

**BOROUGH OF LONGPORT  
RESOLUTION 2017-133**

**A RESOLUTION OF THE BOROUGH OF LONGPORT, COUNTY OF ATLANTIC, STATE OF NEW JERSEY  
TRANSFERRING JURISDICITON OF ELEVATOR SAFETY ENFORCEMENT BACK TO THE BOROUGH AND  
APPROVING A SHARED SERVICE AGREEMENT BETWEEN ATLANTIC CITY AND THE BOROUGH OF  
LONGPORT FOR ELEVATOR SERVICES**

**WHEREAS**, the Mayor and Commissioners of the Borough of Longport have determined to transfer jurisdiction of the elevator safety enforcement sub-code back to the Borough of Longport; and

**WHEREAS**, at the current time, the New Jersey Department of Community Affairs has that jurisdiction, but pursuant to NJAC 5:23-43(a)3, the Borough has the right to re-acquire jurisdiction of the elevator sub-code duties by enacting a resolution; and

**WHEREAS**, the City of Atlantic City is desirous of providing elevator inspection services for other communities to carry out certain inspections and enforcement procedures; and

**WHEREAS**, the Borough of Longport (Borough) is desirous of sharing elevator inspection services with the City of Atlantic City to provide efficient service to its property owners; and

**WHEREAS**, N.J.S.A. 5:23-4.5(j) prohibits Atlantic City employees from carrying out any inspection or enforcement procedure with the respect to any property or business which he or she, or any close relative or household member, or his or her superior within the Borough or any close relative or household member of such superior, has an economic interest; and

**WHEREAS**, where any such conflict of interest should arise, the City of Atlantic City shall arrange for the inspection or enforcement procedure to be carried out by another enforcing agency; and

**WHEREAS**, pursuant to N.J.S.A 40a:65-1, et seq., the Borough may enter an agreement with any other local unit or units to receive any service that each local unit participating in the agreement is empowered to provide; and

**WHEREAS**, all fees pursuant to the Atlantic City Code Chapter 111, Section 111-12, received from elevator inspections shall be shared between the Borough of Longport and the City of Atlantic City as follows; 20 % to the Borough and 80% to the City of Atlantic City; and

**WHEREAS**, the shared services agreement shall be for a four year term taking effect January 1, 2018 to December 31, 2021;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Commissioners of the Borough of Longport that pursuant to NJAC 5:23-43(a)3 the jurisdiction of the elevator safety sub-code shall be transferred from the Department of Community Affairs to the Borough of Longport, New Jersey; and,

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be forwarded to the Department of Community Affairs since the transfer of jurisdiction does not occur until 120 calendar days, or such other time within 120 calendar days as the Department of Community Affairs may so designate, after a certified copy of the resolution is received by the Department of Community Affairs,

**BE IT FURTHER RESOLVED** that the Mayor is duly authorized to negotiate and execute and the Municipal Clerk to attest an inter-local shared service agreement for Elevator Inspection Service between the

Borough of Longport and the City of Atlantic City to be approved as to form and executed by the City Solicitor pursuant to State approval.

This resolution shall take effect immediately upon passage.

ATTEST: Borough of Longport

\_\_\_\_\_  
Nicholas M. Russo/Mayor

\_\_\_\_\_  
Matthew Conlon, Acting Municipal Clerk

I, Matthew Conlon, Acting Municipal Clerk for the Borough of Longport, do hereby certify that the foregoing resolution was duly adopted at a regular meeting of the Governing Body of the Borough of Longport held this 20<sup>th</sup> day of December, 2017 and in witness whereof I have hereunder set my hand and official seal of this date written.

	Motion	Second	Yes	Nay	Abstain	Absent
Russo	x		X			
Leeds			X			
Lawler		x	x			

\_\_\_\_\_  
Matthew Conlon, Acting Municipal Clerk