

Mayor Nolan offered the following Ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

O-11-8

AN ORDINANCE ADDING NEW CHAPTER 277.5 TO THE REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS ENTITLED "BOROUGH VEHICLES"

New Chapter
2-7.5

This article is intended to set forth the guidelines under which Borough of Highlands ("Borough") vehicles will be authorized to Borough personnel and the guidelines under which Borough vehicles may be used, and shall be read in conjunction with the Motor Vehicle Policy provisions of the Borough of Highlands Personnel Manual.

- A. Where there is a conflict between this Ordinance and the Motor Vehicle Policy adopted simultaneously herewith, and the adopted Standard Operating Guidelines or other adopted Rules and Regulations of a Department, or of any County or State Law Enforcement Guidelines, the provisions of this section are superseded by those standards or guidelines. Further, employees whose employment is regulated by a collective bargaining agreement ("CBA") are subject only to those provisions of this article not specifically regulated by a CBA.
- B. As used in this article, the term "borough vehicle" shall mean those automobiles, trucks, vans or other self-propelled equipment owned, rented or leased by the Borough and licensed for travel on a public way.
- C. It is the policy of the Borough that certain positions require or are entitled to employee access to Borough vehicles. Said vehicles are not personal vehicles and are not for personal use. Borough vehicles should be viewed as belonging to the citizens of Highlands and are assigned solely for purposes consistent with providing services to those citizens.
- D. The assignment of Borough vehicles is solely in the discretion of the Borough. Borough vehicles available for this purpose may be assigned in a manner consistent with Borough workload and employee function. The assignment of vehicles may be rescinded by the Borough Administrator at any time.
- E. (1) Borough vehicles may only be used for legitimate Borough business. Vehicles may be taken home only upon the advance approval of the Administrator, except that department heads may also grant temporary approval to facilitate responses to after-hours emergency calls. When an employee takes home a Borough vehicle, it is to be utilized only for Borough business. The above provision shall not apply to those personnel who are determined, in the sole discretion of the Borough, to be first responders to Borough emergencies, including, but not limited to, the Police Chief and Fire Chiefs.

(2) Borough vehicles shall only be operated by Borough Employees or officials, and shall not be used to transport any individual who is not directly or indirectly related to Borough business. Passengers shall be limited to Borough employees and individuals who are directly associated with Borough work activity (Borough members, consultants, contractors, etc.). Family members shall not be transported in Borough vehicles. A Highlands employee who is also employed by another governmental entity may utilize a Borough vehicle for that employment only if the employment is pursuant to an interlocal agreement between the Borough and the other governmental entity.

(3) Vehicles should contain only those items for which the vehicle is designed. The Borough shall not be liable for the loss or damage of any personal property transported in the vehicle.

(4) Employees are expected to keep Borough vehicles clean and to report any malfunction or damage to their supervisors immediately.

(5) Employees may not operate Borough vehicles under the influence of alcohol, illegal drugs or prescription drugs or medications which may interfere with effective and safe operation.

(6) Employees who operate Borough vehicles must have a valid motor vehicle license issued by the state of their current residence and may be required to provide proof of a valid motor vehicle license annually.

(7) Employees driving Borough vehicles shall obey all applicable traffic and parking regulations, ordinances and laws, including, but not limited to, laws regarding cellular telephone usage.

(a) Employees who incur parking or other fines in Borough vehicles will generally be personally responsible for a payment of such fines, unless the payment of such fines is approved by the Borough Administrator.

(b) Employees who are involved in motor vehicle accidents or who are issued citations for any offense while using a Borough vehicle must at all times follow the procedures set forth in the Personnel Manual. Failure to do so will be grounds for disciplinary action in accordance with the Borough of Highlands Personnel Manual or Ordinance.

(9) This article is intended to provide a basic framework governing the use of Borough vehicles and, as such, cannot contain procedures governing every situation that might arise. Employees seeking clarification of or exemption from the provisions of this article should contact the Borough Administrator, who will provide such clarification and may authorize exceptions to this article under

mitigating circumstances. Such preapproval is required in order to avoid discipline for a violation of terms hereof.

Seconded by Mr. O'Neil and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Connelly, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

DATE: May 4, 2011

Carolyn Cummins, Borough Clerk

Introduction: April 6, 2011

Publication: April 15, 2011, Two River Times

P.H./Adoption: May 4, 2011

Publication:

I hereby certify this to be a true copy of Ordinance O-11-8 as adopted by the Governing Body of the Borough of Highlands on May 4, 2011.

BOROUGH CLERK/DEPUTY CLERK