

**Mayor and Council  
Agenda  
Community Center,  
22 Snug Harbor Avenue, Highlands  
Wednesday, June 7, 2017  
7:00 p.m.**

As per requirement of Public Law 1975, Chapter 231, notice is hereby given that this is a Regular Meeting of the Borough of Highlands Mayor and Council and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board. Formal Action will be taken.

Call to Order  
Meeting Statement  
Roll Call  
Executive Session Resolution

**EXECUTIVE SESSION: 7:00PM**

**Attorney-Client Privilege:     Zoning Ordinances  
  Tax Abatement Program**

**REGULAR MEETING: 8:00PM**

Call to Order  
Pledge of Allegiance  
Roll Call

**Approval of Minutes:** May 17, 2017 - Regular Meeting

**Resolutions**

- R-17-117 - Shared Services Between the Highlands Board of Education and the Borough of Highlands**
- R-17-118 - Authorizing the Appointment of Detective George Ruth to the Rank of Corporal**
- R-17-119 - Appointing Temporary Summer Seasonal Recreational Employees**
- R-17-120 - Renewal of Liquor License for Highlands Brewery LLC for the 2016-2017 Terms**
- R-17-121 - Appointing Temporary Seasonal Employees for the Summer Food Services Program**
- R-17-122 - Appointing Members of the Green Team Advisory Committee Due to Vacancy Created**
- R-17-123 - Payment of Bills**
- R 17-124 - Appointing Temporary Summer Seasonal Employees for DPW**

**Ordinances: Introduction**

- O-17-13 - Authorizing the Purchase of Block 37, Lots 12.01 and 13 In the Borough of Highlands**

**Ordinances: Public Hearing/Possible Adoption**

- O-17-12 - Amending Chapter 10, Section 4 of the Borough Code: Substandard Housing**

**Other Business:**

**Duckbill Project Update**

**Public Comments:**

**Adjourn:**



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 17-117**

### **AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE HIGHLANDS BOARD OF EDUCATION AND THE BOROUGH OF HIGHLANDS**

**WHEREAS**, the Borough and the Highlands Elementary School have had a Shared Services Agreement to provide snow removal and trash collection services to the school to save Highlands taxpayer dollars; and

**WHEREAS**, the Agreement will be expiring on June 30, 2017 and the Governing Body wishes to renew the Shared Services Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Board of the Borough of Highlands that the Shared Services Agreement by and between the Highlands Board of Education and the Borough of Highlands is hereby approved for the period of July 1, 2017 through June 30, 2018.

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Clerk be and are hereby authorized and directed to execute the aforesaid Shared Services Agreement.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 17-118**

### **RESOLUTION AUTHORIZING THE APPOINTMENT OF DETECTIVE GEORGE RUTH TO THE RANK OF CORPORAL**

**WHEREAS**, Detective George Ruth completed fifteen (15) years of service with the Borough of Highlands Police Department as of January 2017; and

**WHEREAS**, the Acting Chief of Police has recommended that consistent with the terms of the applicable Collective Negotiations Agreement, that Detective George Ruth be appointed to the rank of Corporal; and

**WHEREAS**, consistent with the terms of the applicable Collective Negotiations Agreement, the appointment to the rank of Corporal shall be an uncompensated appointment.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that Detective George Ruth be and is hereby appointed to the rank of Corporal, wherein said rank shall be an uncompensated appointment in accordance with the terms of the applicable Collective Negotiations Agreement.

**BE IT FURTHER RESOLVED** that the Borough Clerk shall transmit a Certified Copy of this Resolution to the Acting Chief of Police and any and all other necessary parties.

**POLICE DEPARTMENT**  
BOROUGH OF HIGHLANDS



JOSEPH R. BLEWETT  
CHIEF



171 BAY AVENUE HIGHLANDS, N.J. 07732



TEL: 732-872-1158  
FAX: 732-872-9240

April 20, 2017

Honorable Mayor & Council  
Borough of Highlands  
42 Shore Drive  
Highlands, New Jersey 07732

Re: Corporal

Dear Council Members,

I respectfully request that Detective George Ruth be appointed to the rank of Corporal as per Article 21, Section 3 of the current collective bargaining agreement between the Borough of Highlands and NJ State Policemen's Benevolent Association, Sandy Hook, Local No. 48. Detective Ruth has completed fifteen (15) years with the Highlands Police Department as of January of 2017 and during that time has proven to be a professional and dedicated employee.

Detective Ruth also understands that the appointment to the rank of Corporal would be an uncompensated appointment.

Thank you in advance for your cooperation in this matter.

Sincerely,

Joseph R. Blewett  
Chief of Police

JRB/dla

cc: Mr. Brian Geoghegan  
Mr. Dwayne Harris



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-119

### RESOLUTION APPOINTING TEMPORARY SUMMER SEASONAL RECREATIONAL EMPLOYEES FOR THE BOROUGH OF HIGHLANDS

**WHEREAS**, the Borough has a need for temporary summer seasonal employees to work with the Summer Recreation Program; and

**WHEREAS**, Jennifer Strehl, Recreation Assistant has made the following recommendations for appointments to the Governing Body; and

**WHEREAS**, the positions listed below have been included in the Municipal Budget within the Recreation Department;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the following temporary summer seasonal appointments be and hereby are approved:

<u>Rec. Dept.</u>	<u>Position</u>	<u>Name</u>	<u>Hourly Rate</u>
Summer Rec.	Supervisor	Kim Karaman	\$20.50
6/27/17 - 8/16/17	Supervisor	Stephanie Paroumakian	\$19.00
	Programmer	Michael Gannon	\$17.50
	Programmer	Amanda Campbell	\$14.00
	Health Director	Danelle Hertel	\$12.00
	Rec Aide	Frank DiMaio	\$11.00
	Rec Aide	Amelia Vogt	\$ 9.75
	Rec Aide	Courtney Cummins	\$ 9.00
	Rec Aide	Maggie Fitzgerald	\$ 9.00
	Rec Aide	Alexis Liberatore	\$ 8.50
	Rec Aide	Amy Conrad	\$ 8.50
	Rec Aide	Brian Bremekamp	\$ 8.50



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

# RESOLUTION 17-120

## RENEWAL OF LIQUOR LICENSE FOR HIGHLANDS BREWERY LLC FOR THE 2016-2017 TERMS

WHEREAS, the New Jersey Division of Alcoholic Beverage Control (ABC) has implemented a new electronic, web based licensing called POSSE ABC; and,

WHEREAS, renewal applications have been filed or submitted through the POSSE ABC portal as directed by the ABC; and,

WHEREAS, the submitted, renewal applications have been accepted via POSSE ABC, the Municipal fees have been paid and a Tax Clearance Certificate has been received for the following licensee[s]; and,

WHEREAS, the applicants are qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, and pertinent Borough Ordinances; and,

WHEREAS, the required Special Ruling, to permit consideration of a renewal for inactive licenses, pursuant to N.J.S.A. 33:1-12.39 has been received;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands, County of Monmouth, State of New Jersey, that the renewal of the following Liquor License[s] for the 2016-2017 terms, is/are hereby authorized:

**Plenary Retail Consumption License:**

File Number	License Number	Licensee	Establishment
77248	1317-33-024-012	WAZ Two, LLC	Twin Light Taphouse

**Plenary Retail Distribution Licenses:**

File Number	License Number	Licensee	Establishment



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-121

### RESOLUTION APPOINTING TEMPORARY SUMMER SEASONAL RECREATIONAL EMPLOYEES FOR THE SUMMER FOOD SERVICES PROGRAM FOR THE BOROUGH OF HIGHLANDS

**WHEREAS**, the Borough has a need for temporary summer seasonal employees to work with the Summer Recreation Program for the summer food services program; and

**WHEREAS**, Jennifer Strehl, Recreation Assistant has made the following recommendations for appointments to the Governing Body; and

**WHEREAS**, the positions listed below have been included in the 2017 Summer Food Service Program Approved Grant and the 2016 Summer Food Service Program Carryover (Excess) Funds;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Highlands, that Jennifer Strehl shall serve as the Director of the Summer Food Services Program and shall receive a stipend not to exceed \$539 for the six (6) week program.

**BE IT FURTHER RESOLVED**, by the Governing Body of the Borough of Highlands, that Amanda Campbell shall serve as the Record Keeper of the Summer Food Services Program and shall receive a stipend not to exceed \$392 for the six (6) week program.

**BE IT FURTHER RESOLVED** by the Governing Body of the Borough of Highlands that the following temporary summer seasonal appointments be and hereby are approved:

<b>Rec. Dept.</b>	<b>Position</b>	<b>Name</b>	<b>Hourly Rate</b>
Summer Food	Food Prep	Louise Romeo	\$11.00 (25 hrs/wk)
7/5/17 - 8/11/17	Food Prep	Emily Wells	\$9.25 (25 hrs/wk)
	Food Prep	Natalie Berry	\$8.50 (25 hrs/wk)



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-122

### RESOLUTION APPOINTING MEMBERS OF THE GREEN TEAM ADVISORY COMMITTEE DUE TO VACANCY CREATED

**WHEREAS**, by way of Ordinance O-17-02, duly adopted by the governing body on February 15, 2017, the Green Team was established as a permanent advisory committee; and

**WHEREAS**, by way of Ordinance O-17-02, the governing body shall appoint nine (9) Borough residents to serve on the Green Team. One (1) member must be on the Land Use Board; one (1) member must be on the Environmental Commission; one (1) member must be a Highlands Business Owner; one (1) member must be a Department of Public Works Employee and one (1) member must be a Recreation Department Employee; and

**WHEREAS**, in accordance with Ordinance O-17-02, initially three members shall be appointed to a three (3) year term, three members shall be appointed to a two (2) year term and three (3) members shall be appointed to a one (1) year term; and

**WHEREAS**, in accordance with Ordinance O-17-02 after the initial appointments, all terms shall be for a period of three (3) years; and

**WHEREAS**, by way of Resolution 17-064, the governing body appointed Steve Szulecki as Environmental Commission representative, to serve on the Green Team for a three-year term through 2019; and

**WHEREAS**, by way of Resolution 17-064, Rosemary Ryan was appointed to serve as Resident Member for a two-year term through 2018; and

**WHEREAS**, in accordance with N.J.S.A. 40A:9-12.1 a vacancy has been created in the Environmental Commission representative position on the Green Team; and

**WHEREAS**, in accordance with the aforesaid vacancy, the governing body wishes to appoint Rosemary Ryan to serve as the Environmental Commission representative on the Green Team for the unexpired term through 2019 thereby replacing Steve Szulecki; and

**WHEREAS**, as a result of Rosemary Ryan's change in classification as a Member or the Green team a vacancy has been created with respect a Resident Member of the Green Team; and

**WHEREAS**, in accordance with the aforesaid vacancy, the governing body wishes to appoint Stefanie Paige as a Resident Member of the Green Team for the unexpired term through 2018.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Highlands that Rosemary Ryan be and hereby is appointed to serve as the Environmental Commission representative on the Green Team for the unexpired term through 2019.

**BE IT FURTHER RESOLVED**, that Stefanie Paige be and is hereby appointed to serve as the Resident Representative on the Green Team for a two-year term for the unexpired term through 2018.



BOROUGH OF  
HIGHLANDS COUNTY  
OF MONMOUTH

## RESOLUTION 17-123

### RESOLUTION AUTHORIZING PAYMENT OF BILLS

**WHEREAS**, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated June 07, 2017, which totals as follows:

Current Fund	\$876,196.37
Sewer Account	\$ 85,087.77
Capital Fund	\$ 30,311.84
Trust-Other	\$ 99,689.31
Federal/State Grants	\$ 734.90

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands that the vouchers, totaling **\$1,092,020.19** 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](http://www.highlandsborough.org) and on file in the Municipal Clerk's office for reference.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 17-124

### RESOLUTION APPOINTING TEMPORARY SUMMER SEASONAL EMPLOYEES FOR THE BOROUGH OF HIGHLANDS

WHEREAS, the Borough has the need for temporary summer employees to work with the DPW; and

WHEREAS, Brian Geoghegan, Borough Administrator, has made the following recommendations for appointments to the Governing Body.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following seasonal temporary appointments be and hereby are approved:

DPW	Position	Name	Hourly Rate
Part-time	Laborer	Ryan Strang	\$12.00
Part-time	Laborer	Jake Elias	\$12.00

BE IT FURTHER RESOLVED that the aforesaid temporary seasonal appointments are effective June 12, 2017.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **ORDINANCE 0-17-13**

### **AN ORDINANCE AUTHORIZING THE PURCHASE OF BLOCK 37, LOTS 12.01 AND 13 IN THE BOROUGH OF HIGHLANDS**

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

**WHEREAS**, pursuant to N.J.S.A. 40A:12-5 the Borough is authorized to acquire real property; and

**WHEREAS**, the Borough has determined it to be in the public interest for it to purchase Block 37, Lots 12.01 and 13 located in the Borough of Highlands (the "Property"); and

**WHEREAS**, the Borough's intended use of the Property is for the purpose of constructing a new municipal building/borough hall and related site improvements; and

**WHEREAS**, the obligation of seller to close title on the aforesaid property will be contingent upon seller obtaining, at its own cost and expense, all approvals, permits and licenses required, in order to construct and use a surface parking lot on that certain tract of real property owned by seller across Miller Street from the Property and designated on the Borough's Tax Map as Block 21, Lots 1 and 2; and

**WHEREAS**, on the closing date, the parties will enter into a license agreement whereby seller will be permitted to utilize the Borough's parking lot, on a non-exclusive basis to permit parking by congregants and employees on Saturdays and Sundays only, unless such non-exclusive parking would unduly conflict with, or burden the use of the Borough's parking area, wherein the aforesaid Parking License will be terminable by either party upon written notice to the other.

**NOW, THEREFORE, BE IT ORDAINED** that the Mayor and Borough Clerk of the Borough of Highlands are hereby authorized to execute a contract for the purchase of the Property as prepared and approved by the Borough Attorney, such purchase price to be in the amount of \$450,000.00.

**BE IT FURTHER ORDAINED** that the Mayor and Borough Clerk are hereby authorized to execute a Parking License, in conjunction with the contract for the purchase of the Property, as prepared and approved by the Borough Attorney.

**BE IT FURTHER ORDAINED** that the Mayor, Borough Clerk, Borough Attorney, Borough Administrator and such other Borough officials as are necessary, are hereby authorized to execute such documents and to undertake such acts as are reasonable and necessary to accomplish the purpose of this Ordinance.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon passage and publication according to law.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## ORDINANCE 0-17-12

### AN ORDINANCE AMENDING CHAPTER 10, SECTION 4 OF THE BOROUGH CODE ADDRESSING BUILDINGS UNFIT FOR HUMAN HABITATION, OCCUPANCY OR USE

WHEREAS, the governing body has determined that it is in the best interest of the residents of the Borough to dissolve the Substandard Housing Committee, as contained in Borough Code Section 10-4.3, which addresses buildings unfit for human habitation, occupancy or use; and

WHEREAS, the governing body has also determined that it is in the best interest of the residents of the Borough to amend Borough Code Section 10-4.4, so that the time-frames set forth therein are consistent with N.J.S.A. 40:48-2.5(b).

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

SECTION I. The following sections of 10-4 **“Buildings Unfit for Human Habitation, Occupancy or Use”**, of the Code of the Borough of Highlands shall be amended and supplemented as follows: (All additions are shown in *bold italics with underlines*. The deletions are shown as ~~*strikeovers in bold italics*~~. Sections of Chapter 10, Section 4 that remain unchanged are shown in normal type).

#### 10-4 BUILDINGS UNFIT FOR HUMAN HABITATION, OCCUPANCY OR USE.

##### 10-4.1 Declaration of Necessity.

It is hereby found and declared that the existence or occupation of any building or buildings, or parts thereof, in the borough, which are so old, dilapidated or have become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy or use are inimical to the welfare and dangerous and injurious to the health and safety of the people of the borough, and that a public necessity exists for the repair, closing or demolition of such building or buildings, or part thereof. It is hereby found that there exists in the borough 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, lack of sanitary facilities, or due to other conditions rendering such building or buildings, or part thereof, unsafe or insanitary, or dangerous or detrimental to the safety or otherwise inimical to the welfare of the residents of the borough, and as to which the borough has the power, pursuant to R.S. 40:48-2.3 et seq. 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 part thereof in the manner herein provided.

#### 10-4.2 Public Officer.

The public officer shall be appointed for a term of one year. He shall be nominated by the mayor and confirmed by the governing body and when so appointed, he shall exercise the powers prescribed by this section. The governing body may, by resolution, fix the salary to be paid such public officer.

#### ~~10-4.3 Substandard Housing Committee.~~

~~There is hereby created, a committee to be known as substandard housing committee, to consult with and advise the public officer. Such committee shall consist of nine members, seven of which shall be the health officer; fire chief or his designee; welfare director, plumbing inspector; building inspector or assistant building inspector; fire inspector; electrical inspector; and two members to be appointed by the mayor as follows: one member of the borough council and one other member.~~

#### 10-4.4 Investigation, Complaint and Notice of Hearing; Opportunity to Answer and Defend.

a. Whenever a petition is filed with the public officer by a public authority or by at least five residents of the borough charging that any building is unfit for human habitation or occupancy or use, the public officer shall make a preliminary investigation. If his preliminary investigation discloses a basis for such charges, he shall issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges in that respect. The complaint shall also contain a notice that a hearing will be held before the public officer, or his designated agent, at a place therein fixed, not less than ~~ten~~ seven (7) days, nor more than thirty (30) days after the serving of said complaint. The notice shall state that the owner and parties in interest have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time affixed in the complaint; and that the rules of evidence prevailing in the courts shall not be controlling in hearings before the public officer. The complaint shall be served in the manner provided in subsection 10-4.8, paragraphs f. through i., and subsection 10-4.10 or subsection 10-4.15 hereof.

b. The public officer is authorized to physically inspect any premises as to which he has probable cause to believe that said premises is in violation of any State, County or local statute, ordinance or regulation relating to the: (i) prevention of defects increasing the hazards of fire, accident or other calamities; (ii) lack of adequate ventilation, light or sanitary facilities; (iii) dilapidation; (iv) disrepair. In any instance where the owner of a premises refuses the public officer's request to allow the public

officer to inspect the premises or any portion of same then the public officer shall be authorized to obtain an administrative search warrant to inspect said premises. The municipal magistrate is authorized to issue said warrant according to law and in accordance with the same procedure required for the issuing of penal search warrants as set forth in the Rules Governing Civil Practice of the Courts of New Jersey.

c. Search warrants issued under this section shall not authorize the removal of any article of property from the premises and searches conducted pursuant to said warrants shall be conducted at a reasonable hour and in a manner so as to cause minimal inconvenience to the owner or owners of the premises inspected.

d. In executing the warrant the public officer may elect to be accompanied by such other ~~members of the substandard housing committee~~ Borough officials, including but not limited to, the construction official; the health officer; fire chief or his designee; welfare director; plumbing inspector; building inspector or assistant building inspector; fire inspector and/or the electrical inspector as he may choose to assist him in the conduct of a full inspection of the premises.

#### 10-4.5 Standards.

a. The public officer may determine that a building is unfit for human habitation or occupancy or use if he finds that conditions exist in such building which are dangerous or injurious to the health or safety of the occupants of such building, the occupants of neighboring buildings or other residents of the borough; such conditions may include the following, by way of illustration: defects therein increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair, structural defects, uncleanness.

b. Without in any way limiting the standards and conditions set forth in paragraph a. hereinabove and without in any way requiring that any one or all of the conditions hereinafter set forth be found in order to declare a building unfit for human habitation, occupancy or use, the following are additional standards to guide the public officer, or his agent, in determining the fitness of a building for human habitation or occupancy or use:

1. Those whose interior walls or other vertical structural members list, lean or buckle, to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

2. Those which, exclusive of the foundation, show 33 percent or more, of damage, disrepair or deterioration of the supporting member or 50 percent of damage, disrepair or deterioration of the non-supporting enclosing or outside walls or covering.

3. Those which have improperly distributed loads upon the floor or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

4. Those structures and every part thereof which are not maintained in good repair by the owner or agent and fit for human habitation; also, where the roof is not maintained so as not to leak and where all rain water is not properly drained and conveyed therefrom so as not to cause dampness in the wall or ceilings on the interior or exterior.

5. Those structures which are not maintained in proper repair so as to give adequate protection from the elements and those structures where the windows and doors do not fit properly and where all exterior wood surfaces are not protected from the elements and decay by painting or other protective covering.

6. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants of the people of the Borough of Highlands.

7. Those which have become or are so dilapidated, decayed, unsafe, insanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.

8. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.

9. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.

10. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

11. Those dwelling units which lack the following facilities in good working order: a sink, flush toilet and bathtub or stall shower supplied by a sufficient supply of potable running water and connected to the sanitary sewerage disposal system of the borough or to any approved individual or sewerage disposal system according to R.S. 58:11 -1 et seq.

12. Those which lack permanent, safe and reasonable efficient kitchen facilities within the dwelling unit, including sink with running water and provisions for a cooking stove which conform to the Plumbing Code of the borough and the Fire Prevention Code of the borough.

13. Those dwelling units and public hallways which do not have a safe electric lighting system.

14. Those where every habitable room does not contain a window or windows which open directly to the outside air, and the total area of such window or windows is less than eight percent of the floor area of such room.

15. Those dwelling units not having a separate access either to a hallway or landing stairway leading to the street.

16. Those dwelling units having rooms with less than 1,050 cubic feet of air space and 100 square feet of floor space for one occupant, plus 100 square feet of floor space for each additional occupant. Any room used for sleeping purposes having less than 70 square feet is also deemed uninhabitable.

17. Those basement dwelling units having rooms with ceiling height of less than seven feet or whose walls and floors have not been damp-proofed and waterproofed by an approved method if in contact with earth.

18. Those whose courts, yards or other areas on the premises are not properly drained.

19. Those with fences in a dilapidated condition.

20. Those which have been damaged by fire, wind or other causes, so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of the borough.

21. Those whose yards, lawns, courtyards, terraces, porches, balconies and accessory buildings are not kept clean and free of rodent and vermin infestation and rat-proofed according to existing ordinances.

22. Stores or places of business converted to living purposes must conform to the above standards and all show windows must be replaced by conventional type home windows which conform to the requirements of this section.

23. Those buildings existing in violation of any provision of the Building Code of the borough, or any provisions of the Fire Code or other ordinances of the borough, and/or State, Federal and national codes.

24. Those dwelling units having an oil space heater as a source of heat or unvented portable heater.

25. Those which because of their condition are unsafe, insanitary, or dangerous to the health, morals, safety or general welfare of the people of this borough.

#### 10-4.6 Standards for Repair, Vacation or Demolition.

The following standards shall be followed in substance by the building inspector or other applicable official in ordering repair, vacation or demolition:

a. If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this section it shall be ordered repaired.

**b.** If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants it shall be ordered to be vacated.

**c.** In any case where a "dangerous building" is 50 percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this section it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this section or any ordinance of the borough or statute of the State of New Jersey, it shall be demolished.

#### 10-4.7 Dangerous Buildings; Nuisances.

**a.** All "dangerous buildings" within the terms of subsections 10-4.5 and 10-4.6 paragraph b. of this section are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided.

**b.** The Borough, by resolution of its governing body, may abate a nuisance, correct a defect, or put the premises in proper condition so as to comply with the requirements of any Borough ordinance or State law applicable thereto, at the cost of the owner or lessor, and expend Borough funds for such purpose and charge the same against the premises, and the amount thereof as determined by the governing body of the Borough shall be a lien against the premises and collectible as provided in subsection 10-4.11 hereof.

#### 10-4.8 Duties of Public Officer.

The duties of public officer shall:

**a.** Inspect or cause to be inspected, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing or loft buildings for the purpose of determining whether any conditions exist which render such places as "dangerous building" within the terms of subsection 10-4.7 of this section.

**b.** Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this section.

**c.** Inspect any building, wall or structure reported (as hereinafter provided for) by the fire or police departments of this borough as probably existing in violation of the terms of this section.

**d.** Inspect buildings in the following sections of this borough, to determine whether they are "dangerous buildings" within the terms of subsection 10-4.7 of this section.

**e.** Obtain administrative search warrants when necessary to aid investigations and inspections of premises covered by this ordinance.

**f.** Appear at all hearings and testify as to the condition of "dangerous buildings."

g. Place a notice on all "dangerous buildings" reading as follows:

**"This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given to the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records of the Tax Collector of the Borough of Highlands. It is unlawful to remove this notice until such notice is complied with."**

h. Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Tax Collector of the Borough of Highlands, of any building found by him to be a "dangerous building" within the standards set forth in subsection 10-4.4 of this section; the occupant or lessee must vacate the building or may have it repaired in accordance with the notice and remain in possession; the mortgagee, agent or other persons having an interest in said building as shown by the land records of the Tax Collector of the Borough may at his own risk repair, vacate or demolish said building or have such work or act done; provided that any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

i. Set forth in the notice provided for in paragraph e. hereof, a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building" and an order requiring the same to be put in such condition as to comply with the terms of this section within such length of time, not exceeding 30 days, as is reasonable.

j. Set forth in said notice provided for in paragraph f. above that said owner shall appear before him on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the notice provided for herein in paragraph f. above.

1. Hold a hearing and hear such testimony as the building inspector, or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the land records of the tax assessor shall offer relative to the "dangerous building."

2. Make written findings of fact from the testimony offered pursuant to paragraph e. as to whether or not the building in question is a "dangerous building" within the terms of this section.

3. Issue an order based upon findings of fact made pursuant to this subsection commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the tax assessor, to repair, vacate or demolish any building found to be a "dangerous building" within the terms of this section and provided that any person so notified, except the owners,

shall have the privilege of either vacating or repairing said "dangerous building," or any person not the owner of said "dangerous building" but having an interest in said buildings shown by the tax assessor may demolish said "dangerous building" at his own risk to prevent the acquiring of a lien against the land upon which said "dangerous building" stands by the borough as provided in subsection 10-4.9 hereof. Any person removing the notice provided for in subsection 10-4.8, paragraph f. hereof shall be subject to a fine not exceeding five hundred (\$500.00) dollars for each offense.

k. Report to the borough attorney the names of all persons not complying with the order provided for in subsection 10-4.8, paragraph i, 3. hereof.

#### 10-4.9 Consequent of Failure To Comply.

If the owner, occupant, mortgagee or lessee fails to comply with the order provided for in subsection 10-4.8 paragraph i, 3 hereof within ten days, the public officer shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, under the standards hereinbefore provided for in subsection 10-4.5 of this section, and shall, with the assistance of the borough attorney, cause the costs of such repair, vacation or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner; provided, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety, or general welfare of the people of this borough, the public officer shall notify the borough attorney to take legal action to force the owner to make all necessary repairs or demolish the building, subject to the approval of the governing body.

#### 10-4.10 Manner of Serving Complaints; Notices and Orders.

Complaints, notices and orders issued by the public officer pursuant to this section shall be served upon persons either personally or by registered mail. If the whereabouts of such persons is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and he shall make an affidavit to that effect, then the serving of such complaint, notice or order upon such persons may be made by publishing the same once in a newspaper printed and published in the borough, or in the absence of such newspaper, in one printed and published in the county and circulating in the borough. A copy of such complaint, notice or order shall be posted in a conspicuous place on the premises affected by the complaint, notice or order. A copy of such complaint, notice or order shall be duly recorded with the County Clerk of the County of Monmouth.

#### 10-4.11 Lien for Costs; Sale of Materials; Disposition of Proceeds.

a. The amount of the cost of:

1. Filing of legal papers, expert witnesses' fees, search fees and advertising charges in the course of any proceeding taken under this section determined in favor of the borough; and

2. Such repairs, alterations or improvements, or vacating and closing, or removal or demolition, as the case may be, shall be a municipal lien against the real property upon which such cost was incurred. If the building is removed or demolished by the public officer, he shall sell the materials of such building. The proceeds of any such sale of such materials or any sum derived from any contract for the removal or demolition of the building shall be credited against the cost of the removal or demolition thereof, including the clearing, and, if necessary, levelling of the site. If there are no such credits, or if the sum of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed as a lien certificate with the borough tax assessor and a copy thereof shall be sent forthwith to the owner by registered mail.

b. If the total of the credits exceeds such costs, the balance remaining shall be deposited by the public officer in the Superior Court of New Jersey and shall be secured in such manner as may be directed by such court. The proceeds shall be disbursed according to the order or judgment of such court to the persons found entitled thereto by final order or judgment of the court. Any owner or party in interest may, within 30 days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court of New Jersey to contest the reasonableness of the amount or the accuracy of the costs set forth in the lien certificate.

#### 10-4.12 Additional Powers to Public Officer.

The public officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provision of this section, including the following powers, in addition to others herein granted:

- a. To investigate building conditions in the borough in order to determine which buildings are unfit for human habitation or occupancy or use.
- b. To administer oaths and affirmations; examine witnesses and receive evidence.
- c. To enter upon premises for the purpose of making examinations; provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.

#### 10-4.13 Duties of the Borough Attorney.

The borough attorney shall:

- a. Prosecute all persons failing to comply with the terms of the notices provided for herein and the order provided for in this section.
- b. Appear at all hearings before the public officer in regard to "dangerous buildings."

c. Bring suit to collect all municipal liens, assessments, or costs incurred by the public officer in repairing or causing to be vacated or demolished "dangerous buildings."

d. Assist the public officer in obtaining administrative search warrants where necessary to effectuate the purposes of this ordinance.

e. Take such other legal action as is necessary to carry out the terms and provisions of this section.

#### 10-4.14 Emergency Cases.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "dangerous building" as defined herein is immediately repaired, vacated or demolished, the building inspector or other designated official shall report such facts to the public officer and if an actual and immediate danger to life is posed by the threatened collapse of any fire damaged or other structurally unsafe building, the public officer may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof. The costs of such emergency repair, vacation or demolition of such "dangerous building" shall be collected in the same manner as provided in subsection 10-4.11 hereof.

#### 10-4.15 Where Owner Absent From The Borough.

In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the borough, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the records of the tax collector to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it related. Such mailing and posting shall be deemed adequate service.

#### 10-4.16 Administrative Liability.

No officer, agent, or employee of the Borough of Highlands shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this section. Any suit brought against any officer, agent or employee of the Borough of Highlands as a result of any act required or permitted in the discharge of his duties under this section shall be defended by the borough, by the borough attorney or special counsel until the final determination of the proceedings therein.

#### 10-4.17 Duties of Fire Department.

The employees of the fire department shall make a report in writing to the building inspector of all buildings or structures which are, may be, or are suspected to be "dangerous buildings" within the terms of this section.

#### 10-4.18 Duties of Police Department.

All employees of the police department shall make a report in writing to the building inspector of any buildings or structures which are, may be, or are suspected to be "dangerous buildings" within the terms of this section.

#### 10-4.19 Separability.

It is the intention of the borough council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the governing body that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

#### 10-4.20 Delegation of Duties.

The public officer shall delegate and fix the duties of such officers, agents and employees as he deems necessary to assist him in carrying out the purposes of this section, subject to the confirmation, by resolution, of the borough council, and may delegate any of his functions and powers under this section to such officers, agents and employees as he may designate.

#### 10-4.21 ~~Functions of Substandard Housing Committee.~~ Assistance to Public Officer

The public officer may request ~~the substandard housing committee~~ the Borough Officials, including, but not limited to, the construction official; health officer; fire chief or his designee; welfare director; plumbing inspector; building inspector or assistant building inspector; fire inspector and/or the electrical inspector to assist him in determining whether a building under this section shall be demolished or repaired pursuant to the provisions of this section but the final order or determination in any case shall be deemed to be the order of determination of the public officer.

#### 10-4.22 Violations; Penalty for Disregarding Search Warrant Notices or Orders.

a. The owner of any "dangerous building" who shall fail to comply with any notice or order to repair, vacate or demolish said building given by any person authorized by this section to give such notice or order shall be subject to assessment of a fine not exceeding five hundred (\$500.00) dollars for each offense and a further sum of fifty (\$50.00) dollars for each and every day such failure to comply continues beyond the date fixed for compliance. This is in addition to any penalties which may be imposed on owner, occupant or lessee for violation of any criminal, disorderly persons or other ordinance violation.

The occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair said building in accordance with any notice given as provided for in this section shall be subject to a fine not exceeding one thousand (\$1,000.00) dollars for each offense and a further sum of fifty (\$50.00) dollars for each and every day such failure to comply continues beyond the date fixed for compliance. This is in addition to any

penalties which may be imposed on owner, occupant or lessee for violation of any criminal, disorderly persons or other ordinance violation.

b. The owner of any premises who refuses to allow inspection of his premises requested pursuant to an administrative search warrant obtained pursuant to the terms of this ordinance (Chapter X, subsection 10-4.1 et seq.) shall be subject to a fine not exceeding one thousand (\$1,000.00) dollars and/or may be subject to imprisonment in the county jail for a period not to exceed 90 days.

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.

Motion: Approve Ordinance 17-12, moved by Councilmember Card; Seconded by Councilmember Broullon

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

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

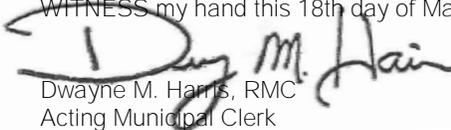
No: None

Abstain: None

Public Hearing and possible adoption will be held June 07, 2017.

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