

Mr. Nolan offered the following ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

**O-08-04**  
**ORDINANCE AMENDING CHAPTER III OF THE**  
**REVISED GENERAL ORDINANCES OF THE**  
**BOROUGH OF HIGHLANDS**  
**AND MORE PARTICULARLY SECTION 3-9**  
**PENALTY**

**WHEREAS**, the Borough sets the maximum penalty for any violation of a provision of the Borough Ordinances and the current maximum penalty provided is less than that permitted pursuant to N.J.S.A. 40:49-5, and therefore this maximum penalty should be raised to give the Borough more flexibility with regard to issuing penalties for violations of ordinances.

**BE IT ORDAINED**, by the Borough Council of the Borough of Highlands that Chapter III of the revised general ordinances of the Borough of Highlands be amended and supplemented to read as follows:

New Text denoted by Underline, deletions by ~~Strikeover~~.

**SECTION ONE**

**PENALTY**

For violation of any provision of this chapter, any other chapter of this revision, or any, other ordinance of the Borough where no such penalty is provided regarding the section or sections violated, the maximum penalty, upon conviction, shall be a fine not exceeding ~~One Thousand Dollars (\$1,000.00)~~ Two Thousand Dollars (\$2,000.00), or imprisonment for a period not exceeding ninety (90) days, or both, or to a period of community service not exceeding ninety (90) days, as the discretion of the Municipal Court Judge. (N.J.S.A. 40:49-5)

For a violation of an ordinance pertaining to unlawful solid waste disposal, at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding Two Thousand Five Hundred Dollars (\$2,500.00) or a maximum penalty by a fine not exceeding Ten Thousand Dollars (\$10,000.00).

**SECTION TWO**

If any section or provision of this ordinance shall be held invalid in any court, the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid and shall be inseparable from the remainder or any portion thereof.

**SECTION THREE**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

#### **SECTION FOUR**

This ordinance shall take effect upon final passage and publication as provided by law.

Seconded by Mrs. Burton and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**DATE:** May 21, 2008

\_\_\_\_\_  
Nina Light Flannery, Borough Clerk

**Intro:** April 16, 2008

**Publish:** April 24, 2008, The Courier

**2<sup>nd</sup> Reading:** May 21, 2008

**Adoption:** May 21, 2008

**Publication:**

I, \_\_\_\_\_ Clerk/Deputy Clerk, do hereby certify this to be a true copy of Ordinance # \_\_\_\_\_ as adopted on \_\_\_\_\_.