

Chapter 5

ADMINISTRATION OF GOVERNMENT

GENERAL REFERENCES

Ethics — See Ch. 145.

Personnel policies — See Ch. 351.

**Defense and indemnification of officers and
employees — See Ch. 119.**

Public records — See Ch. 380.

Volunteer incentives — See Ch. 510.

ARTICLE I

Purpose; Title; Definitions**§ 5-1. Declaration of purpose; short title.**

- A. The Municipal Council adopts this chapter as an administrative code for the organization and administration of the government of the Township, pursuant to Mayor-Council Plan of the Optional Municipal Charter Law, Laws of 1950, Chapter 210, as amended (N.J.S.A. 40:69A-1 et seq.).
- B. This chapter shall be known and may be cited as the "Administrative Code of Old Bridge."

§ 5-2. Definitions; word usage.

- A. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATOR — The Director of the Department of Administration, who shall be known and designated as the "Business Administrator," appointed pursuant to the Charter and this chapter, or any Assistant, Deputy or Acting Administrator serving in place of the Business Administrator pursuant to the Charter or this chapter.

CHARTER — Mayor-Council Plan of Chapter 210 of New Jersey Laws of 1950, as amended and supplemented.¹

CLERK — The Municipal Clerk appointed pursuant to the Charter and this chapter.

COUNCIL — The local legislative body of the municipality constituted and elected pursuant to the Charter and this chapter and designated as the "Municipal Council of the Township of Old Bridge."

DEPARTMENT — An organizational unit of the municipal government. All of the administrative functions, powers and duties of the municipality, other than those vested in the office of the Municipal Clerk or office of the Municipal Tax Assessor, are allocated and assigned among and within the departments which are established or designated by or pursuant to this chapter.

DIRECTOR — The head of a department appointed by the Mayor with the advice and consent of the Council.

GENERAL LAW — Any law or provision of law, not inconsistent with the Optional Municipal Charters Law,² heretofore 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

1. Editor's Note: See N.J.S.A. 40:69A-1 et seq.

2. Editor's Note: See N.J.S.A. 40:69A-1 et seq.

more than one municipality and to municipalities in unsound financial condition.

GOVERNING BODY — The Municipal Council as constituted under the Charter.

MONTH — A calendar month unless otherwise specifically provided.

MUNICIPALITY — The Township of Old Bridge in the County of Middlesex.

ORDINANCE — An act of the Council as defined in N.J.S.A. 40:49-1 et seq.

PERSON — Any corporation, firm, partnership, association, organization or other entity, as well as an individual.

PRESIDENT — The President of the Council.

YEAR — A calendar year unless otherwise specifically provided.

B. Construction. For the purpose of this chapter and any other ordinance or resolution heretofore or hereafter adopted, except as the context may otherwise require:

- (1) The present tense includes the past and future tenses; and the future, the present.
- (2) The masculine gender includes the feminine and the neuter.
- (3) The singular number includes the plural; and the plural, the singular.
- (4) "Shall" is mandatory, and "may" is permissive.
- (5) The time within which an act is to be done shall be computed by excluding the first day and including the last day, and, if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.
- (6) "Writing" and "written" include any printing, typewriting and any other mode of communication using paper or similar material which is in general use, including but not limited to data sheets, data processing cards, photographs, photographic negatives, photo record, tape recordings, wire recordings, transcripts or recordings, as well as legible handwriting.

ARTICLE II
Office of the Mayor

§ 5-3. Organization of government.

The government of the Township of Old Bridge shall consist of the Mayor, the Council and such other officers and employees as may be duly appointed pursuant to the Charter, general law or ordinance.

§ 5-4. Executive power.

- A. The executive power of the municipality shall be exercised by the Mayor. The Mayor may assign and reassign, transfer and retransfer, from time to time, either temporarily or permanently, any property or personnel from one administrative unit to another as the efficient management of the town government may require, subject to the express provisions of the Charter, this chapter and other general law.
- B. The Mayor shall assign or approve the assignment of space in public buildings or other public places for the temporary or permanent use of any department, body, officer, agency or instrumentality and shall, through the Business Administrator, control the assignment, allocation and use of furniture, equipment or other public property in the Township government.

§ 5-5. Duties.

- A. The Mayor shall:
 - (1) Enforce the provisions of the Charter, the Township ordinances and all applicable general laws.
 - (2) Supervise all the departments of the Township government.
 - (3) Require each department to make an annual and such other reports of its work as he may deem desirable.
 - (4) Report annually to the Council and the public on the condition and requirements of the Township government.
 - (5) Make recommendations for action by the Council on such matters as he believes are in the public interest.
 - (6) Appoint all officers and employees as required by the Charter, this chapter and by general law.
- B. 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.

§ 5-6. Veto power.

Ordinances adopted by the Council shall be submitted to the Mayor, and he shall, within 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. No ordinance or any item or part thereof shall take effect without the Mayor's approval, unless:

- A. The Mayor fails to return the ordinance to the Council within 10 days after it has been presented to him; or
- B. The Council, upon reconsideration thereof on or after the third day following its return by the Mayor, shall, by a vote of 2/3 of the members, resolve to override the Mayor's veto. Reconsideration shall occur at the next regular Council meeting occurring on or after the third day following its return by the Mayor.

§ 5-7. Appointment, removal and term of directors.

- A. The Mayor shall, with the advice and consent of the Council, appoint the Business Administrator and the director of each department established by this chapter. The Business Administrator and each director shall serve during the term of office of the Mayor appointing him and until the appointment and qualification of his successor.
- B. Removal. The Mayor may, in his discretion, remove any department head after notice and 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 20th day after the filing of such notice unless the Council shall, prior thereto, have adopted a resolution, by a two-thirds vote of the whole number of the Council, disapproving the removal.

§ 5-8. Preparation of budget. [Amended 1-9-2006 by Ord. No. 38-2005]

- A. The municipal budget shall be prepared by the Mayor with the assistance of the Business Administrator. During the month of May, 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 that month, on the various requests.
- B. On or before the 15th day of July, the Mayor shall submit to the Council his recommended budget, together with such explanatory comment or statement as he may deem desirable. The budget shall be in such form as is required by law for municipal budgets and shall, in addition, have appended thereto a detailed analysis of the various items of expenditure and revenue.

§ 5-9. Acting Mayor.

The Mayor shall designate the Business Administrator, any other department head or the Municipal 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. Whenever the Mayor shall have been unable to attend to the duties of his office for a period of 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. Upon return of the Mayor to the duties of his office, the term of the Acting Mayor shall immediately cease. In the event that a Councilman is appointed Acting Mayor, he shall give up all duties, powers and functions of Councilman during his term as Acting Mayor.

§ 5-10. Committees.

The Mayor may establish such advisory committees, from time to time, as he believes advisable and abolish any such committees which he believes are no longer necessary.

§ 5-11. Compensation.

- A. The Mayor shall be compensated annually at the rate of 2 1/2 times that of Councilman, to be paid as all other salaries are paid.
- B. Where an ordinance provides for an increase, decrease or alteration in the salaries, wages or compensation to be paid to the Mayor, the ordinance or that portion thereof which provides for the increase, decrease or alteration shall not become operative for the Mayor until the first full term following the next respective election thereof. **[Added 1-11-1985 by Ord. No. 36-84]**

ARTICLE III
Council

§ 5-12. Legislative power.

The legislative power of the municipality shall be exercised by the Municipal Council, except as may be otherwise provided by general law.

§ 5-13. Powers and duties.

The Council, in addition to such other powers and duties as may be conferred upon it by this chapter or otherwise by general law, may:

- A. Require any municipal officer, in its discretion, to prepare and submit sworn statements regarding his official duties and the performance thereof and otherwise investigate the conduct of any department, office or agency of the municipal government.
- B. Remove any municipal officer, other than the Mayor or a member of the Council, for cause, upon notice and an opportunity to be heard.

§ 5-14. Budget and control.

- A. Upon the submission of the budget to the Council by the Mayor, the Council may reduce any item or items in the Mayor's budget by a vote of a majority of the Council, but an increase in any item or items therein shall become effective only upon an affirmative vote of 2/3 of the members of the Council.
- B. The Council shall, where practicable, provide for the maintenance of a system of work programs and quarterly allotments for operation of the budget. It shall be the duty of the officer or department administering any such program to develop and report the appropriate unit cost of budgeted expenditures.
- C. The Council shall provide, by ordinance, for the exercise of a control function in the management of the finances of the municipality by some officer other than the Business Administrator. The control function shall include provision for an encumbrance system of budget operation, for expenditures only upon written requisition, for the preaudit of all claims and demands against the municipality prior to payment and for the control of all payments out of any public funds by individual warrants for each payment to the official having custody thereof.

§ 5-15. Independent annual audit.

The Council shall cause to be made an annual audit of the Township's accounts and financial transactions as required by law. Such annual audit shall be made by a registered municipal accountant of New Jersey selected by the Council.

§ 5-16. President and Vice President of Council. [Amended 1-26-1998 by Ord. No. 5-98]

Pursuant to the Charter, at its organization meeting, the Council shall elect a President of the Council from among its members. At the same time, the Council shall elect a Vice President of the Council to serve, who shall have the functions, powers and duties of the President of the Council whenever the President may be absent.

§ 5-17. Chairperson Pro Tem. [Added 1-26-1998 by Ord. No. 5-98]

In the event both the President of Council and the Vice President of Council are absent from a particular meeting of Council, a Chairperson Pro Tem shall be selected from among the members present. Such Chairperson Pro Tem shall preside over the meeting at which he or she is selected only. In the event of a deadlock in selecting a Chairperson Pro Tem, the Clerk shall preside over the meeting.

§ 5-18. Duties of President.

- A. The President of the Council shall preside at its meetings.
- B. He shall preserve order and decorum at all meetings of the Council.
- C. He shall state every question coming before the Council.
- D. He shall announce the decisions of the Council.
- E. He shall decide all questions of order.
- F. He shall appoint all special committees of the Council.
- G. He shall sign all ordinances and resolutions adopted by the Council during his presence.
- H. For the purpose of receiving resumes, the Council President shall announce to the Council and the public any vacancies or impending vacancies on authorities, boards, commissions or committees, for which the Council has appointment powers. The Council President shall give copies of all resumes to the Council at the regular agenda meeting prior to the public meeting at which the appointments are to be voted upon.
[Added 4-14-1984 by Ord. No. 6-84]

§ 5-19. Clerk of the Council.

The Municipal Clerk shall serve as Clerk of the Council. He shall keep a journal of its proceedings and record the minutes of every meeting and shall have such other functions, powers and duties as are provided by the Code.

§ 5-20. Meetings of Council. [Amended 2-28-1985 by Ord. No. 8-85; 3-19-1990 by Ord. No. 6-90; 12-10-1992 by Ord. No. 48-92; 12-22-1994 by Ord. No. 90-94]

- A. Regular meetings. The Township Council shall, following a municipal election, meet on January 1 at 12:00 noon for the purpose of reorganization, unless that day is a Sunday, in which case it shall meet in the next succeeding day. At other times, the Council shall reorganize at its first regular meeting of the year. The Council shall meet regularly on the second and fourth Monday of each month at 7:30 p.m., unless otherwise specified; and shall meet for the general purposes of formulating and discussing its agenda, local legislation and issues on the first and third Monday of each month at 7:30 p.m., unless otherwise specified. The Council may upon compliance with the Open Public Meetings Act³ transact formal business at agenda meetings. Agenda meetings shall be advertised together with regular meetings in the schedule of regular meetings for purposes of the Open Public Meetings Act. The Council may by resolution dispense with one or more meetings. When the time for any regular meeting of the Council falls on a legal holiday as prescribed by law, such meeting shall be held at the same hour on the next succeeding day which is not a legal holiday or such other date designated by resolution. Meetings shall be held at the Old Bridge Township Municipal Building, One Old Bridge Plaza, or at such place as may be designated by the Township Council. Nothing herein shall preclude the Township Council from establishing a convenient meeting schedule on dates other than those set forth in this subsection. All Council meetings shall conclude no later than 11:00 p.m., except that the Council President may extend the meeting for the purpose of concluding official business. No new business shall be started after 10:30 p.m. so that sufficient time may be provided for public comments and Council comments prior to adjournment. **[Amended 11-8-2004 by Ord. No. 40-04; 1-9-2006 by Ord. No. 38-2005]**
- B. Special meetings. The Mayor or Council President may at any time, and upon the written request of any five Council persons shall, call a special meeting. The request and call for a special meeting shall specify the purpose of the meeting, and no business shall be transacted at any special meeting other than that specified unless all nine members agree to consider business not specified in the call of the meeting. Such other business may also be considered notwithstanding the absence of consent by all nine Council persons if the business qualifies under the Open Public Meetings Act as being of such urgency and importance that a delay for purposes of providing adequate notice would be likely to result in substantial harm to the public interest. The call for a special meeting by the Mayor or President of Council shall be filed with the Municipal Clerk and served upon each Council person at least 24 hours prior to the time for which the meeting is called, provided that the Mayor may determine that an emergency exists affecting the health and safety of the people which requires consideration by the Council within a shorter time, and upon such determination, which the Mayor shall set forth in the call, the call may be filed with the Municipal Clerk for any

3. Editor's Note: See N.J.S.A. 10:4-6 et seq.

time not less than three hours prior to the time set for the meeting. Upon the filing of any call for a special meeting, the Municipal Clerk shall forthwith give notice thereof by telephone or fax to each Council person at such place at he or she has previously designated for that purpose and shall also serve or cause to be served a written copy of the call upon each Council person by delivery of a copy to him or her personally or by the leaving of a copy at his or her usual place of abode. The Police Department shall cooperate with the Municipal Clerk in effectuating such service of notice. Upon written waiver of notice executed by all the members of the Council, a special meeting may be held without prior notice, notwithstanding the above provisions of this subsection. **[Amended 1-9-2006 by Ord. No. 38-2005]**

- C. Open to public attendance. All regular and special meetings of the Council shall be open to the public. The Attorney and Clerk shall attend regular and special meetings of the Council.⁴
- D. Quorum. A majority of all the members elected to the Council shall constitute a quorum at any regular or special meeting of the Council, but a lesser number than a quorum may adjourn any meeting. If no member of the Council is present 1/2 hour after the appointed time for any meeting, the Clerk shall adjourn the meeting.
- E. Executive sessions. The Township Council shall keep reasonably comprehensive minutes of its executive sessions, showing the time and place, the members present, the subjects considered, the actions taken, and any other information required to be shown in the minutes by law. The executive session minutes, which need not be verbatim, shall be maintained by the Township Clerk. Executive session minutes that have been approved by the Township Council shall, upon request, be publicly released no later than seven business days following receipt of the request. Prior to public release, however, the Township Attorney shall redact or suppress its executive session minutes only to the extent authorized by law. **[Amended 9-12-2005 by Ord. No. 29-2005; 8-14-2006 by Ord. No. 38-2006]**

§ 5-21. Order of business; agenda. [Amended 6-4-1984 by Ord. No. 10-84]

- A. Order of business. The business of the Council at regular meetings and so far as applicable at special meetings shall be taken up for consideration and disposed of in the following order: **[Amended 10-21-1991 by Ord. No. 23-91; 12-10-1992 by Ord. No. 48-92; 8-28-1995 by Ord. No. 50-95⁵; 9-24-2012 by Ord. No. 2012-18]**
 - (1) Salute to the flag, invocation by Council member and quorum roll call.

4. Editor's Note: See also § 5-23, Addressing Council.

5. Editor's Note: Section 2 of this ordinance provided that the provisions of this ordinance will terminate unless extended by Township Council on or before 3-1-1996.

- (2) Presentations.
 - (3) Approval of minutes of previous meetings.
 - (4) Bill list.
 - (5) Public hearings and/or adoption/amendment of those ordinances for second reading.
 - (6) Preliminary public comments to Council, subject to the following conditions and restrictions:
 - (a) During the preliminary public portion of the meeting, any person may address the Township Council on any subject matter(s) for a maximum period of five minutes; **[Amended 2-26-2018 by Ord. No. 2018-03]**
 - (b) Any such person desiring to speak during the preliminary public portion shall first sign a list maintained by the Township Clerk for such purpose; and
 - (c) Comments during the preliminary public comment portion of the meeting shall not encompass second reading ordinances or any other matter for which comment or a public hearing is to occur at the meeting.
 - (7) Council member comments.
 - (8) Reports of Township Clerk and Township Attorney.
 - (9) Administrative report.
 - (10) Consent agenda.
 - (11) Ordinances for first reading.
 - (12) Public comments on any subject matter.
 - (13) Council member comments.
 - (14) Adjournment.
- B. Agenda. 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 Mayor or the Council President, 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 no later than 10:00 a.m. on Wednesday preceding the agenda meeting. As soon as the agenda for each meeting has been prepared, the Clerk shall deliver a copy to each Councilman, the Mayor and each department head. **[Amended 12-10-1992 by Ord. No. 48-92; 7-29-1993 by Ord. No. 30-93; 1-9-2006 by Ord. No. 38-2005]**

- C. Consent agenda. Those items listed on the Council agenda which are considered routine by the Township Council shall be listed under consent agenda. Prior to voting upon any item on the consent agenda, the presiding officer shall open the meeting to the public and the Council to entertain requests for removal from the consent agenda. There shall be no separate discussion of items on the consent agenda unless a Council member so requests, in which event the item shall be removed from the consent agenda and considered in its normal sequence on the agenda. Items to be included in the consent agenda may include but are not limited to approval of minutes, reports, solicitation of bingos and raffles, conveyances, easements, leases and agreements previously approved in principle. Those items which appear on the consent agenda are not required to be read at the public meeting in their entirety, but may be read by description only. Once a matter is placed on the consent agenda, there shall be no separate discussion on that item. Those items so approved under the consent agenda shall appear in the Council minutes in their complete and proper form. **[Amended 1-9-2006 by Ord. No. 38-2005]**

§ 5-22. Conduct of meetings.

- A. General procedure. Except as otherwise provided herein, meetings of the Council shall be conducted according to Robert's Rules of Order, latest update. **[Amended 1-9-2006 by Ord. No. 38-2005]**
- B. Reading of the minutes. The minutes of the previous meeting of the Council may be approved without reading if the Clerk has previously furnished each Councilman with a copy thereof, but upon request of any Councilman, the minutes or any part thereof shall be read prior to approval.
- C. Presiding officer may debate and vote. The presiding officer may move, second and debate from the chair and may vote on any question, subject only to limitations of debate as are, by these rules, imposed on all members, and he shall not be deprived of any of the rights and privileges of a Councilman by reason of his acting as the presiding officer.
- D. Closing debate. The Councilman moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.
- E. Motion to reconsider. A motion to reconsider any action taken by the Council may be made only at the meeting at which such action was taken. It may be made either immediately during the same session or at a recessed or adjourned session of such meeting. Such motion may be made only by one of the prevailing side, but may be seconded by any member and may be made at any time and have precedence over all other motions, and it shall be debatable.
- F. Remarks of Councilman. A Councilman may request, through the presiding officer, the privilege of having an abstract of his statement on

any subject before the Council, not exceeding 100 words, entered in the minutes. If the Council consents thereto, such abstract shall be entered in the minutes.

- G. Synopsis of debate. The Clerk may be directed by the presiding officer, with consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.

§ 5-23. Addressing Council.

Any person desiring to address the Council shall first seek to be recognized by the presiding officer and, upon recognition of such person, shall confine his statement to the order of business prescribed by the section.

- A. Written communications. Under the order of business described as "written communications," affected parties or their authorized representatives may address the Council in regard to matters then under discussion which are the subject of such communication.
- B. Public portion. There shall be a public portion at all meetings of the Township Council during which the public will be invited to speak on any subject matter for a period not to exceed five minutes per person. At regular meetings of the Township Council, an additional five-minute opportunity to speak shall be permitted which shall be limited to items listed on the agenda for action. If a statute, ordinance or Council tradition permits a public hearing or public comment before a vote or other action on any item at the meeting, such item shall not be subject to this separate right to speak. Unless a different procedure is established by vote of the Township Council, the public's right to speak at agenda meetings shall be held at the end of the meeting. The public's right to speak at regular meetings shall be held at a time established by the Clerk on the published agenda unless the Township Council shall, by majority vote, designate a different time for the public to make its comments. **[Amended 2-24-2003 by Ord. No. 05-03; 3-12-2012 by Ord. No. 2012-08]**

§ 5-24. Decorum at meeting; Sergeant at Arms.

The Director of the Department of Police or such member or members of his Department as he may designate shall be Sergeant at Arms of the Council meetings and shall be in attendance at Council meetings when requested by the Council President. The Sergeant at Arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting. Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Council shall be barred by the presiding officer from further attendance at that meeting of the Council unless permission to continue is granted by a majority vote of the Council. Any person who violates the order and decorum of the meeting shall be guilty of an offense punishable as provided by law. Upon instructions of the presiding officer, it shall be the duty of the Sergeant at Arms to place such person under arrest and cause

him to be prosecuted pursuant to law, the complaint to be signed by the presiding officer.

§ 5-25. Ordinances and resolutions.

- A. Procedure for introduction. Ordinances may be introduced and read on first reading by reading the title only. After publication and notice of hearing and upon the opening of the hearing, the ordinance shall be given a second reading, which may also be by title only, and thereafter it may be passed with or without amendments or rejected. Prior to the second reading, a copy of the ordinance shall be posted on the bulletin board or other public place upon which public notices are customarily posted in the Municipal Building, and copies of the ordinance shall be made available to members of the general public of the Township who shall request such copies. Copies of each ordinance and resolution, in printed or typewritten form and bearing a notation by the Department of Law as to approval as to form and sufficiency, shall be mailed by the Clerk to each Councilman at least 48 hours prior to introduction, provided that the failure of the Clerk to make such mailing shall not invalidate any action taken by the Council.
- B. Prior approval or disapproval; drafting. Ordinances and resolutions shall be drafted by the Department of Law upon motion of the Council or request of the Mayor. It is understood that the ordinances requested by the Mayor shall be through the Council President as all ordinances must be sponsored by a Councilperson. Any ordinance or resolution which affects the administration of any department of the municipal government shall be submitted to the Mayor for his review and comment prior to its introduction. **[Amended 7-9-2018 by Ord. No. 2018-16]**
- C. All ordinances approved upon motion of Council or at the request of the Mayor pursuant to Subsection B above shall first be listed for discussion by the Council for the sole purpose of receiving an explanation regarding the purpose and intent of said ordinance. In that regard, debate regarding the ordinance shall not be permitted at this time, but rather shall be reserved for the public hearing of the ordinance. In addition, any ordinance approved by Council by motion to be drafted may also be moved for first reading (introduction) at the same meeting that it is listed for discussion by Council prior to it being introduced upon motion approved by the majority of Council then present at such meeting. **[Added 7-9-2018 by Ord. No. 2018-16]**

§ 5-26. Procedure for adoption.

- A. An ordinance may be adopted by the Council only by the affirmative vote of at least a majority of all members of the Council. Each ordinance shall be published by the Clerk, considered and adopted by the Council and become effective according to the procedure prescribed by the Charter.

- B. Resolutions, unless laid over by a majority vote of the Council, shall be acted upon at the same time at which they are introduced.
- C. The vote of the Council upon every ordinance and resolution shall be taken by the Clerk by roll call, and he shall record in the journal the ayes and nays and not voting or abstains, as the case may be, on each question put to vote.
- D. Unless a member of the Council who is present states that he is not voting or abstains, the Clerk shall record him as voting in the affirmative.

§ 5-27. Ordinances to be delivered to Mayor.

- A. All ordinances shall be introduced, read, heard and enacted in the manner provided by general law. Each ordinance adopted by the Council shall be promptly delivered by the Clerk to the Mayor. Each ordinance shall be returned by the Mayor to the Township Clerk after the Mayor has affixed his signature thereto or after the expiration of 10 days from the date of its delivery to the Mayor in any event.
- B. No ordinance, other than the Local Budget Ordinance, shall take effect less than 20 days after its final passage by Council and approval by the Mayor, where such approval is required, unless the Council shall adopt a resolution declaring an emergency and at least 2/3 of all the members of the Council vote in favor of such resolution.

§ 5-28. Passage over veto.

The Council shall reconsider any ordinance returned by the Mayor within the time permitted by the Charter, together with a statement setting forth his objections. The recommendations of the Mayor shall be reconsidered at the next meeting of the Council which occurs not less than three days following the return of the ordinance by the Mayor. Whenever an ordinance has been reconsidered by the Council following a veto by the Mayor, the Clerk shall append to such ordinance a certification of the action of the Council upon such reconsideration in substantially the following form:

I HEREBY CERTIFY that the above ordinance adopted by the Township Council on the _____ day of _____, _____, was delivered to me on the _____ day of _____ together with the Mayor's statement of reasons for his veto of such ordinance, item or part thereof. On reconsideration thereof, on the _____ day of _____ (the Council duly resolved by the affirmative vote of 2/3 of its members to enact such ordinance, item or part thereof notwithstanding the Mayor's veto) or (the Mayor's veto was sustained).

Dated: _____

Township Clerk

§ 5-29. Ordinances not returned by Mayor.

When an ordinance shall take effect without the Mayor's signature by reason of his failure to return it to the Council by filing it with the Clerk within 10 days after it has been presented to him, 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 Township Council on the _____ day of _____, ____ and was presented to the Mayor duly certified on the _____ day of _____ and upon his failure to sign it or to return and file it with the Clerk within 10 days thereafter, the said ordinance took effect in like manner as if the Mayor had signed it.

Dated: _____

Township Clerk

§ 5-30. Filing of reports and resolutions.

All reports to the Council and all resolutions shall be filed with the Township Clerk and entered in the minutes of the Council.

§ 5-31. Compensation.

- A. The compensation of each Councilman shall be \$6,000 per annum, unless and until otherwise provided by the Salary Ordinance, to be paid as all other salaries are paid.
- B. The President of the Council, by reason of his additional duties, shall receive an additional \$1,000 annually, to be paid as all other salaries are paid.
- C. Where an ordinance provides for an increase, decrease or alteration in the salaries, wages or compensation to be paid to elected members of the governing body, the ordinance or that portion thereof which provides for the increase, decrease or alteration shall not become operative for any member or members of the governing body until the first full term following the next respective election thereof. **[Added 1-11-1985 by Ord. No. 36-84]**

§ 5-32. Mayoral appointments.

- A. Where the Council consent of a mayoral appointment is required by statute, the same shall be read by the Clerk of the Council or his designee and, unless otherwise ordered, shall be considered by the Council under new business.
- B. When the appointment is taken up for action, the President shall put the question on each appointment as follows: "Will the Council confirm the appointment?" On that motion, a vote shall be ordered. If five or more members vote to confirm, the President shall announce. "The

appointment is confirmed." If less than five members vote to confirm, the President shall announce. "The appointment is rejected."

- C. Action by confirmation or rejection upon any appointment made by the Mayor shall not be postponed or delayed by the Council longer than for one regular meeting following receipt from the Mayor.
- D. Within two days after confirmation or rejection of an appointment, the Clerk of the Council shall, in writing, notify the Mayor of that fact.
- E. In the event that an appointment is rejected, the Mayor shall, within 90 days of receipt of the rejection, make another appointment to said position, which shall be considered by the Council pursuant to this section. The Council may at any time within the ninety-day period reconsider an appointment which has been rejected.

§ 5-32.1. Limitation on power of eminent domain. [Added 8-16-2010 by Ord. No. 2010-23]

The Township Council of the Township of Old Bridge shall not adopt an ordinance using the Township's power of eminent domain to acquire private property against the wishes of the property owner for private development solely to increase tax rates or tax revenue derived from the property, and this power shall only be used by the Township to acquire private property:

- A. When the property is to be opened to the public or for the public's use or necessary to support a public purpose, including infrastructure; or
- B. When the acquisition is necessary to eliminate blight or another existing use of the property that inflicts an affirmative harm on society; or
- C. Consistent with New Jersey Supreme Court opinion in Gallenthin.

ARTICLE IV
Office of the Clerk

§ 5-33. Appointment; qualifications. [Amended 3-2-1992 by Ord. No. 7-92]

There shall be an office of the Municipal Clerk, the head of which shall be the Municipal Clerk. The Municipal Clerk shall be appointed, pursuant to N.J.S.A. 40:69A-38, by the Council and shall, prior to his appointment obtain certification as a registered municipal clerk in compliance with N.J.S.A. 40A:9-133 and shall receive such compensation as shall be provided by the Salary Ordinance of the Township.

§ 5-34. Clerk of Council and committees.

The Clerk shall serve as Clerk of the Council and as secretary of any special legislative committees of the Council appointed pursuant to the Charter. He shall attend all meetings of the Council and of such committees when required by the Chairman thereof and shall keep the minutes of the proceedings of the Council and such committees. The minutes of each meeting of the Council shall be signed by the officer presiding at the meeting and by the Clerk.

§ 5-35. Ordinances and resolutions.

- A. The Clerk shall record all ordinances and all resolutions of a permanent character in books to be provided for that purpose. After each ordinance, he shall also record and certify the proof of publication thereof as required by law. Each ordinance so recorded shall be signed by the Mayor, Attorney, Council President and the Clerk, who shall attest that it was duly adopted upon a date stated, and when so signed, the recorded copy shall be deemed to be a public record of the ordinance. Any omission to record, sign or certify as herein required shall not impair or affect the validity of any ordinance which has been duly adopted. Each resolution so recorded shall be signed by the Clerk and Township Council President. **[Amended 6-12-2006 by Ord. No. 27-2006]**
- B. At the close of each year, the Clerk, with the advice and assistance of the Municipal Attorney, shall bind, compile or codify all ordinances and resolutions or true copies thereof which then remain in force and effect. He shall also properly index the record books, compilation or codification of ordinances and resolutions.

§ 5-36. Deputy Municipal Clerk. [Added 3-2-1992 by Ord. No. 7-92; amended 2-13-1996 by Ord. No. 5-96]

There shall be an office of the Deputy Municipal Clerk in accordance with N.J.S.A. 40A:9-135. The Deputy Municipal Clerk shall be appointed by the Council and shall serve a term of three years. During the absence or disability of the Municipal Clerk, the Deputy Municipal Clerk shall have all

powers of the Municipal Clerk and shall perform the functions and duties of such office until such time as the Municipal Clerk returns to office or the Council appoints a successor Municipal Clerk. The Deputy Municipal Clerk shall receive such compensation as shall be provided by resolution of the Township. The Deputy Township Clerk shall apply and obtain his/her license as a registered municipal clerk according to the requirements of the Department of Community Affairs and the NJ Municipal Clerks Association.

§ 5-37. Assistant Deputy Municipal Clerk. [Added 2-13-1996 by Ord. No. 5-96; amended 1-9-2006 by Ord. No. 38-2005]

There shall be an office of the Assistant Deputy Municipal Clerk. The Assistant Deputy Municipal Clerk shall serve during the absence or disability of the Municipal Clerk and Deputy Municipal Clerk. The Assistant Deputy Municipal Clerk shall receive such compensation as shall be provided by resolution of the Township. The Assistant Deputy Municipal Clerk shall apply and obtain his or her license as a registered municipal clerk according to the requirements of the New Jersey Department of Community Affairs and NJ Municipal Clerk's Association.

§ 5-38. Custodian of records. [Amended 1-9-2006 by Ord. No. 38-2005]

The Clerk shall have custody of and safely keep all records, books and documents of the Township, except those committed by Charter or ordinance to any other office. He shall, upon request and upon the payment of the fees prescribed in Chapter 380, Records, Public, for the use of the Township, furnish a certified copy of any such paper in his custody, under the Corporate Seal of the Township.

§ 5-39. Corporate Seal.

The Clerk shall cause the Corporate Seal to be affixed to instruments and writings when authorized by 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 in his office appears to have been a public act of the Township or a public document. He shall not affix the Seal or cause or permit it to be affixed to any other instrument or writing or other paper unless required by law or ordinance.

§ 5-40. Insurance; surety bonds; contracts.

The Clerk shall:

- A. Be the depository and custodian of all official surety bonds furnished by or on account of any officer or employee, except his own bond, which shall be placed in the custody of the Township Treasurer; all insurance policies upon or with respect to risks insured for the benefits of the Township or to protect it against any claim, demand or liability whatsoever; and all formal contracts for work, labor, services, supplies, equipment and materials to which the municipality may be a party.

- B. Have custody of all leases of property owned by the Township.
- C. Be the depository for and have custody of all performance bonds running to the Township as obligee or any other form of security given by any contractor, subdivision developer or other person on account of work done or to be done in or for the Township and maintain a reference file on such items.
- D. Report to the Mayor annually, at such time as the Mayor may require, on the coverage, expiration date and premium of each surety bond and contract of insurance, the nature and terms of outstanding leases, the rent reserved by each and their respective expiration dates.

§ 5-41. Other laws and ordinances.

In addition to such other functions, powers and duties as may be prescribed by the Charter and ordinances, and subject to the supervision and direction of the Mayor, the Clerk shall:

- A. 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.
- B. Administer the provisions of the Township ordinances with reference to the licensing of occupations and activities for which licenses are required by law or ordinance to be obtained from the Clerk.
- C. Issue such licenses as may be required by the State Alcoholic Beverage Control Law⁶ and the ordinances of the Township.
- D. Issue certificates as to approval of land subdivisions by the Planning Board or the Council pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), as amended. **[Amended 1-9-2006 by Ord. No. 38-2005]**
- E. Have such other, different and additional functions, powers and duties as may be prescribed by law or ordinance or delegated to him by the Township Council. **[Amended 1-9-2006 by Ord. No. 38-2005]**

§ 5-42. Municipal mail.

Correspondence and other communications received shall be delivered to the Clerk's office, where it shall be sorted and delivered immediately to the proper department without opening when the address is to a specific department or person. General municipal mail and mail addressed to the Council shall be opened in the Clerk's office, and the Clerk shall either reply to the correspondence and provide information requested or refer the matter to the appropriate individual, department, board or body.

6. Editor's Note: See N.J.S.A. 33:1-1 et seq.

§ 5-43. Tenure of office. [Added 3-2-1992 by Ord. No. 7-92]

A person holding the office of Municipal Clerk continuously for a period of five years from the date of original appointment shall be granted tenure in that office, in accordance with N.J.S.A. 40A:9-134. That person shall not acquire tenure unless he holds a registered municipal certificate pursuant to N.J.S.A. 40A:9-133.2. A Municipal Clerk who acquires tenure shall not be removed therefrom except for good cause shown after a fair and impartial hearing.

§ 5-44. Vacancy. [Added 3-2-1992 by Ord. No. 7-92]

In the event that the Municipal Clerk's office is deemed vacant pursuant to N.J.S.A. 40A:9-12.1, the Council shall fill the office for the unexpired term pursuant to N.J.S.A. 40A:9-12.1 and N.J.S.A. 40:69A-38.

ARTICLE V
Office of the Tax Assessor

§ 5-45. Appointment; qualifications.

There shall be an Office of Tax Assessor, the head of which shall be the Tax Assessor, who shall be appointed by the Mayor. Vacancies in the office of the Tax Assessor shall be filled for the unexpired term only. Prior to his appointment, the Tax Assessor shall hold a New Jersey tax assessor's certificate.

§ 5-46. Powers and duties. [Amended 1-9-2006 by Ord. No. 38-2005]

The Tax Assessor shall:

- A. Have, perform and discharge all the functions, powers and duties prescribed by law for a municipal assessor.
- B. Maintain adequate assessment records of each separate parcel of real property assessed or exempted and establish and maintain such files, records and procedures as may be required for the valuation and assessment of property pursuant to law.
- C. Maintain a current Tax Map, in cooperation with the Division of Engineering, of the Township as a public record as of October 1 of each year and cause to be recorded thereon all changes in character of the real property assessed, employing for that purpose the facilities of other departments as provided by this chapter.
- D. Maintain a current computerized "mod IV: database of residential properties.
- E. Appear, when required, as an expert regarding property values for the municipality before the Middlesex County Tax Board or in Tax Court.

ARTICLE VI
Administration Generally

§ 5-47. Administrative organization. [Amended 2-9-1998 by Ord. No. 14-98; 1-9-2006 by Ord. No. 38-2005]

The municipal government shall be organized into departments and offices known and designated as follows:

- A. Departments and offices.
 - (1) Office of the Municipal Clerk.
 - (2) Office of the Tax Assessor.
 - (3) Department of Law.
 - (4) Department of Finance.
 - (5) Department of Public Works.
 - (6) Department of Community Development.
 - (7) Department of Parks and Recreation.
 - (8) Department of Administration.
 - (9) Department of Police.
 - (10) Department of Health and Welfare.
- B. Statutory boards and commissions.
 - (1) Local Assistance Board.
 - (2) Zoning Board of Adjustment.
 - (3) Planning Board.
 - (4) Municipal Utilities Authority.
 - (5) Environmental Commission.
 - (6) Library Board.
 - (7) Multiple-Dwelling Emergency Commission.
 - (8) Office of Consumer Affairs.
 - (9) Historic Preservation Commission.
- C. Advisory committees.
 - (1) Transportation Committee.
 - (2) Ethics Committee.

- (3) Youth Guidance Committee.
- (4) Health Advisory Committee.
- (5) Human Resources Council.
- (6) Human Relations Council.
- (7) Economic Development Corporation.
- (8) Affordable Housing Agency.
- (9) Open Space Committee.
- (10) Committee of Fair Rental Increases.
- (11) Committee on Cable Television Review.
- (12) Cultural Arts Committee.
- (13) Film and Television Advisory Committee.
- (14) Redevelopment Agency.
- (15) Recreation Committee.
- (16) Citizens Advisory Committee.

§ 5-48. Terms of office.

Except where otherwise expressly required by the Charter or general law, department heads and subordinate officers and employees subject to appointment by the Mayor shall be appointed for the term of the Mayor.

§ 5-49. Administrative rules and regulations; filing and publication.

No rule or regulation made by any department, officer, agency or authority of the municipality, except such as relates to the organization or internal management of the municipal government or part thereof, shall take effect until it is filed with the Municipal Clerk. The Clerk shall maintain a current compilation of all such rules and regulations, which shall be available for public inspection in his office during business hours.

§ 5-50. Directors. [Amended 2-9-1998 by Ord. No. 14-98]

Each department shall be headed by a director, who shall be appointed by the Mayor with the advice and consent of the Council. Each department head shall serve during the term of office of the Mayor appointing him and until the appointment and qualification of his successor, unless otherwise provided by law.

§ 5-51. Subordinates.

Department heads shall appoint subordinate officers and employees within their respective departments and may, with approval of the Mayor, remove such officers and employees, subject to the provisions of the New Jersey Revised Statutes or other general law.

§ 5-52. Duties of directors; internal organization.

- A. The head of each department shall, subject to the supervision of the Mayor, Business Administrator, this chapter and ordinances of the Township:
- (1) Devote his time as required for the proper and efficient discharge of the duties of his respective office.
 - (2) Have, exercise and discharge the functions, powers and duties of his respective office.
 - (3) Prescribe the internal organization of the department and the duties of the subordinates and assistants, subject to approval of the Mayor and Business Administrator.
 - (4) Administer the work of the department with respect to the functions established by this chapter through the bureaus, divisions and subdivisions established by this chapter and such other units of administration as he may find necessary or desirable.
 - (5) Appoint officers and employees employed within the department and, upon the basis of a written job description, assign functions, powers and duties to them, subject to the provisions of the New Jersey Revised Statutes or other general law.
 - (6) Delegate such of his powers as he may deem necessary for the efficient administration of the department to be exercised under his discretion and supervision by subordinate officers and employees.
 - (7) Report at least annually to the Mayor and Council, in such form as may be approved by the Business Administrator, on the work of the department during the preceding year.
- B. Internal organization. The internal organization of each department shall be determined by the director of the department and approved by the Mayor and Business Administrator. Whenever an activity or functional duty shall, by ordinance, be transferred from one department to another department of the government, all the functions, powers and duties thereof shall be and are transferred as of the effective date of the ordinance.

§ 5-53. Vacancies in office of director of department.

Whenever a vacancy exists, by resignation, removal, unfilled or otherwise, in the office of a director of any Township department, the Mayor may

temporarily fill such vacancy by appointing either the Business Administrator or another officer or employee of the Township as acting director, who shall perform all the duties and functions of such department head until the office shall be filled permanently. Any such appointment of an acting director shall terminate not later than 90 days after the date of the appointment unless the Council shall, by resolution, authorize one or more extensions.

ARTICLE VII

Department of Administration**§ 5-54. Department established.**

There shall be a Department of Administration, the head of which shall be the Business Administrator. He shall be responsible for the efficient and economical administration of the Department and shall have the general functions, powers and duties of a department head pursuant to this chapter.

§ 5-55. Functions, powers and duties.

The Business Administrator shall be a person of demonstrated executive and administrative ability. He shall, prior to his appointment by the Mayor with the advice and consent of the Council, be qualified in terms of knowledge of and experience in accepted practice in respect to the duties of his office as hereinafter stated. The Business Administrator need not be a Township resident at the time of his appointment, but during his term of office he may reside outside the Township only with approval of the Council. His term of office shall coincide with the term of the Mayor, and his annual compensation shall be fixed by ordinance of the Council. He shall, under the direction and supervision of the Mayor:

- A. Supervise the administration of each of the departments, offices and agencies established by ordinance and, for this purpose, prescribe standards and rules of administrative practice and procedure and consult with the heads of departments of the Township government.
- B. Study the organization and operation of any and all departments and other spending agencies.
- C. Prescribe and require each department and other spending agency for which Township appropriations are made to maintain records and produce reports of their respective workload and performance, expressed in appropriate work units which he may prescribe or approve for each of the departments and other spending agencies.
- D. Develop and enforce, in cooperation with other department heads, standards and procedures for the most efficient management of the Township government, not inconsistent with the Charter and ordinances of the Township.
- E. Coordinate the operation and administration of the various departments, divisions and subdivisions, offices and agencies of the Township government.
- F. Assist the Mayor in the preparation of the annual budget and maintain a continuing review and analysis of budget operations work programs and costs of municipal services.
- G. Assign and reassign, transfer and retransfer, from time to time, either temporarily or permanently, any property from one function to another

or from one administrative unit to another, as the efficient management of the Township government may require. **[Amended 1-9-2006 by Ord. No. 38-2005]**

- H. Be responsible for the development and administration of a sound personnel system, acting as personnel administration, subject to the express provisions of this chapter, of the New Jersey Revised Statutes, as amended, and all other applicable general laws.
- I. Report to the Council annually, at such time as it may require, on the coverage, expiration date and premium of each surety bond and contract of insurance, the nature and terms of outstanding leases where the Township is landlord or tenant, the rent reserved by each lease and their respective expiration dates.

§ 5-56. Acting Business Administrator.

Whenever and so long as there is a vacancy in the office of Business Administrator, the Mayor may serve as Acting Business Administrator without additional compensation, or the Mayor may appoint, with the advice and consent of the Council, another suitable person to act as Acting Business Administrator for a period of 90 days, unless the Council shall, by resolution, authorize one or more extensions. The Acting Business Administrator shall, for the time being, have all the functions, powers and duties of the Administrator.

§ 5-57. Purchasing agent; policy to promote procurement of recycled products. [Amended 8-15-1988 by Ord. No. 30-88; 5-13-1993 by Ord. No. 17-93]

- A. Purchasing agent. **[Amended 1-9-2006 by Ord. No. 38-2005; 12-8-2014 by Ord. No. 2014-24]**
 - (1) There is hereby created the position of Purchasing Agent for the Township of Old Bridge.
 - (2) The Purchasing Agent shall be appointed by the Mayor.
 - (3) The Purchasing Agent is required to possess a valid qualified purchasing agent certificate, as issued by the New Jersey Division of Local Government Services, Department of Community Affairs.
 - (4) The Purchasing Agent shall have, on behalf of the Municipal Council of the Township of Old Bridge, the authority, responsibility and accountability for the purchasing activity pursuant to Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); to prepare public advertising for and to receive bids and requests for proposals for the provision or performance of goods, services and construction contracts; to award contracts pursuant to New Jersey law in accordance with the regulations, forms and procedures promulgated by state regulatory agencies; and conduct any

activities as may be necessary or appropriate to the purchasing function of the Township of Old Bridge.

B. Recycled product procurement policy.⁷

(1) Purpose. This subsection shall be known as the "Recycled Product Procurement Policy." Its purpose is to promote the reduction of waste, and development of markets for recycled products and recyclable products by establishing preferential purchase programs applicable to all departments and contractors, thereby diverting materials from the solid waste stream and avoiding the costs of disposal for those materials.

(2) Definitions. The following terms shall have the assigned definitions for all purposes under this subsection:

CONSUMER — One who uses goods or services for his, her or its own needs rather than to produce other goods. This does not include providers of value-added processes such as printers and converters.

DESIGNATED RECYCLED PRODUCT — A product designated in this subsection, or designated by the purchasing agency pursuant to this subsection, that meets or surpasses the Resource Conservation and Recovery Act (RCRA) minimum recycled content standards and other criteria for qualification as specified in this subsection.

END PRODUCT — An item having completed the manufacturing or converting process and having been distributed or sold to its consumer.

MINIMUM RECYCLED CONTENT STANDARDS — Standards that specify the minimum levels of preconsumer waste material and postconsumer waste material content established pursuant to § 5-57B(6) of this chapter that is necessary for designated products to qualify as designated recycled products.

NON-CHLORINE-BLEACHED PAPER PRODUCTS — Paper products for which the manufacturer certifies that elemental chlorine or chlorine-containing compounds have not been used to bleach or otherwise process the paper used in the final end product. In the case of manufacturers who use preconsumer waste material and postconsumer waste material to be used in end products, such manufacturers shall certify that chlorine-containing compounds have not been used in the processing and production of the end product.

POSTCONSUMER WASTE MATERIAL — Only those materials generated by a consumer which have served their intended end use, and which have been separated or diverted from solid waste. Wastes generated during production of an end product are

7. Editor's Note: See also Ch. 429, Art. I, for provisions related to recycling.

excluded. All materials collected from residential sources in a municipal recycling program shall be considered postconsumer.

PRECONSUMER WASTE MATERIAL — Materials or by-products generated after manufacturing of a product is completed, but before the product reaches the end-use consumer. Preconsumer waste material does not include home scrap, which are those scrap materials or by-products generated by a company that can be used by the generating company or parent company.

PURCHASING AGENCY — The department or agency responsible for executing contracts for the supply of goods and services and shall include any joint purchasing agreements the Township may enter.

RECYCLABLE PRODUCT — A product which, after its intended end use, 25% of the product has been diverted from the solid waste stream for use as a raw material, in the manufacture of another consumer or procurable product. For the purposes of this definition, burning or composting of products shall not be considered diversion.

RECYCLED PAPER — A paper product with the minimum recycled content established by the purchasing agency pursuant to § 5-57B(6). "Recycled paper" means a paper product with not less than 50% of its total weight consisting of preconsumer waste materials or postconsumer waste materials with not less than 10% of its total weight consisting of postconsumer waste materials.

REUSABLE PACKAGING OR PRODUCT — A package, product, or container, which can be used in place of an alternative disposable package or product, and which contains or holds a depletable resource or which can be refurbished for resale, and can be refilled or reused a minimum of five times by a consumer. Examples include, but are not limited to, laser and copy machine toner cartridges, typewriter cartridges and shipping containers.

- (3) Designated recycled products. The following products shall be considered as designated recycled products that can be procured if they meet the minimum recycled content standards in accordance with the policies of this Subsection B:
- (a) Recycled paper and paper products (including, but not limited to, writing and copying paper, napkins, towels, toilet tissue and facial tissue);
 - (b) Compost products;
 - (c) Cement and asphalt concrete containing recycled aggregate, tire rubber or glass cullet;
 - (d) Recycled concrete aggregate and asphalt;
 - (e) Lubricating oil and hydraulic oil with rerefined oil content;

- (f) Recycled antifreeze;
 - (g) Plastic lumber;
 - (h) Retreated and remolded tires;
 - (i) Products made from recycled tire rubber, including rubber mats and playfield surfaces;
 - (j) Building insulation products manufactured using recycled materials;
 - (k) Recycled paint;
 - (l) Recharged laser printer toner cartridges;
 - (m) Reusable products or products in reusable packaging where the reusable products or packaging are alternatives to disposable products or packaging;
 - (n) Lead acid batteries or rechargeable, reusable batteries; and
 - (o) Plastic traffic cones.
 - (p) Other recycled products as designated by the purchasing agency.
- (4) Policies. The following policies are hereby adopted by the Township of Old Bridge:
- (a) All departments shall practice waste reduction wherever possible. All departments shall use reusable products and recycled products or recyclable products whenever practicable.
 - (b) The purchasing agency may offer a price-preference for any designated recycled product or reusable product. Agencies using this option must obtain products containing the highest percentage of postconsumer content available.
 - (c) Departments may, at their option, require procurement of designated reusable, or recycled and recyclable products.
 - (d) Departments shall require their contractors and consultants (including private printers, food service vendors, etc.) to use recycled products and recyclable products in fulfilling contractual obligations.
 - (e) Departments shall promote the use of recycled products and recyclable products by publicizing its procurement program and by disseminating information about recycled products.
 - (f) When purchasing recycled products, all departments shall maximize the procurement of recycled products that contain the highest percentage of postconsumer waste materials.

- (g) The purchasing agent shall revise product procurement specifications to eliminate any specifications that require the use of virgin products or exclude the use of recycled products, unless it can be demonstrated that such specifications are necessary to protect health or safety or that recycled products could not meet necessary performance standards.
- (5) Paper and paper products.
- (a) The recycled paper procurement goal for each user department, expressed as a percentage of the total value of paper purchased, shall be not less than 25% by 1994, not less than 30% by 1995, and not less than 40% by 1996.
 - (b) The purchasing agency and departments shall ensure that the title page of all reports printed on recycled paper bears an imprint identifying the paper as recycled, and contains the percentage of preconsumer and postconsumer content used.
 - (c) All imprinted letterhead paper, copy paper, envelopes and business cards used by all departments shall be recycled paper, and shall bear an imprint identifying the paper as recycled.
 - (d) To reduce the volume of paper purchased, departments shall use both sides of paper sheets used for copying and printing purposes on documents that exceed five pages in length. Departments shall ensure that all staff are informed of this requirement.
 - (e) The Township's purchasing agent shall review existing standards or specifications for tissue products, including but not limited to, towels, toiler paper and napkins, and coffee filters. The agency shall only purchase non-chlorine-bleached tissue products, provided such products fall within the price-preference established by the purchasing agent.
 - (f) All requests for bids and proposals issued shall require that contractors and consultants use recycled paper for documents submitted to the Township of Old Bridge. Contractors doing business with the municipality shall be advised of the municipality's policies regarding reusable, recycled and recyclable materials. All bids, proposals, reports and other printed materials submitted to the Township of Old Bridge or its agents pursuant to contractual obligations or rules and regulations promulgated by the Township shall be submitted on recycled paper and recyclable paper and utilize double-sided printing. A contractor may request a waiver from this rule if compliance would be technically impractical.
- (6) Responsibilities of the purchasing agent. The purchasing agent shall:

- (a) Establish, update, and promulgate a list of designated recycled products that shall be purchased by the Township whenever practicable. This list shall, at a minimum, contain the products specified in § 5-57B(3). The purchasing agent may add to the list required by this subsection designated recycled products that are not specifically listed in § 5-57B(3). For purposes of this subsection, "whenever practicable" means that recycled products that meet quality standards set by the purchasing agency.
 - (b) Adopt minimum recycled content standards for designated recycled products. Except for reusable products or packaging, minimum recycled content standards established for designated recycled products shall require no less than 10% postconsumer waste material content. The purchasing agency may raise the postconsumer content standard above 10% when such an increase will result in an increase in the total utilization of postconsumer material within the products purchased, used or submitted. For goods, supplies, and materials and for which the United States Environmental Protection Agency has adopted procurement guidelines under the Resource Conservation and Recovery Act of 1976 (P.L. 94-580, 42 U.S.C. § 6901 et seq., 40 CFR Parts 248-250, 252, 253) as amended, the minimum recycled content standard may not be less than content standards specified in such guidelines. EPA guidelines for the purpose of procuring fly ash in concrete are specifically limited to the ash generated from coal-burning plants. In the case of printing and writing paper, the purchasing agent shall set minimum recycled content standards with not less than 50% of the paper's total weight consisting of preconsumer waste materials or postconsumer waste materials and with not less than 10% of its total weight consisting of postconsumer waste material.
- (7) Responsibilities of the Mayor. The Mayor shall:
- (a) Designate, amongst existing, a recycled product procurement coordinator who shall:
 - [1] Assure that copiers procured after enactment of this subsection must be able to accept recycled paper and reusable toner cartridges, and make double-sided copies.
 - [2] Inform departments of their responsibilities under this Subsection B and provide implementation assistance.
 - [3] Compile and disseminate to departments information on recycled product specifications and procurement opportunities.
 - [4] Assist departments in resolving problems with recycled product availability or performance.

- [5] Coordinate periodic meetings with representatives of departments to review policy requirements, communicate new procurement opportunities to departments and monitor the status of policy implementation efforts and product research results.
 - [6] Publicize the successes of the procurement policy.
 - [7] Evaluate supply and material usage by the department and encourage department employees to reduce waste and hence reduce generation of solid waste.
 - [8] Submit an annual report to the Mayor and Council reflecting the implementation status of the procurement program within 60 days following the end of each calendar year, including:
 - [a] A compilation of procurement data collected from all departments and parties charged with implementation responsibility under this Subsection B.
 - [b] Evaluation of minimum recycled content standards and procurement specifications, including specification revisions made over the previous year and future specification revisions to be made.
 - [c] A summary of program promotional efforts.
 - [d] An assessment of the effectiveness of the procurement program and an evaluation of program goals.
 - [e] Descriptions and projections of future procurement plans and opportunities.
 - [f] Recommendations for changes in procurement policy.
- (8) Responsibilities of departments. Each department shall:
- (a) Ensure that contracts issued by the department require recycled material content wherever practicable and that contractors provide certification of both recycled and postconsumer content, and report the amount used.
 - (b) Report the progress of policy implementation by the department at periodic meetings with the procurement coordinator, including status of product evaluations being conducted by the department and types of recycled products purchased.
 - (c) Report total purchases of recycled products and nonrecycled alternative products annually to the procurement coordinator.
 - (d) Report total quantities of nonrecycled goods in both tons and dollars to the procurement coordinator.

- (e) Report total quantities of nonrecycled goods in both tons and percentages of recycled content to the procurement coordinator.
 - (f) Prepare an annual report containing the above information to be submitted to the Mayor within 30 days following the end of each calendar year. The said report shall be made available to the Council and to the public upon request.
- (9) Exemptions.
- (a) Nothing contained in this Subsection B shall preclude user departments from requiring recycled material content as a bid specification.
 - (b) Nothing in this Subsection B shall be construed as requiring a department or contractor to procure products that do not perform adequately for their intended use, nor shall the Township be required to pay for a recycled product a price greater than 10% of the cost of a nonrecycled product.

§ 5-58. Assignment and allocation of Planning Board and Board of Adjustment.

For purposes of purchasing, the Planning Board and the Zoning Board of Adjustment are allocated and assigned within the Department of Administration.

§ 5-59. Division on Aging.

- A. There shall be a Division on Aging, the head of which shall be the Director of Aging. The Director shall be appointed by the Mayor for a term of one year.
- B. The Division on Aging shall maintain a central source of information and programs and services for older people; circulate current knowledge related to aging to the public at large and to individuals and groups to which such knowledge would be of benefit; and stimulate expansion of existing service to more adequately meet the needs of older people and, where desirable, encourage new programs to meet these needs.

ARTICLE VIII
Department of Law

§ 5-60. Office created. [Amended 3-2-1992 by Ord. No. 5-1992; 7-13-1998 by Ord. No. 56-98; 1-26-2004 by Ord. No. 02-04; 1-9-2006 by Ord. No. 38-2005; 1-23-2012 by Ord. No. 2012-01]

There shall be a Department of Law, the head of which shall be the Director of Law and Municipal Attorney. The Municipal Attorney shall be appointed by the Mayor, with the advice and consent of the Council, and shall serve during the term of office of the Mayor and until the appointment and qualification of his successor. The Municipal Attorney shall receive such compensation as shall be provided by ordinance, subject to § 5-64 below, or by contractual agreement. Prior to his appointment, he shall have been duly admitted to the practice of law in this state for at least five years. He shall be permitted to engage in the private practice of law.

§ 5-61. Powers and duties generally.

The Municipal Attorney shall be the legal advisor to the Mayor, to the Council and to all departments, except as may be otherwise provided by the Charter. He shall prosecute and defend actions and proceedings by and against the Township and every department thereof. In furtherance of these general powers, and without limitation thereto, he shall:

- A. Advise the Council as to the form and sufficiency of all ordinances and resolutions prior to their passage.
- B. Review and approve all contracts, deeds, documents and instruments prior to the execution thereof by or on behalf of the Township.
- C. Conduct appeals from orders, decisions or judgments affecting any interests of the Township as he may, in his discretion, determine to be necessary or desirable or as directed by the Mayor or Council.
- D. Subject to the approval of Council, have power to enter into any agreement, compromise or settlement of any litigation in which the Township is involved.
- E. Render opinions, in writing, upon any question of law submitted to him by the Mayor, the Council, the Business Administrator, the Town Clerk or the head of any department with respect to their official powers and duties.
- F. Maintain a record of all actions, suits, proceedings and matters which relate to the Township's interest and report thereon, from time to time, as the Mayor or Council may require.
- G. Have such other and different functions, powers and duties as may be provided by the Charter or ordinance.

§ 5-62. Assistant Municipal Attorney and Special Counsel.

- A. Assistant Municipal Attorney. The Director of Law shall appoint the Assistant Municipal Attorney, who shall serve for the term of the Mayor. Prior to his appointment, any Assistant Municipal Attorney shall have been admitted to the practice of law in the State of New Jersey for at least five years. He shall receive such compensation as shall be provided by ordinance or by contractual agreement to be authorized by the Mayor, with the advice and consent of the Council. He shall be permitted to engage in the private practice of law. The Assistant Municipal Attorney shall assist the Municipal Attorney in all of the duties of his office with respect to such matters as should be assigned to him, from time to time, by the Municipal Attorney. The Assistant Municipal Attorney shall, during the absence or disability of the Municipal Attorney, possess all the powers and perform all the duties of the Municipal Attorney, and in the event of the death or resignation of the Municipal Attorney or of the occurrence of a vacancy in the office for any such reason, the Assistant Municipal Attorney shall act as Municipal Attorney until the office is duly filled pursuant to law. **[Amended 3-2-1992 by Ord. No. 5-92; 1-14-1993 by Ord. No. 2-93; 1-23-2012 by Ord. No. 2012-01]**
- B. Municipal Prosecutor. **[Amended 1-14-1993 by Ord. No. 2-93; 1-23-2012 by Ord. No. 2012-01]**
- (1) There shall be a Municipal Prosecutor who shall be responsible for the conduct of prosecutions and appeals involving crimes and offenses cognizable by the Municipal Court of the Township of Old Bridge, except such crimes as may be the duty of the County Prosecutor or Attorney General to prosecute. The Prosecutor shall also prosecute violations of ordinances of the Township and complaints of any department under state law.
 - (2) The Prosecutor shall be appointed by the Mayor with the advice and consent of the Council and shall serve for a term of one year or until his or her successor takes office. Such appointment shall be made for a calendar year term to expire on December 31 of the year of the appointment. The Prosecutor shall be compensated by contractual agreement, as determined by the Mayor with the advice and consent of the Council as stated herein.
 - (3) The Prosecutor shall exercise independent prosecutorial discretion and shall not be supervised by the Director of Law.
- C. Whenever the Municipal Attorney believes the interests of the Township require, the Mayor may appoint special counsel to assist him in specialized legal matters and in the preparation, trial or argument of such legal matters or proceedings as may be determined. The employment of special counsel shall be on a contractual basis and shall be within the limits of available appropriations, with the approval of the Mayor and subject to contractual approval by the Council as required by the Local Public Contracts Law.⁸

- D. If the Municipal Attorney and Assistant Municipal Attorney should be disqualified with respect to any matter, the Mayor, upon request of the Municipal Attorney, shall appoint special counsel. Such appointments by the Mayor shall be on a contractual basis and shall be subject to contractual approval by the Council as required by the Local Public Contracts Law.

§ 5-63. Records and papers.

All papers, documents, memoranda, reports and other materials relating to the administration of the office of the Municipal Attorney shall remain the property of the Township. Upon the termination of his service with the Township, the Municipal Attorney shall promptly surrender to his successor all such property, together with a written consent to substitution of his successor in all legal actions and proceedings then pending in which the Township is a party. Any Assistant Municipal Attorney or special counsel shall have a like duty and obligation upon the termination of his service with the Township.

§ 5-64. Compensation. [Amended 2-21-1989 by Ord. No. 8-89; 3-2-1992 by Ord. No. 5-92; 1-14-1993 by Ord. No. 2-93; 7-13-1998 by Ord. No. 56-98; 1-23-2012 by Ord. No. 2012-01]

- A. Unless otherwise established by contractual agreement, the compensation of the Director of Law shall be such sum annually as shall be fixed by the Council pursuant to its authority under N.J.S.A. 40:69A-180(c).
- B. Unless otherwise established by contractual agreement, the compensation shall cover the following services:
- (1) Attendance at public meetings of the Council.
 - (2) Attendance at caucus meetings of the Council as well as special workshop meetings and any additional committee meetings as requested.
 - (3) Conferences with the Mayor and Council.
 - (4) Conferences with the administrative staff.
 - (5) Conferences with consultants and other professionals.
 - (6) Legal advice and rendering written opinions to the Mayor, Council, administrative staff, boards, commissions, committees, consultants and professionals.
 - (7) Drafting of ordinances and resolutions.
 - (8) Representation of the Tax Assessor if requested before the Boards of Taxation.

- (9) Review and approval of all contracts, deeds and similar documents.
 - (10) Advice and oversight as requested by the Administrator with regard to bidding procedures.
 - (11) Real property sales, including publications, bidding and services involved in passage of title.
 - (12) Personal property sales, including publications, bidding and services involved in passage of ownership.
 - (13) Alcoholic beverage control matters at the municipal level.
 - (14) Federal and state aid matters at the municipal level.
 - (15) Personnel matters, excluding labor negotiations and collective bargaining agreements.
 - (16) Legal advice on capital improvement projects.
 - (17) Planning Board appeals to the Township Council.
 - (18) Zoning Board of Adjustment appeals to the Township Council.
 - (19) Rendering of such legal opinions as may be requested by Bond Counsel.
 - (20) Administrative functions required of the Director of the Department of Law.
 - (21) Tax foreclosures.
 - (22) Land acquisitions.
 - (23) Ordinary litigation (those actions venued in Superior Court, Special Civil Part).
- C. Unless otherwise established by contractual agreement, the compensation shall not include services such as:
- (1) Extraordinary litigation, which shall include any matter other than ordinary litigation, including but not limited to matters regarding the constitutionality of the municipal land use ordinance; class action suits; discrimination suits; appearances before the Supreme Court of New Jersey, all federal courts and the Appellate Division of the Superior Court of New Jersey or such other matters resulting in three or more consecutive trial days. In the event that extraordinary litigation is required, the responsible attorney shall be compensated by the Township at a rate of \$135 per hour for such matter. No lawsuit which could be covered by appropriate insurance shall be handled by the Director, Assistant Director or Special Counsel unless and until the Director has submitted the claim to JIF and has been notified in writing that coverage has been denied.

- (2) Legal research and drafting of major ordinances, i.e., PUD, major zoning revisions, codification of ordinances, etc. The major nature of the ordinance will be determined by the Council. Compensation for such matters will be at a rate of \$135 per hour.
- D. Unless otherwise established by contractual agreement, the Director of Law and the Assistant Township Attorney shall be reasonably compensated on a voucher basis for all out-of-pocket expenses, such as filing fees, postage, duplication, etc., incurred by the responsible attorney in connection with the performance of his or her duties.

§ 5-65. Benefits. [Added 3-2-1992 by Ord. No. 5-92; 1-9-2006 by Ord. No. 38-2005; 1-23-2012 by Ord. No. 2012-01]

- A. Unless otherwise established by contractual agreement, there shall be payment by the Township on a voucher basis for all traveling, miscellaneous business expenses, continuing legal education fees and legal reference books and periodicals incurred in the course of the official duties of the Township Attorney.
- B. Unless otherwise established by contractual agreement, there shall be payment by the Township on a voucher basis for all legal and filing fees and court costs in connection with any legal matter or proceeding for which the Municipal Attorney may be liable in his official capacity.
- C. Unless otherwise established by contractual agreement, all employee and personnel benefits, rules, regulations and policies of the Township of Old Bridge relating to vacation, sick leave, holiday and other fringe benefits as they now exist or shall hereafter be amended shall apply to the Municipal Attorney.

§ 5-66. Staff. [Added 3-2-1992 by Ord. No. 5-92]

In addition to the Municipal Attorney and the Assistant Municipal Attorney, the Department of Law shall consist of such paralegal, clerical and secretarial personnel as appointed by the Mayor.

ARTICLE IX

Department of Finance**§ 5-67. Director of Finance. [Amended 9-6-1988 by Ord. No. 39-88]**

There shall be a Department of Finance, the head of which shall be the Director of Finance. He shall be appointed by the Mayor and, prior to his appointment, shall be qualified by training and experience in municipal budgeting, accounting and finance. He shall be certified as a municipal finance officer by the Director of the Division of Local Government Services pursuant to N.J.S.A. 40A:9-140.1 et seq. or shall be licensed by the State of New Jersey or any other state within the United States as either a certified public accountant or a registered municipal accountant, in which case he shall, as a condition of continued employment, have a period of one year from the date of appointment and confirmation to become certified as a municipal finance officer by the Director of the Division of Local Government Services.

§ 5-68. General powers and duties of Director of Finance. [Amended 9-5-1989 by Ord. No. 26-89]

The Director of Finance, subject to the direction and supervision of the Mayor, shall:

- A. Serve as the Chief Financial Officer of the municipality, when appointed to such position.
- B. Supervise the work of the Department and its divisions.
- C. Through the divisions established by this article and otherwise subject to the requirements of the State Division of Local Government and of the Charter and this Code:
 - (1) Have the authority to review and monitor the accounting, preauditing and control of all municipal revenues and expenditures and the custody, receipt and disbursement of municipal funds.
 - (2) Be responsible for the safety and investment of the Township's investments and management of the Township's debt.
 - (3) Be responsible for the development of financial policies for recommendation to the Mayor and the safeguarding of the Township's financial interests to the fullest.
- D. Be responsible for all personnel matters regarding department employees, including but not limited to their hiring, discipline, termination, assignment and management, together with developing and implementing departmental policies for such personnel.

§ 5-69. Specific powers and duties of Director of Finance. [Amended 9-5-1989 by Ord. No. 26-89]

The Director of Finance shall:

- A. Compile the current expense estimates for the budget for the Mayor.
- B. Supervise the disbursement of all funds and review all proposed expenditures.
- C. Compile the capital estimates for the budget for the Mayor.
- D. Supervise the establishment and maintenance of a general accounting system for each of the Township's officers, departments and agencies; exercise financial budgetary control over each office, department and agency, and supervise the bookkeeping, keep separate accounts for the item of appropriation contained in the budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of the municipal government, to be made daily or at such intervals as he may deem expedient.
- E. Submit to the Council, through the Mayor, a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the municipality.
- F. Review and comment upon the complete financial statement and report prepared for the Mayor by the Chief Financial Officer as of the end of each fiscal year.
- G. When so directed by the Mayor, serve as the Treasurer, Deputy Treasurer or Assistant Treasurer and perform all the duties set forth in § 5-70.

§ 5-70. Division of Treasury.

There shall be a Division of the Treasury, the head of which shall be the Township Treasurer. He shall, prior to his appointment, be qualified by training and experience in municipal tax and revenue administration. The Treasurer shall:

- A. Administer the work of the Division.
- B. Have charge of the collection, receipt, custody, deposit and disbursement of all funds belonging to or under the control of the Township or of any department, office or agency of the municipal government.
- C. Disburse funds from the municipal treasury only upon warrant of the Mayor or his designee.

- D. Render regular accountings of his cash receipts and disbursements in such form and at such intervals as shall be required by the Mayor.
- E. Serve as the Chief Financial Officer of the municipality, when appointed to such position. **[Added 9-5-1989 by Ord. No. 27-89]**

§ 5-71. Central Cashier; fee for returned check. [Amended 9-5-1989 by Ord. No. 27-89; 6-28-1993 by Ord. No. 24-93]

- A. Within the Division of Treasury, there shall be a Central Cashier's office. All cash receipts of the municipal government, except fines imposed for traffic violations or in the Municipal Court, shall be received and accounted for by the Cashier.
- B. In the event a check is issued and delivered to the Township of Old Bridge for any purpose which is returned unpaid because the payor bank refused payment due to insufficient funds, uncollected funds, closed account or similar reason, the issuer thereof shall pay a returned check fee of \$20 to the Township of Old Bridge.

§ 5-72. Custody and disbursement functions.

The Treasurer, through the Division of the Treasury, shall:

- A. 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 municipality's books of account.
- B. 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.
- C. Disburse all moneys due to the Board of Education pursuant to the provisions of Title 18 of the Revised Statutes of New Jersey.
- D. Make disbursement of Township funds upon warrant of the Mayor by an individual warrant check for each bill or claim and not otherwise. Wage and salary payments shall be made upon the sole signature of the Mayor. **[Amended 9-5-1989 by Ord. No. 27-89]**
- E. Keep a full and systematic account of all cash receipts and disbursements by the Division of the Treasury in proper books approved by the Director of Finance. He shall, at least once every month and more often if the Council requires, furnish the Council with a statement of all moneys received and expended by the decision of the Treasurer, including school moneys, subsequent to his last report to the Council of his receipts and expenditures during the preceding calendar year and shall whenever required lay before the Council for examination and audit all books, papers and vouchers pertaining to his office.

- F. Maintain a central payroll system and all social security, pension and insurance records required for municipal personnel.

§ 5-73. Commitments and disbursements. [Amended 9-5-1989 by Ord. No. 27-89]

- A. No department, office or agency of the municipal government shall expend or commit any funds to the Township unless the Treasurer shall first certify that there is an unencumbered balance of appropriation and funds available for the purpose.
- B. Prior to payment of any bill, claim or demand against the Township, the Treasurer shall ascertain that all materials, supplies or equipment have been received according to the purchase order or that the work, labor or services have been rendered according to the order or contract and appropriate delivery slips, receipts and other appropriate documents are attached to the payment voucher and verified as being correct.
- C. Disbursements in payment of bills, claims and demands shall be made by the Treasurer upon preaudit and warrant of the Mayor or his designee and the Director of Finance. Every check 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 or appropriation to which it is chargeable. Each check, except payroll checks, shall bear the signature of the Mayor or his designee, the Director of Finance and the Treasurer or Acting Treasurer, as the case may be. Payroll checks shall be signed only by the Mayor.

§ 5-74. Division of Tax Collection.

The head of the Division of Tax Collection shall be the Tax Collector. The Tax Collector shall:

- A. Receive and collect all current and delinquent real and personal property taxes, charge and receive penalties and interest pursuant to law and account for all collections in such form and manner at such times as may be prescribed or approved by the Director of Finance.
- B. Make or cause to be made and certify searches for tax and other liens on real property in the Township as may be authorized by law and charge and collect, for the use of the municipality, the fee required pursuant to law for any such searches.
- C. 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 as may be prescribed or approved by the Director of Finance. **[Amended 1-9-2006 by Ord. No. 38-2005]**
- D. Deposit daily, through the Township Treasurer, all moneys received to the credit of the Township, in one or more depositories selected by the Council, maintain full and complete records and accounts of all sums

collected and received according to such procedures and systems as may be prescribed or approved by the Director of Finance and make sure periodic reports and accountings of the funds of the Township collected, received and deposited as the Mayor may require, which reports and accountings shall be filed as a public record with the Municipal Clerk.

- E. Charge \$5 for the first duplicate copy and \$25 for each subsequent duplicate copy of the same tax bill in the same year, for any requests for a duplicate copy of a tax bill or payment made without the original tax bill, a duplicate copy thereof or a property tax replacement bill approved by the Division of Local Government Services and made pursuant to its regulations, from the mortgagee, servicing organization or property tax processing organization. **[Amended 1-29-1985 by Ord. No. 3-85; 5-18-1992 by Ord. No. 15-92]**
- F. Charge a penalty of 6% to any taxpayer with a delinquency in excess of \$10,000 who fails to pay that delinquency prior to the end of the fiscal year.⁹ **[Added 5-18-1992 by Ord. No. 15-92]**

9. Editor's Note: Original Sec. 2-9.8g, which included a service charge for a returned check (added 5-18-1992 by Ord. No. 15-92) and original Sec. 2-9.8f, which also contained a charge for a returned check (added 6-28-1993 by Ord. No. 24-93), which previously followed this subsection, were deleted 1-9-2006 by Ord. No. 38-2005. For current provisions regarding a returned check fee, see § 5-71B.

ARTICLE X
Department of Public Works

§ 5-75. Public Works Director.

There shall be a Department of Public Works, the head of which shall be the Public Works Director. He shall be appointed by the Mayor and shall receive such salary as may be provided by the Salary Ordinance of the Township.

**§ 5-76. Division of Streets and Roads; Division of Recycling.
[Amended 1-9-2006 by Ord. No. 38-2005]**

Within the Department of Public Works shall be two divisions, a Division of Streets and Roads and a Division of Recycling, both headed by the Public Works Director. The Public Works Director shall serve as the supervisor of both Divisions at no additional compensation.

§ 5-77. General powers and duties of Public Works Director.

The Public Works Director shall be responsible for the proper and efficient conduct of all public works functions of the Township government. He shall have the power, with the approval of the Mayor and within the limits of available appropriations, to engage such specialized equipment and labor for specific projects and purposes as he may deem necessary for the proper administration and functions of the Department. He shall:

- A. Supervise all construction and maintenance work pertaining to public streets, drains, public buildings and property and parking lots.
- B. Provide for the maintenance of all public buildings.
- C. Plan, administer and control snow removal on Township streets and roads and Township parking lots as need appears, within limits of available appropriations. **[Amended 1-9-2006 by Ord. No. 38-2005]**
- D. Supervise the performance of any public contracts for scavenger services and the maintenance of existing streetlights and the operations of scavengers engaged in private contract work within the Township.
- E. Issue such certificates as may be necessary and approve all bills with respect to work performed under his supervision.

ARTICLE XI

**Department of Community Development
[Amended 6-19-1989 by Ord. No. 21-89]****§ 5-78. Department of Community Development.**

There shall be a Department of Community Development which shall consist of three divisions: the Division of Engineering, the Division of Planning and the Division of Code Enforcement.

§ 5-79. Director of Community Development.

The Director of Community Development shall be the head of the Department of Community Development. The Director shall be appointed by the Mayor and shall serve during the term of office of the Mayor and until the appointment and qualification of his successor. The Director shall be paid a salary as provided by ordinance.

§ 5-80. Powers and duties of Director.

The Director of Community Development shall:

- A. Supervise and administer the work of the Department of Community Development.
- B. Review all applications for development in the Township.
- C. Serve as a technical advisor to the Township Council, Planning Board, Zoning Board, Environmental Commission and Mayor to provide such advice and assistance as requested.
- D. Make recommendations regarding the Subdivision, Zoning and Land Use Ordinances and regulations within the Township.
- E. Assist in the preparation and amendment of the Land Development Ordinance, Master Plan and development, conservation and planning regulations and ordinances.
- F. Attend all meetings of the Planning Board and Township Council.
- G. Fulfill the duties of the Township Planner in his absence.

§ 5-81. Division of Engineering.

There shall be a Division of Engineering, the head of which shall be the Township Engineer, who shall be appointed by the Mayor and who shall be paid a salary as provided by ordinance.

§ 5-82. Powers and duties of Township Engineer. [Amended 1-9-2006 by Ord. No. 38-2005]

The Township Engineer shall:

- A. Issue such certificates as may be necessary and approve all bills with respect to the work performed under his supervision.
- B. Oversee preparation of plans and specifications, surveys and maps in cooperation with the Assessor and maintain the Tax Map as a public record as of October 1 of each year and cause to be recorded therein all changes in ownership or character of the real property assessed.
- C. Administer, supervise and operate the Division of Engineering.

§ 5-83. Duties of Division of Engineering.

The Division of Engineering shall:

- A. Prepare all plans and specifications for public works and improvements undertaken by the Township either on force account or by contract.
- B. Provide and maintain maps, plans and specifications, surveys and records with respect to public property, works and facilities owned or operated by the Township government.
- C. Provide engineering services to the various departments, boards and agencies of the Township as directed by the Mayor or other authorized authority.

§ 5-84. Division of Planning.

There shall be a Division of Planning, the head of which shall be the Township Planner. He shall be appointed by the Mayor and, prior to his appointment, shall be qualified by training and experience in the planning field. He shall have or be eligible to apply for and obtain a State of New Jersey license as a professional planner. He shall be paid a salary as provided by ordinance. The Mayor may appoint such staff and employees for the Division as are required for it to fulfill its functions.

§ 5-85. Powers and duties of Planner.

The Township Planner shall:

- A. Administer and supervise the work of the Division.
- B. Serve as technical advisor to the Township Council, Planning Board, Zoning Board, Environmental Commission and Mayor, conducting such studies as requested.
- C. Attend all meetings of the Planning Board and meetings of the Council and other boards or agencies as may be required for the proper planning of the Township.
- D. Provide all staff assistance to the Planning Board in all matters under its jurisdiction.

- E. Conduct continuous studies and collect statistical and other data to serve as the basis for planning recommendations.
- F. On all applications for zoning appeals, secure data and analyze zoning problems for the purpose of making reports to the Zoning Board.
- G. Recommend and assist in the writing of amendments to the Land Development Ordinance, Master Plan and other development, conservation and planning regulations and ordinances.
- H. Review and analyze the ordinances and plans of surrounding municipalities, counties and states, analyze and report on proposed development in adjacent municipalities as it may affect the Township and coordinate planning, development and conservation with Middlesex County and with the adjoining municipalities, counties and states.
- I. Act as liaison with federal, state and county offices for procurement and administration of planning grants.
- J. Make recommendations regarding subdivision, zoning and other land use development within the Township.
- K. Exercise initiative and professional judgment in providing the Township with guidance in planning within the framework of a Master Plan.
- L. Study and analyze matters, such as but not limited to transportation, land use, natural and human resources, housing and capital improvements, and prepare and submit findings and recommendations to the Township Council, Planning Board, Zoning Board, Environmental Commission and Mayor.
- M. Make recommendations regarding the Master Plan of the Township so that it reflects the needs and wishes of the Township consistent with the good and welfare of the Township.

§ 5-86. Duties of Division of Planning.

The Division of Planning shall:

- A. Assist in the preparation and maintenance of an Official Zoning Map of the Township.
- B. Provide secretarial and such staff assistance as the Planning and Zoning Boards may require in the performance of their functions.
- C. Investigate and prepare reports and recommendations on all subdivision applications and site plans as well as all other assignments as may be required by the Planning Board.
- D. Receive plans of proposed developments within the Township, review site plans design and coordination with surrounding properties and recommend redesign of site plans, as required.

§ 5-87. Division of Code Enforcement.

There shall be a Division of Code Enforcement, the head of which shall be the Construction Official.

- A. Construction Official. There shall be a Construction Official appointed by the Mayor. He shall be paid such salary and compensation as specified by the Salary Ordinance of the Township. Prior to his appointment, he shall be qualified by training and experience to perform the duties of his office.
- B. Powers and duties of the Construction Official. The Construction Official shall administer the provisions of the Township Land Development Ordinance, Building Code and such other provisions of law or ordinance as may vest powers, functions or duties in the Construction Official.
- C. Subcode officials and inspectors. Subcode officials and inspectors may be appointed by the Mayor as may be required.
- D. Organization. The Division of Code Enforcement shall be organized in compliance with the provisions of N.J.A.C. 5:23-4.4 and shall comply with the requirements therein.¹⁰

10. Editor's Note: Former Section 2-12, Article XX, Department of Code Enforcement, which previously followed this section, was repealed 6-19-1989 by Ord. No. 21-89. See now Art. XI, Department of Community Development, of this chapter.

ARTICLE XII
Department of Parks and Recreation

§ 5-88. Director of Parks and Recreation.

There shall be a Department of Parks and Recreation, the head of which shall be the Director of Parks and Recreation. He shall be appointed by the Mayor and shall be paid such salary and compensation as specified and shall be qualified by education, training and experience to perform the duties of his office.

§ 5-89. Powers and duties of Director.

The Director of Parks and Recreation shall:

- A. Administer the work of the Department and administer and operate playgrounds, facilities for indoor and outdoor sports, athletic, cultural and recreational programs and activities for children, youth and adults of the Township and, where authorized by law and by resolution of the Council, charge and collect on behalf of the Township a reasonable fee for each person for admission to or use of facilities, programs or activities provided for under this Code.
- B. Use public school property by agreement with the Board of Education.
- C. Plan and develop additional public recreational areas and facilities.
- D. Cooperate with other municipal departments, service clubs and organizations in furthering recreational and cultural interests in the Township.
- E. Have charge of the care and maintenance of the lawn, paths, shrubs and plants within the public parks, playgrounds, public grounds and athletic fields and the care and maintenance of playground and park equipment of the Township, as well as designated bus shelters, cemeteries and snow removal areas.
- F. Adopt reasonable rules, regulations and bylaws, subject to approval of the Mayor, for the conduct of all persons participating in programs and activities or utilizing recreational facilities or equipment sponsored by the Department.
- G. Study, investigate, develop and recommend recreation programs in conjunction with the Recreation Committee.
- H. Conduct studies of the present and future park and recreational needs of the Township and develop immediate and long-range plans in consultation with the Recreation Committee for recommendation to the Mayor and the Township Council.
- I. Maintain such records as may be required to control departmental receipts, property and personnel and provide information to the Mayor

for budgeting and financing of recreational programs. Such records shall include time cards for part-time and seasonal personnel.

- J. Be responsible to the Council for the proper custody and preservation of the books, records and property under his control and for the faithful performance of his duties.
- K. Submit to the Mayor monthly reports concerning the conduct and progress of the Department and receipts and moneys.
- L. Administer the expenditure of funds in accordance with the annual budget.
- M. Ensure that the Department operates in accordance with the above-enumerated powers and duties.

§ 5-90. Assistant Director of Parks and Recreation.

- A. There may be an Assistant Director of Parks and Recreation, who shall assist the Director in the administration and operation of the programs and activities of the Department. The Assistant Director shall be appointed by the Mayor and shall be qualified by education, training and experience to perform the duties of the office.
- B. The Assistant Director shall carry out such duties as specifically designated by the Director and, in the absence of the Director, shall assume all of the duties, responsibilities and powers of the Director as designated in this article.

§ 5-91. Program Director.

There may be employed Program Directors, who shall be responsible for:

- A. Determining that individual recreation programs are being run satisfactorily.
- B. Ensuring that such recreation programs are properly supervised.
- C. Ensuring that accurate records relating to attendance of participants and staff are properly maintained.

§ 5-92. Recreation Committee. [Added 8-8-1984 by Ord. No. 21-84]

- A. Membership. Within the Department of Parks and Recreation there shall be an advisory council on recreation known as the Old Bridge Township Recreation Committee (the "Committee"). An effort shall be made to represent all age groups on the Committee. The Committee shall consist of 15 members appointed by the Township Council who shall serve without compensation. The terms of the initial 15 members appointed by the Township Council pursuant to this section shall be staggered, with eight members serving terms of two years and seven members serving terms of one year. Thereafter, each member appointed by the Township Council shall serve for a two-year term. In

the event of a vacancy, the Township Council shall appoint a person to fill such vacancy for the unexpired term only. There shall be a Chairman and a Vice Chairman of the Committee appointed from among its membership. **[Amended 4-3-1989 by Ord. No. 13-89; 6-16-1994 by Ord. No. 41-94; 1-27-1997 by Ord. No. 4-97; 1-28-2002 by Ord. No. 03-02; 7-22-2002 by Ord. No. 33-02¹¹]**

- B. There shall be two associate members of the Recreation Committee who shall be students at the Township high school. The Mayor shall appoint two associate members from Old Bridge Central High School. Associate members shall serve one-year terms without compensation and shall be nonvoting members of said Committee. **[Amended 1-9-2006 by Ord. No. 38-2005; 4-24-2006 by Ord. No. 12-2006]**
- C. The Recreation Committee shall study, investigate, develop and organize programs in conjunction with the Director of Parks and Recreation.
- D. The Recreation Committee shall investigate, study and advise the Department of Parks and Recreation with respect to the work of the Department and the acquisition, establishment, improvement, maintenance and administration of new and existing public parks, playgrounds, places of public recreation, recreational facilities and programs within the Township.

11. Editor's Note: This ordinance also provided that the term length set forth in this ordinance shall be instituted upon the expiration of the terms of all current Recreation Committee members on 1-1-2003.

ARTICLE XIII

Department of Police

[Amended 3-16-1987 by Ord. No. 6-87; 3-2-1987 by Ord. No. 7-87; 1-19-1988 by Ord. No. 2-88; 3-21-1988 by Ord. No. 10-88; 6-16-1988 by Ord. No. 20-88; 9-19-1988 by Ord. No. 45-88; 1-3-1989 by Ord. No. 70-88; 2-6-1989 by Ord. No. 3-89; 9-5-1989 by Ord. No. 30-89; 12-4-1989 by Ord. No. 45-89; 3-2-1992 by Ord. No. 4-92; 6-1-1992 by Ord. No. 21-92; 3-13-1995 by Ord. No. 10-95; 8-28-1995 by Ord. No. 49-95; 3-10-1997 by Ord. No. 7-97; 12-8-1997 by Ord. No. 43-97; 11-24-1997 by Ord. No. 45-97; 1-26-1998 by Ord. No. 11-98; 2-9-1998 by Ord. No. 14-98; 4-6-1998 by Ord. No. 22-98; 10-13-1998 by Ord. No. 76-98; 2-22-1999 by Ord. No. 7-99; 10-23-2000 by Ord. No. 49-00; 1-28-2002 by Ord. No. 04-02; 1-26-2004 by Ord. No. 03-04; 1-24-2005 by Ord. No. 02-05; 1-9-2006 by Ord. No. 38-2005; 9-24-2007 by Ord. No. 2007-20]

§ 5-93. Establishment; head.

There shall be a Department of Police in accordance with N.J.S.A. 40A:14-118. The Director of the Department shall be appointed by the Mayor with advice and consent of the Council.

§ 5-94. Table of organization.

- A. Within the Department of Police there shall be four bureaus: **[Amended 10-4-2010 by Ord. No. 2010-26]**
- (1) Patrol Bureau.
 - (2) Detective Bureau.
 - (3) Professional Standards Bureau.
 - (4) Administration Bureau.
- B. Each bureau shall consist of as many officers as the Chief of Police shall deem necessary.

§ 5-95. Composition.

- A. Personnel.
- (1) The Department of Police shall consist of the following sworn personnel, within the guidelines of the budget: **[Amended 10-4-2010 by Ord. No. 2010-26]**
 - (a) A Chief of Police.
 - (b) Captains, not to exceed four in number.
 - (c) Lieutenants not to exceed eight in number. **[Amended 2-27-2012 by Ord. No. 2012-07]**

- (d) Sergeants not to exceed 16 in number. **[Amended 2-27-2012 by Ord. No. 2012-07; 7-9-2018 by Ord. No. 2018-19]**
- (e) Patrol officers not to exceed 87 in number. **[Amended 2-27-2012 by Ord. No. 2012-07]**
- (2) Nothing herein shall be deemed to compel the termination (by layoff or otherwise) of any sworn officer.
- B. Appointment to the position of police officer shall be made by the Director in accordance with the procedures in this article. The Director shall select from the list of qualified candidates established in accordance with this article, in order of ranking. All promotions to the rank of Sergeant, Lieutenant, Captain and Chief of Police shall be made in accordance with this article.
- C. All civilian employees performing police functions within the Department of Police shall be hired by the Director.
- D. The Chief of Police shall report to the "appropriate authority," who shall be the Mayor, and as the appropriate authority shall promulgate rules and regulations in accordance with N.J.S.A. 40A:14-118.

§ 5-96. Emergency management.

The Emergency Management Coordinators shall be appointed by the Mayor in accordance with N.J.S.A. Appendix A:9-33 et seq. and shall operate under the Police Department.

§ 5-97. Testing procedures for entry level officers; applications; qualifications. [Amended 7-28-2014 by Ord. No. 2014-12]

- A. Eligibility.
 - (1) No person shall be appointed as a member of the Old Bridge Township Police Department unless he or she:
 - (a) Is a citizen of the United States and a resident of New Jersey and meets the age requirements pursuant to N.J.S.A. 40A:14-127.
 - (b) Is sound in body and of good health sufficient to satisfy the Board of Trustees of the Police and Fireman's Retirement System of New Jersey as to his or her eligibility for membership in the retirement system.
 - (c) Is able to read, write and speak the English language well and intelligently.
 - (d) Is of good moral character and has not been convicted of any criminal offense involving moral turpitude.

- (e) Is appointed without political influence from anyone (state, local or federal).
- (f) Has the mental stability, free of any abnormalities, needed to satisfactorily perform the job of a police officer.
- (g) Has completed and passed a written examination, physical fitness testing, medical screening, psychological evaluation, oral interview, complete background investigation and drug testing.
- (h) Education requirements. All college degrees and/or credits must be from a college or university nationally recognized accredited institution or agency by the U.S. Department of Education.
 - [1] Bachelor's degree; or
 - [2] Possess a minimum of 60 credits and two years of full time civilian employment; or
 - [3] Thirty credits and two years of military experience; or
 - [4] Two years of active duty military service or serve in a "combat zone" as defined under the State of New Jersey Department of Military and Veterans Affairs, civil service preference clause, Numbers 1 through 14, and as may be amended in the future, with an honorable discharge.

B. Required tests.

- (1) All applicants for the position of entry level police officer will be administered the following tests, which will be weighted as indicated:
 - (a) Written test, 50%: to be administered by an outside agency in compliance with the standards and guidelines set forth by the New Jersey Police Training Commission. A minimum score of 75% must be attained in order to qualify for the next phase, physical agility.
 - (b) Physical agility, 50%: to be administered by the New Jersey State Association of Chiefs of Police (NJSACOP). A minimum score of 75% must be obtained in order to qualify for the next phase, oral board. The independent agency is to administer a test to comply with the current ADA regulations.
- (2) Residency.
 - (a) Residency shall be determined at the time the applicants sign up for the testing procedure.
 - (b) For purposes of this section, a person shall be considered a resident if he or she has established a bona fide principal

residence within the Township of Old Bridge for at least 24 consecutive months immediately preceding the date of his application. It is recognized that the list will be reclassified prior to each appointment or batch of appointments to insure that the applicant has continued to reside in the Township of Old Bridge since his application.

- (c) All applicants determined to be a resident of Old Bridge Township pursuant to Subsection B(2)(a) and (b) above will receive one point which will be added to the final cumulative combined score of the written exam and physical exam. This is the only stage of the application process that the residency point is added.
- (3) Only applicants that meet the minimum eligibility requirements as outlined in Subsection A of this section and those who have successfully passed both testing phases (written and physical agility) and have a combined average grade of 80% or better will be eligible for hiring.
- (4) The Chief of Police will meet with the Mayor to determine the number of eligible candidates that will advance to the next stage of the application process based on the needs of the Police Department at the time of the test. The candidates will be notified as to their final number on the list and the number of eligible candidates that will be provided applications. Nothing herein shall prevent the Chief and Mayor from requesting additional applications from the list if it is determined that there are not enough candidates to fulfill the needs of the Department from the original list. This process will avoid the need to perform unnecessary extensive backgrounds and draw from the department's limited resources.

C. Application.

- (1) Applicants as determined by the aggregate scores of the written and physical agility exam scores plus any additional points which the applicant is entitled to and are being offered the opportunity to continue in the process as determined pursuant to Subsection B(4) above will be notified. The applicant shall complete a detailed application which will be thoroughly investigated. Each applicant will be required to complete a waiver form allowing the release of all information concerning the candidate.
- (2) Failure to pass the background investigation will disqualify an applicant. Major areas of concern which can lead to disqualification are:
 - (a) Criminal history including local, state and federal;
 - (b) Continuous poor driving record;

- (c) Falsification of any information required to be provided by the applicant (given at any time);
 - (d) Verification of eligibility credentials under Subsection A(1) et seq. above.
 - (e) Negative information uncovered by investigators.
 - (f) Verification of at least three personal references.
 - (g) Random drug urine screening analysis throughout the entire process.
- (3) A Detective shall prepare a background investigation report which shall be forwarded to the Chief of Police for review.
 - (a) Final determination as to the passage or failure of the background investigation will be made by the Chief of Police.
 - (b) Upon completion of all background investigations, all successful candidates will have a formal interview scheduled before an interview panel. The formal interview panel shall consist of the Mayor or Mayor's Designee, Chief of Police or his designee and one Captain.
 - (c) Panel members shall list the candidates based on their overall performance in the interview process and provide a list of no less than five and no more than 20 at the Mayor's request, along with any related documentation and forward that on to the Mayor for review and approval in accordance with the law.
- D. Applicants which have been approved by the Mayor and offered a position will be required to pass a medical examination and a psychological examination prior to appointment.
 - (1) The Chief of Police may remove any applicant from the applicant list due to disqualification for medical or psychological reasons that would preclude the applicant from effectively performing the duties of a police officer.
 - (2) The Chief of Police shall furnish to the Mayor any documentation or reports supporting the removal request, prepared and signed by a physician, psychologist or psychiatrist who is licensed in the State of New Jersey.
 - (3) The Chief of Police's submission shall include a finding that the applicant is not qualified due to medical or psychological reasons for police officer.
- E. New appointees will be required to attend the Police Academy and serve a probationary period for one year. The Police Academy shall be approved and authorized by the Police Training Commission in the Department of Law and Public Safety of the State of New Jersey.

- F. The eligibility hiring list will be in rank order from highest to lowest of the top candidates. The list shall be in effect two years from the date of the written examination.
- G. The Mayor shall have the sole discretion to utilize the list that is in existence at any time during the two-year period or initiate a new testing process.
- H. Alternate police testing and hiring. **[Amended 7-28-2014 by Ord. No. 2014-13]**
 - (1) The Alternate Route Program is a discretionary program that allows the Mayor or his designee to hire individuals who have successfully completed the Basic Course for Police Officers (BCPO) as set forth by the Police Training Commission under the direction of the New Jersey Division of Criminal Justice. The individual who successfully completes the academy portion of the Alternate Route Program will be eligible to apply for a regular full time position under this provision of the Old Bridge Township Code. This enables the Township of Old Bridge to consider candidates already trained without incurring the significant financial and time commitment to train officers to supplement the Old Bridge Township Police Department ranks.
 - (a) The Alternate Route Program was established pursuant to N.J.S.A. 52:17B-69.2, which allows a person who completes a training course pursuant to Section 2 of P.L. 1998, c. 146 (N.J.S.A. 52:17b-69-1) shall only be eligible for appointment as a permanent full-time member of a department or force.
 - (b) Additionally, the Township of Old Bridge recognizes the ever changing demographics of the state and the community at large. The diversity-related component of this hiring process is one factor which the Mayor and/or his designee shall consider but is not determinative.
 - (c) This process will allow the Chief of Police to target and recommend, and the Mayor, his designee or Director of Police to hire, individuals who will contribute to overall Police Department excellence and have an immediate impact on the manpower and/or diversity of the department. The Alternate Route Program is purposely flexible so as to allow for consideration of many varied candidates and allows this premised on the need to diversify the Old Bridge Police Department and maintain an appropriate number of officers on the street.
 - (d) The diversity-related component includes but is not limited to race, gender, ethnicity, unique cultural background, bilingual language skills, prior law enforcement experience in diverse communities. This will support the need for diversity within the

police force to further gain the trust and confidence of the entire community, which in turn will increase police effectiveness in serving and protecting the Township of Old Bridge.

- (e) No person shall be hired under the Alternate Route Program unless the candidate has completed the necessary Alternate Route Basic Course (BCPO) requirements or SLEO II training with a waiver from the Police Training Commission (PTC). Successfully completes agency training and firearms qualifications by Old Bridge Township Police Department or other qualified agency. The candidate, once hired, must receive the Police Training Commission BCPO certificate from the school director within his probationary period as so designated by the Chief of Police or the employment will be terminated on or before the one-year anniversary. No officer shall remain employed with the Old Bridge Township Police Department without the PTC certificate.
- (2) Notwithstanding the eligibility hiring list process, the Mayor, Director of Police or Mayors' designee, upon written recommendation from the Chief of Police, may make appointments to fill vacancies in accordance with the provisions of N.J.S.A. 52:17B-69.1 and N.J.S.A. 52:17B-69.2 for not more than six individuals each calendar year who have previously completed a police training course certified by the New Jersey Police Training Commission and have been individually recommended by the Chief of Police.
- (3) The purpose of this subsection is to permit the hiring of individuals who are sworn officers in other jurisdictions or who have been or are eligible to be certified by the New Jersey Police Training Commission under the Alternate Route Program. These appointees must meet all standards set forth under § 5-98, Qualifications, of this article.
- (4) The following screening process will be utilized:
 - (a) Alternate hiring candidates upon submission of an application and an invitation from the Chief of Police will participate in the oral interview process with the Chief of Police, Mayor or his designee and one Captain; a background investigation; physical examination, medical examination, and a psychological examination.
 - (b) Any alternate hiring applicant failing any phase of the hiring process as outlined above will cease to be a candidate for the position of Police Officer in the Old Bridge Township Police Department.

§ 5-98. Qualifications. [Amended 7-28-2014 by Ord. No. 2014-12]

- A. Each applicant shall comply with all the laws of the State of New Jersey pertaining thereto. No person shall be given or accept a permanent appointment as a police officer in the Township of Old Bridge unless such person has first been given a probationary or temporary appointment to such office for a period of one year and has successfully completed a police training course at a school approved and authorized by the Police Training Commission in the Department of Law and Public Safety of the State of New Jersey, pursuant to the provisions of Chapter 56 of the Laws of 1961¹² and Township ordinances.
- B. No person shall be appointed to the Department of Police as a regular or probationary member unless, at the time of making application, he shall meet the age requirements of the New Jersey statutes, except as provided by law in the case of veterans and meet the following qualifications:
- (1) Is a citizen of the United States and a resident of New Jersey and meets the age requirements pursuant to N.J.S.A. 40A:14-127.
 - (2) Is sound in body and of good health sufficient to satisfy the Board of Trustees of the Police and Fireman's Retirement System of New Jersey as to his or her eligibility for membership in the retirement system.
 - (3) Is able to read, write and speak the English language well and intelligently.
 - (4) Is of good moral character and has not been convicted of any criminal offense involving moral turpitude.
 - (5) Is appointed without political influence from anyone (state, local or federal).
 - (6) Has the mental stability, free of any abnormalities, needed to satisfactorily perform the job of a police officer.
 - (7) Has completed and passed a written examination, physical fitness testing, medical screening, psychological evaluation, oral interview, complete background investigation and drug testing.
 - (8) Education requirements. All college degrees and/or credits must be from a college or university nationally recognized accredited institution or agency by the U.S. Department of Education.
 - (a) Bachelor's degree; or
 - (b) Possess a minimum of 60 credits and two years of full time civilian employment; or
 - (c) Thirty credits and two years of military experience; or

- (d) Two years of active duty military service or serve in a "combat zone" as defined under the State of New Jersey Department of Military and Veterans Affairs, civil service preference clause, Numbers 1 through 14, and as may be amended in the future, with an honorable discharge.
- C. Each member of the Police Department shall, before entering upon the performance of his or her duties, take and subscribe to an oath to bear true faith and allegiance to the government established in this state, to support the Constitution of the United States of America and the State of New Jersey and to faithfully, impartially and justly discharge and perform all duties of his office, which oath or affirmation shall be filed with the Clerk.

§ 5-99. Chief of Police.

- A. The internal control and discipline of the Department of Police and of its members shall be vested in the Chief of Police and he shall have the power to enforce all the rules and regulations herein provided and any general and special orders or instructions which he may, from time to time, promulgate. He shall enforce the Rules and Regulations, orders or instructions and may punish for their violation as provided in the Rules and Regulations adopted as set forth in § 5-95, Composition.
- B. The Chief of Police, with the assistance of other members of the Department detailed for such purpose, shall keep a complete record as prescribed in the Rules and Regulations, and the Chief shall report to the appropriate authority all matters of importance pertaining to the Department and make sure recommendations, as in his opinion, will increase the efficiency of the Department.
- C. The Chief of Police shall, pursuant to all applicable laws and purchasing procedures established by the Township of Old Bridge, from time to time, purchase new equipment or repair or rearrange such old equipment as will increase the efficiency of the Department. He shall have full charge and control of all the apparatus and equipment and office space of the Department and its assignment and use and shall be held responsible for its care, cleanliness and safekeeping.
- D. In the temporary absence or disability of the Chief of Police, an Acting Chief of Police shall act in his place.
- E. The Chief of Police will be responsible for establishing and maintaining a list of qualified applicants for the position of regular police officer. He shall also perform all other duties as prescribed in this article.

§ 5-100. Functions of Department of Police.

The Department of Police, through its Chief of Police and his staff, shall:

- A. Preserve the public peace, protect life and property, prevent crime, detect and arrest offenders against the penal laws and ordinances

effective within the Township, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages and preserve order at all elections and public meetings and assemblages.

- B. Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic and the use of the streets by vehicles and persons to protect the safety and facilitate the convenience of motorists and pedestrians and to make and enforce rules and regulations not inconsistent with the ordinances and resolutions of the Township for such purposes.
- C. Remove or cause to be removed all nuisances in the public streets, parks and other public places of the Township, inspect and observe all places of public amusement or assemblage and all places of business requiring any state or municipal license or permit and report, thereon, to the appropriate department.
- D. Provide proper police attendance and protection at fires.
- E. Provide for the attendance of its members in court as necessary for the prosecution and trial of persons charged with crimes and offenses and cooperate fully with the law enforcement and prosecuting authorities of federal, state and county governments.
- F. Operate a training program to maintain and improve the police efficiency of the members of the Department.

§ 5-101. Special law enforcement officers.

- A. Establishment. The position of Special Law Enforcement Officer is hereby established.
- B. Placement. Special law enforcement officers shall be assigned within the Bureau of Administration.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

COURT EMERGENCY — Any sudden, unexpected or unforeseeable event requiring the immediate use or deployment of law enforcement personnel as shall be determined by the Chief of Police, or, in the absence of the Chief, other chief law enforcement officers to whom the authority of designating an emergency has been prescribed by local ordinances.

SPECIAL LAW ENFORCEMENT OFFICER — Any person appointed pursuant to this article to temporarily or intermittently perform duties similar to those performed regularly by members of the Police Department or to provide assistance to the Police Department during unusual or emergency circumstances or at individual times during intermittent peak periods.

- D. Application and appointment.

- (1) A person may apply for the position of special law enforcement officer by submitting a written application for appointment to the Human Resources Director or for reappointment to the Chief of Police. Said application shall be on a form prescribed by the Chief of Police. **[Amended 7-22-2013 by Ord. No. 2013-12]**
- (2) No person shall be appointed as a special law enforcement officer unless that person meets the qualifications of N.J.S.A. 40A:14-146.8 et seq. and specifically N.J.S.A. 40A:14-146.10, as amended, and N.J.S.A. 40A:14-146.11, as amended, and N.J.S.A. 40A:14-146.14, as amended, and N.J.S.A. 40A:14-146.16, as amended. **[Amended 3-19-2018 by Ord. No. 2018-08]**
- (3) Every applicant for the position of special law enforcement officer shall have his or her fingerprints taken, which fingerprints shall be filed with the Division of State Police and the Federal Bureau of Investigation.
- (4) If appointed, such appointment shall be for a period of one year, beginning January 1 and terminating December 31, or for such part of any year beginning upon date of appointment and terminated on December 31.
- (5) After appointment, no special law enforcement officer may commence his duties as a special law enforcement officer unless he has successfully completed a training course established by the municipality and approved by the New Jersey Police Training Commission.
- (6) A maximum of 100 special law enforcement officers may be appointed in any one calendar year.
 - (a) There shall be three classes of special law enforcement officers: **[Amended 3-19-2018 by Ord. No. 2018-08]**
 - [1] Class One special law enforcement officers shall be authorized to perform routine traffic detail, spectator control and similar duties. Class One special law enforcement officers shall have the power to issue summonses for disorderly persons offenses, petty disorderly persons offenses, violation of municipal ordinances and violations of Title 39 of the Revised Statutes (motor vehicle offenses). The use of a firearm by a Class One special law enforcement officer is strictly prohibited.
 - [2] Class Two special law enforcement officers are authorized to exercise full powers and duties of a municipal police officer. Class Two special law enforcement officers are authorized to carry firearms.

- [3] Class Three. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer while providing security at a public or nonpublic school or a county college on the school or college premises during hours when the public or nonpublic school or county college is normally in session or when it is occupied by public or nonpublic school or county college students or their teachers or professors. While on duty in the jurisdiction of employment, an officer may respond to offenses or emergencies off school or college grounds if they occur in the officer's presence while traveling to a school facility or county college, but an officer shall not otherwise be dispatched or dedicated to any assignment off school or college property. **[Added 3-19-2018 by Ord. No. 2018-08]**
- (b) The number of Class One special law enforcement officers shall be limited to 100 in any one calendar year.
- (c) The number of Class Two special law enforcement officers shall be limited to 25% of the total number of regular Old Bridge Township police officers or the number of special police officers appointed by Old Bridge Township as of March 1, 1985, whichever number is greater.
- (d) All special law enforcement officers shall be under the supervision and direction of the Chief of Police or his direct designee and shall perform all of their duties only in Old Bridge Township unless they are in fresh pursuit of any person who has committed an offense in Old Bridge.
- (e) Each special law enforcement officer shall be compensated as a clothing allowance, at the rate of \$250 per year, conditioned on each individual law enforcement officer working as a special law enforcement officer a minimum of 100 hours during his or her period of appointment. The compensation shall be paid only upon the above condition having been met.
- (f) Residency. All special law enforcement officers first appointed after July 1, 2013, shall be residents of the State of New Jersey. **[Amended 7-22-2013 by Ord. No. 2013-12]**
- (g) Carrying firearms.
- [1] Class Two special law enforcement officers, when so authorized, may carry a firearm, but only when authorized, in writing, by the Chief of Police and only when on duty as a special law enforcement officer.
- [2] The Chief of Police may authorize any Class Two special law enforcement officer to arrest, subject to all applicable

rules and regulations. Such authorization to arrest shall be limited to times when the authorized special law enforcement officer is on duty as a special law enforcement officer.

- [3] If a special law enforcement officer is authorized to carry a firearm and a firearm is utilized by a special law enforcement officer while on duty, he shall return such firearm utilized to the officer in charge at the end of the special law enforcement officer's workday, unless the firearm so utilized by the special law enforcement officer is owned by the special law enforcement officer and was acquired in compliance with a condition of employment prior to October 1, 1986. Any special law enforcement officer first appointed after October 1, 1986, shall use only a firearm supplied by the Old Bridge Police Department.
- [4] No special law enforcement officer may carry a firearm until he has satisfactorily completed the basic firearms course required by Old Bridge Township and the New Jersey Police Training Commission for regular police officers and shall annually requalify as required for regular Old Bridge police officers.
- [5] The use of a firearm by an officer of Class Three shall be authorized pursuant to the provisions of Subdivision b of this Section 7 of P.L. 1985, c. 439 (N.J.S.A. 40A:14-146.14). An officer of this class shall not be authorized to carry a firearm while off duty unless the officer complies with the requirements set forth in Subdivision l of N.J.S.A. 2C:39-6 authorizing a retired law enforcement officer to carry a handgun. **[Added 3-19-2018 by Ord. No. 2018-08]**
- (h) A special law enforcement officer shall be deemed to be on duty while he is performing the public safety function on behalf of Old Bridge Township and when he is receiving compensation, if any, from Old Bridge Township at a rate hereinafter established. Special law enforcement officers may not be compensated from private sources.
- (i) Uniform. All special law enforcement officers appointed by Old Bridge Township shall not commence their duties until they have obtained a uniform authorized by the Township of Old Bridge, which uniform shall include the uniform state insignia issued by the New Jersey Police Training Commission. The cost of said uniform shall be paid by the individual special law enforcement officer after his or her appointment.
- (j) Employment status. All special law enforcement officers shall be considered part-time employees of the Township of Old Bridge. No vacation or sick leave shall accrue during periods of

employment as a special law enforcement officer, nor shall the special law enforcement officer be entitled to receive other benefits which accrue to full-time employees of the Township of Old Bridge except those required to be provided by state law, including but not limited to workers' compensation insurance and liability insurance.

(k) Compensation.

- [1] All special law enforcement officers shall be paid at the minimum of \$16 per hour. All special law enforcement officers shall be paid at the minimum of \$24 per hour on the following designated holidays: New Year's Day, Martin Luther King Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Primary Election Day, Independence Day, Labor Day, General Election Day, Veteran's Day, Thanksgiving Day, Thanksgiving Day (following Friday) and Christmas Day. All special law enforcement officers shall be paid for all hours actually worked or the sum of four hours, whichever is greater.
 - [2] In addition to the amount of compensation received by the special law enforcement officer, which amount is being received by the Township of Old Bridge from third parties for the public services rendered by the special law enforcement officers, the third parties shall pay to the Township of Old Bridge an amount equal to the actual cost of insurance and other benefits which must be paid by the Township of Old Bridge on behalf of the special law enforcement officers, which in no event shall be less than 10% of the present hourly rate.
 - [3] The actual cost of insurance and other benefits shall be estimated by the Chief Financial Officer on the effective date of this chapter and on the first day of each succeeding year. The Chief Financial Officer shall estimate said costs by reference to the cost of workers' compensation insurance, disability insurance, pension contributions and any other costs or benefits that must be paid by the Township on behalf of part-time employees.
- (l) Except for one special law enforcement officer who shall be designated "Administrative Law Enforcement Officer" and all special three officers, all special law enforcement officers shall be limited to a maximum of 20 hours of special law enforcement officer work in any one week. The hours of the Administrative Special Law Enforcement Officer and Class Three shall be unlimited. **[Amended 3-19-2018 by Ord. No. 2018-08]**

- (m) All special law enforcement officers may be required to work traffic safety assignments. The Chief of Police shall assign each special law enforcement officer one traffic safety assignment per month, as needed. This section shall in no way be interpreted as limiting any special law enforcement officer from requesting traffic safety assignments. Notwithstanding the above, any traffic safety assignment shall not interfere with the regular employment of a special law enforcement officer or interfere with any regular assignment as a special law enforcement officer. All traffic assignments shall be made part of the monthly schedule to be prepared by the Chief of Police or his designee.
- (n) No full-time Township of Old Bridge employee shall be first appointed as a special law enforcement officer for the Township of Old Bridge after February 1, 2005.

§ 5-102. Hours of employment.

The hours of employment for all sworn members of the Police Department shall not exceed the contractual agreement between the bargaining units and the Township of Old Bridge except that, in the case of an emergency, the Chief of Police shall have full authority to summon and keep on duty any and all such members during the period of emergency.

§ 5-103. Removal and suspension.

Discipline shall be in accordance with the established Rules and Regulations and the contractual agreements between the bargaining units and the Township of Old Bridge.

§ 5-104. Promotion to Sergeant.

- A. "Promotion" as used in this section, shall mean advancement to Sergeant. All applicants for promotion shall take competitive written and oral examinations, except as otherwise indicated herein.
- B. Only such officers who have completed five years of service as a patrolman shall be eligible for promotion to the rank of Sergeant.
[Amended 2-27-2012 by Ord. No. 2012-07]
- C. When a vacancy for a Sergeant exists and is to be filled, a notice of such vacancy and the time and place where application for examination for promotion to fill same is to be made shall be posted in a conspicuous place in the squad room of the police headquarters. The Chief of Police shall also advise candidates of recommended study materials relevant to the promotion examinations.
- D. All promotions shall be based on merit and fitness. All promotions to Sergeant shall be made from the membership of the Department as constituted at the time of such promotion. No person shall be eligible

for promotion to a superior position unless he has first served in the grade of patrolman in the Department.

- E. The candidate for promotion must achieve a passing grade on tests administered by the New Jersey State Chiefs of Police Association or an equivalent agency approved by the Policemen's Benevolent Association, Local 127, in order to be considered for promotion. Each candidate shall be examined, in a written examination and an oral examination, under similar conditions, and performance shall be measured by the same standard and criteria. The Chief of Police shall receive the test results from the outside testing agency and shall certify the score of each candidate.
- F. Candidates for promotion who receive a passing score on the oral and written examination shall be interviewed by a Local Interview Committee. In the case of promotions from the rank of patrolman to Sergeant, the Interview Committee shall consist of the Mayor or his designee, the Chief of Police or his designee and one superior officer from another Police Department chosen by the Police Benevolent Association, Local 127, from a list of five names submitted by the Chief of Police. Each candidate shall be interviewed by the Local Interview Committee under similar conditions in order to evaluate the merit and fitness of such candidate for promotion.
 - (1) The Committee shall consider the following factors for each candidate:
 - (a) Appearance, manner and bearing;
 - (b) Self expression;
 - (c) Judgment;
 - (d) Decisiveness;
 - (e) Education and specialized training; and
 - (f) Scope and level of experience, including merit commendations.
 - (2) Each factor shall be uniformly considered and applied to all candidates. Each member of the Committee shall score the candidates concerning the above-referenced facts, and the total shall be calculated to achieve the candidate's average interview score.
- G. Candidates for promotion shall be assigned points for years of service within the Township of Old Bridge Police Department as follows: one point for each year of service, as computed as of the day of the year in which the promotional list is first posted.
- H. Test scores.

- (1) The Chief of Police shall calculate each candidate's composite grade by giving the oral examinations, the written examination and the Local Interview Committee scores the following relative weights:
 - (a) Written examination: 1/3;
 - (b) Oral examination: 1/3; and
 - (c) Local committee interview: 1/3.
 - (2) Test scores shall be calculated to the nearest tenth of a percentage point. After calculation of the candidate's score for the written examination, oral examination, and local interview, the Chief of Police shall then add thereto the number of points assigned for years of service as calculated in accordance with Subsection G hereinabove. No candidate shall be certified as eligible for promotion unless he has achieved a grade of at least 70 out of 100 on the written examination as well as the oral examination and the local committee interview, excluding seniority points.
- I. The Chief of Police shall certify the composite score of each candidate and shall post the same in a conspicuous place in the squad room of the police headquarters, indicating the order of finish of the candidates; such list shall be posted within 30 days after the completion of all tests and interviews.
 - J. Any candidate, upon written request of the Chief of Police within five working days of the posting of such results, shall be entitled to review his test score and ranking with the Chief or his designee. No promotion shall be made until each such candidate has had an opportunity to exercise his right of review.
 - K. Upon completion of the above-mentioned procedure, the Chief of Police shall consider for promotion only those candidates who have been certified to be eligible for promotion. For each promotion, the Chief shall consider the first three names of candidates standing highest on the list of eligible and certified candidates. The Chief shall select one of the three so certified. In the event the candidates have the same score, preference shall be given to Old Bridge residents, pursuant to N.J.S.A. 40A:14-122.6.
 - L. A list of candidates for promotion to the appropriate position shall be valid for a period of not more than three years from its first posting.
[Amended 2-27-2012 by Ord. No. 2012-07]
 - M. No candidate shall be promoted to the next higher rank until and unless he or she passes a medical (physical) examination and a psychiatric examination certifying his or her fitness to discharge the functions and responsibilities of the next higher rank.

- N. Promotions may be made following the posting by the Chief of Police that a vacancy for the rank of Sergeant exists. Promotions, if made, shall be made by the Chief of Police in consultation with and subject to approval by the Mayor and subject to § 5-95 herein and the financial impact on the Township of Old Bridge. **[Amended 2-27-2012 by Ord. No. 2012-07]**
- O. Appeals of process. Within 10 days of the posting of the ranking of candidates, a candidate may file a written letter of appeal. Said letter must contain the reason(s) or justification(s) for an appeal and must be submitted to the Chief of Police, through the appropriate chain of command. The Chief of Police will assess the request, and make a determination of how the request will be addressed on a case-by-case basis. Such requests may address the following areas of the promotion process: **[Added 11-19-2012 by Ord. No. 2012-19]**
- (1) Review and retabulation of the scored elements of the selection process.
 - (2) Review any evaluation or internal document that is not otherwise privileged or subject to disclosure that was used in the selection process related to the appellant.
 - (3) If the appeal impacts upon the results of the promotional ranking as determined by the Chief of Police, the candidate may be permitted to be reevaluated.

§ 5-105. Promotion to Lieutenant.

- A. "Promotion" as used in this section, shall mean advancement to the rank of Lieutenant.
- B. Only such officers who have held the rank of permanent Sergeant for one year with the Township of Old Bridge Police Department shall be eligible for promotion to the rank of Lieutenant.
- C. Promotion to the rank of Lieutenant by the Chief of Police shall be based on merit and fitness as required in accordance with N.J.S.A. 40A:14-129. The permanent Sergeant with the most seniority in that rank will be promoted first. The permanent Sergeant with the second most seniority shall be promoted second, and so on.
- D. Promotions may be made following the posting by the Chief of Police that a vacancy for the rank of Lieutenant exists. Promotions, if made, shall be made by the Chief of Police in consultation with and subject to approval by the Mayor and subject to § 5-95 herein and the financial impact on the Township of Old Bridge. **[Amended 2-27-2012 by Ord. No. 2012-07]**
- E. Appeals of process. Within 10 days of the posting of the ranking of candidates, a candidate may file a written letter of appeal. Said letter must contain the reason(s) or justification(s) for an appeal and must be

submitted to the Chief of Police, through the appropriate chain of command. The Chief of Police will assess the request, and make a determination of how the request will be addressed on a case-by-case basis. Such requests may address the following areas of the promotion process: **[Added 11-19-2012 by Ord. No. 2012-19]**

- (1) If applicable, review and retabulation of the scored elements of the selection process.
- (2) Review any evaluation or internal document that is not otherwise privileged or subject to disclosure that was used in the selection process related to the appellant.
- (3) If the appeal impacts upon the results of the promotional ranking as determined by the Chief of Police, the candidate may be permitted to be reevaluated.

§ 5-106. Promotion to Captain.

- A. "Promotion" as used in this section, shall mean advancement to the rank of Captain.
- B. Only such officers who have completed one year of service as a permanent Lieutenant with the Township of Old Bridge shall be eligible for promotion to the rank of Captain.
- C. The Chief of Police shall consider the merit and fitness of all eligible Lieutenants for possible promotion to the rank of Captain as required and in accordance with N.J.S.A. 40A:14-129. The Chief of Police shall then select the eligible Lieutenant of his choice to be promoted to the rank of Captain.
- D. Promotions may be made following the posting by the Chief of Police that a vacancy for the rank of Captain exists. Promotions, if made, shall be made by the Chief of Police in consultation with and subject to approval by the Mayor and subject to § 5-95 herein and the financial impact on the Township of Old Bridge. **[Amended 2-27-2012 by Ord. No. 2012-07]**
- E. Appeals of process. Within 10 days of the posting of the ranking of candidates, a candidate may file a written letter of appeal. Said letter must contain the reason(s) or justification(s) for an appeal and must be submitted to the Chief of Police, through the appropriate chain of command. The Chief of Police will assess the request, and make a determination of how the request will be addressed on a case-by-case basis. Such requests may address the following areas of the promotion process: **[Added 11-19-2012 by Ord. No. 2012-19]**
 - (1) If applicable, review and retabulation of the scored elements of the selection process.

- (2) Review any evaluation or internal document that is not otherwise privileged or subject to disclosure that was used in the selection process related to the appellant.
- (3) If the appeal impacts upon the results of the promotional ranking as determined by the Chief of Police, the candidate may be permitted to be reevaluated.

§ 5-107. Promotion to Chief of Police.

- A. "Promotion" as used in this section, shall mean advancement to the rank of Chief of Police.
- B. Only such officers who have completed one year of service as a permanent Captain or permanent Lieutenant with the Township of Old Bridge Police Department, and have at least five years in an administrative position, shall be eligible for promotion to the rank of Chief of Police.
- C. The Mayor shall interview all eligible candidates for possible promotion to the rank of Chief. The Mayor shall then select the candidate of his choice to be promoted to the rank of Chief of Police.

§ 5-108. Firearms.

All firearms, which may be provided by the Township, shall remain the property of the Township.

§ 5-109. Extra-duty assignments.

Extra-duty assignments of regular or special police personnel for third-party requests for traffic control, crowd control or other police-type duty shall be made with the approval and through the Office of the Chief of Police. Such extra duty shall be voluntary. While on such duty, the members so assigned shall be under the supervision and control of the Chief of Police and superior officers of the Department and shall be subject to the provisions of this section. For this service, the person requesting quasi-public police service shall compensate the Township for services rendered at an hourly rate in accordance with state and/or federal law, regulations or guidelines.

ARTICLE XIV
Department of Health and Welfare

§ 5-110. General organization.

- A. There shall be a Department of Health and Welfare. The Department shall be organized into two divisions:
- (1) The Division of Health.
 - (2) The Division of Welfare.
- B. The head of the Department of Health and Welfare shall either be the Director of the Department of Health and Welfare, who shall be responsible to the Mayor; or the person who is the head of the Division of Health, who shall serve as head of the Department without additional compensation and shall be responsible to the Mayor. **[Amended 1-19-1988 by Ord. No. 2-88]**

§ 5-111. Division of Health; Health Officer.

- A. Organization. The Director of the Division of Health shall be the Township Health Officer, appointed by the Mayor with the advice and consent of the Council, who shall serve for the term of the Mayor and until his successor is duly appointed and qualifies. The Health Officer shall receive such annual compensation as shall be fixed by ordinance.
- B. Powers and duties. The Division of Health shall:
- (1) Administer general laws and Township ordinances conferring functions, powers and duties upon a board or department of health or a local health officer.
 - (2) Enforce laws and ordinances providing for the prevention and control of disease and conduct related inspections.
 - (3) Administer general laws and ordinances relating to vital statistics.
 - (4) Administer a public health nursing service and health educational programs.
 - (5) Operate public health clinics as authorized by ordinances and general law.

§ 5-112. Citizens Advisory Committee. [Amended 1-9-2006 by Ord. No. 38-2005]

There shall be a Citizens Advisory Committee of the Department of Health and Welfare consisting of nine members who shall be appointed by the Council. The terms of office, duties, residency requirements and vacancy provisions shall be as indicated below. The Committee shall elect one of its members as Chairman by majority vote.

- A. Terms. Two members shall be appointed for terms of four years, two for terms of three years, two for terms of two years, two for terms of one year, and the ninth member shall be the Director of the Department of Health and Welfare, whose term shall be concurrent with his term of office as Director of the Department of Health and Welfare.
- B. Duties. The duties of the Citizens Advisory Committee shall be promulgated by the Department of Health and Welfare, which duties shall include recommendations from time to time to the Department of Health and Welfare concerning matters generally affecting public health and safety within the Township. Meetings shall be scheduled by the Citizens Advisory Committee at such times and places as its Chairman designates, and a majority thereof shall constitute a quorum. Such recommendations shall be made to the Department of Health and Welfare at a regular or special meeting as may be fixed by the Chairman.
- C. Residency requirement. The members of the Citizens Advisory Committee shall be residents of the Township prior to their appointment, and they shall serve without compensation.
- D. Vacancy. Any vacancy created by death or resignation or inability of a member to perform his duties shall be filled for the unexpired term of the member, subject to the approval of the Mayor.

§ 5-113. Division of Welfare; Local Assistance Board.

- A. Organization of Board; appointment and terms of members.
 - (1) The Division of Welfare shall be the Local Assistance Board, consisting of five members, one of whom shall be a woman, appointed by the Mayor with the approval of the Council, and shall serve without compensation **[Amended 4-18-1988 by Ord. No. 12-88]**
 - (2) The term of one member shall be for one year, and such member only may be appointed from among the members of the Council. The terms of the other four members shall be for four years, one term expiring in each year. **[Amended 4-18-1988 by Ord. No. 12-88]**
 - (3) 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 Laws of 1947, Chapter 156, § 12, N.J.S.A. 44:8-118, and other provisions of general law and the Township ordinances.
 - (4) The Director of Welfare shall hold office for a term of five years from the date of appointment and shall be paid such salary as may be fixed by the Board, subject to the approval of the Council. The Director of Welfare shall make monthly reports to the members of

the Local Assistance Board and to the Director of Health and Welfare concerning the activities of the Division of Welfare. An Acting Director may be appointed for a term of 90 days.

B. Powers and duties of Division. The Division of Welfare shall:

- (1) Administer programs of assistance to needy persons in cooperation with federal, state, county and municipal agencies.
- (2) Grant public assistance on a budget-deficit basis for living expenses, medical services and supplies, hospitalization, convalescent and dental care and boarding care for children.
- (3) Provide social services for family adjustment and rehabilitation, preventive and protective.
- (4) Participate in general community welfare interests, such as local unemployment, child care and prevention of delinquency.
- (5) Maintain complete social case records, comply with state regulations and make such reports and analyses of welfare problems and grants as are necessary or desirable.

ARTICLE XV
Zoning Board of Adjustment

§ 5-114. Establishment.

A Zoning Board of Adjustment is hereby established, consisting of seven regular members and two alternate members to be appointed by the governing body for terms of office pursuant to N.J.S.A. 40:55D-69. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2." A vacancy occurring otherwise than expiration of term shall be filled for the unexpired term only.

§ 5-115. Removal.

A member may, after public hearing if he requests it, be removed by the governing body for cause.

§ 5-116. Powers.

The Board of Adjustment shall possess the powers enumerated in N.J.S.A. 40:55D-70.

§ 5-117. Meetings and records.

Meetings of the Board shall be held at regular intervals and on such dates as determined by the Board at its annual meeting and at the call of the Chairman. The Board may also fix, by rule, the manner in which the Chairman may issue any such call for a meeting and the amount of notice required of any such call, as well as the manner, including the amount of notice, in which meetings other than those at the call of the Chairman may be held.

§ 5-118. Procedures.

All procedural matters shall be handled pursuant to and in accordance with N.J.S.A. 40:55D-1 et seq., the Land Development Ordinance and such rules and regulations adopted by the Board not inconsistent with state law, the Land Development Ordinance and the Code of Old Bridge.

§ 5-119. Appeal stays all proceedings.

An appeal stays all processing in furtherance of the action on which the decision appealed from was made, unless the Zoning Officer certifies to the Board of Adjustment, after the notice of appeal has been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Superior Court or any Judge thereof on application and notice to the Zoning Officer and on due cause shown.

§ 5-120. Rules and regulations.

The Board may adopt and enforce rules and regulations governing its internal operation, the conduct of its members, appellants, attorneys and citizens necessary to carry into effect the provisions and purposes of the Zoning Ordinance and not inconsistent with law or the code.

ARTICLE XVI
Planning Board

§ 5-121. Establishment.

Pursuant to the provisions of the N.J.S.A. 40:55D-23, a Planning Board consisting of nine regular members is hereby established and created. Pursuant to N.J.S.A. 40:55D-23.1, said Planning Board shall have two alternate members, who shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2."

§ 5-122. Membership classes.

The membership shall consist of four classes and alternates pursuant to N.J.S.A. 40:55D-23 and N.J.S.A. 40:55D-23.1.

§ 5-123. Conflicts; removal.

No member of the Planning Board shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. Any member other than a Class I member, after a public hearing if he requests one, may be removed by the governing body for cause.

§ 5-124. Organization.

The Planning Board shall be organized in accordance with and pursuant to N.J.S.A. 40:55D-24.

§ 5-125. Powers.

The Planning Board shall have such powers and referral powers as are enumerated in N.J.S.A. 40:55D-25 and N.J.S.A. 40:55D-26.

§ 5-126. Procedures.

All procedural matters shall be handled pursuant to and in accordance with N.J.S.A. 40:55D-1 et seq., the Land Development Ordinance and such rules and regulations adopted by this Board not inconsistent with state law, the Land Development Ordinance and the Code of Old Bridge.

§ 5-127. Meetings and records.

Meetings of the Board shall be held at regular intervals and on such dates determined by the Board at its annual meeting and at the call of the Chairman. The Board may also fix, by rule, the manner in which the Chairman may issue any such call for a meeting and the amount of notice required of any such call, as well as the manner, including the amount of notice, in which meetings other than those at the call of the Chairman may be held.

§ 5-128. Rules and regulations.

The Board may adopt and enforce rules and regulations governing its internal operation, the conduct of its members, appellants, attorneys and citizens necessary to carry into effect the provisions and purposes of the Zoning Ordinance and not inconsistent with law or the Code.¹³

13. Editor's Note: Original § 2-18, Sewerage Authority, which previously followed this section, was repealed 1-9-2006 by Ord. No. 38-2005.

ARTICLE XVII

Municipal Utilities Authority**§ 5-129. Establishment; composition; membership.**

The Old Bridge Township Municipal Utilities Authority is hereby established, which shall consist of five regular members and two alternates appointed by the Council, whose terms shall be set by resolution of the Council in accordance with N.J.S.A. 40:14B-1 et seq. The members of the Utilities Authority shall receive compensation by way of a salary in the sum to be designated by a majority vote of the members of the Utilities Authority, but in no event to exceed the sum of \$1,500 per member per year.

ARTICLE XVIII
Environmental Commission

§ 5-130. Establishment.

There shall be an Environmental Commission in the Township consisting of seven members, established for the protection, development and use of natural resources, including water resources, located within the territorial limits of the Township of Old Bridge. The Commission shall be known as the "Environmental Commission of the Township of Old Bridge."

§ 5-131. Appointment; membership; terms; organization; removal; conflicts. [Amended 7-11-1984 by Ord. No. 18-84]

- A. The regular members of the Environmental Commission shall be appointed by the Mayor. One shall be a member of the Planning Board, and all shall be residents of the Township, and they shall serve without compensation except as otherwise provided herein. The Mayor shall designate one of the members to serve as Chairman and presiding officer of the Commission. The Commissioners first appointed shall serve for staggered one-, two- or three-year terms. The Mayor may remove any member of the Commission for cause, on written charges served upon the member and after a hearing thereon at which the member shall be entitled to be heard in person by the Council. A vacancy on the Commission occurring other than by expiration of a term shall be filled for the expired term in the same manner as an original appointment.
- B. There shall be two associate members of the Environmental Commission who shall be members of a Township youth organization. The Mayor shall appoint one associate member, and the Township Council shall appoint one associate member. Associate members shall serve one-year terms without compensation and shall be nonvoting members of said Commission. **[Amended 3-12-2001 by Ord. No. 09-01]**
- C. There shall be two alternate members on the Environmental Commission, who shall be appointed by the Mayor. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two years, except the terms of alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2. A vacancy occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term only. An alternate member shall not be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest. An alternate member may, after public hearing if he or she requests one, be removed by the governing body for cause. An alternate member may participate in discussions of the proceedings but 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 made as to which alternate member is to vote, Alternate No. 1 shall vote first.
[Added 3-16-1992 by Ord. No. 8-92]

§ 5-132. Powers and duties.

The Environmental Commission shall:

- A. Conduct research into the use and possible use of the open land areas of the Township.
- B. Coordinate the activities of unofficial bodies organized for similar purposes.
- C. Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which, in its judgment, it deems necessary for its purposes, within the limits of funds appropriated to the Commission.
- D. Keep an index of all open areas, publicly and privately owned, including open marshlands, swamps and other wetlands, and obtain information on the proper use of such areas.
- E. Recommend to the Planning Board, from time to time, plans and programs for inclusion in the Master Plan of the Township for development and use of such areas.
- F. Do such other acts and things as are reasonably related to and designated to carry out the purposes and objectives of the Commission, including, without limitation, the payment of such clerks and other employees as the Commission may from time to time require within the limits of the funds appropriated to the Commission.
- G. Review and comment on site plans and specifications.
- H. Keep records of the meetings and activities of the Commission and make an annual report to the Council.

§ 5-133. Acquisition of lands.

Subject to the prior approval of the Planning Board and Council, the Environmental Commission may acquire property, real and personal, in the name of the Township, by gift, pledges, grants, bequests, devises or lease, for any of the purposes of the Commission, and it shall administer the same for such purposes, subject to the terms of such conveyance or gift. The interest so acquired may be 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 space and other land and water areas in the Township.

ARTICLE XIX

Multiple-Dwelling Emergency Commission**§ 5-134. Establishment; membership; meetings. [Amended 8-22-2005 by Ord. No. 23-2005]**

There shall be a Multiple-Dwelling Emergency Commission in the Township. Its members shall be appointed by the Township Council and shall serve without compensation at the pleasure of the Council. The membership of the Commission shall consist of the Health Officer, the Construction Code Official, the Finance Director, one member of the Rent Stabilization Board and one member of the Township Council, who shall be Chairman. Any conduct or action of the Commission authorized by this section and Chapter 290, Multiple Dwellings, shall be deemed valid and effective when taken by any three members of the Commission. At any meeting of the Commission, a quorum shall consist of a majority of the membership of the Commission.

§ 5-135. Duties.

The duties of the Commission shall consist of the following:

- A. Receiving, administering and expending security funds deposited pursuant to the terms of Chapter 290, Multiple Dwellings.
- B. Examining those circumstances and conditions alleged to constitute emergency conditions and declaring, where applicable, an emergency condition to exist.
- C. Arranging, in accordance with the terms of Chapter 290, Multiple Dwellings, for the prompt repair, maintenance, supply or replacement of those items of structure, equipment or supplies which are necessary to correct, eliminate or alleviate the emergency condition.

ARTICLE XX

**Public Parking and Transportation Utility
[Amended 2-16-1988 by Ord. No. 3-88¹⁴]****§ 5-136. Establishment.**

The Township Council of the Township of Old Bridge, County of Middlesex, New Jersey, hereby creates and establishes in the Township of Old Bridge, County of Middlesex, State of New Jersey, in accordance with N.J.S.A. 40:48-2 and 40:60-25.1, a utility, the official name of which shall be the "Old Bridge Public Parking and Transportation Utility," hereafter referred to as the "Utility."

§ 5-137. Functions.

The Utility shall have the power to exercise public and essential governmental functions, including the powers necessary or convenient to carry out and effectuate the purpose and provisions of the New Jersey statutes, including the right of eminent domain; the power to issue bonds; the right to enter into contracts for the purchase and/or lease of real and/or personal property, including labor and materials; the right to borrow money; the right to accept gifts and contributions; the power to receive grants and other financial assistance from the state or federal government; the right to cooperate with any other municipality or the county or other agencies in taking over and leasing or managing any parking facility; the right to purchase any and all insurance necessary for the protection and safety of the operation of the Utility; and the right to enter into such agreements or other instruments as may be necessary for the efficient operation of the Utility.

§ 5-138. Governing regulations.

- A. The administration of the Utility will be the responsibility of a Committee, which shall consist of all members of the Township Council, who shall serve without additional compensation.
- B. The Utility shall be organized in accordance with the Code of the Township of Old Bridge and in accordance with relevant municipal ordinances, approved by the Mayor and Township Council, and under the direction of the Township Administrator according to the Administrative Code and further operated as follows:
 - (1) Located in the Department of Administration will be a division of the Utility responsible for maintenance, construction and improvement of all operations of the Utility. **[Amended 1-9-2006 by Ord. No. 38-2005]**

§ 5-139. Disposition of funds.

14. Editor's Note: This ordinance also provided for the repeal of former Ch. 2, Art. XXII, Transportation Committee, as amended 7-11-1984 by Ord. No. 18-84.

- A. In accordance with N.J.S.A. 40A:5-15, all moneys received by or on behalf of the Utility shall be paid to the Treasurer, who shall deposit all such receipts within 48 hours. **[Amended 1-9-2006 by Ord. No. 38-2005]**
- B. An annual budget shall be prepared in accordance with relevant provisions of N.J.S.A. 40A:4-1 et seq.
- C. The Utility shall further comply with any provisions of N.J.S.A. 40:62 et seq. which are applicable to the creation, establishment and operation of the Utility.

§ 5-140. Utility charges.

The Utility shall have the authority to charge and collect moneys for the use of the Utility facilities in accordance with the municipal ordinances and to use those moneys to defray the cost of the acquisition of land rights and interests therein, to equip the facilities, to pay the Utility's current expenses, to develop the facilities and to maintain and/or repair the facilities.

§ 5-141. Employees, salaries and compensation.

The employment and salaries of all employees will be in accordance with the ordinances of the Township of Old Bridge.

§ 5-142. Advisory Committee to the Utility.¹⁵

There shall further be established an Advisory Committee to the Utility, consisting of seven members. The initial terms of the membership shall be three for three years, two for two years and two for one year, five of whom shall be appointed by the Council and two who shall be appointed by the Mayor. The two appointments by the Mayor, of the seven regular members, shall be one three-year appointee and one two-year appointee. The Advisory Committee shall have the following powers and duties:

- A. To conduct studies and prepare reports and recommendations for the Mayor concerning the establishment, maintaining and operating of various means of transportation within the Township and surrounding area.
- B. To investigate and establish a liaison with all appropriate federal, state and county agencies concerning the transportation problems, systems and routes as they affect the Township and to serve as a spokesman before appropriate governmental agencies regarding transportation matters that affect the Township.

15. Editor's Note: This section was amended 4-13-1998 by Ord. No. 33-98 to increase the membership of the Advisory Committee to the Utility from seven members to nine members, both of which shall be appointed by Council. This section was further amended 7-8-2002 by Ord. No. 30-02 to decrease the membership from nine members to seven members, through the elimination of two Council appointments.

- C. To develop an overall transportation policy which shall consider not only present but future transportation needs of the region and to cooperate with commuter, senior citizen and other groups to ensure that their needs are fully and adequately integrated within the overall transportation policy.
- D. To devise necessary guidelines and methods to determine means of nonmunicipal funding of transportation programs for the benefit of area residents.

ARTICLE XXI

Historic Preservation Commission**§ 5-143. Establishment. [Amended 2-28-1985 by Ord. No. 9-85]**

There is hereby established an Historic Preservation Commission, consisting of nine members, with the purpose being to develop and implement the official local historic preservation plan for the Township of Old Bridge.

§ 5-144. Appointment of membership.

The members of the Historic Preservation Commission shall be appointed by the Township Mayor for three-year terms. The Commissioners first appointed shall serve for staggered one-, two- or three-year terms. All members shall be residents of the Township of Old Bridge, and they shall serve without compensation, except as otherwise provided herein. The Mayor and Township Planner shall serve as ex officio members of the Commission.

§ 5-145. Powers and duties.

The Historic Preservation Commission shall:

- A. Compile an inventory of properties of historic, archaeological or architectural significance.
- B. Establish an Official Local Register of Historic Places and transmit such information to the New Jersey Office of Historic Preservation for possible inclusion on the State and National Registers of Historic Places.
- C. Coordinate local preservation activities and act as spokesman for the Township in dealing with state and federal agencies on matters affecting the Township's historic resources.
- D. Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which, in its judgment, it deems necessary for its purpose, within the limits of funds appropriated to the Commission.
- E. Recommend to the Planning Board, from time to time, plans and programs for inclusion in the Master Plan of the Township for development and use of such historic places.
- F. Do such other acts and things as are reasonably related to and designed to carry out the purposes and objectives of the Commission, including, without limitation, the payment of such clerks and other employees as the Commission may from time to time require, within the limits of the funds appropriated to the Commission.
- G. Keep records of the meetings and activities of the Commission and make an annual report to the Council.

§ 5-146. Acquisition of historic places.

Subject to the prior approval of the Planning Board and Council, the Historic Preservation Commission may acquire property, real and personal, in the name of the Township, by gift, pledges, grants, bequests, devices or lease, for any of the purposes of the Commission, and it shall administer the same for such purposes, subject to the terms of such conveyance or gift. The interest so acquired may be 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 historic places and other land and water areas in the Township.

§ 5-147. Local Register of Historic Places. [Amended 1-29-1986 by Ord. No. 59-85]

From time to time, the Commission shall recommend to the Township Council the inclusion of historic places on an Official Local Register of Historic Places. Upon such historic designation by action of the Township Council, no alterations or additions which are deemed to materially change the characteristics of the historic place shall be undertaken nor approved by any local official of the Township and no demolition of said historic place shall occur until prior approval has been obtained from the Historic Preservation Commission. The following sites are hereby designated historic places:

- A. Provost Family Burial Ground, Block 1, Lot 44, 0.64 acre.
- B. Mount Hebron Cemetery Association, Inc., Block 3231, Lot 13, 4.93 acres.
- C. New Methodist Cemetery of 1805, Block 4230, Lot 4, 0.77 acre.
- D. Baptist Cemetery, Block 3230, Lot 12.
- E. Steamboat Landing.
- F. Warne's Store, Route 516, Block 11251, Lot 17.
- G. Hezekiah Warne Estate, Route 516, Block 11252, Lot 11.
- H. Elmer Warne House, Route 516, Block 11251, Lot 21B.
- I. Brown Homestead, Route 516, Block 9000, Lots 16A and 16B.
- J. Oswald Brick Works, Laurence Harbor Parkway, Block 2150.
- K. J. Burlew House and Woodwork Shop, Cottrell Road, Block 10252, Lot 19.
- L. Farrington Farm, Farrington Road, Block 10252, Lot 46.
- M. J. Forman House, Old Schoolhouse Lane, Block 3230, Lot 3 (Alice Kerr).

- N. J.T. Fountain House, Throckmorton Lane, Block 15518, Lot 905A (St. Ambrose Convent).
- O. Perth Amboy Water Works, Block 8004, Lot 10.
- P. Owens House, Springhill and Old Mill Road, Block 10254, Lot 4 (Schulmesiter).
- Q. Morgan Site, Route 34, Block 4187, Lot 6.
- R. Morristown School, Schoolhouse Lane, Block 3230, Lot 5.
- S. C. Brown House, Throckmorton Lane, Block 15549, Lot 5A (Gaub Farm).
- T. E. Hennel House, Morganville Road, Block 11251, Lot 18A (Eifert).
- U. Water Works Road.
- V. East Greystone Road.
- W. West Greystone Road.
- X. Old Cheesequake Road.
- Y. The foundation of Dill's Snuff Mill, along Deep Run, north of Banton's Bridge.

ARTICLE XXII

Human Resources Council¹⁶**§ 5-148. Establishment; terms; organization. [Amended 7-11-1984 by Ord. No. 18-84]**

- A. There is herewith established a Human Resources Council consisting of nine regular members composed of individuals who have expressed interest in broad areas of human services and community affairs, governmental and/or voluntary, who shall serve without compensation. The regular members shall be appointed for three-year terms, except for the first year, where 1/3 shall be appointed for one year, 1/3 for two years and the remaining 1/3 for three years. Members may be removed for cause by majority vote of the Township Council. The Human Resources Council shall annually select from among its regular members a Chairperson, Vice Chairperson and Secretary.
- B. There shall be two associate members of the Human Resources Council who shall be students at the Township high schools. The Mayor shall appoint one associate member from Old Bridge Central High School and another associate member from Old Bridge Central High School. Associate members shall serve one-year terms without compensation and shall be nonvoting members of said Council. **[Amended 1-9-2006 by Ord. No. 38-2005]**

§ 5-149. Purpose and function.

The Human Resources Council shall have as an overall purpose the improvement of the quality of life for residents of the Township of Old Bridge through fostering a comprehensive integrated community-based system of human services accessible to all residents of the Township. In order to accomplish this, the Human Resources Council will:

- A. Provide an effective mechanism through which representatives of government, voluntary agencies, professionals, providers, consumers and other community interests can coordinate their efforts to build a better life for the Township of Old Bridge residents.
- B. Provide assistance to institutions, organizations, agencies and groups or individuals dedicated to the provision of services in the planning and the delivery of services.
- C. Foster the involvement and liaison of those agencies in the Township which are providers of services to enhance coordination, exchange information or any other developments which will affect planning activities.

16. Editor's Note: Ordinance No. 15-93, adopted 4-15-1993, and Ord. No. 38-93, adopted 9-17-1993, which both amended this article, were repealed 5-12-1994 by Ord. No. 19-94. Said Ord. No. 19-94 also readopted and ratified this article, to continue in effect without interruption as it appeared in the Code prior to the adoption of Ord. No. 15-93.

- D. Assist in the mobilization of new resources and funding to fill service gaps.
- E. Provide a mechanism for identifying and making known the unmet needs and gaps in services.
- F. Recommend goals, planning and services priorities and policies for improving the system and assist in the recommendation and approval as well as in the implementation of projects which will meet the area's needs.
- G. Review and comment upon applications for new facilities or preparing for approval previous to submission to the Township Council.
- H. Provide technical assistance to individuals and public and private entities for the development of projects.
- I. Contribute to county and state efforts in the development of comprehensive social services planning.
- J. Conduct periodic evaluations of all human resources activities.
- K. Establish, annually review and amend a human resources plan pursuant to these bylaws, county, state or federal statutes or regulations.
- L. Establish a system for gathering and analyzing data on the characteristics of the social human problems in the Township, as well as the needs and the resources.
- M. To promote awareness, understanding, educational programs and the dissemination of information to agencies, organizations and individuals to meet the needs of the residents of the Township of Old Bridge.

§ 5-150. Meetings and reports.

The Human Resources Council shall hold regular meetings as set forth in its bylaws, at which time a quorum shall be required for decisionmaking and shall consist of a majority of those appointed. In December of each year, an annual report and interim reports, as required, shall be submitted to the Township Council.

§ 5-151. Membership.

- A. The Human Resources Council shall be by appointment by the Township Council in accordance with the statutory provisions of the State of New Jersey and the Administrative Code of the Township of Old Bridge.
- B. Efforts shall be made to ensure substantial representation from groups representing consumers and recipients of appropriate human services, and recommendations to said effort shall be given to the Township Council.

- C. One member of the Township Council shall be designated to serve as liaison to the Human Resources Council.
- D. Township staff shall be available to serve as resource people to the Human Resources Council, and requests at reasonable intervals for assistance shall be given the Human Resources Council.
- E. The Human Resources Council shall, from time to time, call upon Township agencies, organizations and individuals to serve as resource people.
- F. Any Human Resources Council member missing three consecutive meetings without providing the Township Council with valid reasons for such action will be discontinued by the Township Council from Human Resources Council membership, provided that notice of said absent meetings is forwarded to the Township Council.

ARTICLE XXIII

Economic Development Corporation

[Added 10-19-1992 by Ord. No. 39-92; amended 6-22-1998 by Ord. No. 51-98]

§ 5-152. Corporation continued; elimination of members; election of trustees.

The Old Bridge Economic Development Corporation is hereby continued in existence. The Certificate of Incorporation and Bylaws thereof shall be amended as follows:

- A. The Corporation shall have no members.
- B. The Corporation shall be governed by the following trustees (15 in number):
 - (1) The Mayor of the Township of Old Bridge.
 - (2) Two members of the Township Council of the Township of Old Bridge to be selected by the Township Council. Such trustee may only continue to serve while he or she holds the position of member of the Township Council.
 - (3) The Chairperson of the Old Bridge Township Planning Board or his or her designee with the approval of the Old Bridge Township Planning Board. **[Amended 11-23-1998 by Ord. No. 86-98]**
 - (4) The Chairperson of the Old Bridge Township Municipal Utilities Authority or his or her designee with the approval of the Old Bridge Township Municipal Utilities Authority. **[Amended 11-23-1998 by Ord. No. 86-98]**
 - (5) Ten private persons, prominent in the community and/or knowledgeable about business and economic affairs. Except as otherwise provided hereinbelow, three of the private person trustees shall be appointed by the Mayor, and seven such trustees shall be appointed by the Township Council.

§ 5-153. Participation. [Added 11-23-1998 by Ord. No. 86-98]

Any person claiming authority to vote and participate in the Economic Development Authority as a designee may not so act unless such a person presents a resolution of the Old Bridge Township Planning Board or Old Bridge Township Municipal Utilities Authority, as the case may be.

§ 5-154. Elimination of voting rights.

- A. The following trustees who have heretofore served on the Board of the Corporation are eliminated as voting trustees:
 - (1) The Business Administrator of the Township of Old Bridge.

(2) The Director of the Department of Community Development.

- B. Such persons may continue to attend meetings of the Trustees and may participate in the discussions of the Corporation; provided, however, that such persons shall have no vote.

§ 5-155. Appointment to new positions; terms.

Of the 10 trustee positions authorized to be held by private persons, six such positions represent those positions held by filled and existing trustees. The four (new) positions shall be appointed as follows:

- A. Of the four additional appointments which shall become effective as a result of this amendment, all four shall be appointed by the Council. After the Council's selection of these four trustees, any vacancies thereafter will be filled in such manner as to preserve the ratio of three Mayoral appointments and seven Council appointments.
- B. Each trustee is to serve for a three-year term; provided, however, that of the four additional appointments which shall become effective after the effective date of this amendment, two trustees will each serve two-year terms, and two trustees will each serve one-year terms. Selection of the trustees who will serve a particular term will be by mutual consent of the parties or by lot if mutual consent cannot be obtained.

§ 5-156. Impact on current terms.

This article shall not be construed to eliminate or reduce the term of office of any member except that of the Township Business Administrator and the Township Director of Community Development, who shall be advisory staff to the Corporation without voting rights.

§ 5-157. Personal liability for actions.

The Certificate of Incorporation shall be amended to provide that a trustee or officer of the Old Bridge Township Economic Development Corporation shall not be personally liable to the Corporation or any third party for the breach of any duty owed to the Corporation except:

- A. For breaches of the duty of loyalty to the Corporation;
- B. For acts undertaken which were not in good faith and which involved a violation of the law; or
- C. For actions resulting in receipt of the trustee or officer of an improper personal benefit.

ARTICLE XXIV
Township Auditor

§ 5-158. Appointment; qualifications.

There shall be a Township Auditor appointed by the Council for a term of one year. He shall receive such compensation as may be hereafter determined and approved by the Council. The Auditor shall be a registered municipal accountant of the State of New Jersey but need not be a resident of the Township. In lieu of appointing an individual auditor, the Council may appoint a firm of auditors, one member of which shall be a registered municipal accountant of the State of New Jersey.

§ 5-159. Powers and duties.

The Auditor shall make the annual audit and shall have such other powers and duties as may be prescribed by law or ordinance or as may be directed by the Council.

ARTICLE XXV
Municipal Court

§ 5-160. Establishment; powers. [Amended 1-9-2006 by Ord. No. 38-2005]

There shall be a Municipal Court in the Township pursuant to the provisions of N.J.S.A. 2B:12-1 et seq., to be known as the "Municipal Court of the Township of Old Bridge." The Municipal Court shall have a Seal bearing the impress of the name of the Court. The Court shall be held in the Township Hall or such other places as the Council shall designate from time to time and shall exercise all the functions, powers, duties and jurisdiction conferred by law upon municipal courts.

§ 5-161. Chief Municipal Judge; Municipal Judge; appointment; qualifications; powers and duties. [Amended 2-16-1988 by Ord. No. 4-88; 3-13-1995 by Ord. No. 13-95; 5-12-1997 by Ord. No. 18-97]

A. Designation of judges.

(1) Appointment.

- (a) There shall be a Chief Municipal Judge and a Municipal Judge of the Municipal Court appointed by the Mayor with the advice and consent of the Council. The Chief Municipal Judge and the Municipal Judge shall serve for terms of three years from the date of appointment and until a successor is appointed and qualified. Vacancies must be filled for the unexpired term only.
- (b) Procedures for Council advice and consent. In support of any request for advice and consent as to any Municipal Court Judge, the Mayor shall provide the Township Council with the following information:
 - [1] The name of the Mayor's appointee shall be filed with the Township Clerk at least 30 days prior to action by the Township Council granting or denying advice and consent.
 - [2] The Mayor shall provide a resume to the Township Council together with a judicial information questionnaire containing the following information:
 - [a] Any civil or criminal proceedings to which the appointee has been a party during the preceding 20 years.
 - [b] Any negative ethical determinations made against the appointee as an attorney at law during the preceding 20 years.

- [c] Any and all judicial conduct proceedings challenging the appointee's fitness for judicial office during the preceding 20 years.
 - [d] Any complaints challenging the appointee's fitness to practice law or fitness for judicial office which are then pending.
 - [3] Prior to the adoption of any resolution granting advice and consent to the Mayor's appointment of a Municipal Judge, the Township Clerk shall cause specific notification to be given to the Township's official newspaper(s) that such action will be considered. At the time and place of the meeting at which such a resolution is to be considered, a reasonable period of public comment shall be entertained prior to the Council's vote on advice and consent.
- (2) There shall also be an Acting Municipal Judge appointed by the Mayor with the consent of the Council for a term not to exceed one year pursuant to N.J.S.A. 2B:12-5. **[Amended 1-9-2006 by Ord. No. 38-2005]**
- (3) The Mayor shall designate which Municipal Judge shall be the Chief Municipal Judge.
- B. The Chief Municipal Judge, the Municipal Judge and the Acting Municipal Judge shall have and possess the qualifications and shall have, possess and exercise all the functions, duties, powers and jurisdiction conferred by law or ordinance. He or she need not be a resident of the Township. He or she shall be an attorney at law in the State of New Jersey. Whenever either the Chief Municipal Judge, Municipal Judge or Acting Municipal Judge is unable to sit as such, he or she may designate any other judge of any municipal court to sit for him or her temporarily. Any such designation shall be made in writing and shall be filed in the Court, and any person so designed, while sitting temporarily, shall possess all the powers of the Municipal Judge.
- C. The Chief Municipal Judge shall possess ultimate authority and supervision of all matters related to the Municipal Court for the Township of Old Bridge, subject to any provisions of law or ordinance, as well as any rules and regulations promulgated by either the Administrative Office of the Court or the Assignment Judge of Middlesex County.
- D. Compensation. The salary of the Chief Municipal Judge shall be \$55,775, effective January 18, 2009, provided that said Judge is the only sitting Judge for the Township of Old Bridge Municipal Court. In the event that any additional Municipal Judge or Acting Judge is appointed by the Mayor with the advice and consent of the Township Council, the salaries of all judges shall be adjusted accordingly. **[Added 4-6-2009 by Ord. No. 2009-09]**

§ 5-162. Municipal Court Administrator. [Amended 12-21-1987 by Ord. No. 10-87; 1-9-2006 by Ord. No. 38-2005]

- A. There shall be an Administrator of the Municipal Court who shall be a Township employee hired by the Mayor and who shall perform all of the functions and duties prescribed by state law, the rules applicable to municipal courts and by the Municipal Judge. The Administrator's duties shall include, but not be limited to:
- (1) Carrying out the rules, regulations, policies and procedures relating to the operation of the Court.
 - (2) Interviewing and speaking to persons wishing to file criminal complaints or wishing information in this regard, and receiving complaints and dispensing information relating to the Court matters.
 - (3) Maintaining the financial records of the Court.
 - (4) Attending court; recording pleas, judgments and dispositions; arranging trial calendars; signing court documents; and preparing and issuing warrants and commitments.
 - (5) Taking and preparing bail bonds, recognizances and securities in lieu thereof; making inquiry concerning their sufficiency and equity; and receiving and accounting for fines and costs.
 - (6) Interviewing persons on informal police court matters to determine if there is a basis for formal action and, if necessary, issuing summonses requiring court appearances; and maintaining and classifying records and files.
 - (7) Maintaining, forwarding, receiving and reporting such records, reports and files as are required by the State Director of Motor Vehicles.
- B. The compensation for the Municipal Court Administrator shall be set by the Township Council, as with other Township employees. The Municipal Court Administrator, as a Township employee, shall be entitled to all benefits which are provided by the Personnel Code of the Township of Old Bridge.

§ 5-163. Assistant Municipal Court Administrator; Deputy Court Administrator. [Amended 12-21-1987 by Ord. No. 40-87; 1-9-2006 by Ord. No. 38-2005]

There shall be an Assistant Municipal Court Administrator, and Deputy Court Administrators of the Municipal Court, who shall be employees hired by the Mayor and who shall perform the functions assigned to them by the Municipal Court Administrator and the Municipal Judge. The Assistant Court Administrator and Deputy Court Administrator shall be entitled to all benefits which are provided to Township employees pursuant to the

Personnel Code of the Township of Old Bridge. The compensation for the Assistant Municipal Court Administrator and Deputy Court Administrators shall be set by the Township Council as in the case of other municipal employees.

§ 5-164. Municipal Public Defender; fee for representation. [Added 12-22-1997 by Ord. No. 46-97]

- A. Purpose. The purpose of this section is to create the position of Municipal Public Defender, as required by P.L. 1997, Chapter 256,¹⁷ supplementing Title 2B of the New Jersey Statutes and repealing N.J.S.A. 2B:12-28.
- B. Effective January 1, 1998, the Municipal Court of the Township of Old Bridge shall have a Municipal Public Defender, appointed by the Mayor with advice and consent of the Township Council. Such Public Defender shall be compensated by contractual agreement, as determined by the Mayor with the advice and consent of the Council as stated herein. The term for this position shall be one year. **[Amended 1-23-2012 by Ord. No. 2012-01]**
- C. Application fees. Any person applying for representation by the Municipal Public Defender shall be required to pay an additional application fee of \$200, to defray the cost of the Municipal Public Defender services, in accordance with all applicable guidelines. The Municipal Court shall have the discretion to waive the aforementioned fee, upon a clear and convincing showing of need. Said funds shall be maintained by the Department of Finance in a manner consistent with all applicable laws, ordinances and resolutions.

17. Editor's Note: See N.J.S.A. 2B:24-1 et seq.

ARTICLE XXVI

Services on Unaccepted Roads; Reimbursement for Services to Qualified Private Communities**§ 5-165. Authorization to extend Township services to certain roads and streets.**

Pursuant to the provisions of N.J.S.A. 40:67-23.1 et seq., which permit municipalities to repave, maintain, provide for the removal of snow, ice and other obstructions from and provide for the lighting of any roads or streets upon which travel is sufficient, in the opinion of the Township Council, to warrant such expenditures, even though such roads and streets shall not have been taken over by the Council or dedicated and accepted as public highways, the following places within the Township shall have the services described herein extended to them:

- A. All streets and roadways within Cheesequake Village shall have electric service paid for streetlighting and ice, snow and obstructions removed as follows: all of Haven Road; Galewood Drive from Haven Road to Valery Road, and Valery Road.

§ 5-166. Reimbursement for certain services. [Added 7-24-1995 by Ord. No. 42-95]

The Township of Old Bridge shall reimburse all qualified private communities, as defined in N.J.S.A. 40:67-23.2e, for ice and snow removal, lighting of roads and streets but only the extent of payment for electricity, and collection of leaves, recyclable materials and garbage along roads and streets, unless such services are provided by the Township or otherwise provided for privately for all other residential properties in the Township.

§ 5-167. Qualified private community service agreements. [Added 7-24-1995 by Ord. No. 42-95]

The Township is hereby authorized to enter into a qualified private community service agreement with each qualified private community, the terms and conditions of which shall be determined by the Mayor and submitted to the Township Council for approval pursuant to provisions of N.J.S.A. 40:69A-36(l).

§ 5-168. Commencement of reimbursement. [Added 7-24-1995 by Ord. No. 42-95]

Reimbursement to each qualified private community shall commence with fiscal year 1996. Reimbursement for prior years has been in accordance with Ordinance Nos. 37-88 and 51-88.¹⁸ All actions taken by the Township in providing services, or reimbursing such communities for such qualified

18. Editor's Note: Ordinance Nos. 37-88 and 51-88 (Sec. 15-1, Maintenance and lighting of eligible streets, of the 1973 Revised General Ordinances) were specifically repealed by Ord. No. 42-95.

services, prior to the effective date of this section are hereby ratified and approved.

ARTICLE XXVII

Arena and Recreation Utility
[Added 2-28-1985 by Ord. No. 7-85]**§ 5-169. Establishment.**

The Township Council of the Township of Old Bridge, County of Middlesex, New Jersey, hereby declares and establishes that a municipal self-liquidating public utility be formed, as provided by the Local Bond Law and Local Budget Law of the State of New Jersey (N.J.S.A. 40A:2-1 et seq. and 40A:4-1 et seq., respectively). Said utility shall be operated under the title of "Old Bridge Arena and Recreation Utility."

§ 5-170. Official name.

The name by which the Utility shall be known is the "Old Bridge Arena and Recreation Utility," hereafter named the "Utility."

§ 5-171. Functions.

It shall be the function of the Utility to purchase real property, construct, operate and maintain recreation facilities and to provide enterprises in support of those facilities.

§ 5-172. Governing regulations.

The Utility shall be governed by the ordinances, the Administrative Code and resolutions adopted by the Council and by administrative directives.

§ 5-173. Financial affairs.

The financial affairs of the Utility shall be governed in accordance with the laws applying to the financial affairs of the municipality and utilities in general.

§ 5-174. Acquisition of property.

The Utility may, from time to time, acquire such real property as may be authorized by the Township Council by duly adopted resolutions or ordinances in accordance with the laws of the State of New Jersey.

§ 5-175. Management; duties.

- A. The administration of the Old Bridge Recreation Utility will be the responsibility of a Committee, which shall consist of all members of the Township Council.
- B. No additional compensation will be received by the membership of the Utility Committee.
- C. The duties of the Committee shall be:

- (1) To meet from time to time to conduct utility business.
- (2) To formulate plans for the establishment, development and improvement of recreational facilities.
- (3) To be responsible for the care and maintenance of the recreational facilities under its supervision.
- (4) To formulate rules and regulations for public use of such recreational facilities.
- (5) To maintain a separate book of account and accounting records for the operation of the Utility.
- (6) To present to the Township Council by January 10 of each year a proposed budget for the forthcoming year and a summary of operations for the preceding year.

§ 5-176. Director; employees; salaries and compensation.

There shall be a head of the Utility known as the "Director." Prior to his appointment, the Director shall be qualified by training or experience, or a combination thereof, for the duties of his office. The Director of Parks and Recreation shall also serve as Director without additional compensation. The employment and salaries of the Director and the other employees will be in accordance with the ordinances of the Township of Old Bridge.

§ 5-177. Utility charges.

The Utility shall have the authority to charge and collect moneys for the use of Utility facilities in accordance with municipal ordinances and to use these moneys to defray the cost of the acquisition of land, rights and interest therein, to equip the facilities, to pay the Utility's current expenses, to develop the facilities and to maintain and/or repair the facilities.

ARTICLE XXVIII
Transitional Provisions

§ 5-178. Ordinances.

All ordinances of the municipality in effect on January 1, 1984, to the extent that they are not inconsistent with the Charter or the Code, shall remain in full force and effect until modified or replaced pursuant to law.

§ 5-179. References in prior ordinances.

All references in any other ordinance to any board, body, department or office shall be taken and construed to mean such body, officer or office to which the respective functions, powers and duties are allocated and assigned by this chapter.

§ 5-180. Temporary procedures.

The Mayor may suspend, until July 1, 1984, the application of any administrative procedures required by this chapter whenever he finds and determines that personnel, equipment, forms or space are insufficient pending reassignment or appointment of personnel, acquisition of necessary items or relocation of departments.

§ 5-181. Position abolished.

Any function, office or employment not specifically transferred as provided in this article or otherwise by this chapter shall be deemed abolished.

§ 5-182. When effective.

This chapter shall take effect on January 31, 1984, after adoption and publication according to law, the Council having duly adopted a resolution declaring an emergency in accordance with the provisions of N.J.S.A. 40:69A-181.

ARTICLE XXIX
(Reserved)¹⁹

§ 5-183. through § 5-187. (Reserved)

19. Editor's Note: Former Art. XXIX, added 12-19-1985 by Ord. No. 54-85, as amended, was repealed 3-1-2010 by Ord. No. 2010-07.

ARTICLE XXIXA
Housing Authority
[Added 4-20-1987 by Ord. No. 47-86]

§ 5-187.1. Findings.

- A. There exists in the Township of Old Bridge a need for safe and sanitary dwelling accommodations for persons of low income, especially senior citizens. There is a shortage of safe and sanitary dwelling accommodations available at rents which persons of low income can afford and such persons are forced to occupy overcrowded and congested dwelling accommodations; and the aforesaid conditions constitute a detriment to the health, safety and welfare of the citizens of the Township of Old Bridge and impair economic values.
- B. The shortage of safe and sanitary dwellings for persons of low income cannot be relieved through the operation of private enterprise; and the construction of housing accommodations for persons of low income, including senior citizens, by a Housing Authority would not be competitive with private enterprise.
- C. The clearance, replanning and reconstruction of the areas in which unsanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations by any public body for persons of low income are public uses, and purposes for which public money may be spent and private property acquired are governmental functions. It is in the public interest that work on projects for such purposes be commenced as soon as possible in order to relieve the housing shortage.

§ 5-187.2. Creation.

Pursuant to the provisions of N.J.S.A. 55:14A-1 et seq.,²⁰ and because of the need for more adequate housing specifically found therefor, there shall be the Housing Authority of the Township of Old Bridge, subject to all the rights, powers and duties vested in and conferred upon it by the terms and provisions of the aforesaid state statutes.

§ 5-187.3. Authority to act as Redevelopment Agency.

Pursuant to the provisions of N.J.S.A. 40:55C-1 et seq.,²¹ and the Federal Housing Act,²² authorizing public agencies to redevelop blighted areas, and because of the need specifically found therefor, the Housing Authority of the Township of Old Bridge be and the same is hereby designated, constituted, authorized and empowered to act as the Old Bridge Redevelopment Agency

20. Editor's Note: N.J.S.A. 55:14A-1 to 55:14A-4 were repealed by L. 1992, c. 79, § 59. See now N.J.S.A. 40A:12A-1 et seq.

21. Editor's Note: N.J.S.A. 40:55C-1 to 40:55C-39 were repealed by L. 1992, c. 79, § 59. See now N.J.S.A. 40A:12A-1 et seq.

22. Editor's Note: See 42 U.S.C. § 3601 et seq.

for the purpose of redeveloping and rehabilitating blighted areas in the Township of Old Bridge.

ARTICLE XXX

Open Space Committee**[Added 4-17-1989 by Ord. No. 14-89]****§ 5-188. Establishment; membership; appointment; terms; removal.
[Amended 4-24-2000 by Ord. No. 21-00]**

There is herewith established an Open Space Committee consisting of 11 regular members who shall serve without compensation.

- A. The Mayor and the Township Planner shall be members of the Committee.
- B. The Township Council shall elect by majority vote two members of the Township Council who shall serve as members of the Committee, each for a one-year term.
- C. The Township Council shall appoint four Township residents as members of the Committee. Each member appointed by the Township Council shall serve for a three-year term; however, the terms of the first four members appointed by the Township Council shall be staggered with one member serving a one-year term, one member serving a two-year term, and two members serving a three-year term.
- D. The Mayor shall appoint three members of the Committee who are residents. Each member appointed by the Mayor shall serve for a three-year term; however, the terms of the first three members appointed by the Mayor shall be staggered with one member serving a one-year term, one member serving a two-year term, and one member serving a three-year term.
- E. Members of the Committee appointed by the Township Council and the Mayor may be removed for cause by a majority vote of the Township Council.
- F. Any Open Space Committee member appointed by the Mayor and Township Council missing four consecutive meetings without providing the Township Council with valid reasons for such absences may be removed for cause by a majority vote of the Township Council.
- G. The Open Space Committee shall annually select from among its regular members a Chairperson, Vice Chairperson and Secretary.
- H. In addition to the 11 regular members of the Open Space Committee, the Environmental Commission shall appoint one nonvoting member to the Open Space Committee who shall serve as liaison between the Open Space Committee and the Environmental Commission for a one-year term.

§ 5-189. Purposes and function.

- A. The Open Space Committee shall have as its overall purpose the improvement of the quality of life for the residents of the Township of Old Bridge through fostering the preservation of open spaces within the Township for active and passive recreational purposes. In order to accomplish this purpose, the Open Space Committee shall:
- (1) Seek properties for purchase or acquisition by the Township for active or passive recreational purposes.
 - (2) Research various techniques for the Township to acquire property for passive or active recreational use.
 - (3) Make recommendations to the Township Council to acquire properties for use as passive or active recreational purposes.
 - (4) Recommend goals, planning, priorities and policies for the acquisition and preservation of open spaces within the Township.
- B. The powers of this Committee are limited to such functions as contained herein, and the actual acquisition of property by the Township shall be accomplished only in accordance with law as authorized by the Township Council through the Open Space Trust Fund and any other means authorized by law. Any property acquired through the Open Space Trust Fund shall not be acquired unless and until authorized by a binding public referendum.

§ 5-190. Meetings and reports.

The Open Space Committee shall hold its regular meetings as set forth in its bylaws, at which time a quorum shall be required for decisionmaking and shall consist of a majority of the regular members. Quarterly reports shall be submitted to the Township Council. In the event that no property for use as open space is acquired by the Township for three consecutive years, the Mayor and Council shall review the activities of the Open Space Committee.

ARTICLE XXXI

**Committee on Fair Rental Increases
[Added 5-4-1987 by Ord. No. 11-87]****§ 5-191. Establishment; membership. [Amended 7-20-1987 by Ord. No. 26-87]**

There is hereby established a Committee on Fair Rental Increases, consisting of nine members, appointed by the Mayor on January 1 of each year for one-year terms. All members shall serve without compensation. The Committee shall consist of three homeowners, three tenants and three landlords or agents, owning apartment-rental property within the Township of Old Bridge. Each homeowner shall reside within the Township of Old Bridge.

§ 5-192. Powers and duties.

- A. The Committee shall conduct meetings, whenever necessary, in order to determine the amount of a fair rental increase pursuant to § 388-2A(1) of the Code of the Township of Old Bridge and shall thereafter, by March 15 of each year, recommend to the Township Council of the Township of Old Bridge the amount of percentage increase in rent for the twelve-month period commencing on June 1 of each year. The determination of the Committee shall be advisory only and shall not be binding upon the Township Council. **[Amended 2-21-1989 by Ord. No. 6-89]**
- B. In order to determine the amount of fair rental increase, the Committee shall review, in addition to other relevant data, the following:
 - (1) The statement showing the amount of rentals charged for each rental unit as of October 1 of the preceding year.
 - (2) The income and expense statement attached hereto as Schedule A²³ shall be filed by each landlord for said landlord's immediately preceding fiscal tax year no later than November 15 of each year. **[Amended 2-21-1989 by Ord. No. 6-89; 4-20-1992 by Ord. No. 12-92]**
 - (3) Any and all information submitted by the landlord to the Township Tax Assessor regarding property value assessment.
- C. In order for the Committee to make a fair determination of the rental increase, each landlord shall be required to register with the Rent Stabilization Board for delivery to the Committee the information indicated in Subsection B no later than November 15 of each year. A copy of the required information shall also be provided to the office of the Tax Assessor. **[Amended 2-21-1989 by Ord. No. 6-89; 4-20-1992 by Ord. No. 12-92]**

23. Editor's Note: Schedule A is on file in the office of the Township Clerk.

- D. Any landlord who shall violate a provision of this Article XXXI shall, upon conviction thereof, be punished by a fine of not less than \$100 but not exceeding the penalty set forth in Chapter 1, Article II, Penalty. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. **[Added 2-21-1989 by Ord. No. 6-89; amended 1-9-2006 by Ord. No. 38-2005]**
- E. No landlord shall be entitled to the percentage of increase set forth by the Committee on fair rental increases unless said landlord has complied with all the disclosure requirements set forth in the Code of the Township of Old Bridge, including but not limited to Subsections B and C of this section on fair increase. **[Added 2-21-1989 by Ord. No. 6-89]**

ARTICLE XXXII

Committee on Cable Television Review²⁴
[Added 2-21-1989 by Ord. No. 5-89]**§ 5-193. Establishment; membership; term.**

There is hereby established a Committee on Cable Television Review, consisting of five members appointed by the Mayor on January 1 of each year for one-year terms. All members shall reside within the Township of Old Bridge and shall serve without compensation.²⁵

§ 5-194. Powers and duties.

- A. The Committee shall conduct meetings, whenever necessary, in order to determine the quality of cable television services provided to cable television subscribers within the Township of Old Bridge and make such recommendations as it deems necessary and appropriate relative to the nature and quality of cable television services provided to the residents of the Township of Old Bridge, including but not limited to any recommendation relative to any application by any cable television operator for an increase in rates or renewal of any contract with the Township of Old Bridge.
- B. The Committee shall report quarterly to the Mayor and Council on the quality of cable service to the community, survey and report on citizens' comments and complaints and make recommendation for improvement of service.
- C. The Committee on Cable Television Review shall review agreements between the Township and the cable franchise, both contractual and verbal, monitor compliance and report to the Mayor and Council.²⁶

24. Editor's Note: See also Ch. A600, Cable Television Franchise.

25. Editor's Note: Original Sec. 2-33A.1b, regarding the term of the initial members appointed to the Committee on Cable Television Review, which previously followed this subsection, was deleted 1-9-2006 by Ord. No. 38-2005.

26. Editor's Note: Original Sec. 2-35, Solid Waste Utility, added 3-4-1991 by Ord. No. 6-91, which previously followed this section, was deleted 1-9-2006 by Ord. No. 38-2005.

ARTICLE XXXIII

Human Relations Council**[Added 5-12-1994 by Ord. No. 19-94]****§ 5-195. Establishment; membership; term; organization.**

- A. There shall be a Human Relations Council consisting of 12 Commissioners. Nine Commissioners shall be appointed by the Mayor and three Commissioners by the Council. Each Commissioner shall serve without compensation. Each Commissioner shall serve for a period of three years. Three of the first appointees shall serve for terms of three years, three of the first appointees shall serve for terms of two years, and three of the first appointees shall serve for terms of one year. The initial terms of the Commissioners shall be decided by the drawings of lots by the Township Clerk. A separate lottery shall be held to designate each of the initial Township Council appointees to a one-year, two-year or three-year term. The Human Resources Council shall annually select from among its regular members a Chairperson, Vice Chairperson and Secretary.
- B. There shall be two associate members of the Human Resources Council who shall be students at the Township high schools. The Mayor shall appoint two associate members from a high school. Associate members shall serve one-year terms without compensation and shall be nonvoting members of said Committee.

§ 5-196. Duties and functions.

- A. The Council shall attempt to foster, through community effort or otherwise, good will, cooperation and conciliation among the groups and elements of the inhabitants of the community. The Council is hereby empowered to make recommendations to the Township Council for the development of policies and procedures in general and for programs of formal and informal education that will aid in eliminating all types of discrimination based on race, creed, color, national origin, ancestry, age, marital status or sex.
- B. The Council shall offer aid to the Township administration in implementing the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq.

ARTICLE XXXIV

Cultural Arts Committee

[Added 10-3-1988 by Ord. No. 44-88; amended 3-27-2000 by Ord. No. 09-00]

§ 5-197. Committee established.

Within the Office of the Mayor, there shall be a Cultural Arts Committee whose purpose shall be to foster and encourage the arts of music, theater, dance, cinema, and visual arts.

§ 5-198. Composition; appointment; terms. [Amended 4-24-2006 by Ord. No. 13-2006; 2-7-2012 by Ord. No. 2012-06]

The Cultural Arts Committee shall consist of 12 members to be appointed by the Mayor for staggered terms of three years each.

§ 5-199. Initial terms.

The initial terms of the members shall be one year for two members, two years for two members, and three years for three members.

§ 5-200. Responsibilities.

The responsibilities of the Cultural Arts Committee shall be:

- A. To establish short- and long-range cultural objectives for the Township;
- B. To develop and recommend programs for the appreciation of the arts in the Township;
- C. To approve a proposed budget and revisions as prepared by the Chairman;
- D. To serve as coordinating body of cultural arts programs.

§ 5-201. Recommendations.

The Cultural Arts Committee shall advise and make recommendations to the Mayor and Council concerning cultural arts affairs and programs conducted by the Township.

§ 5-202. Representation and reporting.

The Chairman of the Cultural Arts Committee shall report annually to the Mayor and Council as to the progress made and goals set for the Committee.

§ 5-203. Organization; meetings; rules and regulations.

The Committee shall organize annually and select a Chairman. The Committee shall meet as regularly as the Chairman shall determine. The

Committee shall establish rules and regulations concerning its efficient operation of the Committee. Such rules include but are not limited to:

- A. Establishing necessary quorums for conducting business.
- B. Minimum votes for passage of resolution and recommendation.
- C. Removal from the Committee for excessive absence from meetings.

ARTICLE XXXV

Film and Television Advisory Committee
[Added 10-28-2002 by Ord. No. 53-02]**§ 5-204. Purpose.**

The purpose of this article is to establish the Film and Television Advisory Committee.

§ 5-205. Establishment; purpose of Committee.

There shall be a Film and Advisory Committee (the "Committee") whose purpose shall be to advise the Mayor and Township Council on all matters relating to film and television productions in the Township of Old Bridge.

§ 5-206. Composition; appointment; term.

The Film and Television Advisory Committee shall consist of three members to be appointed by the Township Council for terms of three years.

§ 5-207. Organization; meetings.

The Committee shall organize annually and select a Chairman and Secretary. The Committee shall meet as regularly as the Chairman shall determine.

§ 5-208. Responsibilities.

The responsibilities of the Committee shall be:

- A. Advise the Mayor and Township Council concerning matters related to film and television production in the Township of Old Bridge.
- B. Recommend to the Mayor and Township Council appropriate regulations for film and television production in the Township of Old Bridge.
- C. Maintain information on resources and locations available to film and television productions in the Township of Old Bridge.

§ 5-209. Reporting.

The Chairman of the Film and Television Advisory Committee shall report annually to the Mayor and Township Council as to the progress made and goals set for the Committee.

ARTICLE XXXVI

Golf Course Utility**[Added 4-14-2003 by Ord. No. 18-03]****§ 5-210. Establishment.**

The Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey ("Township") does hereby declare and establish that a Golf Course Utility of the Township shall hereafter be operated and maintained as a self-liquidating public utility for all purposes of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., and Local Budget Law, N.J.S.A. 40A:4-1 et seq. of the State of New Jersey with respect to the ownership and operation of certain golf course facilities in the Township ("Utility").

§ 5-211. Funding.

The Utility is hereby authorized to receive such fees, rents, rates or other charges for or in connection with the use or services of such Utility, which sums shall be held, used and applied in accordance with the Local Bond Law, N.J.S.A. 40A:2-1 et seq. and the Local Budget Law, N.J.S.A. 40A:4-1 et seq. of the State of New Jersey, as well as other applicable statutes.

§ 5-212. Management.

Management of the Utility hereinabove established shall be vested in the governing body of the Township of Old Bridge as that term is described at N.J.S.A. 40:69A-32b.

ARTICLE XXXVII
Redevelopment Agency
[Added 9-13-2004 by Ord. No. 29-04]

§ 5-213. Establishment.

Under and pursuant to the provision of the Local Redevelopment and Housing Law,²⁷ there is hereby created a body corporate and politic and an instrumentality of the Township, to be known as the "Old Bridge Redevelopment Agency (the "Redevelopment Agency").

§ 5-214. Membership; appointment; term.

- A. The Redevelopment Agency shall consist of seven Commissioners, consisting of one Class A Commissioner and six Class B Commissioners.
- B. The Class A Commissioner shall be appointed by resolution of the Municipal Council from among the membership of the Municipal Council. The one Class A Commissioner shall serve a term of one year.
- C. The Class B Commissioners shall be appointed by the Mayor with the advise and consent of the Municipal Council from among Township residents, only one of which may be officers or employees of the Township.
- D. Terms.
 - (1) The term of the office of the initial Class A Commissioner shall begin on the date such Commissioner is appointed and qualified;
 - (2) The term of office of any Class A Commissioner shall terminate if such Commissioner is no longer a member of the Municipal Council;
 - (3) The terms of office of the initial Class B Commissioners shall begin on the date(s) such Commissioners are appointed, confirmed and qualified; and
 - (4) The term of office of any Class B Commissioner shall terminate if more than one such Commissioner shall thereafter become an officer or employee of the Township.
- E. Each Commissioner shall hold office for the term of his appointment according to statute, N.J.S.A. 40A:12A-11, and until his successor shall have been appointed and qualified.
- F. Any vacancy occurring in the office of Commissioner, from any cause, shall be filled in the same manner as the original appointment, but for the unexpired term.

27. Editor's Note: See N.J.S.A. 40A:12A-1 et seq.

§ 5-215. Future appointments; role of Mayor.

If the form of government of the Township shall hereafter be changed from the Mayor-Council Plan, under N.J.S.A. 40:69A-31 et seq., to a new form of government, appointments of the Class B Commissioners shall thereafter be made in the manner generally required for appointments by such new form of government. In addition, for so long as the Township is governed by the Mayor-Council Plan under N.J.S.A. 40:69A-31 et seq., the Mayor shall be an ex officio, nonvoting member of the Redevelopment Agency.

§ 5-216. Designation as redevelopment entity.

Pursuant to N.J.S.A. 40A:12A-4c, the Township hereby designates the Redevelopment Agency as the "redevelopment entity" responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Local Redevelopment and Housing Law.²⁸

28.Editor's Note: See N.J.S.A. 40A:12A-1 et seq.

ARTICLE XXXVIII
Annual Remembrances
[Added 11-25-1996 by Ord. No. 48-96]

§ 5-217. Pearl Harbor.

- A. The purpose of this section is to establish a permanent requirement in the Township ordinances that the attack upon Pearl Harbor which resulted in the sacrifice of so many American lives be remembered by the adoption of a resolution each year at the Council meeting closest in time to December 7.
- B. The Administrative Code of the Township of Old Bridge is hereby modified and amended by addition. Each year the Township Council shall consider a resolution commemorating, remembering and honoring the sacrifices at Pearl Harbor, Hawaii, on December 7, 1941. Such resolution shall be substantially in the following form:

WHEREAS, December 7, 1941, was the day on which the United States Naval Base at Pearl Harbor, Hawaii, was attacked by the Empire of Japan;

WHEREAS, on December 8, 1941, one day after the sneak attack by the Japanese on Pearl Harbor, President Franklin Delano Roosevelt called it "a day that will live in infamy"; and

WHEREAS, the attack on Pearl Harbor resulted in the first loss of any naval vessel of World War II, the Arizona, entombing 1,103 young men; and

WHEREAS, the remains of the Battleship Arizona, together with its entombed sailors and crew, has become a national memorial, and a reminder of the unprovoked attack; and

WHEREAS, the war which followed the attack upon Pearl Harbor caused the loss of 292,000 lives and 670,000 casualties; and

WHEREAS, the Township Council of the Township of Old Bridge believes that the attack upon Pearl Harbor should be remembered both for its infamy and by reason of the sacrifice made by so many;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge that December 7, 1941, is hereby remembered, and the sailors and servicemen killed or injured are hereby honored and remembered for their sacrifices.

§ 5-218. Independence of the Nation of India. [Added 9-22-1997 by Ord. No. 34-97]

- A. The purpose of this section is to establish a permanent requirement in the Township ordinances that the Independence of the Nation of India be remembered by the adoption of a resolution each year at the Council meeting closest in time to August 15.

- B. The Administrative Code of the Township of Old Bridge is hereby modified and amended by addition. Each year the Township Council shall consider a resolution commemorating, remembering and honoring the anniversary of the Independence of the Nation of India on August 15, 1947. Such resolution shall be in the following form:

WHEREAS, the Nation of India, through nonviolent means, was able to obtain its independence from the British Empire on August 15, 1947; and

WHEREAS, this nonviolent revolution has been an inspiration to peoples seeking freedom all over the world, especially during the struggle for civil rights for all citizens of the United States;

WHEREAS, the Nation of India remains to this day the largest democracy in the world; and

WHEREAS, the Township Council of the Township of Old Bridge believes that the anniversary of the Independence of the Nation of India should be remembered for its nonviolent origins and for the contributions of its peoples to this nation as a whole and to the Township of Old Bridge in particular;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Old Bridge that August 15, 1947, the anniversary of the Independence of the Nation of India, is hereby remembered.

ARTICLE XXXIX

Parking Enforcement Officer
[Added 12-15-2008 by Ord. No. 2008-39]**§ 5-219. Creation of position; powers and authority.**

- A. The position of parking enforcement officer is hereby created in order to enforce state, county or municipal statutes, resolutions, ordinances or regulations related to the parking of vehicles within the Township of Old Bridge pursuant to N.J.S.A. 40A:9-154.7 et seq.
- B. A parking enforcement officer shall possess the power and authority to:
 - (1) Issue a parking ticket for a parking offense, as those two terms are defined in the Parking Offenses Adjudication Act (N.J.S.A. 39:4-139.2 et seq.)
 - (2) Serve and execute all process for any parking offense issuing out of the court in the municipality having jurisdiction over the complaint; and
 - (3) Cause any vehicle parked, stored or abandoned in the municipality in violation of a statute, resolution, ordinance or regulation to be towed away from the scene of the violation and to collect from the vehicle owner or the owner's agent, on behalf of the Township, the costs of the towing and subsequent storage of the vehicle before surrendering the vehicle to the owner or agent.

§ 5-220. Definition; when on duty; eligibility for retirement system.

- A. For purposes of this article, a "parking enforcement officer" is not a special law enforcement officer within the meaning of the Special Law Enforcement Officers' Act (N.J.S.A. 40A:14-146.8 et seq.) and is not a member of the Old Bridge Police Department. No parking enforcement officer may carry or use a firearm while on duty.
- B. A parking enforcement officer is deemed to be on duty while the officer is performing the public safety functions enumerated in this article and for which the officer is receiving compensation, if any, from the municipality.
- C. A parking enforcement officer is not eligible for membership in the Police and Firemen's Retirement System established pursuant to N.J.S.A. 43:16A-1 et seq.

§ 5-221. Qualifications.

No person shall be appointed as a parking enforcement officer unless, at a minimum, the person:

- A. Is a resident of this state during the term of appointment;

- B. Is able to read, write and speak the English language well and intelligently;
- C. Is of sound mind and in good health;
- D. Is of good moral character; and
- E. Has not been convicted of any offense involving dishonesty or which would make the person unfit to perform the duties of his office.

§ 5-222. Fingerprints required; determination of eligibility and qualifications.

- A. An applicant for the position of parking enforcement officer appointed pursuant to this article shall have fingerprints taken, which fingerprints shall be filed with the Division of State Police and the Federal Bureau of Investigation.
- B. Before any parking enforcement officer is appointed pursuant to this act, the Chief of Police or his designee shall ascertain the eligibility and qualifications of the applicant and report these determinations in writing to the Business Administrator.

§ 5-223. Completion of training course; waiver.

No person appointed after the effective date of this article may commence duties as a parking enforcement officer unless that person has successfully completed a training course conducted or approved by the municipality. The Business Administrator may waive this training requirement for any person otherwise eligible to be appointed as a parking enforcement officer under this article if the person possesses substantially equivalent training and background, as determined by the Chief of Police.

§ 5-224. Uniform; fee.

- A. Prior to the commencement of duties, every parking enforcement officer shall be furnished with a uniform which shall clearly identify the officer's function. The uniform shall include, but not be limited to, a hat and appropriate badges which shall bear an identification number or name tag and the name of the municipality in which the officer is employed. The uniform shall also include an insignia issued by the Township which clearly indicates the officer's status as a parking enforcement officer. The uniform shall be distinct in color from the uniform of a regular police officer or special law enforcement officer.
- B. The Township shall issue a permanent insignia not later than 90 days following its first appointment of a parking enforcement officer. The Township may issue a temporary insignia for use prior to the issuance of permanent insignia.

- C. The Township may charge a reasonable fee for uniforms supplied pursuant to this article but shall not charge a fee for the costs of required training.

§ 5-225. Designation of employees currently performing duties.

All persons employed by the Township, other than regular police officers and special law enforcement officers, who are performing the functions enumerated in this article on the effective date of this article, are hereby designated as "parking enforcement officers" and are deemed to be governed by the provisions of this article.

§ 5-226. Establishment within Department of Administration.

The position of parking enforcement officer shall be established within the Department of Administration and shall be subject to the direct supervision of the Business Administrator.

ARTICLE XL

Shade Tree Commission**[Added 4-12-2010 by Ord. No. 2010-13]****§ 5-227. Establishment.**

A Shade Tree Commission is hereby established, which shall consist of not less than five nor more than seven members.

§ 5-228. Appointment.

The members of the Shade Tree Commission shall be appointed by the Mayor and shall be residents of the Township. They shall serve without compensation, except as provided in N.J.S.A. 40:64-3.

§ 5-229. Terms of office.

The first Commissioners shall be appointed within 60 days after this section providing for the Commission shall become effective, and their terms of office shall commence upon the day of their appointment and shall be for the respective periods of one, two, three, four and five years, if the Commission consists of five members, beginning on January 1 next succeeding such appointment. If the Commission is to consist of six members, the first Commissioners shall be appointed as above, except that two shall be appointed for five years; and if the Commission is to consist of seven members, two shall be appointed for five years and two shall be appointed for four years. In the event that membership of any Commission is increased, the new members shall be appointed in such manner that the terms shall expire in accordance with the foregoing. The terms of each appointee shall be designated in his appointment. All subsequent appointments, except to fill vacancies, shall be for the full term of five years, to take effect on January 1.

§ 5-230. Organization; compensation of employees.

The Shade Tree Commission shall organize annually by the election of one of its members as Chairman and the appointment of a Secretary, who need not be a member of the Commission. The compensation of the Secretary shall be fixed by the governing body.

§ 5-231. Powers.

The Shade Tree Commission shall have power to exercise full, sole and exclusive control over the regulation, planting and care of shade and ornamental trees and shrubbery planted in or upon any public highway, park or parkway of the Township, including the planting, trimming, spraying, care and protection of the same for the public good; the right to regulate and control the use of the grounds surrounding the same so far as may be necessary for their proper growth, care and protection; the right to remove or require the removal of any tree, or any part thereof, dangerous

to the public safety, following notice to the property owners as required by statute, at the expense of the owner of such tree; the encouragement of arboriculture; and such other powers vested in Shade Tree Commissions by state law.

§ 5-232. Disposition of moneys collected.

All moneys collected as fines or penalties for violation of a rule or regulation of the Shade Tree Commission, or as a charge against real property under the provisions of the statute in such case made and provided, shall be forthwith paid over to the Chief Financial Officer of the Township of Old Bridge, shall be placed to the credit of the Commission and shall be subject to be withdrawn by the Commission for the conduct of its work.

§ 5-233. No liability for death or injury.

Nothing contained in this section shall be construed to make any Shade Tree Commission or any member thereof, or any volunteer participating in a community forestry program as provided for by Section 4 of P.L. 1996, c. 135 (N.J.S.A. 13:1L-17.4), responsible for the death or injury of any person, or for any injury to any property or highway tree or shrub. Liability for any such death or injury shall be governed by the provisions of Section 16 of P.L. 1996, c. 135 (N.J.S.A. 59:4-10) and any other relevant provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et seq.