

CHAPTER II

ADMINISTRATIVE CODE *

ARTICLE I

GENERAL PROVISIONS

2-1 SHORT TITLE.

This chapter shall be known and referred to as the “Administrative Code” of the Township of Rockaway.
(Code 1971 § 3-2)

2-2 DEFINITIONS.

For the purposes of this Administrative Code, except as the context may otherwise direct, the following terms shall be deemed to convey the meanings herein set forth:

Charter shall mean the provisions of the Optional Municipal Charter Law (P.L. 1950, Chapter 210, as amended) governing Mayor-Council Plan.

Department shall mean a unit of the municipal government established or designated by this ordinance as a department.

Director shall mean the head of a “department” established by this Code and designated as such on the organization chart of the Township.

General Law shall mean any law or provisions of law, not inconsistent with the Optional Municipal Charter Law (P.L. 1950, Chapter 210, as amended), or hereafter enacted, which is by its terms applicable or available to all municipalities, and the following additional laws whether or not such additional laws are so applicable or available to all municipalities: legislation relating to taxation, local courts, education, health, public authorities serving more than one (1) municipality, and municipalities in unsound financial condition.

Governing Body shall mean the Municipal Council of the Township comprised of nine (9) elected members in accordance with provisions of the Optional Municipal Charter Law.

Municipality shall mean the Township of Rockaway in the County of Morris.

Ordinance shall mean all ordinances of the Township of Rockaway in force and effect on January 1, 1968, and thereafter.

Public Employee shall mean any current or former elected or appointed official, officer or member of the boards, agencies and commissions of the Township or employee or servant, whether or not compensated or part-time, who is or was authorized by the Township to perform any act or service; provided, however, that this term does not include an independent contractor. (Code 1971 § 3-3; Ord. #99-5 § 1)

- Salary provisions are not included as part of “The Revised General Ordinances of the Township of Rockaway.” The current Salary Ordinance is on file in the Office of the Township Clerk.

ARTICLE II

THE MAYOR

2-3 OFFICE OF THE MAYOR.

2-3.1 Powers and Duties of the Mayor.

The executive power of the municipality shall be exercised by the Mayor. The Mayor shall:

- a. Enforce the Charter and ordinances of the Township and all general laws applicable thereto.
- b. He shall annually report to the Council and the public on the work of the previous year and on the condition and requirements of the municipal government, and shall make such recommendations for action by the Council as he may deem in the public interest.
- c. He shall supervise all of the departments of the municipal government and shall require each department to make an annual and such other reports of its work as he may deem desirable.
- d. After receiving an ordinance adopted by the Council and submitted to him by the Clerk of the Council, he shall, within ten (10) days after receiving any ordinance, either approved the ordinance by affixing his signature thereto or return it to the Council by delivering it to the Township

Clerk, together with a statement setting forth his objections thereto or to any item or part thereof.

- e. The Mayor may attend meetings of the Council and may take part in discussions but shall have no vote except in the case of a tie on a question of filling a vacancy in the Council, in which he may cast the deciding vote.
- f. The Mayor shall appoint each department head with the advice and consent of the Council.
- g. The Mayor may in his discretion remove any department head after notice and an opportunity to be heard. Prior to removing a department head, the Mayor shall first file written notice of his intention with the Council, and such removal shall become effective on the twentieth day after filing of such notice, unless the Council shall prior thereto have adopted a resolution by a two-third (2/3) vote of the whole number of the Council, disapproving the removal.
- h. During the month of November, the Mayor shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before the Mayor or the Business Administrator at public hearings, which shall be held during the month of November.
- i. In such calendar year, the Mayor shall be required to submit to the Township Council a preliminary expense budget for the coming year by January 15th, which preliminary budget is to highlight the areas in which expenditures will be increased or decreased for the prior year, with the understanding that the proposed level of expenditures will, of necessity, be adjusted upon the Township's calculation thereafter, of available revenues from the State and other sources.

The Mayor's budget, as submitted to the Council, shall contain within its format for each line item of the budget the following information:

1. Three (3) prior years for actual and budgeted expenditures;
2. Justification or reason for each line item expenditure; and

3. Such other information as required by the applicable rules and regulations including, but not limited to, the Mayor's suggested budget to the budget year.
- j. Where no other provision is made for appointments, the Mayor shall have the power to appoint with the advice and consent of the Council.
- k. The Mayor shall have the power to assign and reassign, transfer and retransfer either temporarily or permanently, any property or personnel from one function to another or from one administrative unit to another as the management of the Township government may require, subject to the express requirements of the Charter and all other applicable general laws and ordinances of the Township.
1. In the event any department head shall have resigned or shall have been dismissed, the Mayor, under the provisions of the General law and the provisions of the Administrative Code of the Township of Rockaway, shall assume the duties and responsibilities of the department head, or, in lieu thereof, appoint as acting head of the department any other department head. In any event, the Mayor shall appoint a new department head within ninety (90) days of the date of resignation or dismissal of the department head, the appointment to be made with the advice and consent of the Council.

(Code 1971 § 3-10, A; Ord. #92-16 § 1; Ord. #95-13 § 1; Ord. #97-25 § 1)

2-3.2 Temporary Acting Mayor.

The Mayor shall designate the Business Administrator, any other department head or the Township Clerk to act as Mayor whenever the Mayor shall be prevented, by absence from the municipality, disability or other cause, from attending to the duties of his office. During such time the person so designated by the Mayor shall possess all the rights, powers and duties of the Mayor. The Mayor shall notify the Clerk, Council and department heads, in writing, of any designation as acting Mayor prior to such delegation. Whenever the Mayor shall have been unable to attend to the duties of his office for a period of sixty (60) consecutive days for any of the above-stated reasons, an Acting Mayor shall be appointed by the Council, who shall succeed to all the rights, powers and duties of the Mayor or the then Acting Mayor.

(Code 1971 § 3-10B)

2-3.3 Delegation of Powers.

The Mayor may delegate to the head of any department any functions, powers or duties conferred upon the Mayor by ordinance which are not required by Charter or general law to be performed or discharged personally by the Mayor.

(Code 1971 § 3-10C)

2-3.4 Compensation.

The compensation of the Mayor shall be provided in the salary ordinance, to be paid monthly.

(Code 1971 § 3-10D)

2-3.5 Vacancy in Position of Mayor; Council President to Become Acting Mayor.

- a. Upon the creation of a vacancy in the position of Mayor, the Council President shall become the Acting Mayor and assume the duties and powers of the Mayor until such time as a successor Mayor is appointed and qualifies pursuant to the Municipal Vacancy Law. During this interim period between the creation of the vacancy and the appointment of a successor, the Council President shall exercise all of the duties and powers of the Mayor, but the powers shall cease upon the appointment of a successor under the Municipal Vacancy Law and the Acting Mayor shall resume the position and duties of the Council President.
- b. During the time period set forth in paragraph a. that the Council President assumes the duties and powers of Mayor, the Vice-President of the Council shall act as Council President with the Mayor voting only in the case of a tie vote by the Council.

(Ord. No. 92-28)

ARTICLE III

THE MUNICIPAL COUNCIL

2-4 POWERS AND DUTIES OF THE COUNCIL.

2-4.1 General Powers.

The Council shall exercise the legislative power of the Township, except as may be otherwise provided by general law. It may require any Township Officer, by majority vote of the Council, in its discretion, to prepare and submit

sworn statements, regarding his official duties and his performance thereof, and otherwise to investigate the conduct of any department, officer or agency of the Township. It may remove any Township Officer other than the Mayor or Member of the Council, for cause, upon notice and opportunity to be heard. However, nothing in this chapter shall exempt the Mayor and Council Members from the personal liability as a result of arbitrary, capricious or malicious acts against officers and/or employees of the Township, and such acts shall be considered in violation of the Township policy.
(Code 1971 § 3-5)

2-4.2 Compensation*

The compensation of each member of the Council shall be provided for by ordinance and shall be paid monthly.
(Code 1971 § 3-6)

2-4.3 Additional Compensation of Council President*

The President of the Council, by reason of his additional duties, shall receive an additional sum to be provided for by ordinance, which sum to be paid monthly.
(Code 1971 § 3-7)

2-4.4 Vacancies in Elective Offices.

Vacancies in any elective office of the Township shall be filled in accordance with the provisions of the Municipal Vacancy Law, N.J.S.A. 40A-16.1 et seq., Municipal Vacancy Law.

ARTICLE IV

MEETINGS OF THE COUNCIL

2-5 RULES OF PROCEDURE; MEETINGS OF THE COUNCIL.

2-5.1 Governing Rules.

Questions of order, methods of organization and the conduct of the business of the Rockaway Township Council shall be determined by the Council President who, at his discretion, may choose to have any matter in issue concerning questions of order, methods of organization and the conduct of business determined by a majority vote of the Council. Roberts Rules of Order may be consulted for general guidance to aid in the disposition or resolution of any issue, however, Roberts Rules of Order shall not have binding effect in any matter or issue before the Township Council.

(Code 1971 § 3-4; Ord. O-13-20; Ord. O-14-09)

2-5.2 Regular Meetings.

The Council shall meet annually for organization on the first Tuesday of January at 7:30 pm. The Council shall meet regularly thereafter on the second and fourth Tuesdays of each month at 7:30 pm. If a Regular Meeting falls on a legal holiday or such other day when the Council determines that it would be inappropriate to hold the meeting, the Council, by resolution, shall set the time and place of the regular scheduled meeting.

(Code 1971 § 3-4B; Ord. 9-4-73; Ord. 7-1-75; Ord. 3-16-76; Ord. 2-7-84; Ord. O-13-20)

2-5.3 Special Meetings.

The Mayor or the President of the Council may, and upon written request of a majority of the Members of the Council shall, call a Special Meeting of the Council. The request and call for such Special Meeting shall specify the purpose of the meeting, and no other business shall be transacted at that meeting. A call for a Special Meeting shall be filed with the Township Clerk at least twenty- four (24) hours before the time for which the meeting is called, and the Clerk shall forthwith give notice thereof by telephone or electronic mail to each Council Member and the Mayor. The Clerk shall also post one (1) copy of the call for the Special Meeting in a prominent place in the Municipal Building. Upon written consent executed by two-thirds (2/3) of the Members of the Council, a Special Meeting may be held without prior notice notwithstanding the above provisions of this section, however, in such case the Township Clerk shall forthwith give notice of such Special Meeting by telephone or electronic mail to each Council Member and the Mayor.

(Code 1971 § 3-4C; Ord. 9-5-72; Ord. O-13-20)

2-5.4 Public Meetings.

All Regular and Special Meetings of the Township Council shall be open to the public. The Township Administrator, Assistant Township Administrator, Township Attorney, Clerk, Chief Financial Officer, Engineer, and such other Township officers or employees as may be required, shall attend all Regular and Special Meetings of the Council.

(Code 1971 § 3-4D; Ord. O-13-20)

2-5.5 Conferences of Council.

Deleted
(Ord. O-13-20)

2-5.6 Quorum.

A majority of the whole number of Council Members shall constitute a quorum at any Regular or Special Meeting of the Council. No ordinance shall be adopted by the Council without the affirmative vote of a majority of all Council Members.

(Code 1971 § 3-4F; Ord. O-13-20)

2-5.7 Order of Business and Agenda.

- a. *Order of Business.* The business of the Council at Regular Meetings, and, so far as practicable, at Special Meetings, shall be taken up for consideration and disposed of in the following order, after the pledge of allegiance to the flag of the United States of America:
 1. Roll call taken by Clerk.
 2. Notice of Open Public Meetings Act.
 3. Approval of minutes of previous meetings.
 4. Ordinances to adopt (with public comment).
 5. Open to the public.
 6. Ordinances to introduce.
 7. Consent agenda
 - (a) Resolutions
 - (b) Appointments
 8. Old business
 9. New business
 10. Reports – Committees, administration, etc.
 11. Adjournment

- b. *Change Order of Business.* The President of the Council may change the order of business as he deems necessary in order to expedite the completion of business to be considered.

- c. The agenda for each Regular and Special Meeting of the Council shall be prepared by the Clerk. Except for emergency matters which may be added to the agenda at any time with the approval of the Council President or by a 2-1/3 (2/3) affirmative vote of the Council Members present and voting, the agenda for each regular meeting of the Council shall include only such matters of Council Business as have been presented or delivered to the Clerk not less than 24 hours before commencement of the meeting scheduled. The agenda may be later supplemented as authorized by the Council President when necessary. The Clerk shall deliver a copy of the agenda to each Council Member; the Mayor; the Township Administrator; Assistant Township Administrator; and each department head. Once prepared, the Clerk shall make available for inspection copies of each agenda.

(Code 1971 § 3-4G; Ord. O-13-20)

2-5.8 Presiding Officer; Elections and Duties.

The presiding officer of the Council shall be the President, who shall be elected at its organization meeting and shall hold office for a period of two (2) years. The President shall perform such other duties as the Council may prescribe. The President for each succeeding term shall be elected by the Council at the first regular meeting in January, and when elected he shall take office immediately and shall hold office for two (2) years from that date or until his successor shall have been duly elected. In the absence of the President and the Vice-President, the Council shall elect a temporary President, who shall then preside over the Council. The President shall assume the chair of the presiding officer immediately after his election. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council. A majority vote of the Council shall govern and determine all questions of order not otherwise herein covered. The President shall sign all ordinances and resolutions adopted by the Council during his presence. In the event of the absence of the President and Vice-President, such ordinances and resolutions shall be signed by the presiding officer. A Vice-President of the Council may be chosen by the Council at its organization meeting for a term of two (2) years. The Vice-President shall preside at all meetings of the Council in the absence of the President and otherwise exercise the authority of the President in his or her absence.

(Code 1971 § 3-4H; Ord. 2-15-85)

2-5.9 Mayor's Attendance.

The Mayor may attend meetings of the Council and may take part in discussions of the Council but shall have no vote, except in the case of a tie on the question of filling a vacancy in the Council, in which case he may cast the deciding vote.

(Code 1971 § 3-4I)

2-5.10 Call to Order.

The President shall take the chair for the meeting and shall immediately call the Council to order. In the absence of the President and Vice-President, the Clerk or his designee shall call the Council to order, whereupon a temporary President shall be elected by the members of the Council present. Upon the arrival of the President, the temporary President shall relinquish the chair upon the conclusion of the business immediately before the Council.

(Code 1971 § 3-4J)

2-5.11 Roll Call.

Before proceeding with the business of the Council, the Clerk shall take the roll of members and the names of those present shall be entered in the minutes.

(Code 1971 § 3-4K)

2-5.12 Reading of the Minutes.

Unless a reading of the minutes of a Council meeting is requested by a majority of the Council, such minutes, when approved by the majority on roll call vote, will be considered approved without reading, provided that the Clerk shall have furnished to each Member of the Council a copy of the minutes of the preceding meeting one (1) week after the meeting or as soon thereafter as is practicable.

(Code 1971 § 3-4L)

2-5.13 Motions and Debate.

- a. *Participation by President.* The President or such other Member of the Council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed upon all members, and shall not be deprived of any of the rights and privileges of a Councilmember by reason of his being the presiding officer.

- b. *Debate.* Every member desiring to speak shall address the presiding officer and, upon recognition, shall confide himself to the question under debate, avoiding all personalities and indecorous language. A member, once recognized, shall not be interrupted when speaking unless it be to call him to order as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined by the presiding officer, and if in order, he shall be permitted to proceed. Any member may appeal to the Council from the decision of the chair upon a question of order, when without debate the chair shall submit to the Council the question, "Shall the decisions of the chair be sustained?" and the Council shall decide by a majority vote.
- c. *Closing Debate.* The Councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.
- d. *Voting on Roll Call.* Upon any roll call, there shall be no discussion or explanation given by any member voting, and he shall vote "yes" or "no." A member of the Council may abstain from voting on any matter.

(Code 1971 § 3-4M)

2-5.14 Addressing the Council.

Any person desiring to address the Council shall first seek recognition by the presiding officer; provided, however, that a portion of the regular monthly public meeting and the monthly conference agenda meeting shall be open to public comment. Upon recognition by the chair, the person shall give his name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he shall limit his statement to five (5) minutes. Statements shall be address to the Council as a body and not to any member thereof. A Councilman shall not direct any question to a speak addressing the Council, except through the presiding officer.

(Code 1971 § 3-4N; Ord. 2-7-84)

2-5.15 Decorum.

While the Council is in session, the members shall preserve order and decorum. The Council President at his/her discretion, shall direct the Chief of Police or such other person in the Police Department as he may designate to be the Sergeant of Arms at the Council meeting. The sergeant at Arms shall employ reasonable means to maintain the proper order and decorum consistent with accepted standards.

(Code 1971 § 3-4O)

2-5.16 Special Committees.

All special committees and the Chairman thereof shall be appointed by the Council President at a Regular, Conference or Special Meeting. A quorum of each special committee shall consist of a majority of the members thereof. Meetings of special committees shall be held at such time as shall not conflict with regular meetings.

(Code 1971 § 3-4P)

2-5.17 Nominations.

Upon receipt from the Mayor of his nomination to any office or portion, the same shall be read under “administrative agenda” by the Clerk, and unless otherwise ordered, shall be considered by the Council, after discussion under “new business.” When taken up for action the President shall put the question on each nomination as follows: “Will the Council confirm the nomination?” On that motion a vote shall be ordered and if a simple majority or more members vote to confirm, the President shall announce, “The nomination is confirmed.” If less than a simple majority vote to confirm, the President shall announce, “The nomination is rejected.” Action of confirmation or rejection upon a nomination made by the Mayor shall not be postponed or delayed longer than for one (1) regular meeting. Within two (2) days after confirmation or rejection of nomination, the Clerk shall, in writing, notify the Mayor of that fact.

(Code 1971 § 3-4Q)

2-5.18 Ordinances and Resolutions.

- a. *Preparation.* All ordinances and resolutions shall be drafted by or receive the approval of the Township Attorney as to form and legality, who shall prepare such ordinances and resolutions as the Council may request. A copy of each ordinance which shall be submitted to the Council for introduction at a regular or special meeting of the Council shall be delivered to each Councilmember on Friday prior to the time of the meeting or as soon thereafter as practicable, provided, however, the Council, by unanimous consent, may waive this requirement.
- b. *Introduction.* Any Councilmember may introduce a resolution or ordinance.
- c. *Adoption of Ordinances.*

1. Procedure as required by general law. All ordinances shall be adopted and published in the manner required by general law; provided, however, that any ordinance may incorporate by reference any standard technical regulations or code, official or unofficial, which need not be so published. Upon introduction of any ordinance, such ordinance is available for public examination as long as that ordinance remains in effect.
 2. Submission of ordinances to Mayor. All ordinances adopted by the Council shall be submitted to the Mayor, and he shall, within ten (10) days after receiving any ordinance, either approve the ordinance by affixing his signature thereto or return it to the Council by delivering it to the Municipal Clerk, together with a statement setting forth his objections thereto or to any item or part thereof. The Clerk shall immediately notify the members of the Council in writing. No ordinance or any item or part thereof shall take effect without the Mayor's approval, unless the Mayor fails to return an ordinance to the Council within ten (10) days after it has been presented to him, or unless Council upon reconsideration thereof on or after the third day following its return by the Mayor shall be a vote of two-thirds (2/3) of the members resolved to override the Mayor's veto.
- d. *Effective Date of Ordinance.* No ordinance shall take effect less than twenty (20) days after its final passage by Council and approval by the Mayor (unless Council overrides the Mayor's veto), unless the Council shall adopt a resolution declaring an emergency and at least two-thirds (2/3) of the Council vote in favor of such resolution: provided, however, that nothing herein shall affect the provisions of the local bond law with respect to the effective date of ordinances passed pursuant thereto.
- e. *Certification of Passage of Ordinance Over Mayor's Veto.* Whenever an ordinance has been vetoed by the Mayor and is passed by the Council over such veto in the manner provided by law, the clerk shall append to such ordinance a certificate in substantially the following form:

"I hereby certify that the above ordinance was adopted by the Council
on _____ day of _____ and was vetoed by the Mayor by his

action whereby he returned the said ordinance to the Council by delivering it to the Municipal Clerk together with a statement setting forth his objections thereto and thereafter on the _____ day of _____ the Council did by a vote of two-thirds of the members thereof resolve to override the Mayor's veto. Signed, Township Clerk.”
(Code 1971 § 3-4R)

ARTICLE V

ORGANIZATION OF TOWNSHIP GOVERNMENT

2-6 STRUCTURE.

2-6.1 Chief Executive Officer.

The Township Government shall consist of the Mayor, who shall be the chief executive officer, and Council, and such appointive officers and employees as are provided for by this Article or otherwise authorized pursuant to law, organized within departments, offices and agencies as herein provided.
(Code 1971 § 3-9)

2-6.2 Departments Established.

- a. Department of Administration
- b. Department of Community Services.
- c. Department of Finance.
- d. Department of Public Works and Utilities.
- e. Police Department.
- f. Department of Fire.
- g. Department of Engineering, Planning and Construction.

(Code 1971 § 3-9A; Ord. 11-21-78; Ord. 9-6-83; Ord. #96-17 § 1; Ord. #11-10; Ord. #12-05)

2-6.3 Township Attorney.

A township Attorney shall be appointed by the Mayor with the advice and consent of the Council for a term of one (1) year, and until his successor has been appointed and qualified.

- a. *Duties and Compensation.* The Township Attorney shall be licensed to practice law in the State of New Jersey and shall provide legal services to the Township. He shall perform all legal services authorized by the Mayor or Council and required for the Township pursuant to an annual agreement approved by resolution. The Township Attorney shall submit itemized bills to the Township on a monthly basis for all professional services rendered, and shall be paid for all professional services at an hourly rate as set forth in the annual agreement. In addition, all disbursements incurred by the Township Attorney shall be included in the monthly, itemized bill. "Disbursements" are defined as any out of pocket expenses incurred by the Township Attorney in connection with the provision of legal services to the Township.
- b. *Power to Compromise.* The Township Attorney may, with the approval of Mayor and Council, be empowered to compromise, settle or adjust any rights, claims, demands or causes of action in favor or against the Township.
- c. *Special Counsel.* The Township Attorney is authorized, with approval of the Mayor, within the available appropriations, to employ additional counsel to assist him in performing the services required of the Township Attorney.
- d. *Expiration of Term of Office.* Upon the expiration of his term of office or his resignation or removal therefrom, the Township Attorney shall surrender forthwith to the several Township officers charged with the custody thereof, all deeds, leases, conveyances, obligations, bonds, contracts, agreements, reports and all other documents in his hands belonging to the Township, and shall deliver to his successor in office all legal papers and documents relating to the business of the Township, together with a written consent of substitution of his successor in all actions then pending and determined in which the Township is a party.
- e. *Prosecutor.* A municipal Prosecutor shall be appointed at the discretion of the Mayor with the advice and consent of the Council for a term of one (1) year and until his successor has been appointed and qualified. The Municipal Prosecutor shall receive such compensation as provided in an annual agreement approved by resolution. The Municipal Prosecutor shall represent the Township for all matters tried

in the Rockaway Township Municipal Court. The Mayor, with the advice and consent of the Council, may appoint additional or alternate Municipal Prosecutors under the same terms and conditions, as same may be required for the proper and orderly administration of the Court. Any Municipal Prosecutor shall be licensed to practice law in the State of New Jersey.

- f. *Public Defender.* A Municipal Public Defender shall be appointed by the Mayor with the advice and consent of the Council for a term of one (1) year, and until his successor has been appointed and qualified. The Mayor may appoint, with the advice and consent of the Council, such Deputy Municipal Public Defenders shall be licensed to practice law in the State of New Jersey, and shall be appointed for one (1) year pursuant to a yearly agreement approved by resolution. Any Municipal Public Defender shall have all the duties and responsibilities provided by P.L. 1997, Ch. 256 with respect to the representation of indigent defendants in the Rockaway Township Municipal Court.
- g. *Application for Representation by Public Defender.* A person applying for representation by the Municipal Public Defender shall pay an application fee of two hundred (\$200.00) dollars. In accordance with P.L. 1997, Ch. 256 and with the guidelines promulgated by the Supreme Court, the Municipal Court may waive any required application fee, in whole or in part, only if the Court determines, in its discretion, upon a clear and convincing showing by the applicant that the application fee represents an unreasonable burden on the person seeking representation. The Municipal Court may allow an applicant to pay the application fee over a specific period of time not to exceed four (4) months.
- h. *Eligibility for Services.* Eligibility for services of the Municipal Public Defender shall be determined by the Municipal Court on the basis of the need of the defendant. Need shall be measured as provided by law and in accordance with guidelines promulgated by the New Jersey Supreme Court.
 - 1. *Investigation of Financial Status.* The Municipal Court shall make an investigation of the financial status of each defendant seeking representation and shall have the right to request a defendant to execute and deliver

written requests or authorizations required to provide the Court with access to records of public or private sources, otherwise confidential, as may be of aid in evaluating eligibility. If defendant has or reasonable expect to have means to meet some part though not all, of the cost of services rendered, defendant shall reimburse the Township and the Township shall have a lien on any property to which defendant shall have or acquire an interest for an amount equal to the reasonable value of the services rendered to the defendant. The Municipal Attorney may do all things necessary to collect any money due to the Township for services rendered by a Municipal Public Defender.

- i. *Establishment of Fund.* Funds collected from the application fee shall be deposited in a dedicated fund administered by the Chief Financial Officer of the Township. The funds shall be used exclusively to meet the cost incurred in providing the services of a Municipal Public Defender including, when required, expert and lay investigation and testimony.

(Code 1971 § 3-9B; Ord. 307072; Ord. 6-5-80; Ord. #98-2 §§ 1, 2; Ord. O-13-07)

2-6.4 Auditor.

An Auditor shall be appointed by the Council for a term of one (1) year and until his successor has been appointed and qualified. The Auditor of the Township shall receive payment for services as provided by Resolution for services performed. He shall make an annual audit of the books, accounts and financial transactions of the Township in accordance with the provisions of "Local Fiscal Affairs Law" (R.S. 40A:5-1 et seq.). The Township Auditor shall perform such other services as may be requested by the Mayor or the Council.
(Code 1971 § 3-9C)

2-6.5 Clerk of Council.

The Council shall appoint a Municipal Clerk who shall serve as the Clerk of the Council for a three (3) year term (N.J.S.A. 40A:9-133). This appointment provision may be superseded by State law which may grant tenure to this position. The Township Clerk shall serve as Clerk of the Township Council and shall keep a journal of the proceedings of the Council and shall assemble and retain all ordinances, and all resolutions of a permanent character, in books to be provided for that purpose. After each ordinance the Township Clerk shall also assemble, retain and certify the proof of publication thereof, as

required by law. Each ordinance and resolution so assembled and retained shall be signed by the presiding officer of the Council and Clerk, who shall attest that it was duly adopted upon a date stated, pursuant to law, and when so signed, the copy shall be deemed to be a public record of the ordinance or resolution. Any omission by the Clerk or presiding officer of the Council to assemble and retain, sign or certify as herein required shall not impair or affect the validity of any ordinance which has been duly adopted. At the close of each year, with the advice and assistance of the Township Attorney, the Clerk shall bind, compile or codify all ordinances and resolutions or true copies thereof which then remain in force and effect. The Township Clerk shall also properly index and record books, compilation or codification of ordinances or resolutions.

- a. *Custodian of Records.* The Clerk shall have custody of and shall safely keep all the records, books, contracts, agreements and documents of the Township except such as shall be committed by Charter or ordinance to any other office or be transferred thereto by resolution of the Council. The Clerk shall, upon request and upon the payment of fees prescribed therefor, by resolution of the Council, furnish a certified copy of any such paper in his custody, under the Corporate Seal of the Township.
- b. *Corporate Seal.* The Township Clerk shall cause the Corporate Seal of the Township to be affixed to any instruments and writings when authorized to do so by any ordinance or resolution of the Council, or when necessary to exemplify any document on record in his office or to certify any act or paper which from the records of his office shall appear to have been a public act of the Township or a public document. The clerk shall not affix the Seal or permit it to be affixed to any instrument or writing or other paper except as in this section provided, unless required to do so by law or ordinance.
- c. *Insurance Surety Bond and Contracts.* The Clerk shall be the depository and custodian of all official surety bonds furnished by or on account of any Township office or officer or employee, except his own bond, which shall be placed in the custody of the Township Treasurer, who shall also be known as the Chief Financial Officer. The Clerk shall also have custody of all leases of property owned by the Township. The Township Clerk shall be the depository for and have custody of all performance bonds running to the Township as obligee, and other form of security given by any

contractor, subdivision developer or other persons on account of work done or to be done in or for the Township.

- d. *Administration of Certain Laws and Ordinances.* In addition to such other functions, powers and duties as may be prescribed by the Charter and ordinances, the Township Clerk shall:
1. Perform all the functions required of municipal clerks by the General Election Law (Title 19 of the Revised Statutes) and any other law or ordinance.
 2. Issue such licenses as may be authorized by the Council pursuant to the State Alcoholic Beverage Control Law (N.J.S.A. 33:1-1 et seq.) and the ordinances.
 3. Perform such functions as are vested in the Municipal Clerk by State law and ordinances relating to bingo and raffles licensing.
 4. Perform as Registrar of Vital Statistics; maintains all Vital Statistic Records.
 5. Perform all duties to Assessment Searches on Municipal properties. The Township Clerk shall make or cause to be made and certify Searches for Municipal Improvement Liens on real property in the Township as may be authorized by law and charge and collect for the use of the Township the fee required pursuant to Law for any such charges.
 6. Have such other and additional functions, powers and duties as may be prescribed by law or ordinance.
- e. *Notice to Attend Meetings of Council.* The Township Clerk shall issue notices to the respective members of the Council and to all other persons whose attendance may be required at any Regular Meetings of the Council. Such notice shall be in accordance with a schedule which the Clerk shall prepare on the first day of January for the ensuing year. The Clerk shall, whenever a Special Meeting of the Council is called in accordance with the law, issue and cause notices thereof to be served upon the Members of the Council and any other persons whose presence may be required. The Township

Clerk shall give notice of meetings in compliance with the Open Public Meetings Act.

- f. The Township Clerk shall be required to submit monthly Clerk's Accounts Reports to the Council by the tenth day of the following month.

(Code 1971 § 3-9D)

2-6.6 Township Engineer.

A Township Engineer shall be appointed by the Mayor, with the advice and consent of the Council, for the term of the Mayor and until his successor has been appointed and qualified in accordance with N.J.S.A. 40:69A-40.

- a. *Compensation.* The township Engineer shall be compensated by such sum as shall be fixed by ordinance.
- b. *Functions and Duties:*
 - 1. Coordinate the planning and expansion of the sewer utilities, water and roads of the Township.
 - 2. Serve as the Department Head of the Department of Engineering, Planning and Construction.
 - 3. Assist and advise other departments as may be deemed necessary.
 - 4. Maintain the index "as-built" plans and drawings of all Township construction, including water and sewer systems, showing exact locations of all connections and other details.
 - 5. Supervise the inspection and testing of all construction work performed in connection with the expansion of sewer utilities, water drainage and roads.
 - 6. Assist the Township Attorney in procuring easements from property owners as may be required in connection with any needed land to be used by the Township.
 - 7. Maintain the Township Official Map.
 - 8. Attend all meetings of the Planning Board, Council and other boards or agencies as may be required.

9. Perform all engineering assignments and services as required by the Planning Board, including the investigation and preparation of reports referable to subdivision and site plan applications.
10. Assist in updating the existing planning and zoning legislation of the Township.
11. Determine the accuracy of all vouchers submitted for labor and material supplied by contract or otherwise within the scope of engineering.
12. Approve or reject the installation of all required improvements in land subdivisions and developments, and submit reports in connection therewith to the Planning Board or Council as may be required.
13. Review Developers Agreements and establish bond amounts for approved subdivisions and site plans.
14. Surrender upon expiration of term of office, resignation or removal, any or all Township property, including records, plans, specifications, contracts, supplies and equipment, as well as all work products and all things necessary for the uninterrupted continuation of the office and duties of Township Engineer.
15. Prepare proposals, instructions and advertisements for bidding, assist Township Attorney in the preparation of contracts in connection therewith, and obtain adequate bonds, to be approved by the Township Attorney as to legality.
16. Review plot plans required by ordinance for individual houses as referred from construction department.
17. Assume membership and meet with Tenancy Committee of the Planning Board.
18. Perform all engineering services as may be required under and by virtue of Township ordinances, including the Land Subdivision Ordinance.

(Code 1971 § 3-9E; Ord. #96-17 § 2)

2-6.7 Other Agencies and Boards.

There shall be such other agencies and boards, judicial, legislative, advisory and independent agencies and offices of the Township government as are hereinafter established.

(Code 1971 § 3-9F)

2-7 DEFENSE AND INDEMNIFICATION.

2-7.1 Intent and Purpose.

It is the intent and purpose of this section to provide for the defense of actions against and the indemnification of public employees, as permitted by N.J.S.A. 59:10-4 et seq.

(Ord. #99-5 § 2)

2-7.2 Defense of Civil Actions.

Except as provided in subsection 2-7.3, the Township Council shall provide a public employee with the necessary defense, or at its option, means for the defense of any action brought against the public employee, including cross claims or counterclaims, where the Township Council has determined that:

- a. The public employee's act or omission complained of was within the scope of his or her employment; and
- b. Said act or omission did not constitute a crime, actual fraud, actual malice or willful misconduct.

(Ord. #99-5 § 2)

2-7.3 Exceptions to Defense of Civil Actions.

The provisions of subsection 2-7.2 shall not be applicable when:

- a. The defense of the action or proceeding is fully provided for by an insurance policy or policies, whether obtained by the Township or by any other person;
- b. The legal action has been brought by the Township against the public employee;
- c. The legal action is a criminal or disciplinary action;
- d. The public employee failed to deliver to the Township Clerk, within twenty (20) calendar days after the time the public employee is served with any summons, complaint, process, notice, demand or pleading, the original or a copy of the same.

(Ord. #99-5 § 2)

2-7.4 Indemnification of Compensatory Damages.

- a. The Township shall indemnify a public employee for compensatory damages assessed in any action for which a defense or means for a defense is provided by the Township under Section 2-7, provided, however, that the municipality shall not indemnify a public employee for any compensatory damages arising out of an act or omission which is found by the trier of fact to constitute a crime, actual fraud, actual malice or willful misconduct.
- b. For the purposes of Section 2-7, compensatory damages shall include any bona fide settlement agreements entered into on behalf of a public employee in an action for which a defense or means for a defense has been provided by the Township under Section 2-7.
- c. In any case where the Township would be required to provide a defense under this chapter except for the fact that such defense is provided for by insurance, the Township shall provide indemnification as aforesaid but only to the extent not covered by insurance.
- d. Where the Township has erroneously failed to provide a defense or means for a defense as required under Section 2-7, and it is subsequently finally determined that the Township should have provided such a defense, the Township shall indemnify a public employee for all costs of defending such action, including reasonable counsel fees and expenses, together with any costs of appeal, and for compensatory damages assessed in such action to the extent allowed under Section 2-7.

(Ord. #99-5 § 2)

2-7.5 Indemnification of Punitive Damages.

The Township shall indemnify a public employee for punitive damages assessed in any action for which a defense or means for a defense is provided by the Township under Section 2-7 where:

- a. Such damages result from the employee's civil violation of State or Federal law; and

- b. The Township Council has determined that the public employee's act or omission complained of does not constitute fraud, actual malice, willful misconduct or intentional wrong. The ultimate determination by the trier of fact as to whether the act or omission constitutes actual fraud, actual malice, willful misconduct or intentional wrong shall not affect the Township's obligation to indemnify its employee for punitive damages under this section.

(Ord. #99-5 § 2)

2-7.6 Defense of Criminal Actions.

- a. The Township Council may provide a public employee with the necessary defense, or at its option, means for the defense, including appeals, of any criminal action brought against the public employee arising out of an directly related to the employee's lawful exercise of authority in the furtherance of official duties, if the Township Council concludes that such representation or the provision for such representation is in the best interest of the municipality, except for a criminal proceeding instituted as a result of a complaint on behalf of the Township.

The Township make take such action under a reservation of rights and under any terms and conditions it deems appropriate in its sole discretion, including by way of example and not limitation, a cap on the reasonable costs of defense including attorneys' fees, a required reexamination or reevaluation of its initial decision to provide a defense or the means for the defense and the reservation of the right to modify or reverse its initial decision at any time.

- b. If the Township (i) in its discretion, does not provide a defense or the means for a defense, including appeals, to an employee in a criminal proceeding brought against the public employee arising out of and directly related to the employee's lawful exercise of authority in furtherance of official duties, not instituted as a result of a complaint on behalf of the Township; or (ii) if the criminal proceeding was instituted as a result of a complaint on behalf of the Township (and therefore no defense or means for defense was provided by the Township) and the action is dismissed or is finally determined in favor of the employee, the Township shall reimburse the employee for the reasonable costs of defense including reasonable attorney's fees and costs of trial and appeals.

(Ord. #99-5 § 2)

2-7.7 Exceptions to Defense of Criminal Actions.

The provisions of subsection 2-7.6 shall not be applicable when:

- a. The defense of the criminal action or proceeding is fully provided for by an insurance policy or policies, whether obtained by the Township or any other person; or
- b. The public employee failed to deliver to the Township Clerk within twenty (20) calendar days after the time the public employee is charged with any such criminal action a notice of said charge.

(Ord. #99-5 § 2)

2-7.8 Control Representation.

Whenever the Township provides any defense required of it under Section 2-7, the Township, through counsel, may assume exclusive control over the representation of the public employee, and such employee shall cooperate fully with the defense. In the event the public employee fails to cooperate fully with the defense, the Township's obligation pursuant to Section 2-7 shall cease.

(Ord. #99-5 § 2)

2-8 DEFINED CONTRIBUTION RETIREMENT PROGRAM.

- a. *Positions Eligible and Required to Participate in the Defined Contribution Retirement Program.* Pursuant to N.J.A.C. 43:15C-2, and except as otherwise excepted pursuant to N.J.S.A. 43:15C-1 et seq. and the guidelines established by the Local Finance Board pursuant to N.J.S.A. 43:15C-2a(3), (see, for example, Local Finance Notice 2008-20, April 28, 2008 attached to this Ordinance as Exhibit A*), the following positions are deemed eligible for and shall participate in the Defined Contribution Retirement Program:

Township Business Administrator
Magistrate of the Municipal Court
Municipal Prosecutor
Director of Parks/Recreation/Senior Services
Municipal Engineer
Library Director

- b. *Positions Exempt from Participation in the Defined Contribution Retirement Program.* Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S.A. 43:15C-2:

Certified Health Officer
Tax Collector
Chief Financial Officer
Construction Code Official
Tax Assessor
Municipal Planner
Registered Municipal Clerk
Licensed Uniform Subcode Inspector
Principal Public Works Manager

(Ord. #08-20 §§ 1-3)

2-9-----2-10 RESERVED.

ARTICLE VI

DEPARTMENTS

2-11 DEPARTMENT OF ADMINISTRATION.

2-11.1 Business Administrator.

- a. There shall be a Department of Administration, the head of which shall be the Business Administrator. He shall have the qualifications and shall be appointed in the manner prescribed by the Optional Municipal Charter law, N.J.S.A. 40:69A-44. The compensation of the Business Administrator shall be such sum annually as shall be fixed by ordinance. He shall be appointed by the Mayor, with advice and consent of the Council, for the term of the Mayor appointing him.
- b. The duties of the Business Administrator shall be in accordance with the provisions of the Optional Municipal Charter Law. (N.J.S.A. 40:69A-44)

(Code 1971 § 3-11A)

2-11.2 Division of Budget.

There shall be a Division of the Budget within the Department of the Administration, the head of which shall be the Budget Officer. He shall, prior to his appointment, be qualified by training or experience in the formulation and administration of governmental or large corporation budgets and in the analysis of budgetary costs.
(Code 1971 § 3-10C)

2-11.3 Powers and Duties.

Under the direction and supervision of the Business Administrator, the Budget Officer shall:

- a. Organize and administer the works of the division.
- b. Prepare and prescribe uniform forms of budget requests for the use of all departments and all other spending agencies, together with appropriate instructions for its use.
- c. Review and analyze all budget requests for appropriations and make recommendations with respect thereto to the Administrator.
- d. Study the organization and operation of any and all departments and all other spending agencies for the purpose of budget analysis.
- e. Prescribe and require each department and other spending agencies for which Township appropriations are made, to maintain records and produce reports of their respective workload and performance, expressed in appropriate work units which may be prescribed or approved for each of the departments and other spending agencies by the Budget Officer.
- f. Compile the budget document in accordance with policies established by the Mayor, for presentation by the Mayor to the Council, in accordance with the Charter .
- g. Supervise the rendering and collection of water bills.
- h. The Business Administrator shall be the depository and custodian for all insurance policies upon or with respect to risks insured for the benefit of the Township or to protect it against any claim,. Demand or liability whatsoever, and all formal contracts for work, labor, services, supplies, equipment, materials to which the Township may be a party.

(Code 1971 § 3-11D; Ord. 10-7-86)

2-11.4 Budget Operation.

The Budget Officer shall supervise the administration of each annual budget. The Budget Officer shall monitor departmental budgets through monthly budget summaries which shall be provided to him by the Finance Department. An encumbrance system of accounts to control expenditures within the limits of budget appropriations and such allotments shall be maintained by the Department of Finance.

(Code 1971 § 3-11E; Ord. 10-7-86)

2-11.5 Administration Standards.

The Budget Officer shall maintain a continuous administrative review of departmental operating methods, organization and management. In cooperation with the department heads and divisions thereof, he shall develop standards to improve administrative practices and procedures and the management of the Township government, and shall make recommendations of such standards to the Business Administrator.

(Code 1971 § 3-11F; Ord. 10-7-86)

2-11.6 Expenditure Control.

If at any time during the budget year the Budget Officer shall ascertain that the available revenue, plus balances for the year will be less than the total appropriations, he shall so advise the Business Administrator who shall reconsider the work programs and allotments of the several offices, departments and agencies. Upon such reconsideration, and with the approval of the Mayor, he shall revise the allotments so as to forestall, so far as possible, the making of commitments and expenditures in excess of the revenue to be realized during the fiscal year.

(Code 1971 § 3-11; Ord. 10-7-86)

2-11.7 Division of Purchasing.

There shall be a Division of Purchasing within the Department of Administration. The head of the division shall be the Purchasing Agent under the direction and supervision of the Business Administrator. The Purchasing Agent shall:

- a. Purchase, store and distribute all supplies, material and equipment and contract for all services required by any department, office or agency of the Township, except that the Department of Public Works shall administer contracts for public works and improvements.

- b. Establish and enforce specifications with respect to such services, supplies, materials, and equipment.
- c. Inspect or supervise the inspection of all deliveries of supplies, materials and equipment, and the rendition of contractual services, and determine their quality, quantity, and conformance with specifications.
- d. Have charge of any central storerooms and warehouses that may be established.
- e. Transfer to or between the department, offices, and agencies, and from or to central stores, such supplies, materials and equipment as need appears, and arrange for the sale of surplus or obsolete items thereof.
- f. Solicit and secure quotations whenever possible and solicit and secure bids as required by the general law.
- g. When an emergency as contemplated by N.J.S.A. 40A:11-6 exists, have the authority to purchase any and all materials and supplies and/or services reasonably necessary to resolve any such emergency, and have authority to negotiate and award such contracts on behalf of the municipality. Prior to exercising the authority granted herein, the Purchasing Agent shall obtain the written approval of the Mayor and the Business Administrator (if the Purchasing Agent is someone other than the Business Administrator) and to negotiate and award such contracts.

- h. Perform the services of a Purchasing Agent or Contracting Agent pursuant to N.J.S.A. 40A:11-9, including the supervision of the preparation of public advertising for bids, making the bids available to potential bidders after the approval of the specifications by the Township Council and the receipt of bids for the purchase of the work, materials and supplies on behalf of the Township of Rockaway, provided, however, that the opening of bids shall be in the presence of the Municipal Clerk, Business Administrator, and Township Engineer, (or other designees in the event that any of these officials shall be unavailable), and further provided, that the award of the contract shall be made by the Township Council of the Township of Rockaway. According to N.J.S.A. 40:69A-44 the Department of Administration, under the direction and supervision of the Mayor, shall administer a centralized Purchasing System.
- i. The Township Purchasing Agent is hereby authorized to award all contracts which do not meet the bid threshold established in N.J.S.A. 40A:11-3a.

(Code 1971 § 3-11H; Ord. 10-7-86; Ord. #01-03 1)

2-11.8 Purchase Controls.

All purchases made and contracts awarded for any supplies, materials or equipment, or contractual services, shall be pursuant to written requisition form the director of the department, office or agency whose appropriation will be charged, and the certification of the Chief Financial Officer that a sufficient unencumbered balance of appropriation is available to pay therefor. All such contracts shall conform with applicable requirements of State statutes for competitive bidding. All requisitions shall be approved by the Purchasing Agent and the Business Administrator.

(Code 1971 § 3-11I; Ord. 10-7-86)

2-11.9 Division of Personnel.

There shall be a Division of Personnel within the Department of Administration. The head of the division shall be the Business Administrator. He shall:

- a. Assist in the recruitment of qualified persons for the offices and positions in the Township government.
- b. Prepare and recommend to the Mayor such rules as he may find necessary, appropriate or desirable to improve personnel administration within the government.

- c. Prepare, install and maintain a job classification plan based upon the duties, authority and responsibility of offices, employments and positions in the government.
- d. Prepare and maintain a pay plan based upon such job classification.
- e. Establish and maintain a roster of all persons in the government which shall set forth the significant facts relating to personnel administration.
- f. Establish and develop in-serve training programs for persons in the Township's employ.
- g. Maintain a continuous study of the operation and effect of personnel methods and practices in the Township, including hours and days of work, leaves of absence, sick leave, vacation, pension and retirement provisions, and report his findings and recommendations to the Mayor.

(Code 1971 § 3-11J)

2-11.10 Division of Licenses, Permits and Fees.

There shall be a Division of Licenses, Permits and Fees within the Department of Administration, which shall be under the purview of the Township Clerk who shall:

- a. Issue licenses and permits in accordance with the ordinances of the Township, with the exception of permits issued by the Building Inspector and Division of Health of the Department of Community Services pursuant to general law and Township ordinances.
- b. Perform such other functions, powers, duties as may be prescribed by law or ordinances.

(Code 1971 § 3-11L; Ord. 10-7-86; Ord. #11-10)

2-12 DEPARTMENT OF COMMUNITY SERVICES.

Former Section 2.12, Department of Health and Welfare, previously codified herein and containing portions of 1971 Code §§ 3-12, 3-12A, 3-12B and Ordinance No. 96-17, was retitled as the Department of Community Services by Ordinance No. 11-10.

2-12.1 Organization.

2-12.1 Organization.

There shall be a Department of Community Services, which shall be organized into five divisions: the Division of Health, the Division of Welfare, the Division of Recreation, the Division of Senior Services, and the Division of Buildings and Grounds. The Head of the Department of Community Services shall be the Director of the Department of Community Services. The Director shall be appointed by the Mayor with the advice and consent of the Council for the term of the Mayor appointing him, and his compensation shall be such sum as shall be fixed by ordinance. The Director shall have the administrative authority and duties prescribed herein relating to all health programs, welfare programs, open space programs, historic preservation programs, recreation programs, and senior service programs. The Director shall operate and maintain Township buildings and grounds and provide and supervise operations, custodial and janitorial services for the Township's departments, agencies, and public buildings.

Further, the Director shall have administrative authority and duties with respect to such other recreational activities as the Mayor, Business Administrator and the Director shall establish, such as an annual parade, picnic and other public events. The Director shall attend all meetings of the Parks and Recreation Planning Committee and all meetings of the Citizen's Recreation Committee. (Ord. #11-10 § 1; Ord. #16-12)

2-12.2 Division of Health.

The Head of the Division of Health shall be the Township Health Officer. The Division of Health may employ the following credentialed personnel; public health nurses, sanitary inspectors, animal control officers, health educator, and such other personnel as may be designated on the organizational chart of the Township of Rockaway. The Division of Health shall:

- a. Administer general laws and Township ordinances conferring functions, powers and duties upon a bureau, Department of Health or a Local Health Officer;
- b. Enforce laws and ordinances providing for the prevention and control of disease and conduct related inspections;
- c. Administer general laws and Township ordinances relating to vital statistics;

- d. Administer a public health nursing service and health educational program;
- e. Operate public health clinics as authorized by Township ordinances and general law;
- f. Administer public health services in accordance with “Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey, N.J.A.C. title 8, Chapter 51;
- g. Administer animal and rabies control programs in accordance with appropriate State law and regulation;
- h. Administer environmental public health programs as required by law and public necessity; and
- i. Administer environmental programs in the Township and review and make recommendations on environmental issues to the governing body.

(Ord. #11-10 § 1)

2-12.3 Division of Welfare.

The Division of Welfare shall be the Local Assistance Board, consisting of five (5) members, appointed by the Mayor with the approval of the Council, and shall serve without compensation. The term of one (1) member shall be for one (1) year and such member only may be appointed from among the members of the Council; the terms of the other four (4) members shall be four (4) years. The Local Assistance Board shall select a Chairman and a Secretary and shall appoint a Director of Welfare, who shall be the executive and administrative officer of the Board and perform the duties specified in N.J.S.A. 44:8-123 and other provisions of general law and the Township ordinances. The Director of Welfare shall hold office for a term of five (5) years from the date of appointment and shall be paid such salary as may be fixed by such Board, subject to the approval of the Council. The Division of Welfare shall:

- a. Administer programs of assistance to needy persons in cooperation with Federal, State, County and municipal agencies;
- b. Participate in general community welfare interests such as local unemployment, child care and prevention of delinquency; and

- c. Maintain complete social case records, comply with State regulations and make such reports and analysis of welfare problems and grants as are necessary or desirable.

(Ord. #11-10 § 1)

2-12.4 Deleted in its entirety.
(Ord. #16-12)

2-12.5 Division of Recreation.

The Director of the Department of Community Services shall be the head of the Division of Recreation. The Division of Recreation shall:

- a. Administer and operate the playgrounds, facilities for indoor and outdoor sports and athletic recreational programs and activities for all residents of the Township;
- b. Administer and operate community centers, social centers, and recreational functions related thereto;
- c. Administer and operate public school property to the extent that it may be adaptable for recreational programs and purposes of the Division after approval of such use has been granted by the Superintendent of Schools; and
- d. Administer and control recreational facilities, playground facilities and any other facilities related to leisure time activities of the residents of the Township on an organized basis in a safe and wholesome condition for use, and the Director may adopt suitable rules and regulations relating thereto.

(Ord. #11-10 § 1)

2-12.6 Division of Senior Services.

The Director of Community Services shall be the head of the Division of Senior Services and shall be the primary contact for activity and programs occurring at the Municipal Senior Citizen Building. The Division of Senior Services shall:

- a. Administer the Senior Citizen Transportation system and provide the Township Administration with an annual report of program activity; and
- b. Organize and implement any municipal-wide program suitable for the senior citizen population.

(Ord. #11-10 § 1)

2-12.7 Division of Buildings and Grounds.

The Director of Community Services shall be the head of the Division of Buildings and Grounds.
(Ord. #11-10 § 1)

2-13 DEPARTMENT OF FINANCE.

2-13.1 Organization.

There shall be a Department of Finance, the head of which shall be the Chief Finance Officer/Treasurer, who shall be appointed by the Mayor with the advice and consent of the Council. (in all instances hereafter where Treasurer is set forth, he shall also be known and designated as Chief Financial Officer.) This appointment provision is superseded by State law which may grant tenure to this position. The compensation of the Chief Finance Officer/Treasurer shall be such sum annually as shall be fixed by ordinance. The Department of Finance shall be organized into three (3) divisions: Division of Treasury, Division of Assessment and Division of Revenue Collection.
(Code 1971 § 3-13A; Ord. 12-20-88 § 2)

2-13.2 Chief Financial Officer/Treasurer.

The Chief Financial Officer/Treasurer shall be responsible for all financial activities and functions of the Township government other than those activities and functions for which responsibility is vested in the Business Administrator. The Chief Finance Officer/Treasurer shall furnish a corporate surety bond, at the expense of the Township, for the faithful performance of the duties of this office, in such penal sum and in such form as shall be approved by resolution of the Council. He shall have all the functions, powers and duties relating to revenue and finance, to the extent that such functions, powers and duties are not vested in the Department of Administration. Through the Divisions of the department and otherwise, the Chief Finance Officer/Treasurer shall be responsible for the accounting, pre-auditing and control of all Township revenues and expenditures; for the custody, receipt and disbursement of all Township funds; for the safety and investment of the Township's investments; for the management of the Township debt; for the development of fiscal policies for recommendation to the Mayor and for safeguarding of the Township's financial interest to the fullest extent. The Chief Finance Officer/Treasurer shall serve without additional compensation as head of any of the Divisions of the Department of Finance in the absence of appointments of division heads.
(Code 1971 § 3-13; Ord. 12-20-88 § 2)

2-13.3 Division of Treasury.

The Chief Finance Officer/Treasurer shall be the Supervisor of Accounts, custodian of all funds and responsible for disbursing funds as set forth herein, and shall:

- a. Maintain the central books of accounts of the Township according to such forms, standards and procedures as shall be prescribed or approved by the Business Administrator. Any and all Township officials shall, upon request of the Chief Finance Officer/Treasurer, place at his disposal all records, books, bonds, documents and papers which he may deem necessary to aid him in his duty of keeping such accounts.
- b. Enforce a uniform system of accounts for all departments of the Township.
- c. Pre-audit all payrolls, claims and demands against the Township upon certification by a Department Head that the amount is due and unpaid according to the records and information of his department.
- d. Require reports of receipts and disbursements from each department of the Township to be made daily or at such intervals as will most efficiently protect the Township's interest.
- e. Maintain a central payroll system and all social security, pension and insurance records required for municipal personnel.
- f. Control all expenditures to assure that budget appropriations are not exceeded; pass upon each proposed expenditure in conformity with the Charter and ordinances of the Township, and unless the division head shall certify that there is an unencumbered balance of appropriation available, no appropriation shall be encumbered and no commitment or expenditure shall be made.
- g. Keep records and books of accounts for the exercise of the foregoing financial budgetary control over each Department of the Township; and keep such accounts as will show the amount of each appropriation, the accumulative amount paid therefrom, and the unpaid obligations and unencumbered balance thereof.
- h. Prepare such statistical studies and reports as may be required by other departments and divisions with the approval of the Mayor.

- i. Deposit all funds received by the division in such depositories as may be designated by resolution of the Council. All moneys of the township not required for current operations shall be invested pursuant to law or shall be deposited in interest-bearing accounts. All such interest shall be accounted for in the Township books of account.
- j. Have custody of all investments and invested funds of the Township or in its possession in a fiduciary capacity, except as otherwise provided by law, and have the safekeeping of all bonds and notes for transfer, registration or exchange.
- k. receive and safely keep and disburse moneys received and raised for public schools and keep separate accounts thereof.
- l. The Chief Finance Officer/Treasurer shall keep a full and systematic account of all cash receipts and disbursements in proper books. He shall at least once every month and more often if the Council requires, furnish the Council, through the Mayor, with a statement of all moneys received and expended by him, including school moneys, subsequent to his last report. He shall annually, during the month of January, make a full report to the Council of his receipts and expenditures during the preceding year, and shall, whenever required, lay before the Council, for examination or audit, all books, papers and vouchers pertaining to his office.
- m. Cause the preparation of a continuing and perpetual inventory enumerating all items of the Township of Rockaway equipment originally costing more than five hundred (\$500.00) dollars and causing the delivery of a copy of the inventory to the Township Clerk before November 1 of each year for submission to each member of the Township Council. This inventory shall include, as applicable, date of original purchase, date and cost of repairs, schedule of service, mileage, and a brief explanation as to the reasons for the requested replacement, and shall be completed on the forms promulgated by the Township of Rockaway, Department of Administration.
- n. Be responsible for the management and sale of all Township-owned property acquired by foreclosure or otherwise for non-payment of taxes, as well as the sale of real property of the Township no longer needed for public purposes.

(Code 1971 § 3-13C)

2-13.4 Commitments and Disbursements.

- a. No Department, office or agency of the Township shall expend or commit any funds of the Township unless the Treasurer shall first certify that there is an unencumbered balance of appropriation and fund available for the purpose.
- b. Prior to the payment of any bill, claim or demand against the Township, a Department Head shall certify that the materials, supplies or equipment have been received according to a purchase order system or that the work, labor or services shall have been rendered to order or contract.
- c. Disbursements in the payment of bills, claims or demands shall be made by the Chief Finance Officer/Treasurer upon pre-audit and warrant and approved by the Chief Finance Officer/Treasurer. Every warrant shall be payable to the order of the person entitled to receive it, and shall specify the purpose for which it is drawn and the account of appropriation to which it is chargeable. Each warrant or check shall bear the signature of the mayor, the Chief Finance Officer/Treasurer and the Municipal Clerk, or in lieu thereof facsimile signatures may be used which are affix to checks by mechanical method through the use of a check signer machines: provided, however that the signature of one (1) of the aforementioned officers shall be subscribed in his own handwriting.
- d. Notwithstanding anything in this section to the contrary, disbursements shall not be made for any voucher in excess of the threshold amount as set forth by the New Jersey Local Public Contracts Law, N.J.S.A. 40:11-1 et seq. without prior Council approval; provided however, that no such approval shall be required for any of the following payments.
 1. Payroll expenditures.
 2. Items for which public bidding has been held pursuant to the Local Public Contracts law, N.J.S.A. 40A:11-1 et seq.
 3. Bond and interest payments.
 4. Pension payments.
 5. Library payments.

6. All Federal, State and County taxes.

7. Local and regional school payments.

(Code 1971 § 3-13D)

2-13.5 Division of Revenue Collection.

- a. *Tax Collector.* The head of the Division of Revenue shall be the Tax Collector, appointed by the Mayor with the advice and consent of the Council. The appointment provision is superseded by State law which may grant tenure to this position.

The Tax Collector shall receive such compensation as shall be fixed by ordinance. He shall be assisted by an assistant or deputy responsible for the receipt of all revenues.

- b. *Functions.* The Division of Revenue Collection shall:
1. Receive and collect all current and delinquent, real and personal property taxes and charges; receive penalties and interest pursuant to law; and account for all collections in such form and manner and at such times as may be prescribed or approved by the Chief Finance Officer/Treasurer.
 2. Perform the functions of a Collector of Taxes under general law, including, without limitation thereto, the preparation and mailing of tax bills and the maintenance of tax accounting records in such manner may be prescribed or approved by the Chief Finance Officer/Treasurer and assist the Division of Assessments in the preparation of the annual tax list and duplicate.
 3. Deposit daily, to the credit of the Township, all moneys received, in one (1) or more depositories selected by the Council; maintain full and complete records and accounts of all sums collected and received according to such procedure and systems as may be prescribed or approved by the Chief Finance Officer/Treasurer; and make such monthly reports and accountings of the funds of the Township collected, received and deposited.
 4. Compute and record sewer charges, if any, as required by ordinance.

5. Render bills for sewer and miscellaneous charges to consumers; receive payments on account thereof; collect delinquent accounts and report the names of delinquent accounts which are more than six (6) months past due to the Treasurer.
6. Maintain books and record all charges, payments, credits and delinquencies in sewer and miscellaneous accounts.
7. Be responsible for the sale of any and all tax sale certificates covering properties which it is determined not to acquire through foreclosure or otherwise. All of the sales of tax sale certificates shall be conducted in accordance with general law and any local ordinances under the supervision of this division and in accordance with the terms and conditions prescribed by the Council for any specific sale.
8. The Tax Search Officer will make or cause to be made and certify Searches for taxes and other liens on real property in the Township as may be authorized by law and charge and collect for the use of the Township the fee required pursuant to law for any such charge.
9. In accordance with N.J.S.A. 54:5-54, the Tax Collector shall provide to any party entitled to redeem a tax sale certificate pursuant to the Tax Sale Law (N.J.S.A. 54:5-1 et seq.) two (2) calculations of the amount required for redemption within a calendar year at no cost. For each subsequent calculation requested from the Tax Collection by said party in a calendar year, there shall be a fifty (\$50.00) dollar fee. All requests for a redemption calculation shall be made in writing to the Tax Collector.

10. In accordance with N.J.S.A. 54:5-97.1, the Tax Collector shall charge a lienholder of a tax lien fifty (\$50.00) dollars for the calculation of the amount due to redeem that tax lien as required pursuant to N.J.S.A. 54:5-97.1. All requests for a redemption calculation shall (1) be in writing to the Tax Collector; and (2) specify the date to be used for the calculation, which shall be the date of the notice to the parties entitled to redeem the tax lien whose interests appear of record at the time of the tax sale. Neither the Tax Collector nor the Township shall be liable for an incorrect calculation. The fee paid to the Township shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to N.J.S.A. 54:5-54.

(Code 1971 § 3-13E; Ord. No. 11-6)

2-13.6 Division of Assessments.

The Division of Assessments shall be composed of a Tax Assessor who has successfully passed the State exam and holds a valid Tax Assessors certificate. The position of Assessor and Deputy Assessor are Mayoral appointments. The term of office is for four (4) years. In compliance with State Statute, N.J.S. 46A:9-143, an Assessor Deputy Assessor who is reappointed after four (4) consecutive years may be granted tenure.

- a. The Tax Assessor shall:
 1. Place value on all real property within the Township for the purposes of assessment, in accordance with laws governing assessors, the Charter and ordinances. To exercise all the powers of a Municipal Assessor pursuant to the laws prescribed by the Director of the Division of Taxation. To perform such other duties as prescribed by the Mayor and Township Council.
 2. Every year prepare and certify the Tax lists and duplicates as required by law. Maintain assessment record for each and every parcel of real property whether taxable or exempt.
 3. Be able to defend any assessment in a court of law as well as explain to anyone the basis behind the preparation of any assessment within the municipality.

4. Have custody of and maintain an up-to-date Township Tax Map and provide for the recording thereon of all changes in ownership or the characteristics of properties being assessed.
5. Make appraisals of property for Township purposes within the scope of the laws as prescribed by the Director of the Division of Taxation, upon the request of the Chief Finance Officer/Treasurer.

(Ord. 1971 § 3-13F)

2-14 DEPARTMENT OF PUBLIC WORKS AND UTILITIES.

There shall be a Department of Public Works and Utilities. The Director shall be appointed by the Mayor with the advice and consent of Council for the term the Mayor appointed him and until appointment and qualification of his successor. The Department of Public Works and Utilities shall be organized into the following divisions: Division of Roads, Division of Water, Division of Sewers, Division of Parks, Automotive Division, and such other divisions as may be required.

(Code 1971 § 3-14A; Ord. 4-1-69; Ord. 36-79; Ord. #96-17 § 4; Ord. #16-12)

2-14.2 Functions and Duties.

The Director shall:

- a. Administer and control the following functions and the construction, operation and maintenance of public works, improvements, facilities and services relating thereto:
 1. Water supply and distribution, render water bills and supervise the collection thereof.
 2. Sanitary, storm sewers and drains.
 3. Streets, roads and sidewalks.
 4. Streams and flood damage control and reduction.
 5. Public and private park and playground facilities.
- b. Supervise automotive maintenance services for all departments, offices or agency of the Township except those maintained by the Fire Department.

- c. Supervise all departmental construction and improvement projects.
- d. Review and amend, as necessary, work plans submitted by division heads.
- e. Supervise and direct the installation and administration of departmental records, payroll and inventory operations.
- f. Supervise and inspect divisional operations.
- g. Be responsible for the operational condition and maintain specifications of all automotive equipment of the Township departments except those maintained by the Fire Department.
- h. Administer solid waste and recycling programs in accordance with appropriate State law and regulation.
- i. Regulate encroachments by objects and structures above and below such streets and sidewalks in accordance with the ordinances of the Township.
- j. Recommend to the Police Department the posting of emergency no-parking signs.
- k. Coordinate with the Bureau of Traffic Safety of the Rockaway Township Police Department the installation, repair and maintenance of street traffic signs, lines and markers.

(Code 1971 § 3-14B; Ord. 4-1-69; Ord. 3-6-79; Ord. #96-17 § 5; Ord. #11-10 § 2; Ord. #16-12)

2-14.3 Division of Roads.

The head of the Division of Roads shall be the Assistant Director of Public Works and Utilities. He shall be compensated such sum as shall be fixed by ordinance. The Division of Roads under the supervision of the Assistant Director of Public Works and Utilities shall provide for the:

- a. Maintenance and repair of all public roads within the Township.
- b. Provide for and regulate snow removal.
- c. Maintain storm drain systems.

- d. Perform such other departmental responsibilities as may be assigned from time to time by the Director.

(Code 1971 § 3-14C; Ord. 4-1-69; Ord. 3-6-79)

2-14.4 Division of Water.

The head of the Division of Water shall be the Superintendent of Water and Sewers. He shall be compensated by such sum as shall be fixed by ordinance. The division shall manage, administer, operate, maintain, make minor extensions of the water-storage facilities, aqueduct, distribution mains, hydrants, valves and other structures, facilities and appurtenances of the waterworks operated by the Township for supplying its customers within, and, if necessary, without the limits of the Township.

(Code 1971 § 3-14D; Ord. 4-1-69; Ord. 3-6-79)

2-14.5 Division of Sewers.

The head of the Division of Sewers shall be the Superintendent of Water and Sewers. He shall be compensated by such sum as shall be fixed by ordinance. This division shall maintain sanitary sewer mains, metering stations, pumping stations and all appurtenances forming a part of the sewer system of the Township. Perform such other departmental responsibilities as may be assigned from time to time by the Director.

(Code 1971 § 3-14E; Ord. 4-1-69; Ord. 3-6-79)

2-14.6 Time Records of Employee of Division of Water and Division of Sewers.

The employees of the Division of Water and Division of Sewers of the Department of Public Works and Utilities of the Township shall keep and maintain detailed daily time records showing the amount of time devoted by each such employee to the Division of Water and to the Division of Sewers. These time records shall be kept and maintained on forms promulgated by the Department of Public Works and Utilities and shall be submitted to the Director of the Department of Public Works and Utilities. The Director shall compile time records for each calendar year by January 15 of the subsequent year so as to evidence the percentage of time devoted by departmental employees in the aggregate to the Division of Water on the one hand, Division of Sewers on the other.

(Code 1971 § 3-414F; Ord. 4-1-69; Ord. 3-6-79)

2-14.7 Division of Parks

The Head of the Division of Parks shall be the superintendent of Parks. The Division of Parks shall:

- a. Supervise and maintain any and all public and private park facilities

upon which activities of the Division of Recreation occur; and

- b. Supervise and maintain any and all public and private playground facilities upon which activities of the Division of Recreation occur.
(Ord. #16-12)

2-15 POLICE DEPARTMENT.

See Chapter X, Police Department.

2-15.1 Department Established; Chief of Police.

There shall be a Police Department, the head of which shall be the Chief of Police. The Chief of Police's compensation shall be such sum as shall be fixed by ordinance. The Chief shall be appointed by the Mayor with advice and consent of the Council for the term of the Mayor appointing him. He may receive permanent status through Civil Service. The Police Department shall be maintained at such authorized strength within such grades and positions and under such officers as have heretofore been authorized by ordinance.

(Code 1971 § 3-15)

2-15.2 Regulations; Benefits.

The regulations as heretofore duly adopted shall remain in full force and effect. The regulations which conflict with the following benefits are hereby repealed and the following provisions shall be effective hereafter:

- a. Members of the Police Department shall be given compensatory time off on an alternate date in the event they are required to work on any holiday.
- b. Members of the Police Department shall be given compensatory time off on an alternate date or dates in the event one (1) or more holidays coincide with their regular off-duty day.
- c. The work period of members of the Police Department shall be eight (80) hours per pay period or such other work period as shall be established pursuant to negotiations with the Employees' Negotiating Unit.

(Code 1971 § 3-15; Ord. 9-1-81)

2-16 DEPARTMENT OF FIRE.

See Chapter XI, Fire Department. See also Chapter XIII, Fire Prevention. Prior ordinance history includes portions of 1971 Code § 3-16A.

2-16.1 Department Established; Appointment of Director.

There shall be a Department of Fire, the head of which shall be the Director. The Director of the Department of Fire shall be appointed by the Mayor with the advice and consent of the Council for the term of the Mayor appointing the Director. The compensation of the Director shall be such sum as shall be fixed by ordinance. The Mayor may appoint such Director from a list of three (3) persons recommended by the Board of Ex-Department Chiefs established in subsection 11-4.7 of the Township of Rockaway Code. The Board of Ex-Department Chiefs may include on the list the current Fire Department Chief elected by a vote of the fire companies comprising the Rockaway Township Fire Department established in Chapter XI of the Township of Rockaway Code. The Mayor may appoint, with the advice and consent of the Council, any person the Mayor deems qualified for the position. If the current Fire Department Chief is on the list provided by the Board of Ex-Department Chiefs and is appointed by the Mayor, with the advice and consent of the Council, to the position of Director of the Department of Fire, said Fire Department Chief shall serve as the Fire Department Chief, while concurrently serving as the Director of the Department of Fire. If the Director of the Department of Fire is not the Fire Department Chief, then the Fire Department Chief shall be subordinate to the Director and shall be subject to the control, disposition and discipline by the Director.
(Ord. #01-32 § 1; Ord. #O-12-09)

2-16.2 Functions of the Department of Fire.

The Department of Fire shall have the primary responsibility of organizing and administering the scope and method of fire protection in the Township of Rockaway. It shall be the overall umbrella department of the Township to coordinate and administer the relationship, roles, duties and obligations of the Rockaway Township Fire Department and the various individual fire companies that comprise the said Fire Department. When used in this Code, the term "Department of Fire" and the term "Rockaway Township Fire Department" shall refer to two (2) different entities. The Department of Fire is one of the several departments in the Township administrative structure and established in Section 2-6.2 and 2-16.1 of this Code. The Rockaway Township Fire Department is not the Department of Fire of the Township as established in Section 2-6.2 and 2-16.1 of the Township of Rockaway Code, but is the Fire Department established in Chapter XI of this Code. The Rockaway Township Fire Department has the primary function to provide the personnel and equipment resources to fight fires in the Township through the various fire companies as designated in this Code.
(Ord. #01-32 § 2)

2-16.3 Functions of the Director of the Department.

The Director shall be the Chief Executive and Chief Administrative Officer of the Department of Fire. The Director shall have all executive and administrative authority and duties related to the operation of the Department of Fire.

(Ord. #01-32 § 3)

2-17 RESERVED.

Former Section 2-17, Department of Parks, Recreation and Senior Services, previously codified herein and containing portions of 1971 Code §§ 3-17A-3.17E and Ordinances 11-21-78, 6-14-88, 97-16 and 07-12, was repealed in its entirety by Ordinance No. 11-10. See Section 2-12, Department of Community Services.

2-18 DEPARTMENT OF ENGINEERING, PLANNING AND CONSTRUCTION.

2-18.1 Engineering, Planning, and Zoning Administration.

There shall be a Department of Engineering, Planning and Construction, the head of which shall be the Township Engineer. The Department of Engineering, Planning and Construction shall be responsible for all activities required by the Municipal Land use Law and Township ordinances and codes. In addition to his duties and responsibilities as Township Engineer pursuant to subsection 2-6.6, the Township Engineer shall also be responsible for administrative overview of the functions of the Technical Assistant as they relate to the Planning Board and Board of Adjustment.

The specific duties listed in paragraphs a. through j. shall be performed by the Technical Assistant, under the administrative supervision of the Township Engineer.

- a. Prepare agendas and reports for Planning Board and Board of Adjustment meetings.
- b. Provide the Township with guidance in planning within the framework of the Master Plan.
- c. Provide reports and recommendations from consultants on subdivision, site plan, and variance applications to the Planning Board, Board of Adjustment, or any other municipal body.
- d. Make recommendations regarding Zoning and Land Use Development Ordinances within the Township.
- e. Transmit Zoning Enforcement complaints to the Zoning Officer and provide enforcement reports to the Planning Board and Board of Adjustment when necessary.

- f. Maintain division Escrow Account records and prepare reports for the Finance Department.
- g. Prepare monthly and annual reports on division activities.
- h. Maintain planning and zoning records and files.
- i. Provide for the implementation of the Township Fair Share Housing Plan as authorized by C.O.A.H.; and supervision of all related reports and records as required by C.O.A.H. regulations.
- j. Supervision of clerical support staff in performance of necessary tasks when appropriate.

(Ord. 2-3-87 § 2C; Ord. #96-17 §§ 8,9)

2-18.2 Division of Building Inspection.

There shall be a Division of Building Inspection within the Department of Administration. The head of the Division of Building Inspection shall be the Construction Code Official. The Construction Code Official shall be appointed by the Mayor with advice and consent of the Council. This appointment provision is superseded by State Law which may grant tenure to this position. The Construction Code Official shall have, exercise and discharge the functions, powers and duties of the Building Inspector as provided by general law and the ordinances of the Township.

(Ord. 2-3-87 § 2D)

2-19 DEPARTMENT HEADS.

2-19.1 Appointments and Removal of Employees.

Department Heads shall appoint subordinate officers and employees within their respective departments and may, with the approval of the Mayor, remove such officers and employees, subject to the provisions set forth in Chapter XXVI of this Code. All Department Heads shall be required to submit monthly reports giving an account of all operations within their particular department to the Finance Officer and Council by the tenth of the following month.

(Code 1971 § 3-18)

2-20--2-25 RESERVED.

ARTICLE VII

MUNICIPAL COURT

2-26 MUNICIPAL COURT ESTABLISHED.

There shall be a Municipal Court of the Township of Rockaway as heretofore established, presided over by the Judge of the Municipal Court appointed by the Mayor, with the advice and consent of the Council, as provided by general law and ordinances of the Township. Appointments to the office of Judge of the Municipal Court shall be for a period of three (3) years from the date of his/her appointment. The Judge shall receive such annual compensation as shall be fixed by ordinance. The Judge of the Municipal Court shall possess the powers to perform the duties as prescribed by general laws and the rules of the Supreme Court. The Court Administrator shall be appointed by the Council for a term of three (3) years, and compensation shall be fixed by ordinance. The Court Administrator shall be tenured after ten (10) years in office. (N.J.S.A. 2A:8-13.3)
(Code 1971 § 3-25; Ord. No. 92-23)

2-27 RESERVED.

ARTICLE VIII

BOARDS, COMMISSIONS AND COMMITTEES*

For the Establishment of the Zoning Board of Adjustment, see Chapter 54, Land use and Development, Article IV Zoning Board of Adjustment and see Chapter 54, Land use and Development Article III for the establishment of the Planning Board.

2-28 LIBRARY BOARD OF TRUSTEES.

2-28.1 Membership, Responsibilities.

The Board of Trustees shall consist of seven (7) members, one (1) of whom shall be the Mayor and one (1) of whom shall be the Superintendent of Schools. The Other five (5) members shall be appointed by the Mayor. Each member shall serve for a term of five (5) years. The Board of Trustees shall hold in trust and manage all property of the library. It shall make proper rules and regulations for the government of the library and, generally, do all things necessary and proper for the establishment and maintenance of the library within the Township of Rockaway. The Board of Trustees shall annually make a report of its transactions, accounts and the state and condition of the library to the Council.
(Code 1971 § 3-22)

2-29 LOCAL ASSISTANCE BOARD

2-29.1 Appointment; Functions.

The Local Assistance Board shall be appointed and perform the functions as set forth in Section 2-12 and shall act as the Division of Welfare of the Department of Community Services of the Township.
(Code 1971 §3-23; Ord. #11-10)

2-30 OFFICE OF EMERGENCY MANAGEMENT.

2-30.1 Established.

The Office of Emergency Management, is hereby established and empowered pursuant to law (Public Laws 1953, Chapter 438, N.J.S. A. 9-33 et seq.)
(Code 1971 § 2-24)

2-30.2 Coordinator.

The Mayor shall appoint an Emergency Management Coordinator, who shall serve for a three (3) year term.
(Code 1971 § 3-24; Ord. #12-01)

2-31 SHADE TREE COMMISSION*

See Volume II for ordinances of the Shade Tree Commission.

2-31.1 Members; Term.

There shall be a Shade Tree Commission consisting of five (5) members appointed by the Mayor. All appointments shall be for a term of one (1) year.
(Code 1971 § 3-27; Ord. 10-4-83; Ord. O-15-03)

2-31.2 Authority.

The Commission shall perform the functions and have the authority and powers as heretofore established by ordinance and in accordance with the general law, N.J.S.A. 40:64-1 et seq. Further, the Shade Tree Commission shall give such advice as may be requested by the Mayor, the Council, the Planning Board of the Township, and the Board of Adjustment of the Township.
(Code 1971§ 3-27; Ord. 10-4-83)

2-32 SEWER ALLOCATION COMMITTEE.

The Sewer Allocation Committee is established in Chapter XV, Section 15-5.

2-33 ENVIRONMENTAL COMMISSION.

2-33.1 Creation; Membership.

- a. There is hereby created a commission in the government of the Township known as the “Environmental Commission of Rockaway Township; for the protection, development or use of natural resources, including water resources located within the Township, hereinafter known as the Commission.”
- b. This Commission shall consist of seven (7) members appointed by mayor, one (1) of whom shall also be a member of the Planning Board and all of whom shall be residents of the Township. The Mayor of the Township shall designate one (1) of the members to serve as chairman and presiding officer of the Commission. Members shall serve without compensation. The term of office shall be one (1) year and until the appointment and qualification or their successors.
- c. The Mayor or Council may remove any member for cause and then only upon written charges served upon that member and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel.
- d. A vacancy on the commission occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.
- e. The Governing Body shall provide for the appointment of not more than two (2) alternate members. Alternate members shall be designated at the time of the appointment as Alternate No. 1 and Alternate No. 2. The terms of the alternate members shall be for one (1) year. A vacancy occurring otherwise than by expiration of term shall be filled by the Appointing Authority for the unexpired term only. (N.J.S. 40:56A-1 et seq.)
- f. An alternate member shall not be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the Governing Body for cause.
- g. An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be as to which alternate member is to vote, Alternate No. 1 shall vote first.

(Code 1971 § 3-30.2; Ord. 4-3-73; Ord. 91-16 § I; Ord. O-15-03)

2-33.2 Powers and Duties.

- a. The Commission shall have the power to conduct research into the use and possible use of open land areas of the Township and my coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open march lands, swamps and other wetlands in order to obtain information on the proper use of such areas and may recommend to the Planning Board plans and programs for inclusion in the Master Plan for the development and use of such areas.
- b. The Commission shall have the power to study and make recommendations concerning open space preservation, water pollution control, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearances, marine resources in lakes, streams and rivers, and protection of flora and fauna.
- c. The Commission may, subject to the approval of the Council, acquire property, both real and personal, in the name of the Township by gift, purchase, grant, bequest, devise or lease for any of its purposes and shall administer the same for such purposes subject to the terms of conveyance or gift. Such an acquisition may be to acquire the fee or any lesser interest , development right, easement (including conservation easement), covenant or other contractual right (including a conveyance on conditions or with limitations or reversions), as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas in the Township.
- d. The Commission shall keep records of its meetings and activities and shall make an annual report to the Mayor and Council.
- e. Commission expenditures are subject to budget limitations. (N.J.S.A. 40:56A-1 et seq.)

(Code 1971 § 3-30.2; Ord. 4-3-73)

2-33.3 Administration of the Commission.

- a. A majority of the whole number of the Commission shall constitute a quorum for the transaction of business.
- b. The Commission shall establish a meeting date, which date shall be at least one (1) time each month in a calendar year.
- c. The Commission, by a majority vote of all of its members, shall elect a secretary at its initial meeting for a term of one (1) year commencing January 1.

(Code 1971 § 3-30.2; Ord. 4-3-73)

2-33.4 Open Space Committee.

- a. The Open Space Committee shall be a subcommittee of the Environmental Commission and shall consist of four (4) members to be appointed by the Mayor. The term of office shall be for one year. The Director of Parks, Recreation and Senior Services, the Business Administrator and the Township Attorney shall also serve on the Open Space Committee.
- b. The Open Space Committee shall make an initial determination of which parcels of land should be acquired in fee and/or those parcels of land from which the Township should acquire development rights only principally in connection with the preservation of the Beaver Brook.
- c. The Open Space Committee shall submit to the Township Council a prioritized list of properties to be acquired and/or properties from which development rights should be acquired. The Township Council, utilizing the prioritized list submitted by the Open Space Committee shall determine annually, which parcels shall be acquired and the amount to be appropriated annually for the open space purpose.
- d. There is hereby established an account that shall be known and designated as "The Open Space Dedicated Trust Fund," that shall be maintained in accordance with N.J.S.A. 40A:4-1 and N.J.S.A. 40A:5-1. Funds from the Open Space Dedicated Trust Fund may, as

directed by the Township Council, be utilized to acquire vacant land as well as land that has improvements upon it at the time of acquisition where the principal purpose of the acquisition is to preserve open space. In the event that the Township Council shall find it appropriate to apportion the cost of acquisition between open space and improvements, it may do so and charge the Open Space Dedicated Trust Fund for the approximate value that it deems appropriate relative to open space and the Township=s Capital Account for the value that it determines shall be attributed to improvements.

- e. The Open Space Trust Fund shall be funded through the dedication to the Fund of an amount of two cents (\$0.02) per one hundred dollars (\$100.00) of assessed valuation of each annual tax levy commencing with the year 1993. The Fund shall also be permitted to accept donations and testamentary bequests. The funds accumulated within the Trust Fund may be utilized as the repayment of bonds issued for the acquisition of land or development rights in land or as the repayment of bonds issued as a down payment for the issuance of bonds for the same purpose at the discretion of the Township Council.
- f. No property acquired with these funds from the Open Space Trust Fund shall be leased or sold, until the sale or lease of same has been approved by the voters at a referendum.
- g. In the event that no property is acquired under this section for a period of three (3) consecutive years, then the Mayor and Township Council shall review the activities of the Open Space Committee and issue a report with recommendations and conclusions concerning the Open Space Trust Fund.

(Ord. O-13-02)

2-34 BOARD OF ASSESSMENT COMMISSIONERS FOR LOCAL IMPROVEMENTS.

2-34.1 Creation.

Pursuant to and in accordance with the provisions of N.J.S.40:56-21 et seq., there is hereby created in the Township a Board of Assessment Commissioners, the members of which shall be appointed by the Township Council.

(Code 1971 § 3-30.4; Ord. 7-3-79)

2-34.2 Appointment of Members.

The Board of Assessment Commissioners shall consist of three (3) members, who shall be designated commissioners. All appointments shall be for one (1) year terms. There shall also be two (2) alternate commissioners. Appointments of alternate commissioners shall be for terms of one (1) year. The commissioners and alternate commissioners shall serve until their successors are appointed and shall qualify. Vacancies shall be filled for the unexpired term only. Alternate commissioners shall serve as commissioners in those cases where a commissioner is unable to serve in connection with a specific project or projects.

(Code 1971 § 3-30.4; Ord. 7-3-79)

2-34.3 Duties.

The Board of Assessment Commissioners is charged with the duty of making all assessments for benefits for local improvements within the Township in accordance with the duties imposed upon it by virtue of N.J.S.A. 40:56-21 through N.J.S.A. 56-54, inclusive and shall in addition have and exercise all of the powers authorized by the aforesaid statutes.

(Code 1971 § 3-30.4; Ord. 7-3-79)

2-33.4 Disqualification of a Commissioner; Procedure.

In the event that any commissioner shall be in any way interested in any local improvement, he shall be disqualified from exercising the powers hereinabove conferred with respect to that improvement and the Township Council shall appoint an alternate commissioner, or if the alternate commissioner shall not qualify, some other qualified person or persons shall act in his place with respect to that improvement only. If such improvement shall be of a general nature affecting the greater part of the real estate in the municipality, no commissioner shall be disqualified to act by reason of the fact that he may own real estate included in such assessment N.J.S.A. 40:56-22.

(Code 1971 § 3-30.4; Ord. 7-3-79)

2-34.5 Compensation.

The Township Council shall establish compensation of Assessment Commissioners.
(Code 1971 § 3-30.4; Ord. 7-3-79)

2-35 FINANCIAL REVIEW BOARD.

2-35.1 Establishment; Membership.

There is hereby established a Financial Review Board of eight (8) members. The Board shall consist of three (3) classes of members as follows:

- a. *Class I:* A member of the Township Council.
- b. *Class II:* One (1) of the officials of the Township other than a member of the Township Council, to be appointed by the Mayor as a non-voting Advisor, provided that if there is a Financial Director, that person shall be deemed to be the Class II member.
- c. *Class III:* Six (6) citizens of the Township to be appointed by the Township Council. Three (3) shall be Certified Public Accountants, or individuals with financial business experience, or financial analysis.

(Code 1971 § 3-30.5; Ord. 11-12-85)

2-35.2 Term of Office.

- a. The term of the member composing Class I shall correspond to his official tenure.
- b. The term of the member composing Class II shall be for one (1) year to terminate at the completion of their respective term of office, whichever occurs first, except for a Class II member who is also the Municipal Financial Director.
- c. The term of a Class III member shall be for three (3) years.
- d. The terms of all Class III members first appointed under this section shall be so determined that, to the greatest practicable extent, the expiration of such term shall be distributed evenly over the first four (4) years after their appointment, provided that the initial Class III term of no member shall exceed four (4) years. Thereafter, the Class III terms of each member shall be four (4) years.

- e. All terms shall run from January 1 of the year in which the appointment is made.

(Code 1971 § 3-30.5; Ord. 11-12-85)

2-35.3 Vacancies.

If a vacancy in any Class shall occur otherwise than by expiration of a term, it shall be filled by appointment, as above provided, for the unexpired term.

(Code 1971 § 3-30.5; Ord. 11-12-85)

2-35.4 Removal from Office.

Any member other than a Class I and II member, after a public hearing if requested by a member, may be removed by the Township Council for cause. Such hearing shall be conducted pursuant to the dictates of due process, the accused member being afforded thirty (30) days' notice of the hearing and, in writing, the specific charges relevant thereto, as well as the right to counsel. In the event that the charging party (or parties) is (are) a member(s) of the Township Council, the Councilmember or members shall not participate in the removal hearing or action with respect thereto.

(Code 1971 § 3-30.5; Ord. 11-12-85)

2-35.6 Conflict of Interest.

No member of the Board shall be permitted to act on any matter in which he has, either directly or indirectly any personal or financial interest.

(Code 1971 § 3-30.5; Ord. 11-12-85)

2-35.6 Organization.

- a. The Review Board is authorized to adopt by-laws and such other rules and regulations governing its procedural operation, which by-laws, rules and regulations shall be consistent with the provisions of this section.
- b. The Review Board shall elect a chairman and vice-chairman from the members of Class II, select a Secretary who may not be a member of Council or a municipal employee.
- c. The Review Board Chairman may appoint from among the members of the Board any committee to review, report and make recommendations to the full Board regarding any matter before it and deemed advisable in carrying out its functions.

(Code 1971 § 3-30.5; Ord. 11-12-85)

2-35.7 Other Experts and Staff.

The Review Board may request from the Township Council the services of additional experts, staff and services as it shall deem necessary and appropriate. (Code 1971 § 3-30.5; Ord. 11-12-85)

2-35.8 Powers.

The Review Board shall be governed by and shall have such powers as are conferred upon it by this section. More specifically, the Board shall have authority to:

- a. *Prepare a Financial Master Plan:* Prepare, adopt and amend or revise a master plan for the Township in accordance with sound and good business or municipal financial practices.
- b. *Do Continuing Financial Planning:* Assemble data on a continuing basis as part of a continuous planning process and review the annual audit report.
- c. *Financial Investigations.* At the request of the Council, investigate any financial matter.
- d. *Review of Auditor's Engagement Agreement.* Review yearly the current validity of the Auditor's Engagement Agreement.

(Code 1971 § 3-305; Ord. 11-12-85)

2-36 REWARD COMMITTEE*

*For provisions regarding awards by Reward Committee, see Section 1-50 of this chapter.

2-36.1 Committee Membership; Compensation.

- a. The members of the Reward Committee shall consist of two (2) classes. The member appointed by Mayor shall be designated as a Class I member. The members appointed by the Township Council shall be designated as Class II members.
- b. The initial terms of all members of the Reward Committee shall commence on Reorganization Day, 1990. The Class I member shall serve for a term coterminous with that of the Mayor. The Class II members shall serve for terms of two (2) years, except that upon the initial appointment, one (1) member shall be appointed for a term of one (1) year and the other member shall be appointed for a term of two (2) years.

- c. The members shall serve without compensation. The Committee shall meet at such designated times and places as it may determine, subject to the provisions of the Open Public Meetings Act.

(Ord. #89-24 § 3)

2-36.2 Adoption of Guidelines.

The Reward Committee shall, within sixty (60) days of its first meeting, adopt guidelines for the issuance of grants of awards pursuant to Section 2-33. The guidelines, subject to Township Council approval, shall set forth at least the following:

- a. Criteria to be considered by the Committee in determining whether or not to grant an award, and the size of the award. The criteria shall include, but not be limited to, the magnitude of the dumping activity which is reported. The Committee shall not consider the individual's out-of-pocket expenses for serving as a witness in Court, nor any other expense that is attributable to serving as a witness in Court;
- b. Procedures which shall be followed relating to application for and issuance of an award, such as the processing of vouchers.

(Ord. #89-24 § 4)

2-37 OPEN SPACE COMMITTEE. Deleted in its entirety by Ordinance O-13-02.

2-38 YOUTH SPORTS CODE OF CONDUCT.

2-38.1 Definitions.

As used in this section, the following terms shall have the meanings indicated:

Code of Conduct shall mean a written specification of the behavior to be expected of the parents, guardians, coaches, and officials as prescribed by N.J.S.A. 5:17-1 et seq., and as more particularly set forth herein and to which all coaches and the parents or legal guardians of each minor on each municipally-sponsored youth sports program shall consent.

Youth sports event shall mean any competition, practice or instructional event involving one (1) or more youth sports programs.

Youth sports program shall mean any sports activity managed by an organization that is sponsored by the Township, other such authorized agent or a nonprofit or similar charter; such organization being affiliated with or receiving monetary or other support or service from the Township of Rockaway or regularly utilizing any facilities owned, operated or maintained by the Township; such sports organization participating in sporting competitions involving minors, irrespective of the specific location of any particular event.

(Ord. #07-13 § 1)

2-38.2 Youth Sports Code of Conduct.

- a. No coach, parent, player, participant, official or attendee shall engage in unsportsmanlike conduct with any other coach, parent, participant, official or any other attendee.
- b. No coach, parent, player, participant, official, or attendee shall encourage any child or any other person to engage in unsportsmanlike conduct with any coach, parent, player, participant, official or any other attendee.
- c. No coach, parent, player, participant, official, or attendee shall engage in any behavior which could endanger the health, safety or well-being of any coach, parent, player, participant, official or any other attendee.
- d. No coach, parent, player, participant, official, or attendee shall encourage any child or any other person to engage in any behavior which could endanger the health, safety or well-being of any coach, parent, player, participant, official or any other attendee.
- e. No coach, parent, player, participant, official, or attendee shall use drugs or alcohol while at a youth sports event and will not attend, coach, officiate or participate in a youth sports event while under the influence of drugs or alcohol.
- f. No coach, parent, player, participant, official, or attendee shall permit any child, or encourage any other person to use drugs or alcohol while at a youth sports event and will not permit any child, or encourage any other person to attend, coach, officiate or participate in a youth sports event while under the influence of drugs or alcohol.
- g. No coach, parent, player, participant, official, or attendee shall engage in the use of profanity.

- h. No coach, parent, player, participant, official or attendee shall encourage any child or any other person to engage in the use of profanity.
- i. Every coach, parent, player, participant, official, or attendee shall treat any coach, parent, player, participant, official, or attendee with respect regardless of race, creed, color, national origin, sex, sexual orientation or ability.
- j. Every coach, parent, player, participant, official, or attendee shall encourage every child to treat any coach, parent, player, participant, official or attendee with respect regardless of race, creed, color, national origin, sex, sexual orientation or ability.
- k. No coach, parent, player participant, official, or attendee shall engage in verbal or physical treats or abuse aimed at any coach, parent, player, participant, official or any other attendee.
- l. No coach, parent, player, participant, official, or attendee shall encourage any child or any other person to engage in verbal or physical threats or abuse aimed at any coach, parent, player, participant, official or any other attendee.
- m. No coach, parent, player, participant, official, or attendee shall initiate a fight or scuffle with any coach, parent, player, participant, official, or any other attendee.
- n. No coach, parent, player, participant, official, or attendee shall encourage any child or any other person to initiate a fight or scuffle with any coach, parent, player, participant, official, or any other attendee.

(Ord. #07-13 § 1)

2-38.3 Youth Sports Code of Conduct Committee.

- a. The Township Citizen’s Recreation Committee shall serve as the Youth Sports Code of Conduct Committee (“Committee”).
- b. The Committee shall be charged with enforcing the provisions of this Section 2-38 entitled Youth Sports Code of Conduct.

(Ord. #07-13 § 1; Ord. #12-07 § 1)

2-38.4 Code of Conduct Requirements.

- a. Every coach, parent, player, participant, official, or attendee of a youth sports event shall be required to follow the Code of Conduct as set forth in this section. In addition, every coach and every participant or at least one (1) parent or legal guardian of each minor participating in a youth sports program must sign the State of New Jersey Model Athletic Code of Conduct prior to the commencement of each program.
- b. The State of New Jersey Model Athletic Code of Conduct will be made available for signature at program registration and thereafter upon request, to all parents or guardians of each child participating in a municipally sponsored sport or activity and shall be incorporated in all program registration forms. A copy of the State of New Jersey Model Athletic Code of Conduct and a summary of the requirements of this section shall be posted at all facilities utilized by Township-sponsored programs.

(Ord. #07-13 § 1)

2-38.5

Violation Procedures and Hearings.

- a. Any coach, parent, player, participant, official, or attendee at a youth sports event who believes there to be a violation of this section shall forward, in writing, their name, address, phone number, identity of the violator, date, location of violation and nature of the violation to the governing board of the appropriate youth sports program for an investigation and determination by the governing board of the youth sports program.

- b. Upon receipt of notice that a violation of the Code of Conduct may have occurred, the governing board of the youth sports program shall investigate the matter and hold a hearing of the board to determine whether a violation occurred. The Township Director of the Department of Community Services shall be provided advances notice of all meetings of the governing board of any youth sports program concerning a violation of the Code of Conduct. Upon determination by a majority vote of the governing board of the youth sports program that a coach, parent, player, participant, official, or attendee at any youth sports event has violated a provision of the Code of Conduct, the governing board of the youth sports program may impose a penalty that is not inconsistent with subsection 2-28.6 below. The governing board of the youth sports program shall forward to the alleged violator a notice via regular and certified mail, with a copy to the Township Director of the Department of Community Services, a written determination regarding whether a violation of the Code of Conduct occurred. Said written determination shall identify the date, location, nature of the incident and, when applicable, any action to be taken in response to the violation.
- c. The governing board of the youth sports program may refer any matters, which the governing board of the youth sports program determines it is unable to decide for whatever reason, directly to the Code of Conduct Committee for a determination.
- d. Any coach, parent, player, participant, official or attendee who was found in violation of the Code of Conduct by the governing board of the youth sports program or the Township Director of the Department of Community Services may appeal a decision of the governing board of a youth sports program regarding a violation of the Code of Conduct to the Code of Conduct Committee for a final determination. Said appeal must be submitted to the Code of Conduct Committee for a final determination. Said appeal must be submitted to the Code of Conduct Committee in writing within ten (10) calendar days of receipt of the written notice of the decision by the governing board of the youth sports program. The appeal shall include a copy of said notice with a written request specifically setting forth the base of such person(s) contest of the notice of violation. The appeal shall be delivered by fax or certified mail to the Chairperson of the Code of Conduct Committee c/o Rockaway Township Department of Community Services, 65 Mt. Hope Road, Rockaway, New Jersey 07866.

- e. Upon receipt of such appeal the Code of Conduct Committee shall convene within ten (10) days and provide an opportunity for said person and any interested person or persons to appear and be heard with respect to the occurrence of any violation and action taken by the Code of Conduct Committee.
- f. The Code of Conduct Committee shall review statements; first-hand accounts and any other pertinent information or documents relevant to the violation and upon a majority vote of members of the Committee, present at such hearing, may sustain, overturn, or modify the notice of violation consistent with this section. The Committee shall notify the alleged violator of the Code of Conduct, the Township Director of the Department of Community Services and the governing board of the youth sports program of their determination, including any changes or modifications to the notice of violation.
- g. All notices of violation and banning or other actions taken by the governing board of the youth sport program shall remain in effect until or unless overturned or modified by the Code of Conduct Committee.
- h. In the event any notice of violation issued by the governing board of the youth sports program is not appealed within ten (10) days of such notice, said notice of violation and action taken by the governing board of the youth sports program, including banning from youth sports events, shall become final.
- i. The Township Department of Community Services, in accordance with the Township Clerk, shall maintain a permanent file on all proceedings as a result of any actions taken by the Code of Conduct Committee as a result of enforcement of this section.

(Ord. #07-13 § 1; Ord. #12-07 § 2)

2-38.6 Code of Conduct Violations and Penalties.

- a. Any coach, parent, player, participant, official, or attendee of a youth sports event that is found by the Committee to have violated one (1) or more of the provisions contained above in subsection 2-38.2, Youth Sports Code of Conduct, may, at the discretion of the Committee, be banned from attending, coaching, officiating or participating in one (1) or more youth sports programs for a period not to exceed twelve (12) months from the date of the incident.

- b. Any coach, parent, player, participant, official, or attendee of a youth sports event who is banned from attending, coaching, officiating or participating in one (1) or more youth sports programs for a period not to exceed twelve (12) months may also be required, at the discretion of the Committee, to complete an anger management counseling program, which offers services to individuals, singly or in groups, for the purposes of promoting anger control principles and shall be administered by an individual;
 - 1. Licensed as a professional counselor pursuant to the provisions of the Professional Counselor Licensing Act, N.J.S.A. 45:8B-33 et seq., or
 - 2. Licensed as a practicing psychologist pursuant to the provisions of the Practicing Psychology Licensing Act, N.J.S.A. 45:14B-1 et seq.

(Ord. #07-13 § 1)

2-38.7 Application.

- a. The provisions of the Section 2-38, Youth Sports Code of Conduct, shall be effective as of September 1, 2007.
- b. The provisions of this Section 2-38, Youth Sports Code of Conduct, supersedes any and all individual youth sports program bylaws adopted by the individual youth sports programs that are inconsistent with this section.

(Ord. #07-13 § 1)

2-39 PARKS AND RECREATION PLANNING COMMITTEE.

2-39.1 Committee Membership; Meetings.

- a. The Committee shall consist of five (5) members appointed by the Mayor for the term of one (1) year and two (2) alternate members appointed by the Mayor for the term of one (1) year.
- b. The Committee shall meet at least once a month and shall report directly to the Mayor.
- c. The Director of the Department of Community Services shall attend all meetings of the Committee.

(Ord. #11-10 § 4; Ord. O-15-03)

2-39.2 Duties and Functions.

- a. The Committee shall explore and recommend locations and areas suitable for the development of park sites and recreational facilities.
- b. The Committee shall plan and develop public recreational areas and facilities.
- c. The Committee shall recommend planned recreational activities and programs.

(Ord. #11-10 § 4)

2-40 CITIZEN'S RECREATION COMMITTEE.

2-40.1 Committee Membership; Meetings.

2-40.1 Committee Membership; Meetings.

- a. The committee shall consist of twelve (12) members appointed by the Mayor with the advice and consent of the Township Council.
- b. The term of each member shall be for one (1) year.
- c. Whenever a vacancy occurs on the Committee, a new member shall be appointed to fill the vacancy within sixty (60) days following the vacancy.
- d. The Director of the Department of Community Services shall assign members of the Committee to hear various recreational programs. These assignments shall be the member's primary responsibility. The members may also assist and advise the Director of the Department of Community Services regarding finances, administration, operations and development.
- e. The Committee shall meet at least once a month.
- f. The Director of the Department of Community Services shall attend all meetings of the Committee.
- g. The Citizen's Recreation Committee shall serve as the Youth Sports Code of Conduct Committee and in that capacity shall be responsible for enforcing the Youth Sports Code of Conduct ordinance, Section 2-38.

(Ord. #11-10 § 5; Ord. #12-07 § 3; Ord. O-15-03)

2-40.2 Bylaws; Grievance Procedures.

- a. Each Township recreational program shall have approved program bylaws setting forth the program's rules and regulations, membership, officers/positions and description of duties, and grievance procedures. The program bylaws shall be approved by the Director of the Department of Community Services and the Committee prior to implementation.
- b. It is required that each program attempt to resolve conflict at the program level, allowing for open and honest debate and allowing all grieved parties an opportunity to be heard.
- c. If, after following the grievance procedure as set forth in the program bylaws, a sanction is handed down by the program to a participant, parent, coach or manager, the decision shall be final except when the grieved party files a timely appeal to the Committee.
- d. The appeal to the Committee shall be in writing addressed to the Director of the Department of Community Services and the Committee and must be submitted within thirty (30) days from the date of penalty by the program.
- e. Once the appeal has been received it will be reviewed by the Director of the Department of Community Services and the Chairman of the Committee to determine if the appeal is warranted. If the appeal is accepted, the Chairman shall establish a series of special meetings as may be necessary for the specific purpose to hear the complaint/appeal. All affected parties shall be notified in writing by the Division of Recreation of the meeting date at least two (2) weeks in advance of the scheduled meeting. The special meeting must have a quorum of the Committee present. Any decisions reached must be by a majority vote of the voting members of the Committee present at the meeting.
- f. The Chairman shall preside over the special meeting and shall call parties to speak. After an adequate amount of time has been allowed for the parties to speak, the Chairman shall close the meeting to the public comment and the Committee will adjourn into closed session to deliberate. Once the Committee has reached a determination, it will reopen the public portion of the meeting to read the decision. It shall be noted that the decision of the Committee shall be final and binding and the Director of the Department of Community Services shall be instructed to implement said decision.

(Ord. #11-10 § 5)

2-41---2-47 RESERVED.

ARTICLE IX

ADMINISTRATIVE PROCEDURES

2-48 MISCELLANEOUS FEES.

2-48.1 Fees for Copies.

Fees for Copies will be set by Resolution adopted by the Governing Body as often as may be required.

(Ord. O-13-01 §1)

2-48.2 Fee for Checks Returned for Insufficient Funds.

- a. There is hereby imposed a service fee of twenty (\$20.00) dollars upon the accounts for any check, Automated Clearing House (ACH) transaction, or credit card payment which is submitted in payment to the Township, which is returned or unable to be processed to the Township.
- b. Whenever an account owing to the Township is for a tax, assessment or some other municipal service, the service charge authorized by this subsection shall be included on whichever list of delinquent accounts is prepared for the enforcement of the lien.
- c. Any service charge authorized by this subsection shall be collected in the same manner prescribed by law for the collection of the account for which the check or other written instrument was tendered.
- d. Any account for which the Township receives checks which are returned for insufficient funds on more than two (2) occasions shall be required, in the future, to be paid by certified check.

2-48.3 Fee for Administrative Processing.

- a. There is hereby imposed an administrative processing fee of twenty percent (20%) for the refund of any fees collected by the Township for any or all transactions requiring the issuance of purchase order. The Chief Financial Officer is

hereby authorized to issue such refunds as requested with the requisite departmental approval.

(Ord. #91-8; O-15-18)

2-49 FIRE INSURANCE CLAIMS; PAYMENT OF TAXES AND ASSESSMENTS REQUIRED.

2-49.1 Payment of Claims Restricted.

Pursuant to the provisions of N.J.S.A. 17:36-9, P.L. 1979 c. 369 Section 2, the Township does hereby prohibit the payment to any claimant by any insurance company, of any claim in excess of two thousand five hundred (\$2,500.00) dollars for fire damage on any real property located within the Township pursuant to any fire insurance policy issued or renewed after the adoption of this section and the filing of same with the State Commissioner of Insurance, until such time as all taxes and assessments and all other municipal liens or charges due and payable appearing on the Official Certificate of Search shall have been paid either by the owner of such real property, or by the insurance company, pursuant to the provisions of N.J.S.A. 17:36-9.

(Ord. 6-9-87; Ord. #91-6 § 1)

2-50 DETECTION AND APPREHENSION OF ILLEGAL DISPOSAL OF SOLID WASTE.

2-50.1 Statement of Purpose.

- a. The Township landscape has been the unwilling recipient of unwanted tires, furniture, newspapers, garbage bags, sofas as well as other unwanted debris.
- b. The Township Council views an unwavering commitment to maintaining the natural resources of the community as a high priority.
- c. The economic burden of refuse removal has grown substantially at the Township taxpayer's expense.
- d. In order to facilitate the detention, apprehension and conviction of persons, firms or corporations who have illegally dumped or disposed of refuse.
- e. The Township Council has appropriated funds to reward good citizens for information leading to conviction of violators of this section.

(Ord. #89-24 preamble)

2-50.2 Definitions.

As used in this section:

Solid Waste shall mean garbage, refuse and other discarded materials resulting from industry, commercial and environmental operations and from domestic and community activities and shall include all other waste materials including liquids.

(Ord. #89-24 § 1)

2-50.3 Grant of Award; Decision of Committee.

- a. A sum not to exceed two hundred fifty (\$250.00) dollars may be awarded to those citizens who provide information leading to the conviction of any individual for violating the Township's ordinance on illegal dumping.
- b. The decision to grant an award shall be made by the Reward Committee established in Section 2-26 of this chapter. The decision of the Reward Committee shall rest solely within the discretion of the Committee, and the Committee's decision shall be final.
- c. For each conviction in the Municipal Court for violation of the Township's ordinance on illegal dumping, the Committee may grant only one (1) award. In the event that a conviction is obtained as a result of two (2) persons having reported the violation; the committee will designate only one (1) person as the recipient based upon their participation leading to conviction.
- d. The total monies awarded in a calendar year shall not exceed two hundred fifty (\$250.00) dollars.

2-50.4 Exceptions.

The reward shall not apply to any municipal elected and/or appointed officials and/or police officers and/or employee of the Township.

(Ord. #89-24 § 5)

APPENDIX A

(Sections 2-8)

Summary of Local Unit Actions to Implement “Substantially Similar” Requirements

1. Identify Substantially Similar Positions

1. Use the substantially similar guidance in Local Finance Notice 2008-10 to identify positions in the organization that are DCRP eligible.
2. Adopt an ordinance (municipality) or resolution (county and fire district) codifying the determination.
3. Send a copy of the determination to the Division of Pensions and Benefits, P.O. Box 298, Trenton, NJ, 08625, Attention: DCRP. When sending the document, please include the organization’s State Employer ID number (i.e., 69-022xxx)

2. Identify Affected Individuals

1. The Pensions Certifying Officer reviews the circumstances for each individual appointed to a DCRP position on and after July 1, 2007 and takes necessary action to ensure they are either enrolled in DCRP, are eligible for PERS membership, are retired from PERS, or are otherwise exempt from DCRP membership.
2. If any position is a professional service (N.J.S.A. 40A:11-2(6)), ensure that the limitations on serving as an employee and being a contractor pursuant to N.J.S.A. 43:15A-7.2 are properly applied. Properly differentiate between professional service resolutions and related contracts, and employment agreements with terms and conditions with employees.

3. Substantially Similar Positions.

1. Executive decision-making and senior management of the organization that require approval of a governing body are DCRP positions. They include appointments made by municipal and county managers or other titles.
2. When the individuals are treated as *bona fide* employees and not hire under a professional services resolution they include:

The statutory-based, untenured chief administrative *officer* of the organization. These include the following titles: Business Administrator; County Administrator; Municipal or County Manager; or Municipal or County Administrator appointed under the authority of a local ordinance or administrative code; or similar positions.

Individuals with principal operating responsibility of a government function(s) (commonly called “department heads” or similar title). That are appointed by the governing body and who directly report to an elected official(s) or chief administrative officer.

Legal counsel to the organization regardless of title, i.e. municipal attorney, counsel, director of law, corporation counsel, solicitor, county counsel, etc. (N.J.S.A. 40A:9-139 and 40A:9-43 or similar).

Municipal or County Engineer (N.J.S.A. 40A:9-140, and 40A:9-43 or similar).

3. The following positions, when compensation is provided, require individuals to be treated as employees and are DCRP positions. The positions cannot be filled through a professional service agreement.

Municipal Court Judge (N.J.S.A. 2B:12-4)

Appointed members of local authority Board of Commissioners (various laws, but subject to N.J.S.A. 40A:5A-1 et seq.).

Gubernatorial appointees who serve in county or municipal government for a fixed term, such as County Election Commissioners.

4. Exceptions to DCRP Membership for Substantially Similar Employees

Individuals that serve in DCRP positions that meet the following criteria are not required to join DCRP (See Section A and B of Local Finance Notice 2008-10 for details):

At the time of appointment has “continuously” been a member of PERS (Section B-4)

Are a “routine” appointment (Section A-3)

PERS members within an organization that are promoted to a DCRP position within the same organization (Section B-2)

Meet the licensed employee criteria or are serving in an “acting” capacity in one (Section B-3)

APPENDIX B

Local Finance Board DCRP “Substantially Similar” Policy Analysis

In arriving at a policy the Board considered several approaches to determining what positions are substantially similar. These alternatives included:

- a. Relying on forms of government that mimics State advice and consent; and
- b. Based on the type or nature of the positions that are affected by State advice and consent; and
- c. Recognizing that there is a difference between “career” and “political” appointees in local unit employment and state government employment, and that this can be an element of a determination of certain positions being “substantially similar” to the State advice and consent process.

The Board found that the “form of government” approach is not permissible. There are many forms of government and many different ways in which individuals are appointed to positions. The statutory requirement, however, focuses on whether consent or approval of the elected governing body is required, not the form of government of the municipal or county.

Similarly, the “type and nature” approach is similarly not practicable. There are many local positions that can be held by individuals who are career public administrators, and the same positions to be held by political appointees. It is not possible to uniformly classify these positions as either “DCRP or PERS.

To provide equal application of the law, it was concluded that the policy should be generally applied to the types or function of positions, and statutory requirements for appointment.

The Board also found that there can be a difference between “political” and “career” positions within a government organization. To that limited extent, the Board considered that an individual who is a PERS member and is promoted to a DCRP from within the organization should not lose PERS status because of a “career” promotion. The Board determined that these individuals may remain eligible for PERS membership when filled though by a legitimate promotion from within the organization. In the event a DCRP position is filled by means other than a promotion, the appointment would be considered “political” in nature and the appointment be treated as DCRP. The Board also noted that such promotions must be *bona fide* in nature.

It should be noted that the Board carefully considered issues raised by those who serve as local chief administrative officers and department directors. These individuals are often career professionals who serve on a non-partisan basis and whose career circumstances often involved employment in multiple municipalities over time. Upon careful and considered evaluation, the Board acknowledged the concern, but found that the statutory language is sufficiently clear that it does not provide an option for these and similar positions to be definitively classed as PERS, This issue can only be resolved by amendments to the law.

In consideration of the foregoing, the Board adopted policies in fulfillment of the statutory requirements of N.J.S.A. 43:15C-2(a)(3). Subject to the exceptions described herein, elected governing bodies shall apply these criteria to fulfill the requirements of law in considering if an individual being appointed as an employee on or after July 1, 2007 must join the Defined Contribution Retirement Program (DCRP). This requirement takes effect on June 1, 2008, and should be implemented as soon as practicable by each covered government agency.

