

993-04

TOWNSHIP OF NORTH BERGEN
HUDSON COUNTY, NEW JERSEY

AN ORDINANCE READOPTING AND AMENDING AN ORDINANCE
REQUIRING ALL EMPLOYEES OF THE TOWNSHIP OF NORTH BERGEN
IN THE COUNTY OF HUDSON, OR ANY OF ITS SUBDIVISIONS,
TO BE A BONA FIDE RESIDENT THEREIN AS A CONDITION
OF THEIR CONTINUED EMPLOYMENT EXCEPT AS
OTHERWISE PROVIDED BY LAW

WHEREAS, the governing body previously adopted Ordinance No. 1825-76 requiring all officers and employees of the Township of North Bergen to be domiciled within the Township as a condition of employment and/or continued employment; and

WHEREAS, the governing body wishes to amend Ordinance No. 1825-76 to reflect the existence of certain requirements imposed by a federal Consent Order; and

WHEREAS, the requirements of Ordinance No. 1825 are readopted to conform with N.J.S.A. 40A:9-1.3; and

WHEREAS, the governing body, in order to enhance the quality of its employees' performance by greater personal knowledge of the municipality's conditions and by a feeling of greater personal stake in the municipality's progress, reduce local unemployment rates, the diminution of absenteeism and tardiness among municipal personnel, the ready availability of trained manpower in emergency situations, and the general economic benefits flowing from local expenditures of employees' salaries, deems it in the best interest of the municipality that its municipal officers and employees be bona fide residents of the Township.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NORTH BERGEN that:

Section 1. All officers and employees of the Township of North Bergen in the County of Hudson now in the employ of or hereafter to be employed by the municipality are hereby required, as a condition of their continued employment, to have a place of abode in the Township of North Bergen and to be bona fide residents therein, except as otherwise provided by law. A bona fide resident for the purpose of this section is a person having a permanent domicile within the Township and one which has not been adopted with the intention of again taking up or claiming a previous residence acquired outside the Township limit. This provision shall have no force or

effect on any individual hired under the provisions of the federal Consent Order entered in the matter docketed as 95-248, that required residency in North Bergen or Jersey City as a condition for being hired by the Township. Should the terms of the Consent Order be vacated or otherwise eliminated, the residency requirements set forth in this ordinance shall become effective against those employees residing in Jersey City.

Section 2. The Director of any Department is hereby authorized in his/her discretion for good cause shown, to permit any officer or employee of the municipality in his/her respective department or office to remain in the employment of the municipality without complying with the provisions hereof, where:

- a) The serious health condition of any officer or employee necessitated residence outside of the municipality's limits.
- b) The nature of the employment is such as to require residency outside of the municipality's limits.
- c) Special talents or skills that are necessary for the operation of government not found among North Bergen residents exists justifying residency outside the municipal limits.

Section 3. Penalty Failure of any officer or employee to comply with this ordinance shall be cause for his/her removal, suspension or discharge from the municipality's service.

Section 4. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the inconsistency thereof.

Section 5. If any part or parts of this ordinance are for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 6. This ordinance shall take effect upon adoption and publication as required by law.

<u>Commissioner Cabrera</u>	<u>Yes</u>
<u>Commissioner Ferraro</u>	<u>Yes</u>
<u>Commissioner Gargiulo</u>	<u>Yes</u>
<u>Commissioner Pascual</u>	<u>Yes</u>
<u>Mayor Sacco</u>	<u>Yes</u>

Introduced: September 8, 2004

Published: September 11, 2004 & September 28, 2004

Adopted: September 22, 2004

Attest: Carol Ann Fontana
Township Clerk