



ORDINANCE O-26-10

AMENDING CHAPTER 21 (ZONING AND LAND USE REGULATIONS), SECTION 21-65.9 (GRADING AND TOPSOIL REMOVAL), SECTION 21-84B (STEEP SLOPES AND SLUMP BLOCKS), SECTION 21-99 (ENFORCEMENT) AND SECTION 21-107B (FEES) OF THE CODE OF THE BOROUGH OF HIGHLANDS

WHEREAS, Chapter 21, Article XI Design Standards, Section 21-65.9 of the Code of the Borough of Highlands governs grading and topsoil removal and there is currently no application fee to cover the cost of the engineer’s review of grading applications and performing inspections prior to issuance of a Certificate of Occupancy; and

WHEREAS, Chapter 21, Article XIV Establishment of Districts, Section 21-84B governs Steep Slopes and Slump Blocks and the current application fee does not cover the cost of the engineer reviewing applications and performing inspections; and

WHEREAS, Chapter 21, Article XXI Enforcement, Section 21-99 governs enforcement of development regulations and needs more expansive language; and

WHEREAS, Chapter 21, Article XXIII Fees, Section 21-107B governs application fees and needs to be amended to include zoning permit fees.

WHEREAS, the governing body has determined that it is in the best interest of the Borough to amend Chapter 21 regarding grading permit applications and inspections, review and inspection fees, enforcement of development regulations, and to add zoning permit fees.

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

SECTION I.

Chapter 21, Article XI Design Standards, Section 21-65.9 Grading and Topsoil Removal is hereby amended as follows: (Additions are shown in **bold italics with underlines** and deletions are shown as ~~strikethrough in bold italics~~.)

Section 21-65.9. Grading and Topsoil Removal.

A. – B. No change.

C. Residential Lots. A grading plan shall be submitted for applications to construct a new single-family dwelling, a new two-family dwelling, a new accessory building or structure that exceeds 500 square feet, and/or an addition to a single-family, two-family dwelling or accessory building or structure, **or land disturbance** that exceeds 500 square feet. The plan shall include the existing and proposed building and lot coverage, as well as grading contours at one-foot intervals, except where there will be a disturbance of slopes exceeding 5%, a two-foot interval is permissible, and if they exceed 10%, a five-foot interval is permissible. Grading plans shall also include existing and proposed building and lot coverage calculations and data. No certificate of occupancy shall be issued until the Borough Engineer is satisfied that final grading has been completed in accordance with the detailed grading plans.

D. Application. The applicant shall deposit an initial application filing fee of \$800 with the Chief Financial Officer. For each re-review of the application, an additional fee of \$200 shall be due. If additional escrow fees are required, the applicant shall deposit with the Chief Financial Officer an amount equal to the estimated review fee, as determined by the Borough Engineer. No permit will be issued until a deposit is placed with the Chief Financial Officer, equal to the estimated inspection fee, as determined by the Borough

Engineer. Inspections shall be required by the Borough Engineer prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy. If additional inspection fees are required, the applicant shall deposit with the Chief Financial Officer an amount equal to the new estimated inspection fee before any work can continue or Certificate can be issued. Any deposit accounts shall be maintained at levels sufficient at all times to cover all estimated fees or work may be halted. The Chief Financial Officer will keep the Borough Engineer aware of account balances as necessary.

SECTION II.

Chapter 21, Article XIV Establishment of Districts, Section 21-84B Steep Slopes and Slump Blocks is hereby amended as follows: (Additions are shown in **bold italics with underlines** and deletions are shown as **~~strikethrough in bold italics~~**.)

Section 21-84B. Steep Slopes and Slump Blocks.

- A. – F. No change.
- G. Review and inspection fees. The applicant shall deposit an initial application filing fee of ~~\$425~~ **\$800** with the Chief Financial Officer. **For each re-review of the application, an additional fee of \$200 shall be due.** If additional escrow fees are required, the applicant shall deposit with the Chief Financial Officer an amount equal to the estimated review fee, as determined by the Borough Engineer. Inspections shall be required before, during stabilization and upon completion of the work or disturbance, during and for two years after complete stabilization, or for any other reasonable time, as determined by the Borough Engineer, to ~~insure~~ **ensure** the purposes of this section are met. No permit will be issued until a deposit is placed with the Chief Financial Officer, equal to the estimated inspection fee, as determined by the Borough Engineer. If additional inspection fees are required, the applicant shall deposit with the Chief Financial Officer an amount equal to the new estimated inspection fee before any work can continue. The inspection fee deposit account shall remain for two years after complete stabilization. Any deposit accounts shall be maintained at levels sufficient at all times to cover all estimated fees or work may be halted. The Chief Financial Officer will keep the Borough Engineer aware of account balances as necessary.

SECTION III.

Chapter 21, Article XXI Enforcement, Section 21-99 ENFORCEMENT is hereby amended to read as follows: (Additions are shown in **bold italics with underlines** and deletions are shown as **~~strikethrough in bold italics~~**.)

- A. – B. No change.
- C. No building or structure, or part thereof, shall be erected, constructed, reconstructed, ~~structurally~~ altered, **renovated** or moved until a zoning permit has been issued by the Zoning Officer, **except that alterations or renovations limited to the interior of a building or structure shall not require a zoning permit.**
- D. – F. No change.

SECTION IV.

Chapter 21, Article XXIII Fees, Section 21-107 SCHEDULE ESTABLISHED, Subsection B is hereby amended by adding the following to the existing table: (Additions are shown in **bold italics with underlines** and deletions are shown as **~~strikethrough in bold italics~~**.)

| <u>Application</u> | <u>Application Fee</u> | <u>Plus</u> | <u>Escrow Account</u> |
|-----------------------------------|------------------------|-------------|-----------------------|
| <u>ZONING PERMITS</u> | | | |
| <u>Addition:</u> | <u>\$300</u> | | |
| <u>Alteration</u> | <u>\$50</u> | | |
| <u>Antenna</u> | <u>\$300</u> | | |
| <u>Bulkhead</u> | <u>\$300</u> | | |
| <u>Change of Use</u> | <u>\$50</u> | | |
| <u>Driveway/Walkway</u> | <u>\$300</u> | | |
| <u>Fence</u> | <u>\$50</u> | | |
| <u>Garage</u> | <u>\$300</u> | | |
| <u>Generator/HVAC</u> | <u>\$50</u> | | |
| <u>New Business</u> | <u>\$50</u> | | |
| <u>New Construction</u> | <u>\$300</u> | | |
| <u>Pavers</u> | <u>\$50</u> | | |
| <u>Pool</u> | <u>\$50</u> | | |
| <u>Porch/Deck/Patio/Steps</u> | <u>\$50</u> | | |
| <u>Renovation</u> | <u>\$50</u> | | |
| <u>Retaining Wall</u> | <u>\$50</u> | | |
| <u>Single/Two Family Dwelling</u> | <u>\$300</u> | | |
| <u>Shed</u> | <u>\$50</u> | | |
| <u>Sign</u> | <u>\$50</u> | | |
| <u>Storage Pod</u> | <u>\$50</u> | | |
| <u>Other</u> | <u>\$50</u> | | |

SECTION V. 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 the ordinance, which shall otherwise remain in full force and effect.

SECTION VI. REPEALER.

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

SECTION VII. EFFECTIVE DATE.

This Ordinance shall take effect after final passage as provided by law.

First Reading and Set Hearing Date for O-26-10:

| | <u>INTRODUCED</u> | <u>SECOND</u> | <u>AYE</u> | <u>NAY</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|-----------|-------------------|---------------|------------|------------|----------------|---------------|
| CERVANTES | | X | X | | | |
| CHELAK | X | | X | | | |
| MELNYK | | | X | | | |
| OLSZEWSKI | | | | | | X |
| BROULLON | | | X | | | |

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's Office.

DATE OF VOTE: April 15, 2026



 Nancy Tran, Municipal Clerk
 Borough of Highlands

Public Hearing for O-26-10:

| | INTRODUCED | SECOND | AYE | NAY | ABSTAIN | ABSENT |
|-----------|------------|--------|-----|-----|---------|--------|
| CERVANTES | | | | | | |
| CHELAK | | | | | | |
| MELNYK | | | | | | |
| OLSZEWSKI | | | | | | |
| BROULLON | | | | | | |

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's Office.

DATE OF VOTE: May 20, 2026

Carolyn Broullon, Mayor

Nancy Tran, Municipal Clerk
Borough of Highlands