

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

O-14-6

**AN ORDINANCE AMENDING CHAPTER X “BUILDINGS
AND HOUSING” TO CONFORM TO THE
REQUIREMENTS OF N.J.S.A. 40:48-1, ET SEQ. AND TO
ALLOW THE BOROUGH TO DETERMINE AND ABATE
CERTAIN NUISANCES**

WHEREAS, the Borough regulates Buildings and Housing by and through Chapter X of the Borough Code; and

WHEREAS, the Borough regulates the emergency repair, vacation and demolition of “dangerous buildings” by and through subsection 10-4.14 of the Borough Code; and

WHEREAS, the Borough wishes to amend subsection 10-4.14 of the Borough Code to conform to the requirements of N.J.S.A. 40:48-2.5; and

WHEREAS, the Borough regulates nuisances, in part, by and through subsection 10-4-7 of the Borough Code; and

WHEREAS, the Borough Code does not presently provide a mechanism for the Borough to abate certain nuisances; and

WHEREAS, the Borough wishes to amend subsection 10-4.7 of the Borough Code to provide a mechanism for the Borough to abate nuisances; and

WHEREAS, the Governing Body finds that it is in the best interests of the Borough to amend the Borough Code as hereinafter provided; and

NOW, THEREFORE BE IT ORDAINED as follows:

Section One. The Borough Code, subsection 10-4.14, “Emergency Cases,” shall be amended to provide as follows:

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.

Section Two. The Borough Code, subsection 10:4-7, "Dangerous Buildings; Nuisances," shall be amended to provide as follows:

- (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.

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 All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section Five. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

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

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

DATE: March 19, 2014

Carolyn Cummins, Borough Clerk

I hereby certify this to be a true copy of Ordinance O-14-6 adopted by the Governing Body of the Borough of Highlands on March 19, 2014.

Borough Clerk/Deputy Clerk

