

Mayor Nolan offered the following Ordinance and moved on its final reading and adoption:

O-13-27
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

AN ORDINANCE SUPPLEMENTING AND AMENDING SECTION 10-3
OF THE BOROUGH CODE OF THE BOROUGH OF HIGHLANDS
REGULATING HOME ELEVATION CONTRACTORS WITHIN THE
BOROUGH

WHEREAS, as a result of Superstorm Sandy and implementation of new base flood elevation calculations within the Borough, an unprecedented number of homes within the Borough will be raised; and

WHEREAS, the Borough recently experienced two homes collapsing while in the process of being raised; and

WHEREAS, the Borough finds that establishing minimum standards and procedures for home raising is in the best interest of the safety, health and welfare of the people of the Borough of Highlands.

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

SECTION ONE: Section 10-3.1, “Definitions,” of the Borough Code shall be supplemented with the addition of the following definitions:

“Home elevation” means any home improvement that involves raising an entire residential or non-commercial structure to a higher level above ground in order to avoid flood damage.

“Home elevation contractor” means a contractor or subcontractor who engages in the practice of home elevation.

“Unified jacking machine” means a machine used to raise a structure that is capable of lifting each corner and the entire bulk of the structure in a synchronized manner.

SECTION TWO: There shall be added to the Borough Code, a new section, Section 10-3.8, entitled “Home Elevation Contractors,” which shall read:

10-3.8 Home Elevation Contractors

a. All home elevation contractors engaging in home elevation in the Borough shall be registered with the Division of Consumer Affairs in the Department of Law of Public Safety.

b. All home elevation contractors engaging in home elevation in the Borough shall comply with the provisions of the "Contractors' Registration Act," P.L. 2004, c. 16.

c. Home elevation contractors shall utilize a unified jacking machine for any home elevation.

d. Prior to commencing any home elevation in the Borough, the home elevation contractor and subcontractor, if any shall have an in-person pre-elevation meeting and site walk-through with the Construction Code Official.

e. **Insurance.** All home elevation contractors engaged in home elevation in the Borough shall secure, maintain, and file with the Borough proof of a certificate of commercial general liability insurance in a minimum amount of \$1,000,000 per occurrence; and shall additionally carry insurance in the minimum amount of \$500,000 per occurrence to cover the contents of the premises for any peril not covered in the homeowner's insurance policy that could result from elevating the home.

f. **Bond.** No permit shall be issued for a home elevation project until the home elevation contractor has filed a bond in an amount determined to be sufficient by the Borough Engineer. The bond shall be executed by the home elevation contractor as principal and a surety company licensed to do business in the State of New Jersey as surety and shall be conditioned as follows:

1. To indemnify and hold harmless the borough from all loss, damage, claim or expense, including expenses incurred in the defense of any litigation, arising out of injury to any person or property resulting from any work done by the home elevation contractor.

2. To indemnify the borough for any expense incurred in enforcing any of the provisions of this section.

3. To indemnify any person who shall sustain personal injuries or damage to his/her property as a result of any act or omission of the home elevation contractor, his/her agents, employees or subcontractors done in the course of any work under the permit.

One bond may be accepted to cover a number of home elevation projects by the same home elevation contractor. Bonds shall remain in force for a period to be determined by the Borough Engineer.

g. **Violations.** Any person who is found to be in violation of this section shall be subject to a fine in accordance with Section 1-5 of the Borough Code and not less than \$1,000.00. Additionally, any person who is found to be in violation of this section shall be barred from engaging in home elevation in the Borough for a period of two (2) years.

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 introduced on the following roll call vote;

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Ms. Kane, Mayor Nolan

NAYES: Mr. Francy

ABSTAIN: None

ABSENT: None

DATE: November 6, 2013

Carolyn Cummins, Borough Clerk