

Mr. Urbanski offered the following Ordinance pass third and final reading and moved on its adoption and publication:

O-09-29

**AN ORDINANCE RESCINDING CHAPTER 17,
OF THE CODE OF THE BOROUGH OF HIGHLANDS
AND DISSOLVING AND DELETING THE BUSINESS IMPROVEMENT DISTRICT
AND DISTRICT MANAGEMENT CORPORATION**

WHEREAS, Chapter 17 of the Code of the Borough of Highlands created a Business Improvement District as an area in which a special assessment on property would be imposed for promoting the economic welfare of the entire District; and

WHEREAS, the provisions of Chapter 17 contemplated a temporary existence of the Business Improvement District and the special assessment tax upon the businesses within the district and specifically indicated that the Chapter was to expire in three years unless re-enacted by the Mayor and Council of the Borough of Highlands prior to March 17, 2001; and

WHEREAS, the Governing Body of the Borough of Highlands have determined that the need for the Business Improvement District within the Borough of Highlands no longer exists; and

WHEREAS, the Governing Body has decided that it shall cease the taxation and special assessments that it imposes on all of the businesses within the Business Improvement District and terminate the funding of the District Management Corporation, the Highlands Business Partnership, Inc., by the Borough of Highlands as of June 30, 2009; and

WHEREAS, the Governing Body of the Borough of Highlands have determined that the Business Improvement District, created pursuant to Chapter 17 shall cease to exist and that the funding of the Highlands Business Partnership, Inc., shall hereby terminate.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Highlands that:

1. Chapter 17 is hereby revoked, rescinded and deleted in its entirety from the Code of the Borough of Highlands, thereby terminating the Business Improvement District, created pursuant to Chapter 17 and ceasing the funding by the Business Improvement District of the Highlands Business Partnership, Inc.
2. The zone and area within the Borough of Highlands that had heretofore been designated by Chapter 17 as the Business Improvement District, an area in which special assessments on property within the district was imposed for the purposes of promoting the economic and general welfare of the designated Business Improvement District, is hereby dissolved and released from any such special assessment and taxation. The last special assessment and taxation was as of June 30, 2009.
3. That the Highlands Business Partnership, Inc., its predecessor or successor, shall no longer be designated or considered as the "District Management Corporation" for the District as a

consequence of the rescission and deletion of Chapter 17. The District has hereby been deleted, and this management corporation shall no longer conduct any business as the Business Improvement District Management Corporation.

4. Any powers that had been heretofore created, designated or delegated to the District Management Corporation that had been created by Chapter 17 of the Code of the Borough of Highlands are hereby rescinded, revoked, deleted and taken from the District Management Corporation, the Highlands Business Partnership, LLC, its Steering Committee, members or any individual or entity associated therewith. There shall be no entity that shall be lawfully known as the District Management Corporation of the Business Improvement District of the Borough of Highlands hereafter, as a consequence of the recession and deletion of Chapter 17.

5. That the deletion of Chapter 17 of the Code of the Borough of Highlands, negates the need for the Borough of Highlands to require and receive an annual audit of the District Management Corporation.

6. Nothing herein shall in any way effect the power and authority of the Borough of Highlands to exercise legislative authority or its police power over any of the area, lands, or buildings within its Jurisdiction.

7. If any provisions of this Ordinance deleting Chapter 17 of the Code of the Borough of Highlands or the application thereof, to any person or circumstance is held invalid, such holding shall not effect other provisions of this Chapter and to this end the provisions of this Chapter are severable.

This Chapter shall take effect immediately after passage and publication is required by Law.

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

ROLL CALL:

AYES: Ms. Kane, Mr. Caizza, Mr. Urbanski

NAYES: Mr. Francy, Mayor Little

ABSENT: None

ABSTAIN: None

DATE: December 2, 2009

CAROLYN CUMMINS
Borough Clerk

I hereby certify this to be a true copy of Ordinance O-09-29 adopted by the Governing Body of the Borough of Highlands on December 2, 2009.

BOROUGH CLERK/DEPUTY CLERK

Intro: October 22, 2009
Publish: October 30, 2009
2nd Reading: December 2, 2009
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