

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

**BOROUGH OF HIGHLANDS**

**ORDINANCE NO. O-12-25**

**ORDINANCE AUTHORIZING EXECUTION OF MUTUAL AID AGREEMENT WITH THE BOROUGH OF ATLANTIC HIGHLANDS REGARDING USE OF SPECIAL POLICE OFFICERS II FOR HIGHLANDS MUNICIPAL COURT SECURITY**

**WHEREAS**, the Borough of Highlands Municipal Building, including Highlands Municipal Court, suffered severe damage as a result of Superstorm Sandy resulting in an emergency and as a result, Highlands Municipal Court will be utilizing the Atlantic Highlands Borough Hall Municipal Court Facilities to conduct its court proceedings; and

**WHEREAS**, in furtherance of its operations and in order to conduct court proceedings, Highlands Municipal Court utilizes Highlands Special Police Officers II as security officers; and

**WHEREAS**, N.J.S.A. 40A:14-146.14 permits special law enforcement officer to perform their duties within the jurisdictional limits of another municipality pursuant to a mutual aid agreement; and

**WHEREAS**, pursuant to N.J.S.A. 40A:14-156.1, it would be appropriate to enter into Mutual Aid Agreement with the Borough of Atlantic Highlands, in order to provide that Highlands Special Police Officers II will have appropriate police powers and authority within Atlantic Highlands for actions or potential actions arising from the Highlands Municipal Court and Highlands Special Officers operating in the Borough of Atlantic Highlands; and

**WHEREAS**, the Borough of Atlantic Highlands has previously expressed an intent to approve such an agreement; and

**WHEREAS**, N.J.S.A. 40A:14-156.1 allows two or more municipalities to enter into a mutual aid agreement for mutual police aid in the case of an emergency by way of reciprocal ordinances;

**NOW, THEREFORE, BE IT ORDAINED**, by the governing body of the Borough of Highlands, County of Monmouth, State of New Jersey, as follows:

SECTION 1: The Borough of Highlands approves the mutual aid agreement in substantially the same form as attached hereto; and

SECTION 2: The Borough Administrator is authorized to execute a Mutual Aid Agreement with the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey, for the Borough of Highlands to use the Borough of Atlantic Highlands Municipal Building and Municipal Court facilities to conduct the Borough of Highlands Municipal Court Proceedings, for the Highlands Special Police Officers II to provide security for the Borough of Highlands court proceedings; and

SECTION 3: **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 4: **REPEALER.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 5: **EFFECTIVE DATE.** This Ordinance shall take effect after final passage as provided by law.

Seconded by Mr. Francy and adopted on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**DATE:** December 19, 2012

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Carolyn Cummins, Borough Clerk

Introduced on: December 5, 2012

Publication:

P.H./Adoption:

Publication: