BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE O-26-01

AMENDING CHAPTER 21 "ZONING AND LAND USE REGULATIONS," ARTICLE III "ADMINISTRATIVE PROCEDURES," SECTION 21-11 "HEARINGS, FILING OF ORDINANCES," OF THE CODE OF THE BOROUGH OF HIGHLANDS

WHEREAS, Chapter 21, Section 11 of the Borough Code establishes the procedures for hearings on applications for development and adoption of master plans, ordinances, capital improvement programs, and official maps; and

WHEREAS, P.L. 2025, c. 72 mandates that after March 1, 2026, all municipalities required to publish or advertise legal notices must do so on the municipality's official website (as opposed to a print newspaper).

WHEREAS, certain provisions of Chapter 21, Section 11 include newspaper publication requirements for legal notices in accordance with the Municipal Land Use Law.

WHEREAS, the governing body sees fit to amend said provisions of Chapter 21, Section 11 of the Borough Code to reflect the requirements of P.L. 2025, c. 72.

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

SECTION I. Chapter 21, Section 21-11 of the Borough Code is hereby amended to provide as follows: (All additions are shown in ***bold italics with underlines***. The deletions are shown as ~~***strikeouts in bold italics***~~).

§ 21-11 **HEARINGS; FILING OF ORDINANCES.**

A. The Board shall hold a hearing on each application for development, except for concept plan review. The Planning Board shall also hold a hearing on the adoption, revision or amendment of a Master Plan. The governing body shall hold a hearing on the adoption or amendment of a development regulation, an Official Map or a capital improvements program.

1. The Board shall make the rules governing such hearings. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least ten (10) days before the date of the hearing, during normal business hours, in the office of the administrative officer. The applicant may produce other documents, records or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.
2. The officer presiding at the hearing, or such person as he may designate, shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law, N.J.S.A. 2A:67A-1 et seq., shall apply.
3. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
4. Technical rules of evidence shall not be applicable to the hearing, but the agency may exclude irrelevant, immaterial or unduly repetitious evidence.
5. The Board shall provide for the verbatim recording of the proceedings by either stenographic, mechanical or electronic means and shall furnish a transcript, or duplicate recording in lieu thereof, on request to any interested party at his expense. Said transcript shall be certified in writing by the transcriber to be accurate.

6. The Board shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. It shall provide the findings and conclusions through:
   a. A resolution adopted at a meeting held within the time period provided in the act for action by the Board on the application for development; or
   b. A memorializing resolution adopted at a meeting held no later than forty-five (45) days after the date of the meeting at which the Board voted to grant or deny approval. Only the members of the Board who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution.
   c. An action pursuant to Section 21-l0A of this chapter (resulting from the failure of a motion to approve an application) shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution. The vote on any such resolution shall be deemed to be a memorialization of the action of the Board; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailings, filings and publications required by paragraphs A7 and A8 of this section. If the Board fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the Board to reduce its findings and conclusions to writing within a stated time, and the cost of the application, including attorney's fees, shall be assessed against the municipality.
7. A copy of the decision shall be mailed by the Board within ten (10) days of the date of decision to the applicant, or if represented, then to his attorney, without separate charge, and to all who request a copy of the decision for a reasonable fee. A copy of the decision shall also be filed by the Board in the office of the Borough Clerk. The Borough Clerk shall make a copy of such filed decision available to any interested party for a reasonable fee and available for public inspection at his office during reasonable hours.
8. A brief notice of the decision shall be published in the official newspaper of the municipality, if there is one, or in a newspaper of general circulation in the municipality. ***After March 1, 2026, this notice shall be published on the "Legal Notices" webpage of the Borough's official website exclusively.*** Such publication shall be arranged by the Board Clerk, provided that nothing in this chapter shall be construed as preventing the applicant from arranging such publication if he so desires. The municipality may make a reasonable charge for its publication. The period of time in which an appeal of the decision may be made shall run from the first publication of the decision, whether arranged by the municipality or the applicant.

B. Notice of Hearing on Application for Development or Adoption of Master Plan. Notices pursuant to paragraphs B1 and B2 below shall state the date, time and place of the hearing, the nature of the matters to be considered, and, in the case of notices pursuant to paragraph B1 below, an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Municipal Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available pursuant to paragraph Al above.

1. Notice of Applications. Notice pursuant to paragraphs B1a, B1b, B1c, B1d, B1e, B1f and B1g below shall be given by the applicant. Said notice shall be given at least ten (10) days prior to the date of the hearing.
   a. Public notice of a hearing on an application for development shall be given, except for minor subdivisions, minor site plans and final approval, by publication in the official newspaper of the municipality, if there is one, or in a newspaper of general circulation in the municipality. ***After March 1, 2026, this notice shall be published on the "Legal Notices" webpage of the Borough's official website exclusively.***
   b. Notice of a hearing requiring public notice pursuant to paragraph B1a above shall be given to the owners of all real property, as shown on the current tax duplicate, located in the State and within two hundred (200) feet in all directions of the property which is the subject of such hearing, provided that this requirement shall be deemed satisfied by notice to the condominium association, in the case of any unit owner

whose unit has a unit above or below it, or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by serving a copy thereof on the property owner, as shown on said current tax duplicate, or his agency in charge of the property or by mailing a copy thereof by certified mail to the property owner at his address, as shown on said current tax duplicate. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within two hundred (200) feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners or homeowners on account of such common elements or areas.

c. Upon the written request of an applicant, the Tax Assessor or his designee shall, within seven (7) days, make and certify a list from said tax duplicates of names and addresses of owners to whom the applicant is required to give notice pursuant to paragraph B1b of this section. The applicant shall be entitled to rely upon the information contained in such list, provided the date of the list if no greater than ninety (90) days prior to the date of the public hearing, and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding. A sum not to exceed twenty-five ($0.25) cents per name, or ten ($10.00) dollars, whichever is greater, may be charged for such list.

d. Notice of hearings on applications for development involving property located within two hundred (200) feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality.

e. Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing County road or proposed road shown on the official County map or on the County master plan, adjoining other County land or situated within two hundred (200) feet of a municipal boundary.

f. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a State highway.

g. Notice shall be given by personal service or certified mail to the State Planning Commission of a hearing on an application for development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the Administrative Officer pursuant to paragraph A1 above.

h. The applicant shall file an affidavit of proof of service with the municipal agency holding the hearing on the application for development in the event that the applicant is required to give notice pursuant to this section.

i. Notice pursuant to paragraphs B1d, B1e, B1f and B1g above shall not be deemed to be required unless public notice pursuant to paragraphs B1a and B1b are required.

2. Notice Concerning Master Plan. The Planning Board shall give:

a. Public notice of a hearing on the adoption, revision or amendment of the Master Plan. Such notice shall be given by publication in the official newspaper of the municipality, if there is one, or in a newspaper of general circulation in the municipality, at least ten (10) days prior to the date of hearing. ***<u>After March 1, 2026, this notice shall be published on the "Legal Notices" webpage of the Borough's official website exclusively.</u>***

b. Notice by personal service or certified mail to the Clerk of an adjoining municipality of all hearings on the adoption, revision or amendment of a Master Plan involving property situated within two hundred (200) feet of such adjoining municipality, at least ten (10) days prior to the date of any such hearing.

c. Notice by personal service or certified mail to the County Planning Board of all hearings on the adoption, revision or amendment of the Municipal Master Plan, at least ten (10) days prior to the date of the hearing, such notice to include a copy of

any such proposed Master Plan or any revision or amendment thereto, and notice of the adoption, revision or amendment of the Master Plan not more than thirty (30) days after the date of such adoption, revision or amendment, such notice to include a copy of the Master Plan or revision or amendment thereto.

3. Effect of Mailing Notice. Any notice by certified mail shall be deemed complete upon mailing.

C. [No change.]

D. [No change.]

SECTION II. <u>SEVERABILITY.</u>

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 the ordinance, which shall otherwise remain in full force and effect.

SECTION III. <u>REPEALER.</u>

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

SECTION IV. <u>EFFECTIVE DATE.</u>

This Ordinance shall take effect after final passage as provided by law.

First Reading and Set Hearing Date for O-26-01:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES		X	X			
CHELAK			X			
MELNYK			X			
OLSZEWSKI	X		X			
BROULLON			X			

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's Office.

DATE OF VOTE: January 21, 2026

Nancy Tran, Municipal Clerk
Borough of Highlands

Public Hearing for O-26-01:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						X
CHELAK			X			
MELNYK	-	X	X			
OLSZEWSKI			X			
BROULLON	X		X			

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's office

DATE OF VOTE: February 4, 2026

Carolyn Broullon, Mayor

Nancy Tran, Municipal Clerk
Borough of Highlands