

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of December 3, 2014 at 8:00 P.M.

O-14-31

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**AN ORDINANCE SUPPLEMENTING SECTION 4-9, "MERCANTILE LICENSES," TO PERMIT BACKGROUND CHECKS BY AN ENTITY OTHER THAN FOR FINGERPRINT/ CRIMINAL RECORD HISTORY BACKGROUND CHECKS**

WHEREAS, pursuant to N.J.S.A. 40:52-1, the Borough has determined to license merchants within the Borough and adopted Section 4-9, "Mercantile Licenses," in the Code of the Borough of Highlands; and

WHEREAS, Section 4-9.4 provides that on submission of the application and required fee to the borough clerk, the borough shall cause an investigation to be made by the police department of, inter alia, an applicant's criminal record history background check by submitting an applicant's fingerprints, which is performed by an outside entity designated by the State of New Jersey; and

WHEREAS, applicants have informed the Borough that it takes an inordinate amount of time to get an appointment and results from this outside entity; and

WHEREAS, the Borough wishes to provide applicants with other options for the criminal record history background check in order to expedite the process.

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

SECTION ONE. Section 4-9.4(a), "Investigation; Appeals," of the Code of the Borough of Highlands shall be amended as outlined below with underscores representing additions and ~~strikethroughs~~ representing deletions:

*a. Investigation. On submission of the application and required fee to the borough clerk, the borough shall cause an investigation to be made by the police department. The applicant shall pay the fees set forth below for said investigations as follows:*

*State/Federal Fingerprint Checks..... \$ 59.00  
(Money order only - Payable to: NJ State Police SBI)*

*The Borough may, annually, select an alternate entity to provide criminal record history background checks/fingerprint services by soliciting proposals and designating the most qualified entity responding to the solicitation of proposals.*

*Gateway Business Status Reports (for financial background checks)..... \$ 5.00*

*Standing Certificates..... \$ 40.00*

*Foreign Limited Liability Certificates\*..... \$ 75.00*

*Domestic Limited Liability Certificates\*..... \$ 75.00*

*\*The police chief, or his designated representative will have sole discretion to determine whether it is necessary to obtain Foreign and/or Domestic Limited Liability Certificates.*

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 Ms. Kane and adopted on the following roll call vote;

**ROLL CALL:**

**AYE: Mr. Card, Ms. Kane, Mr. Redmond, Ms. Ryan, Mayor Nolan**

**NAY: None**

**ABSENT: None**

**ABSTAIN: None**

**DATE: October 22, 2-14**

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**Carolyn Cummins, Borough Clerk**