

Mayor Nolan offered the following Ordinance pass final reading and moved on its adoption and authorized its publication according to law:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
O-16-5**

**AN ORDINANCE AMENDING ORDINANCE O-16-1,
SPECIFICALLY BOROUGH CODE SECTION 21-17A.8, TO
PROVIDE FOR THE STATUTORY MINIMUM NOTICE OF
TEN (10) DAYS**

WHEREAS, the Borough adopted O-16-1, which combined the functions of the Planning Board and Zoning Board; and

WHEREAS, part of Section One of that Ordinance, codified at Section 21-17A.8 of the Borough Code, provides:

§ 21-17A.8. Notice. All applications or matters which come before the Borough of Highlands Land Use Board shall be subject to the notice requirements of N.J.S.A. 40:55D-12 et seq. and shall be submitted not later than 21 days prior to the next hearing date; and

WHEREAS, the Municipal Land Use Law, specifically, N.J.S.A. 40:55D-12, “Notice of Applications,” establishes *minimum* requirements for notice of applications, and reads, “Notice... shall be given *at least* 10 days prior to the date of the hearing” (emphasis added); and

WHEREAS, in an effort to provide added transparency to land use applications, O-16-01 provided for twenty-one (21) days notice; and

WHEREAS, counsel for the Planning Board requested that such notice requirement be reduced to the statutory minimum notice requirement of ten (10) days; and

WHEREAS, the governing body wishes to amend O-16-01 to conform to that request.

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

SECTION ONE. Ordinance O-16-01 and Borough Code Section 21-17A.8 shall be amended as follows (strikethrough represent deletions; underscore represents additions):

§ 21-17A.8. Notice. All applications or matters which come before the Borough of Highlands Land Use Board shall be subject to the notice requirements of N.J.S.A. 40:55D-12 et seq. and shall be submitted not later than ~~21~~ 10 days prior to the next hearing date; and

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 All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION FOUR. EFFECTIVE DATE. This Ordinance shall take effect after final passage and publication, *nunc pro tunc* February 8, 2016 or as soon thereafter as provided by law.

Seconded by Ms. D'Arrigo and adopted on the following roll call vote:

ROLL CALL:

AYE: Ms. Broullon, Ms. D'Arrigo, Mrs. Wells, Mayor Nolan

NAY: None

ABSENT: Mr. Card

ABSTAIN: None

DATE: April 6, 2016

Carolyn Cummins, Borough Clerk

I hereby certify this to be a true copy of Ordinance O-16-5 adopted by the Governing Body of the Borough of Highlands on April 6, 2016.

Borough Clerk/Deputy Clerk