

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

O-15-2

**AN ORDINANCE UPDATING BOROUGH CODE SECTION 2-3.2
CONCERNING THE MANNER IN WHICH VACANCIES ON THE BOROUGH
COUNCIL ARE FILLED.**

WHEREAS, the Borough of Highlands (hereinafter referred to as “Borough”) is a Faulkner Act municipality governed by the Small Municipality (Plan C) form of New Jersey municipal government; and

WHEREAS, the Borough’s governing body consists of a mayor and four council members, who are elected on an at-large basis in non-partisan elections; and

WHEREAS, Borough ordinance 2-3.2 currently provides that council vacancies shall be filled in the manner provided by the “Municipal Governing Body Vacancy Law,” N.J.S. 40:45B-1 et seq.; and

WHEREAS, the Municipal Governing Body Vacancy Law was repealed by L. 1979, c. 83, § 1; and

WHEREAS, the Borough Code should accurately reflect the law governing the procedure for filling vacant seats on the Borough Council; and

WHEREAS, the relevant law now governing the procedure for filling vacancies on the Borough Council is the “Municipal Vacancy Law,” N.J.S.A. 40A:16-1 et seq.; and

WHEREAS, an amendment to the Code of the Borough is required in order to modify the section that sets forth the appropriate law governing the procedure for filling vacancies on the Borough Council; and

WHEREAS, the Borough wishes to amend Section 2-3.2, “Vacancies” to establish that vacant council seats will be filled pursuant to the Municipal Vacancy Law; and

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands, County of Monmouth, State of New Jersey, as follows:

SECTION ONE. Borough Code Section 2-3.2 “Vacancies,” shall be amended to provide as follows:

Vacancies shall be filled in the manner provided by the “Municipal Vacancy Law,” N.J.S.A. 40A:16-1 to -23.

SECTION TWO. The first sentence of Borough Code Section 2-3.1 “Composition, Election, Term” shall be amended to read:

The council shall consist of the mayor and four councilpersons.

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 All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.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. This Ordinance shall take effect after final passage and publication as provided by law.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
KANE			x			
REDMOND		x	x			
RYAN			x			
NOLAN	x		x			
ON CONSENT AGENDA			YES	x	NO	

DATE: February 18, 2015

Carolyn Cummins, Borough Clerk

I hereby certify this to be a true copy of Ordinance O-15-2 adopted by the Governing Body of the Borough of Highlands on February 18, 2015.

 Borough Clerk/Deputy Clerk