertains to prohibited uses, as permitted uses are set forth in the individual zones as contained in the Borough's Zoning and Land Use Regulations.

BE IT FURTHER RESOLVED, that a copy of this Resolution certified by the Borough Clerk to be a true copy be forwarded to the Monmouth County Planning Board when filing a copy of Ordinance No. O-19-01.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-077

RESOLUTION AMENDING OPEN SPACE COMMITTEE MEMBERSHIP

BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following appointments be made for vacancies which exist in the Open Space Committee:

Position:	Name:	Term:	Expiration:
Council Representative	Linda Mazzola	1 Year	12/31/2019
Resident Member	Greg Wells	3 years	12/31/2019
Resident Member	<i>Vin DeSantis**</i>	3 years	12/31/2019
Resident Member	Bruce Kutosh	3 Years	12/31/2020
Resident Member	Scott Keller	3 Years	12/31/2020
Resident Member	Laurie Salka	3 Years	12/31/2020
Resident Member	Russel Card*	3 Years	12/31/2021

*Reappointment

**New Appointment



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-078

RESOLUTION AUTHORIZING EXECUTION OF MUNICIPAL OPEN SPACE PROGRAM GRANT AGREEMENT WITH MONMOUTH COUNTY FOR THE SNUG HARBOR PARK IMPROVEMENTS PROJECT

WHEREAS, in accordance with Resolution 18-180, duly adopted September 5, 2018, the Borough Administrator was authorized to make an application to the County of Monmouth for Open Space Trust Funds in order to fund improvements to Snug Harbor Park along Snug Harbor Drive; and

WHEREAS, in accordance with Resolution 18-180, duly adopted September 5, 2018, the Borough Administrator was authorized to sign and execute any required documents, agreements and amendments thereto with Monmouth County for the approved Open Space Trust Funds; and

WHEREAS, by way of correspondence dated February 4, 2019, the Borough was notified that the Borough was awarded a grant for the Snug Harbor Park Improvements Project in the amount of \$125,000 through the Monmouth County Municipal Open Space Grant Program; and

WHEREAS, in accordance with the aforesaid award, the County has furnished a Municipal Open Space Program Grant Agreement for execution by the Borough.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, that the Mayor and/or the Borough Administrator be and are hereby authorized to execute the aforesaid Municipal Open Space Program Grant Agreement at the appropriate time.

BE IT FURTHER RESOLVED, that the Mayor and the Borough Administrator be and are hereby authorized to undertake such acts as are reasonable and necessary to accomplish the purposes of this Resolution.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-079

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES TO CME ASSOCIATES FOR PRELIMINARY ASSESSMENT SERVICES FOR SNUG HARBOR PARK IMPROVEMENTS

WHEREAS, by way of correspondence dated February 4, 2019, the Borough was notified that the Borough was awarded a grant for the Snug Harbor Park Improvements Project in the amount of \$125,000 through the Monmouth County Municipal Open Space Grant Program; and

WHEREAS, in accordance with the aforesaid correspondence, the Borough was notified that program guidelines require that a Preliminary Assessment and Site Inspection (PASI) be conducted before the County will execute a grant agreement; and

WHEREAS, in accordance with the aforesaid requirements, the Borough of Highlands has a need for professional Engineering Services associated with the Snug Harbor Park Improvements as part of a due diligence assessment of property conditions as set forth above, pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, in order to achieve the Borough's objectives, CME Associates has submitted a proposal to prepare the aforesaid Preliminary Assessment Report in accordance with the terms contained in their proposal dated February 6, 2019, for an amount not to exceed \$5,000.00; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of CME Associates, 1460 Route 9 South, Howell, New Jersey 07731 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$5,000.00 for Professional Engineering Services as stated in the CME Associates proposal dated February 6, 2019; and

WHEREAS, CME Associates has completed and submitted a Business Entity Disclosure Certification which certifies that CME Associates 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 CME Associates from making any reportable contributions through the term of the contract; and

WHEREAS, CME Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c. 271; and

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

I hereby certify funds are available as follows:

Patrick DeBlasio, Chief Financial Officer

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bidding must be publicly advertised.

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

1. CME Associates is hereby retained to provide professional engineering services as described above and in their proposal dated February 6, 2019 for an amount not to exceed \$5,000.00.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-080

RESOLUTION AUTHORIZING RENEWAL OF SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND THE TOWNSHIP OF MIDDLETOWN FOR ANIMAL CONTROL SERVICES

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., allows a local unit to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in this agreement is empowered to provide or receive within its own jurisdiction, including services incidental to primary purposes of any of the participating local units; and

WHEREAS, the Borough of Highlands and the Township of Middletown wish to encourage inter-municipal cooperation; and

WHEREAS, by way of Resolution 18-046, duly adopted February 7, 2018, the Borough authorized execution of a Shared Services Agreement with the Township of Middletown for Animal Control Services; and

WHEREAS, the Township of Middletown has the staffing and personnel to continue to provide Animal Control Services to the Borough of Highlands; and

WHEREAS, in accordance with the terms of the aforesaid Shared Services Agreement, the fee for animal control services shall be \$18,000 per year, to be billed and paid on a quarterly basis.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands, that the Borough hereby renews the aforesaid Shared Services Agreement with the Township of Middletown for Animal Control Services for the period of January 1, 2019 through December 31, 2019.

BE IT FURTHER RESOLVED, that the Mayor and the Borough Administrator be and are hereby authorized to undertake such acts as are reasonable and necessary to accomplish the purposes of this Resolution.

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Chief Financial Officer, the Borough of Highlands Administrator and the Township of Middletown Administrator.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-081

RESOLUTION INTRODUCING HIGHLANDS BUSINESS IMPROVEMENT DISTRICT BUDGET FOR THE YEAR 2019 AND SETTING OF A PUBLIC HEARING DATE WHEREIN THE AFORESAID BUDGET WILL BE CONSIDERED FOR FINAL ADOPTION

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, a copy of which is annexed hereto; and

WHEREAS, in accordance with the procedures set forth in N.J.S.A. 40:56-84, the governing body hereby introduces the aforesaid budget of the Highlands Business Partnership for the year 2019 and sets a public hearing date of March 20, 2019 at 8:00 p.m.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the governing body hereby introduces the annual budget for the Highlands Business Partnership which is annexed hereto, and sets a public hearing date of March 20, 2019 at 8:00 p.m. wherein the aforesaid budget will be considered for final adoption.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to advertise and publish the aforesaid annual budget for the Highlands Business Partnership for the year 2019 in accordance with the requirements set forth in N.J.S.A. 40:56-84.

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
PROGRAM BUDGET**

**2019
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



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 19-03

AN ORDINANCE AMENDING CHAPTER 8-5 OF BOROUGH CODE CONCERNING SNOW AND ICE REMOVAL

WHEREAS, the governing body of the Borough of Highlands has determined that it is in the best interest of the residents to prevent obstruction of Borough roads during snow removal efforts.

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 5 entitled "Snow and Ice Removal" 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***~~.)

8-5 SNOW AND ICE REMOVAL.

8-5.1 Removal Required.

- a.*** The owner or tenant of land abutting upon the sidewalk of any street or avenue shall remove all snow and ice from the sidewalk within twelve (12) daylight hours after same shall have formed or fallen thereon.
- b.*** No person shall place any snow or ice from his or her property or abutting sidewalk in any Borough road.
- c.*** No person shall place any snow or ice from his or her property or abutting sidewalk in any gutters along Borough roads resulting in any stoppage of drainage along said roads.

8-5.2 Treatment of Ice.

The owner or tenant of land abutting or bounding upon the sidewalks of any street or avenue shall, when such sidewalks may become icy or otherwise slippery, place thereon ashes, sand, cinders, sawdust or other material designed to prevent pedestrians from slipping and falling and shall at all times keep such sidewalks in a safe and passable condition. ***No person shall obstruct or damage any Borough roads or***

gutters by spilling or throwing ashes, sand, cinders, sawdust or other material onto a Borough road or gutter.

8-5.3 Certain Persons Exempt from Requirements.

Any owner or tenant of land abutting upon the sidewalk of any street or avenue who is unable to remove snow and ice and/or provide for the treatment of ice due to a physical or medical disability or due to age or infirmness, shall contact the Code Enforcement Officer and/or his designee, within twelve (12) daylight hours after snow and ice has formed or fallen. Such owner or tenant with a physical or medical disability or inability to remove and/or treat snow and ice due to age or infirmness, will not be subject to the violations and penalties delineated in subsection 8-5.4, subject to the discretion of the Code Enforcement Officer.

8-5.4 Violations and Penalties.

Violations are punishable by fine, imprisonment, or community service in the discretion of the Judge in accordance with N.J.S.A. 40:49-5.

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 0-19-04

**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-Superintendent**~~ shall mean the ~~**director-superintendent**~~ 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-superintendent**~~.
- 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~~ superintendent 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~~ superintendent, an appeal may be taken to the council. The council, after hearing the applicant and the ~~director~~ superintendent and other evidence as may be produced, may either direct the issuance of the permit or sustain the refusal of the ~~director~~ superintendent.

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

1. No permit shall be issued by the ~~director~~ superintendent 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~~ superintendent 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~~ superintendent and in accordance with the provisions of this section and the regulations which the ~~director~~ superintendent may establish. The ~~director~~ superintendent 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~~ superintendent. The ~~director~~ superintendent 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-superintendent~~ 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~~superintendent 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~~superintendent.

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~~ superintendent. The permittee shall notify the superintendent 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~~ superintendent 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~~ superintendent 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~~ superintendent with a right of appeal to the council; and the ~~director~~ superintendent 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~~ superintendent 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 19-01

AN ORDINANCE AMENDING CHAPTER 21 (ZONING AND LAND USE REGULATIONS), ARTICLE XIV, SECTION 74 (PROHIBITED USES) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40:55D-1 et seq., authorizes local governmental units to adopt ordinances to regulate land use to promote the public health, safety, morals and general welfare; and

WHEREAS, the Borough regulates land use and zoning by and through Chapter 21 of the Borough Code; and

WHEREAS, the Borough of Highlands finds that it is in the best interest of the residents to amend Chapter 21 of the Borough Code to prohibit retail or wholesale establishments, businesses, persons or entities from selling or offering to sell marijuana or marijuana products, for medicinal or recreational use, or paraphernalia that facilitates the use of marijuana and to further prohibit the growing, cultivation or harvesting of any type of marijuana plant within the Borough; and

WHEREAS, Chapter 21 of the Borough Code contains an outdated reference to the B-1 and B-2 zones, which have since been replaced pursuant to Highlands Ordinances O-18-01 and O-18-06; and

WHEREAS, Chapter 21 of the Borough Code additionally contains an inconsistent prohibition of pool halls, which are now permitted in the CBD Zone, as well as unnecessary prohibitions on arcades and the keeping of rabbits.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Highlands County of Monmouth, State of New Jersey, as follows: (All additions are shown in ***bold italics with underlines***. The deletions are shown as ~~***strikeovers in bold italics***~~.)

SECTION I.

Chapter 21, Article XIV, Establishment of Districts is hereby amended to provide as follows:

21-74. PROHIBITED USES

Those uses not specifically permitted in a zone district are prohibited. Additionally, the following uses are specifically prohibited: adult entertainment, ***arcades, pool halls,*** any accessory use with an establishment with a liquor license designed for use by minors, auctions or sales conducted outside a structure except when a private home is being cleaned or vacated or for the raising of funds for charitable institutions and done not more than twice a year for more than two (2) days duration, short- or long term storage of trucks or trailers for use as storage facilities, the keeping of farm animals, such as horses, cows, pigs, ***or fowl or rabbits,*** ***retail or wholesale establishments, businesses, persons or entities selling or offering for sale: (a) marijuana or marijuana products, whether for medicinal and/or recreational use; (b) paraphernalia that facilitates any use of marijuana, including but not limited to inhalation, ingestion or injection of any substance which contains or is derived from marijuana, (2) the growing, cultivation or harvesting of any type of marijuana plant, including but not limited to cannabis sativa, cannabis indica, and cannabis ruderalis.*** ~~*In addition the following uses are prohibited in the B-1 and B-2 zones: pawn shops, tattoo parlors, check-cashing shops, automotive transmission, automobile body shops, heavy duty machine shops and new or used automobile sales are also prohibited.*~~

SECTION II. SEVERABILITY.

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

SECTION III. REPEALER.

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

SECTION IV. EFFECTIVE DATE.

This Ordinance shall take effect upon adoption and publication according to law and filing with the Monmouth County Planning Board.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 0-19-02

AN ORDINANCE AMENDING CHAPTER 7-3.8 OF BOROUGH CODE CONCERNING PERMIT PARKING FOR RESIDENTS

WHEREAS, the governing body of the Borough of Highlands has determined that it is in the best interest of the residents to provide for additional guest parking for residences located on streets with limited parking.

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

SECTION I.

The following Sections of Chapter 7, Section 3.8 entitled "Permit Parking for Residents" 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***~~.)

7-3.8 Permit Parking for Residents.

- a. Parking on the following **"Resident-Only"** streets or portions of said streets shall be restricted at all times to vehicles of residents, their family members and guests displaying a proper permit or placard issued by the borough clerk pursuant to this subsection.
 1. Willow Street – entire paved portion on both sides of street no parking any time; Willow Street residents may park on Locust Street.
 2. Locust Street – entire length on both sides of street to intersection with Willow Street.
 3. Shore Drive – from the intersection of Marie Avenue north to Willow Street on both sides of the street
- b. Residents shall fill out an application on a form to be established providing sufficient information to facilitate the administration of this subsection with the borough clerk and obtain a sticker to be affixed to each vehicle owned or leased to the residents of the premises on these streets.
- c. The application shall be kept on file with the borough clerk and the resident(s) shall be required to update same upon disposing of any vehicle on the application and/or acquisition or leasing of replacement or additional vehicles.

- d. Guest placards, not to exceed two per residence, shall be available at the borough clerk's office upon application. These shall be assigned permanently to the applicant for use at the residence and shall be used by guests and/or visitors while parked on ~~the said~~ **Resident-Only** streets.
- e. Upon disposing of any vehicle or moving from the residence, the person or persons so named on the application on file with the borough clerk shall advise the borough clerk in writing or in person and shall remove and surrender all permits and placards previously issued.
- f. Permits and placards shall not be sold, traded, assigned or given to another person and may only be used in connection with the street of the residence on the application.
- g. There shall be no fees charged to the residents for these permits and placards.
- h. **Residents on the following street(s), which due to their limited size or other circumstances resulting in inadequate parking, may also apply for the issuance of guest placards, not to exceed two per residence, to provide guest parking on Resident-Only streets:**

1. Mathews Street

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.