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**ORDINANCE OF THE TOWNSHIP OF DOVER,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
REVISING PART I ADMINISTRATIVE
LEGISLATION, CHAPTERS 1 THROUGH 154, OF
THE GENERAL ORDINANCES OF THE
TOWNSHIP OF DOVER**

WHEREAS, the voters of the Township of Dover on November 5, 2002 adopted the Mayor Council Plan of the Optional Municipal Charter Law, providing for the division of the Municipality into four wards with a Mayor and Seven Council persons (one from each ward and three at large) to be elected at elections held in November; and

WHEREAS, the voters of the Township of Dover on November 4, 2003 duly elected a Mayor and seven council persons, pursuant to said Optional Plan; and

WHEREAS, it is necessary to revise the Administrative Code of Dover Township pursuant to N.J.S.A. 40:69A-207; and

WHEREAS, the Township Council shall adopt an Administrative Code organizing the administration of the municipal government, setting forth the duties, responsibilities and powers of all municipal officers, department and agencies establishing that manner of performance thereof; and

WHEREAS, the Administrative Code shall also restate the major provisions of the Municipal Charter and the applicable Sections of General Law, and provide such additional details as are necessary to present a complete guide describing the municipal offices, how municipal officers are selected, how municipal departments, divisions,

boards, commissions and agencies are organized, lines of supervisory responsibility and accountability, and procedures to be followed to carry out the functions and activities of municipal government.

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Council of the Township of Dover, County of Ocean, and State of New Jersey, as follows:

SECTION 1. Part I entitled "Administrative Legislation," of the Township Code of the Township of Dover, Chapters 1 through 154, inclusive, is hereby amended and supplemented so as to add the following provisions to Chapter 1, "General Provisions":

§ 1-17 Declaration of Purpose: Short title.

- a. The Municipal Council adopts this part as an Administrative Code for the organization and administration of the government of the Township, pursuant to the Mayor, Council, that the Optional Municipal Charter Law, N.J.S.A. 40:69A-1 to -210, as it may be amended and supplemented.
- b. This Part I, entitled "Administration of Government" shall be known and may be cited as the "Administrative Code of Dover Township."

§ 1-18 Declaration and Word Usage.

For the purposes of this Part and in the interpretation and application of all other ordinances and resolutions heretofor adopted by the Township the following terms shall have the meanings indicated.

CHARTER--Mayor-Council Plan of the Optional Municipal Charter Law, N.J.S.A. 40:69A-1 to 210, as amended and supplemented, and any and all general laws as therein defined which are or may be applicable to the Township.

DEPARTMENT -- An organizational unit of the municipal government so designated by this Code.

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

PERSON-- includes individuals, corporations, firms, organizations, companies, associations or any group acting as an individual or as a unit. The masculine shall include the feminine gender.

TOWNSHIP OR MUNICIPALITY-- the Township of Dover, Ocean County, New Jersey.

YEAR-- a calendar year, unless otherwise specifically provided.

§ 1-19 Word Usage: Control of Provisions.

The purposes of this Code and any other ordinances heretofor or hereafter adopted, except as the context may otherwise require:

- a. The present tense includes the past and future tenses and the future, the present.
- b. The masculine gender includes the feminine and neuter.
- c. A singular number included the plural and the plural, the singular.
- d. "Shall" is mandatory, and "may" is permissive.
- e. The time within an act is to be done shall be commuted by excluding the first and including the last day, and if the last day be a Sunday, a legal holiday, or a day on which the Township is closed, that they shall be excluded.
- f. "Writing" and "written" shall include writing and any other mode of communication using paper or similar material which is in general use, as well legible handwriting.
- g. Whenever a specific time is used in this code, it shall mean the prevailing and established time in effect in the State of New Jersey during any day or any year.

SECTION 2. Part I entitled "Administrative Legislation," of the Township Code of the Township of Dover, Chapters 1 through 154, inclusive, is hereby amended and supplemented as follows:

**Part I
Organization**

Chapter 1.	General Provisions
Chapter 5.	Township Council
Chapter 10.	Office of the Mayor
Chapter 14.	Office of the Municipal Clerk
Chapter 19.	Office of Tax Assessor
Chapter 23.	Administrative Organization
Chapter 40.	Department of Administration
Chapter 42.	Department of Construction and Inspection Services
Chapter 44.	Department of Finance
Chapter 46.	Department of Health, Human Services and Human Resources
Chapter 48	Department of Law and Community Development
Chapter 50.	Department of Law Enforcement
Chapter 52.	Department of Parks, Buildings and Grounds
Chapter 54.	Department of Public Works
Chapter 56.	Department of Recreation
Chapter 60.	Municipal Court
Chapter 62	Office of Municipal Public Defender
Chapter 64	Office of Municipal Prosecutor

Chapter 66

Office of Emergency Management

Chapter 71.

Statutory Boards and Commissions

- A. Board of Adjustment
- B. Environmental Commission
- C. Historic Preservation Commission
- D. Industrial Commission
- E. Local Ethics Board
- F. Municipal Utilities Authority
- G. Parking Authority
- H. Planning Board
- I. Redevelopment Entity
- J. Rent Leveling Board

Chapter 76.

Advisory Committees

- A. Youth Advisory Council
- B. Veterans Commission

B. Miscellaneous

Chapter 80.

Claims Approval

Chapter 86.

Cooperative Pricing Agreements

Chapter 90.

(Reserved)

Chapter 94.

Defense and Indemnification

Chapter 100.

(Reserved)

Chapter 104.

Employee Regulations and Benefits

Chapter 109.

Fire Companies

Chapter 114.

Fire Districts

Chapter 120.

Hazardous Materials Management

Chapter 125.

Mutual Aid Agreements

Chapter 129.

Official Map

Chapter 132.

Public Records, Inspection of

Chapter 139.	(Reserved)
Chapter 143.	(Reserved)
Chapter 145	(Reserved)
Chapter 147.	Salaries and Compensation
Chapter 150.	Tax Map
Chapter 152	Volunteer Incentives

SECTION 3. Part One of the Township Code of the Township of Dover entitled "Administrative Legislation" and, Chapters 1 through 154, inclusive, as revised is hereby adopted as the "Administrative Code" for the organization and Administration of the Township of Dover. To the extent Chapters 94, 104, 109 and 114 are readopted, any reference to "Township Committee" is omitted and replaced with "Township Council" and "Committeeman" shall be omitted and replaced with "Councilperson."

SECTION 4. The revised Administrative Code of the Township of Dover is hereby attached and made a part hereof, as Schedule A.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Dover held on the **9th** day of **June, 2004**, and will be considered for second reading and final passage at a meeting of the Township Council to be held on the **22nd** day of **June, 2004**, at 6:00 p.m. at the Dover Township Municipal Building located at 33 Washington Street, Toms River, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building; a copy of Schedule A which is comprised of the specific chapters set forth at length of the proposed Dover Township Administrative Code, is available for review and inspection in the Clerk's office during normal business hours, 8:30 a.m. to 4:30 p.m., Monday through Friday.

BARBARA A. IASILLO, RMC
Township Clerk, Township of Dover

Approved as to
Legal Form

Mark A. Troncone
Township Attorney

SCHEDULE "A"

The Administrative Code of the Township of Dover.

I, BARBARA A. IASILLO, CLERK OF THE TOWNSHIP OF DOVER,
IN THE COUNTY OF OCEAN, HEREBY CERTIFY THAT THE ABOVE
IS A TRUE COPY OF AN ORDINANCE ADOPTED BY THE TOWNSHIP
COUNCIL ON THE 22nd DAY OF June 2004

BARBARA A. IASILLO, TOWNSHIP CLERK

Chapter 5 Township Council

§ 5-1 Legislative Power

The legislative power of the municipality shall be exercised by the Township Council ("Council") pursuant to the authority vested in N.J.S.A. 40:69A-36 and general law.

§ 5-2 Powers and Duties

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

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

§ 5-3 Budget and Control

- A. Upon the submission of the budget to the Township 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 two-thirds (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 or report 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 any encumbrance system of budget operation, for expenditures only upon written requisition, for the pre-audit 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.

§ 5-4 Independent annual audit

The Council shall cause to be made an annual audit of its books, accounts and financial transactions to be made and completed in accordance with Local Fiscal Affairs Law. The Council shall employ a registered municipal accountant of New Jersey to prepare its annual audit.

§ 5-5 President of the Council

Pursuant to the Charter, at its organization meeting, the Council shall elect a president of the Council from among the members thereof and the President shall preside at its meetings and perform such other duties as the Council may prescribe. In the absence of the President, the Council shall elect a temporary presiding officer.

§ 5-6 Duties of the President

- A. The President of the Council shall preside at its meeting.
- B. He or she shall preserve order and decorum at all meetings of the Council.
- C. He or she shall state every question coming before the Council.
- D. He or she shall announce the decisions of the Council.
- E. He or she shall decide all questions of order.
- F. He or she shall appoint all special committees of the Council.
- G. He or she shall sign all ordinances and resolutions adopted by the Council during his or her presence.
- H. He or she shall sign the minutes of each meeting, along with the Municipal Clerk.
- I. He or she shall sign the bills list.

§ 5-6 Clerk of the Council

The Municipal Clerk shall serve as clerk of the Council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions as the Optional Municipal Charter Act requires, and perform such functions as may be required by law.

§ 5-7 Meetings of the Council

- A. Regular meetings. The Council shall meet annually for organization on the first day of January at 12 o'clock noon or during the first seven days of January in any year. The Council

shall designate by resolution the time of the holding of regular meetings, which shall be at least monthly.

B. Special meetings. The Mayor may, and upon written request of four (4) Councilpersons, shall, call a special meeting of the Council. In the call, he or she shall designate the purpose of the special meeting and no other business shall be considered.

C. Open to the Public. All regular and special meetings of the Council shall be open to the public.

D. Quorum. A majority of the whole number of members of the Council shall constitute a quorum, but no ordinance shall be adopted by the Council without the affirmative vote of a majority of all of the members of the Council.

§ 5-8 Agenda

A. The agenda for each regular and special meeting of the Council shall be prepared by the Clerk. The agenda must be approved prior to the meeting by either the Council President or by four (4) members of the Township Council. Except for emergency matters which may be added to the agenda at any time with the approval of the Council President or four (4) members of the Township Council, 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 by Councilpersons no later than the Friday proceeding the meeting at 12 o'clock noon. As soon as the agenda for each meeting has been prepared, the Clerk shall provide a copy thereof to the office of each Councilperson, the Mayor, the Business Administrator and each department head.

B. Consent Agenda. Items listed on the agenda which are considered routine by the Council shall be placed under a subheading entitled "Consent Agenda." Prior to voting upon any item on the consent agenda, the President or 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 Councilperson so requests, in which event the item shall be removed from the consent agenda and considered in its normal sequence on the agenda. 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. Those items so approved under the consent agenda shall appear in the Council minutes in their complete and proper form.

§ 5-9 Conduct of Meetings

A. General Procedure. Except as otherwise provided herein, meetings of the Council shall generally be conducted in accordance with Robert's Rules of Order except as modified by Township Council.

B. Mayor's participation. The Mayor may attend meetings of Council and may take part in discussions of Council to the extent authorized under N.J.S.A. 40:69A-41, 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 or she may cast the deciding vote.

C. Presiding Officer. The President or presiding officer shall not be deprived of any of the rights and privileges of being a Councilperson by reason of his or her acting as the presiding officer or President. The President or presiding officer shall have the privilege of closing debate.

§ 5-10 Addressing Council.

No member of the public may address the Township Council except during the portion of the meeting set aside for public comment pursuant to N.J.S.A. 10:4-12 and during the opportunity to be heard upon second reading of an ordinance pursuant to N.J.S.A. 40:49-2. Any person desiring to address the Council shall first seek to be recognized by the Council President. Upon recognition of said person, remarks during the public comment portion of the meeting shall be within the time limits set by Council by resolution in accordance with N.J.S.A. 10:4-12, for public comment on any governmental issue that a member of the public feels may be of concern to the residents of the municipality.

§ 5-11 Ordinances and Resolutions

A. Legislative powers shall be exercised by ordinance, except for the exercise of those powers that, under the Mayor-Council Plan of government or by general law, do not require action by the Mayor as a condition of approval for the exercise thereof, and may, therefore, be exercised by resolution. Those actions which may be exercised by resolution shall include, but not be limited to:

1. The override of a veto of the Mayor.
2. The exercise of advice and consent to actions of the Mayor.
3. The conduct of a legislative inquiry or investigation.
4. The expression of disapproval of the removal by the Mayor of officers or employees.
5. The removal of any municipal officer for cause in accordance with N.J.S.A. 40:69A-37.
6. The adoption of rules for the Council.
7. The establishment of the Council as a committee of the whole and the delegation of any number of its members as an ad hoc committee.
8. The election, appointment, setting of salaries and removal of officers and employees of Council, subject to any pertinent civil service requirements and any pertinent contractual obligations, and within the general limits of the municipal budget.
9. Designation of the official newspapers.
10. Approval of contracts presented by the Mayor.
11. Actions specified as resolutions in the Local Budget Law and the Local Fiscal Affairs Law.

12. The expression of Council policies or opinions which require no formal action by the Mayor.
13. Creation of and appointments to *ad hoc* and/or advisory committees whose purpose is to assist the Council in exercising its legislative functions.
14. Creation of, to the extent allowed by law, and appointment to any and all statutory boards and commissions to which appointment authority rests with Council.

B. Drafting. Ordinances and resolutions shall be drafted by the Township Law Department, any member of Council, Special Counsel or any person designated by Counsel.

C. Procedure for Introduction of Ordinances. 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 be by title, 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.

D. Procedure for Adoption of Ordinances. 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.

E. Voting. The vote of the Council upon every ordinance and resolution shall be taken by the Clerk by roll call.

§ 5-12 Delivery of Ordinances to Mayor; Override of Mayoral Veto

A. All ordinances shall be introduced, read, heard and enacted in the manner provided by general law. Each ordinance adopted by Council shall be promptly delivered by the Clerk to the Mayor. Each ordinance shall be returned by the Mayor to the Clerk after the Mayor has affixed his or her signature thereto or after the expiration of ten (10) days from the date of its delivery to the Mayor in any event.

B. No ordinance or any item or part thereof shall take effect without the Mayor's approval, unless the Mayor fails to return an ordinance to the Council within ten (10) days after it has been presented to him, or unless Council, upon reconsideration thereof on or after the third day following its return by the Mayor, shall by a vote of two-thirds of the members resolve to override the Mayor's veto.

§ 5-13 Filing of reports and resolutions

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

§ 5-14 Control of administrative employees

Council shall deal with employees of the Department of Administration and other Administrative Departments solely through the Mayor or his or her designee. All contact with the employees, and all actions and communications concerning the administration of the government and the provision of municipal service shall be through the Mayor or his or her designee, except as otherwise provided by law and Township Code Section 5-15 below.

§ 5-15 Additional powers of the Council.

Council may require any municipal officer to prepare and submit sworn statements regarding his or her official duties in the performance thereof, and otherwise investigate the conduct of any department, office or agency of the Township government. Nothing within Section 5-15 herein shall be construed as to prohibit the Council's inquiry into any act or problem of the administration of the Township or as to deprive any member of Council of his or her rights as a citizen of the Township. Any Councilperson may, at any time, require a report on any aspect of the government of the Township by making a written request to the Mayor. Council may, by a majority vote of the whole of its members, require the Mayor or his or her designee to appear before the Council sitting as a committee to the whole, and to bring before the Council those records and reports, and officials and employees of the Township as the Council may determine necessary to ensure clarification of the matter under study. Council may further, by a majority of its members, consult with the Mayor or his or her designee to study any matter and to report to Council thereon. Council President may submit to Council a list of proposed subcommittees to consist of up to three (3) members of Council on each subcommittee for the purpose so designated by Council. A Council member may be appointed to more than one subcommittee. Upon approval of the assignments to the subcommittees by the majority of Council, said subcommittees shall inquire into, investigate and/or report on those matters within their designated subject matter to the Council as a whole.

§ 5-16 Exercise of advice and consent.

- A. Where required by law or in any part of this Code, Council is to exercise its powers of advice and consent.
- B. Time for submission of nominees.

- (1) Mayor shall submit department head names within thirty (30) days of adoption of this Code.
- (2) In the case of a vacancy in any office or position to which the advice and consent of the Council is required as to the appointment, Mayor shall submit a nominee for the position to the Council within forty-five (45) days after the vacancy occurs.
- (3) If Council denies consent to the appointment of any nominee, either expressly or by Subsection C below, Mayor shall be required to submit the name of another nominee for the office or position within thirty (30) days from the date of the denial. The date of the denial shall be either the date the denial was formally acted upon by Council or thirty (30) days after the submittal of the name by the Mayor, as applicable. Mayor shall not resubmit the name of any nominee for which consent to the appointment was denied by Council. In the event this nominee is denied approval by Council, the procedure herein shall be repeated until an appointment is approved.

C. Time for consent of nominees.

If Council fails to grant consent to a proposed nominee within thirty (30) days after the submittal of the name by Mayor, consent shall be deemed denied.

- D. In the event a position or office remains vacant for more than sixty (60) days, an acting department head must be appointed by the Mayor with advice and consent of Council from within the existing employees of the Township. The appointment of an acting department head shall be for a term of sixty (60) days or until a permanent department head is approved pursuant to Subsection B above, whichever is sooner. This procedure for appointment of acting department head as delineated herein may be repeated at the expiration of the sixty (60) day term, if necessary. Mayor shall not resubmit the name of any nominee for which consent to the appointment was denied by Council. If any position or office requires special licensing or certifications, and no current employee of the Township holds such qualifications, the position shall remain vacant until consent is granted by Council.

§ 5-17 Removal of employees

If the Mayor, in his or her discretion, intends to remove a department head or any other municipal executive officer who is not a subordinate officer or employee,

including any tenured employee other than the Municipal Clerk or an employee of whom Council is the appointing authority, Mayor must provide notice and opportunity to be heard. Mayor must file written notice of his or her intention to remove with Council by filing such notice with the Municipal Clerk. The Municipal Clerk shall stamp the notice with the date received and immediately forward copies to all members of Council. Council may disapprove the removal by adopting a resolution affirmatively voted by no less than five (5) Council members prior to the 20th day after the filing of notice by the Mayor. The twenty (20) days shall run from the date the notice is stamped received by the Municipal Clerk. If Council adopts such a resolution disapproving the removal, the person shall retain their terms and conditions of employment as existed prior to the time the Mayor expressed his or her intent to remove. If Council does not adopt such resolution prior to the 20th day after the filing of the notice with Council, the removal shall become effective.

§ 5-18 Compensation

Each Councilperson shall receive a salary within the range provided in the current Salary Ordinance.

6/22/04

Chapter 10 Office of the Mayor

§ 10-1 Executive Power

The executive power of the Township shall be exercised by the Mayor, subject to the procedures set forth in the charter.

§ 10-2 Duties of Mayor

The Mayor shall:

- A. Enforce the charter and all ordinances of the Township adopted by the Council and all general laws applicable thereto.
- B. Report annually to the Council and to the public on the state of the Township and the work of the previous year; he or she shall also recommend to the Council whatever action or programs he or she deems necessary for the improvement of the Township and the welfare of its residents. He or she may from time to time recommend any action or programs he or she deems necessary or desirable for the Township to undertake.
- C. Supervise, direct and control all departments of the Township and shall require each department to make an annual and such other reports of its work as he or she may deem desirable.
- D. Require such reports and examine such accounts, records and operations of any board, commission or other agency of the Township, as he or she deems necessary.
- E. Prepare and submit to Council for its consideration and adoption an annual operating budget and a capital budget, establish the schedules and procedures to be followed by all Township departments, offices and agencies in connection therewith, and supervise and administer all phases of the budgetary process.
- F. Supervise the care and custody of all Township property, institutions and agencies, and make recommendations concerning the nature and location of municipal improvements and execute improvements determined by Council.
- G. Sign all contracts, bonds and other instruments requiring the consent of the Township, after approval by Council.

- H. Review, analyze and forecast trends of municipal services and finances and programs of all boards, commissions, agencies and other municipal bodies, and report and recommend thereon to Council.
- I. Supervise the development, installation and maintenance of centralized budgeting, personnel and purchasing procedures as may be authorized by ordinance.
- J. Negotiate contracts for the municipality subject to Council approval.
- K. Assure that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, franchise or other contract are faithfully kept and performed.
- L. Serve as an ex officio nonvoting member of all appointive bodies in municipal government of which he or she is not an official voting member.
- M. Create and appoint to *ad hoc* and/or advisory committees whose purpose is to assist the Mayor in exercising his or her administrative functions.

§ 10-3 Meetings

The Mayor may attend meetings of Council and may take part in discussions of Council to the extent authorized under N.J.S.A. 40:69A-41, 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 or she may cast the deciding vote.

§ 10-4 Veto Power

A. Each ordinance adopted by Council shall be promptly delivered by the Clerk to the Mayor. Each ordinance shall be returned by the Mayor to the Clerk after the Mayor has affixed his or her signature thereto or after the expiration of ten (10) days from the date of its delivery to the Mayor in any event.

B. No ordinance or any item or part thereof shall take effect without the Mayor's approval, unless the Mayor fails to return an ordinance to the Council within ten (10) days after it has been presented to him, or unless Council upon reconsideration thereof on or after the third day following its return by the Mayor shall by a vote of two-thirds of the members resolve to override the Mayor's veto.

§ 10-5 Designation of 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 or her office. Such designation shall be made in writing and filed with the Municipal Clerk prior to the effective date thereof and under what conditions shall trigger this provision. During such time, the person so designated by the Mayor shall possess all rights, powers, duties of his or her office. Whenever the Mayor shall have been unable to attend to the duties of his or her office for a period of sixty (60) consecutive days for any of the above-stated reasons, an acting mayor shall be appointed by Council, who shall succeed to all the rights, powers and duties of the Mayor or the then acting mayor.

§ 10-6 Appointment, removal and term of directors

A. Appointment. The Mayor shall appoint, with the advice and consent of the Council, a director to head each department. Each director shall serve during the term of the office of the Mayor appointing him, and until the appointment and qualification of his or her successor. The term "Director" and "Department head" shall have the same meaning as used throughout the Code and may be used interchangeably. Salaries of Department heads may be recommended by the Mayor, and subject to approval of the Township Council.

B. Removal. If the Mayor, in his or her discretion, intends to remove a department head or any other municipal executive officer who is not a subordinate officer or employee, including any tenured employee other than the Municipal Clerk or an employee of whom Council is the appointing authority, Mayor must provide notice and opportunity to be heard. Mayor must file written notice of his or her intention to remove with Council by filing such notice with the Municipal Clerk. The Municipal Clerk shall stamp the notice with the date received and immediately forward copies to all members of Council. Council may disapprove the removal by adopting a resolution affirmatively voted by no less than five (5) Council members prior to the 20th day after the filing of notice by the Mayor. The twenty (20) days shall run from the date the notice is stamped received by the Municipal Clerk. If Council adopts such a resolution disapproving the removal, the person shall retain their terms and conditions of employment as existed prior to the time the Mayor expressed his or her intent to remove. If Council does not adopt such resolution prior to the 20th day after the filing of the notice with Council, the removal shall become effective.

C. The salaries of administrative employees, officers and directors of each department shall be fixed in accordance with N.J.S.A. 40:69A-43a.

§ 10-7 Removal of subordinate officers and employees

Directors may remove subordinate officers and employees appointed by him or her within his or her respective department with the approval of the Mayor, subject to the provisions of New Jersey Statutes, other general law and any applicable contractual obligations.

§ 10-8 Budget preparation

A. The Mayor shall prepare the municipal budget 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 Council his or her recommended budget together with such explanatory comment or statement as he or she 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. 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 two-thirds of the members of Council. The annual budget shall be introduced no later than August 10 of the calendar fiscal year. Introduction of the budget shall constitute a first reading which may be by title.

§10-9 Compensation

The Mayor shall receive a salary within the range provided in the current Salary Ordinance.

Chapter 14

Office of the Municipal Clerk

§ 14-1 Appointment; Qualifications

There shall be an Office of the Municipal Clerk, the head of which shall be the Municipal Clerk. The Municipal Clerk, and all subordinate personnel and officers, shall be appointed by Council and shall, prior to appointment, be qualified by training or experience to perform the duties of the office as required under N.J.S.A. 40A:9-133 *et seq.*, applicable general law and this Code.

§ 14-2 Duties and Responsibilities

The Municipal Clerk shall:

- A. Keep the minutes and records of the proceedings of the Council and of the proceedings of any Council committee upon the request of Council President.
- B. Serve as the Clerk of the Council and attend all meetings of the Council and such committees when required by the Council President.
- C. Preserve and compile all ordinances and resolutions, and at the close of the year, with the advice and assistance of the Township Attorney, the Clerk shall compile, codify and bind all the ordinances then in effect and shall properly index such compilation or codification and provide for its publication.
- D. Publish or cause to be published ordinances as required by law in such official newspaper or newspapers as may be designated by Council.
- E. Receive and transmit all communications to or on behalf of Council.
- F. Receive and keep in safe custody the surety bonds covering the fidelity and faithful performance of each and every municipal official required to furnish such bond, except that the Clerk's surety bond shall be filed with the Chief Financial Officer.
- G. Perform such other duties as the Council or Council President may, from time to time, require.

§ 14-3 Custodian of Records

The Municipal Clerk shall act as custodian of records for all official books, papers and documents of the municipality for which no other repository is provided by charter or Township ordinance, and keep same safely.

§ 14-4 Custodian of the Seal

The Municipal Clerk shall act as custodian of the Township Seal and cause it to be affixed to instruments and writings when specifically authorized by law or when necessary to exemplify and document or record of his or her office or to certify any paper.

§ 14-6 Clerk of Election

The Municipal Clerk shall act as Clerk of Elections, performing all functions required by the general law under Title 19 of the Revised Statutes of New Jersey to be performed by the Municipal Clerk and in this function, receive for municipal use the fees prescribed therefor.

§ 14-7 Subordinate officers and employees

A. Deputy municipal clerk. The office of deputy municipal clerk is hereby created. The deputy municipal clerk shall be appointed by Council, whom shall set compensation in accordance with the current Salary Ordinance. The term of the deputy municipal clerk shall be for three (3) years. During the absence or disability of the Municipal Clerk, the deputy municipal clerk shall have all the powers of the Municipal Clerk and shall perform the functions and duties of such office.

B. Other clerical staff. There shall be the following positions within the Office of Municipal Clerk, to be appointed by Council :

- (1) Senior Clerk-Typist
- (2) Clerk-Typist
- (3) Switchboard operator, full-time
- (4) Switchboard operator, part-time
- (5) Mail Clerk, part-time

The above positions shall perform such clerical and administrative duties as may from time to time be assigned by the Municipal Clerk or the Deputy Municipal Clerk.

C. Registrar. The office of the local Registrar is hereby created. All the duties of the local Registrar pursuant to Title 26 shall be performed by the Local Registrar. In accordance with N.J.S.A. 26:8-17, a Deputy Registrar, who shall be the Cashier Clerk, shall be appointed to assist in the normal, day-to-day operation of the office and whose duty shall be to act in the Local Registrar's stead in case of absence, disability or death of the registrar. The licensing of dogs, kennels, pet shops, shelters and pounds shall be the duty of the office of the local Registrar. There is hereby created the position of Senior Clerk-Typist and the office of Clerk-Typist within the office of the local Registrar, whom shall be appointed by Council. Senior Clerk-Typist and Clerk-Typist shall perform such clerical and administrative duties as may from time to time be assigned by the Municipal Clerk or the Deputy Municipal Clerk.

§ 14-8 Legislative Research Officer.

- A. Appointment. There shall be a Legislative Research Officer whom shall be appointed by the Council by a majority vote thereof.
- B. Qualifications. The Legislative Research Officer, prior to his or her appointment, shall be a counselor at law duly qualified and admitted to practice law in this State. Preference shall be given to attorneys who hold a current Diplomate in New Jersey Municipal Law.
- C. Office separate from Township Attorney. The office of Legislative Research Officer shall be separate and distinct from the office of Township Attorney and the Legislative Research Officer shall serve under the sole direction of the Council for such term as may be provided.
- D. Compensation. The Legislative Research Officer shall receive such compensation as shall be provided by ordinance.
- E. Powers and duties. The Legislative Research Officer shall be the legal advisor to the Council and the Office of the Municipal Clerk. He or she shall advise the Council as to the form and sufficiency of all ordinances and resolutions prior to their passage as submitted for review and shall provide legal opinions promptly as directed.

Chapter 19

Office of Tax Assessor

§ 19-1 Office of Tax Assessor established; Tax Assessor

A. There shall be an Office of Tax Assessor, the head of which shall be the Tax Assessor. The Tax Assessor shall be appointed by the Mayor, with the advice and consent of Council. The Office of Tax Assessor shall be subject to such general administrative procedures and requirements as are the other departments of the Township, including, but not limited to, the preparation and submission of an annual budget and of such periodic budget reports as are generally required of departments, and such accounting controls, central purchasing practices, personnel procedures and regulations and central data processing services as are generally required of departments.

B. Appointment and term of office. The Tax Assessor shall be appointed by the Mayor, with the advice and consent of the Township Council, for a term of four years commencing on July 1 next following the appointment.

C. Qualifications. To be appointed to the office of Tax Assessor for the Township of Dover, a person must hold a certified tax assessor's certificate from the State of New Jersey.

D. Duties. The duties of the Tax Assessor shall be as prescribed by law. The Tax Assessor shall perform such other duties which are related to her work as are prescribed by the Mayor and Township Council.

§ 19-2 . Deputy Tax Assessor.

A. Position created. There is hereby created the position of Deputy Tax Assessor for the Township of Dover.

B. Appointment and term of office. The Deputy Tax Assessor shall be appointed by the Mayor, with the advice and consent of the Township Council, and shall serve a term of office of four years, commencing on July 1 next following the appointment

C. Qualifications. To be appointed to the position of Deputy Tax Assessor for the Township of Dover, an individual must hold a certified tax assessor's certificate from the State of New Jersey.

D. Duties. The duties of the Deputy Tax Assessor are to assist the Tax Assessor of the Township in assessing the real properties in the Township of Dover in accordance with the appropriate state statutes and regulations in regard thereto. The Deputy Tax

Assessor shall do all work as is required of him by the Township Tax Assessor in regard to the assessing of real properties and all various other work as is required from time to time by the Tax Assessor. The Deputy Tax Assessor shall be responsible for the official Township of Dover House-Numbering Map and, in pursuance thereof, assign and record official numbers to lots and subdivisions and resubdivisions of land and assign house numbers to buildings or structures. The Office of the Tax Assessor shall also have responsibility to ensure that the house number assigned to each house, building or structure is properly displayed.

Chapter 23

Administrative Organization

§ 23-1 General Plan

The municipal government of the Township of Dover shall be organized into the following departments, municipal offices, boards, commissions and committees, as applicable:

A. Departments

1. Department of Administration
2. Department of Construction and Inspection Services
2. Department of Finance
3. Department of Health, Human Services and Human Resources
4. Department of Law and Community Development
5. Department of Law Enforcement
6. Department of Parks, Buildings and Grounds
7. Department of Public Works
8. Department of Recreation

B. Offices

1. Office of the Municipal Clerk
2. Office of the Tax Assessor
3. Municipal Court
4. Office of Municipal Public Defender
5. Office of Municipal Prosecutor
6. Office of Emergency Management

C. Statutory Boards and Commissions

1. Board of Adjustment
2. Environmental Commission
3. Historic Preservation Commission
4. Industrial Commission
5. Local Ethics Board
6. Municipal Utilities Authority
7. Parking Authority
8. Planning Board
9. Redevelopment Entity

D. Advisory Committees

1. Youth Advisory Council
2. Veterans Commission

§ 23-2 Department Heads

Each department shall be headed by a director, whom shall be appointed by the Mayor with the advice and consent of the Council.

§ 23-3 Terms of Department Heads

The term of a department head shall be for the term of the office of the Mayor appointing his or her, and until the appointment and qualification of her successor.

§ 23-4 Subordinate officers and employees

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 Title 11 of the New Jersey Statutes or other general law.

§ 23-5 Leaves of Absence

A department head may request a leave of absence from his or her position for up to one (1) year. Council, in its sole discretion, may grant or deny the request. Failure to seek an extension of the leave or failure to return to work at the conclusion of the leave granted by Council shall be deemed an abandonment of office of the position. Whenever a leave of absence is taken, the Mayor with the advice and consent of Council, may appoint an acting department head from amongst the existing employees from within that department.

§ 23-6 Full-time employees; outside employment

All department heads shall be full-time employees. A full-time employee shall be defined as an employee who regularly works a minimum of 35 hours per week. Department heads shall be exempt employees for purposes of the Federal Labor Standards Act. A department head shall not be employed outside of the Township, or in addition to the position(s) the employee holds with the Township without prior written permission of the Mayor and resolution of the Township Council. All employees, full-time and part-time, with the exception of elected officials, shall punch their own individual time card every day on the Township time clock, or on another Township-approved device, once said device is made available or shall utilize a time-keeping procedure approved by resolution of the Township Council. If an employee leaves work

for any reason, he or she shall punch out and punch in upon return, if applicable. All department heads shall be responsible for maintaining the time cards of their department employees. Misuse of the time clock by any employee, which shall include, but not be limited to, punching another person's time card and failing to punch out upon leaving work, shall be grounds for immediate termination and may result in prosecution by the Township for theft of services, subject to any provisions of any collective bargaining agreements.

§ 23-7 Contractual relationship with Township prohibited

No department head shall have any interest in any partnership, sole proprietorship, company, corporation or any other form of business organization, which has a current contractual relationship with the Township. A department head shall not enter into any contract individually with the Township. A violation of this section shall be deemed sufficient cause to seek removal under N.J.S.A. 40:69A-37.

§ 23-8 Internal organization

The internal operation of each department shall be determined by the Director of the department subject to the applicable provisions of the Code. Whenever an activity or functional duty shall, by ordinance, be transferred from one department to another department of the Township, all the functions, powers and duties thereof shall be and are transferred as of the effective date of the ordinance.

§ 23-9 Vacancies in office of department head

Vacancies in the office of any department head due to resignation, removal, death or otherwise shall be filled in accordance with the procedures delineated within §5-16 of the Township Code.

§ 23-10 Use of Township vehicles.

Except in the case of police, fire and first aid emergencies, no Township vehicle shall be driven, operated or used outside of the geographical boundaries of the Township except: 1) as necessary to efficiently travel between Township locales on the barrier island and the rest of the Township and 2) for official business. Traveling to and from work shall not be considered "official business." "Official business" shall be further defined for the purposes of this section as the policy promulgated by the Mayor and adopted by the Council by separate resolution. As applied to the Department of Law Enforcement, the Mayor shall establish a written policy which shall be approved by Township Council by resolution within 60 days subsequent to the effective date of this Code.

§ 23- 11 Preference to Residents of Dover Township

In the appointing of any employee, officer or department head, preference shall be given to residents of the Township of Dover.

§ 23-12 Prospective application of qualifications for offices and positions

Any additional or amended qualifications for offices or positions, including department heads, shall be prospective only as applied to filling vacancies after the effective date of this Code.

Chapter 40

Department of Administration

§ 40-1 Department established

There shall be a Department of Administration, the head of which shall be the Business Administrator. The Business Administrator shall be appointed by the Mayor with the advice and consent of Council. The Business Administrator shall be chosen solely on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in, or his or her knowledge of, accepted practice in respect to the duties of his or her office. The Business Administrator shall either have a Bachelor's degree from a recognized, accredited college or university and specialized training in public administration or at least five (5) years of responsible experience in an executive or administrative position related to the duties of the position. During his or her tenure of office, he or she may reside outside the Township of Dover only with the approval of Council.

§ 40-2 Duties and responsibilities of Business Administrator

The Business Administrator, under the direction and supervision of the Mayor, shall:

- A. Assist in the preparation of the budget.
- B. Administer a centralized purchasing system.
- C. Be responsible for the development and administration of a sound personnel system.
- D. Perform such other duties as Council may prescribe.

§ 40-3 Term; compensation

The term of the Business Administrator shall be for the term of the Mayor appointing him or her, and until the appointment and qualification of his or her successor. His or her annual compensation shall be fixed by Council in accordance with the current Salary Ordinance.

§ 40-4 Intent

Nothing contained within this Chapter or elsewhere within this Code shall be interpreted as conveying any general supervisory powers over any other departments to the Business Administrator.

§ 40-5 Division of Purchasing; Purchasing Agent

A. There is hereby established the Division of Purchasing, the head of which shall be the Purchasing Agent. The Purchasing Agent shall meet the qualifications necessary for Qualified Purchasing Agent pursuant to N.J.S.A. 40A:11-9. The Business Administrator shall administer the centralized purchasing system as established within the Division of Purchasing.

B. The Purchasing Agent shall:

- (1) Prepare and enforce specifications for the purchase of materials and supplies. For purchases which require public bidding, or solicitation of quotations for amounts more than 50% of the current statutory bid threshold, specifications must be approved by resolution prior to the issuance, publication or release of said specifications and prior to the request for receipt of bids.
- (2) Advertise for bids and seek quotations on prices for the purchase of materials and supplies.
- (3) Receive bids and quotations and make appropriate recommendations to the Township Council.
- (4) Prepare contractual and related documentation for the approval of the Township Council and supervise the execution of the same.
- (5) Administer the performance of all municipal contracts.
- (6) Inspect or supervise the inspection of all materials and supplies, the rendition of contractual services and determine their quality, quantity and conformity with specifications.
- (7) Manage any central storeroom or storerooms or warehouse or warehouses that exist or may be established by the Township.
- (8) Purchase, store and distribute all materials and supplies and contract for all services required by any Township department, office or agency.
- (9) Arrange and supervise the sale of Township personalty or personalty in the possession of the Township, pursuant to law.
- (10) Supervise and administer all joint purchasing agreements between the Township and other contracting units of the State of New Jersey.
- (11) Prepare prebidder specifications, regulations and standard questionnaires for bidders, subject to the approval of the Township Council.

- (12) Notify Township Council as to the "other factors" utilized to recommend the award of a contract to other than the lowest bid, proposal or quotation for any purchase over \$10,000 up to the bid threshold.

B. Nothing contained herein shall require the Division of Purchasing or the Purchasing Agent to prepare specifications and contractual documentation or supervise the execution and performance of contracts for public works or improvements under the jurisdiction of the Township Engineer.

C. There is hereby created the position of Deputy Purchasing Agent. The Deputy Purchasing Agent shall assist the Purchasing Agent in fulfilling the functions enumerated herein.

§ 40-6 Purchase controls.

All purchases made and contracts awarded through the Division of Purchasing for any supplies or materials or contractual services shall be pursuant to a requisition from the Director of the Township department, office or agency whose appropriation will be charged. No purchase shall be made nor obligation incurred unless the Chief Financial Officer certifies that a sufficient unencumbered balance or appropriation is available to pay therefor. Purchase order requisitions shall be established and prepared by the Division of Purchasing in accordance with purchasing procedures and policies manual as adopted by resolution, no later than 90 days after the effective date of the adoption of this Code..

§ 40-7. Conformance with statute.

A. All purchases made by the Purchasing Agent shall conform to the requirements of the N.J.S.A. 40A:11-1 *et seq.*, and all specifications shall be drafted in a manner to encourage free, open and competitive bidding.

B. Whenever practicable, materials and contractual services shall be procured through the Division of Purchase and Central Services under State contract procedures.

§ 40-8. Public bidding procedure.

A. The Purchasing Agent is authorized to advertise for and receive bids in connection with all purchases, contracts or agreements, in accordance with the provisions of the Local Public Contracts Law. The Township Council shall be the contracting agent and shall award such contracts and purchases as may be recommended by the Purchasing Agent.

B. The Purchasing Agent shall determine the method of presenting bids, except that such method shall be confined to either personal presentation at bid opening or by registered mail. In either case, the method shall be stated in the public advertisement, and, if by registered mail, proper safeguards shall be provided to ensure the security of bids. Bids received after the time stated in the advertisement shall be considered as nonresponsive and shall be returned unopened to the sender.

C. All bids will be opened by the Purchasing Agent in public in accordance with the bid specifications and applicable law. A record shall be kept of the bid openings, and the same shall be available to the public.

D. Following review and evaluation of the bids, the Purchasing Agent shall recommend the lowest qualified bidder to the Township Council, which shall award the contract or take such other action as it deems proper.

§ 40-9. Division of Management Information Services; Manager of Management Information Services; Deputy Manager.

There is hereby created within the Department of Administration, the Division of Management Information Services, the head of which shall be the Manager of Management Information Services. There is further created the office of Deputy Manager of Management Information Services, who shall assist the Manager.

§ 40-10 Powers and duties.

The Division of Management Information Services shall:

(A) Operate the centralized data processing services for all departments and offices of the Township, including the operation of the Township payroll system, as well as manage and administer LAN's (Local Area Networks) and WAN's (Wide Area Networks) for all Township departments and offices, including the Department of Law Enforcement.

(B) Maintain all Township disbursement and budget records, such as budget summaries, bill lists and vendor analyses, and administer and manage all computerized systems to include financial, accounting and tax collection systems, engineering systems, building systems, public works systems, law enforcement, recreation, human resources, GIS, mobile and wireless, web commerce, voice and data communications.

(C) Maintain all Township computer hardware, software, and servers, including recommending any upgrades of the Township computer system.

(D) Maintain the official Township of Dover website.

(E) Perform such other duties as directed by the Business Administrator.

(F) Create programming and systems in-house or advise as to the need for purchases of systems from third-party vendors.

(G) Review departmental requests for software and hardware and make recommendations.

Chapter 40

Department of Administration

§ 40-1 Department established

There shall be a Department of Administration, the head of which shall be the Business Administrator. The Business Administrator shall be appointed by the Mayor with the advice and consent of Council. The Business Administrator shall be chosen solely on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in, or his or her knowledge of, accepted practice in respect to the duties of his or her office. The Business Administrator shall either have a Bachelor's degree from a recognized, accredited college or university and specialized training in public administration or at least five (5) years of responsible experience in an executive or administrative position related to the duties of the position. During his or her tenure of office, he or she may reside outside the Township of Dover only with the approval of Council.

§ 40-2 Duties and responsibilities of Business Administrator

The Business Administrator, under the direction and supervision of the Mayor, shall:

- A. Assist in the preparation of the budget.
- B. Administer a centralized purchasing system.
- C. Be responsible for the development and administration of a sound personnel system.
- D. Perform such other duties as Council may prescribe.

§ 40-3 Term; compensation

The term of the Business Administrator shall be for the term of the Mayor appointing him or her, and until the appointment and qualification of his or her successor. His or her annual compensation shall be fixed by Council in accordance with the current Salary Ordinance.

§ 40-4 Intent

Nothing contained within this Chapter or elsewhere within this Code shall be interpreted as conveying any general supervisory powers over any other departments to the Business Administrator.

§ 40-5 Division of Purchasing; Purchasing Agent

A. There is hereby established the Division of Purchasing, the head of which shall be the Purchasing Agent. The Purchasing Agent shall meet the qualifications necessary for Qualified Purchasing Agent pursuant to N.J.S.A. 40A:11-9. The Business Administrator shall administer the centralized purchasing system as established within the Division of Purchasing.

B. The Purchasing Agent shall:

- (1) Prepare and enforce specifications for the purchase of materials and supplies. For purchases which require public bidding, or solicitation of quotations for amounts more than 50% of the current statutory bid threshold, specifications must be approved by resolution prior to the issuance, publication or release of said specifications and prior to the request for receipt of bids.
- (2) Advertise for bids and seek quotations on prices for the purchase of materials and supplies.
- (3) Receive bids and quotations and make appropriate recommendations to the Township Council.
- (4) Prepare contractual and related documentation for the approval of the Township Council and supervise the execution of the same.
- (5) Administer the performance of all municipal contracts.
- (6) Inspect or supervise the inspection of all materials and supplies, the rendition of contractual services and determine their quality, quantity and conformity with specifications.
- (7) Manage any central storeroom or storerooms or warehouse or warehouses that exist or may be established by the Township.
- (8) Purchase, store and distribute all materials and supplies and contract for all services required by any Township department, office or agency.
- (9) Arrange and supervise the sale of Township personalty or personalty in the possession of the Township, pursuant to law.
- (10) Supervise and administer all joint purchasing agreements between the Township and other contracting units of the State of New Jersey.
- (11) Prepare prebidder specifications, regulations and standard questionnaires for bidders, subject to the approval of the Township Council.

- (12) Notify Township Council as to the "other factors" utilized to recommend the award of a contract to other than the lowest bid, proposal or quotation for any purchase over \$10,000 up to the bid threshold.

B. Nothing contained herein shall require the Division of Purchasing or the Purchasing Agent to prepare specifications and contractual documentation or supervise the execution and performance of contracts for public works or improvements under the jurisdiction of the Township Engineer.

C. There is hereby created the position of Deputy Purchasing Agent. The Deputy Purchasing Agent shall assist the Purchasing Agent in fulfilling the functions enumerated herein.

§ 40-6 Purchase controls.

All purchases made and contracts awarded through the Division of Purchasing for any supplies or materials or contractual services shall be pursuant to a requisition from the Director of the Township department, office or agency whose appropriation will be charged. No purchase shall be made nor obligation incurred unless the Chief Financial Officer certifies that a sufficient unencumbered balance or appropriation is available to pay therefor. Purchase order requisitions shall be established and prepared by the Division of Purchasing in accordance with purchasing procedures and policies manual as adopted by resolution, no later than 90 days after the effective date of the adoption of this Code..

§ 40-7. Conformance with statute.

A. All purchases made by the Purchasing Agent shall conform to the requirements of the N.J.S.A. 40A:11-1 *et seq.*, and all specifications shall be drafted in a manner to encourage free, open and competitive bidding.

B. Whenever practicable, materials and contractual services shall be procured through the Division of Purchase and Central Services under State contract procedures.

§ 40-8. Public bidding procedure.

A. The Purchasing Agent is authorized to advertise for and receive bids in connection with all purchases, contracts or agreements, in accordance with the provisions of the Local Public Contracts Law. The Township Council shall be the contracting agent and shall award such contracts and purchases as may be recommended by the Purchasing Agent.

B. The Purchasing Agent shall determine the method of presenting bids, except that such method shall be confined to either personal presentation at bid opening or by registered mail. In either case, the method shall be stated in the public advertisement, and, if by registered mail, proper safeguards shall be provided to ensure the security of bids. Bids received after the time stated in the advertisement shall be considered as nonresponsive and shall be returned unopened to the sender.

C. All bids will be opened by the Purchasing Agent in public in accordance with the bid specifications and applicable law. A record shall be kept of the bid openings, and the same shall be available to the public.

D. Following review and evaluation of the bids, the Purchasing Agent shall recommend the lowest qualified bidder to the Township Council, which shall award the contract or take such other action as it deems proper.

§ 40-9. Division of Management Information Services; Manager of Management Information Services; Deputy Manager.

There is hereby created within the Department of Administration, the Division of Management Information Services, the head of which shall be the Manager of Management Information Services. There is further created the office of Deputy Manager of Management Information Services, who shall assist the Manager.

§ 40-10 Powers and duties.

The Division of Management Information Services shall:

(A) Operate the centralized data processing services for all departments and offices of the Township, including the operation of the Township payroll system, as well as manage and administer LAN's (Local Area Networks) and WAN's (Wide Area Networks) for all Township departments and offices, including the Department of Law Enforcement.

(B) Maintain all Township disbursement and budget records, such as budget summaries, bill lists and vendor analyses, and administer and manage all computerized systems to include financial, accounting and tax collection systems, engineering systems, building systems, public works systems, law enforcement, recreation, human resources, GIS, mobile and wireless, web commerce, voice and data communications.

(C) Maintain all Township computer hardware, software, and servers, including recommending any upgrades of the Township computer system.

(D) Maintain the official Township of Dover website.

(E) Perform such other duties as directed by the Business Administrator.

(F) Create programming and systems in-house or advise as to the need for purchases of systems from third-party vendors.

(G) Review departmental requests for software and hardware and make recommendations.

Chapter 42

Department of Construction and Inspection Services

§48- Establishment; duties; Construction Official.

There is hereby created a Department of Construction and Inspection Services, the head of which shall be the Construction Official. The Construction Official shall be responsible for:

- (a) Undertaking enforcement proceedings for all building, housing and related codes, property maintenance, issuing and administering permits issued thereby, and reviewing all site and construction plans as specified by state statute or this Code.
- (b) Inspecting real property and improvements thereon under the applicable code provisions, supervising the demolition of condemned buildings and the abatement of nuisances, and performing such further duties prescribed by state statute or this Code.
- (c) Administering the provisions of N.J.S.A. 52-27D-119 et seq., the State Uniform Construction Act and N.J.A.C. 5:23-1 et seq., the regulations for the State Uniform Construction Code and the various subcodes provided therein, including but not limited to building subcode, plumbing subcode and electrical subcode.

Chapter 44

Department of Finance

§ 44-1 Establishment; head of department

There shall be a Department of Finance, the head of which shall be the Director of Finance, who shall be the Chief Financial Officer. His or her compensation shall be set in accordance with the current Salary Ordinance.

§ 44-2 Qualifications of Chief Financial Officer; Duties

A. No person shall be appointed or reappointed as a Chief Financial Officer unless he or she holds a municipal finance officer's certificate pursuant to N.J.S.A. 40A:9-140.2 or he or she has been previously granted tenure in the position pursuant to N.J.S.A. 40A:9-140.13. Appointment to the position of Chief Financial Officer shall be pursuant to the terms of N.J.S.A. 40A:9-140.10.

B. The Chief Financial Officer shall be appointed for a term of four years, effective as of the first day of January of the year of appointment.

C. Duties. The Chief Financial Officer shall perform such duties as delineated within the applicable statutes, administrative regulations and rules and procedures as established by the Department of Community Affairs, Local Finance Board.

§ 44-3 Assistant to Director; Duties

There is hereby created the position of Assistant to the Director of the Department of Finance. The Assistant to the Director of the Department of Finance shall, under the direction and supervision of the Director of Finance, perform the following duties:

- (1) Prepare written answers to routine correspondence and memorandums.
- (2) Automated payroll coordination.
- (3) Cash reconciliations and proof verification .
- (4) Prepare bill lists for review by the Chief Financial Officer.
- (5) Assist the Director of Finance in preparing reports and cost analysis of Township operations.
- (6) Prepare budget variance reports for the purpose of monitoring departmental expenditures in comparison to departmental budget resources.

- (8) Monitor and verify all inventories, with fixed asset inventories conducted in accordance with the Technical Accounting Directives issued by the Local Finance Board.
- (9) Assist the Director of the Department of Finance in preparing statistical information for the investment of Township funds on a daily basis.
- (10) Maintain an inventory of all property owned by the Township and have custody of all municipal personal property.
- (11) Any other duties as may be assigned by the Director of the Department of Finance.

§ 44-4 Deputy Comptroller

There is hereby created the position of Deputy Comptroller. The Deputy Comptroller shall, under the direction and supervision of the Chief Financial Officer, perform the following duties:

- (1) Prepare, post and maintain a general ledger to record all financial transactions.
- (2) Prepare an annual financial statement.
- (3) Prepare annual and supplemental debt statements.
- (4) Install and monitor routine internal audits, programs and controls.
- (5) Assist the Chief Financial Officer with the preparation of the Municipal Budget and related documents.
- (6) Any other duties as may be assigned by the Chief Financial Officer.

§ 44-5 Assistant Deputy Comptroller

There is hereby created the position of Assistant Deputy Comptroller. The Assistant Deputy Comptroller shall, under the direction and supervision of Chief Financial Officer and the Deputy Comptroller, assist the Deputy Comptroller in administration, planning, operation, supervision, training, work assignments and other activities normally associated with the operation of a department and in compliance with all federal, state, county and local laws, ordinances and policies.

§ 44-6 Divisions.

Within the Department of Finance, there shall be the following divisions:

- A. Division of Accounts and Controls.
- B. Division of Revenue Collections.

§ 44-7 Division of Accounts and Controls; Duties of Division.

A. There is hereby created, within the Department of Finance, the Division of Accounts and Controls, the head of which shall be a Manager of Accounts and Controls, who shall be the Chief Financial Officer.

B. Under the direction and supervision of the Chief Financial Officer, the Division of Accounts and Controls shall:

- (1) Assist the Mayor and Administrator in the preparation of, and supervision of the administration of the municipal operating and capital budget for submission to Township Council.
- (2) Establish and uniformly enforce a system of accounts and controls for municipal financial operations of the Township.
- (3) Using statistical, demographic and economic data, prepare long-range financial projections of expenditures, need for capital projects and facilities, need for particular services and other long-range financial and service needs projections for the information of the Township Council, Mayor and Administrator.
- (4) Prepare and prescribe uniform forms and procedures for the budget preparation and payment processes for all departments and other appropriate spending agencies of the Township.
- (5) Have custody of all Township funds and maintain all records of disbursements of the Township.
- (6) Prepare all documents and make recommendations to the Township Council as to all transfer and emergency appropriations and prepare all necessary capital budget appropriation documents under the supervision of Township bond counsel.
- (7) Service on the Township collective-bargaining negotiation team as fiscal advisor.
- (8) Establish and supervise a program of contract cost administration for the purchase of goods and services.
- (9) Develop and install records and procedures to enable each department to prepare workload and performance reports, expressed in appropriate work units, to be used for budgeting purposes.

(10) Evaluate and make recommendations, from a budgetary viewpoint, of various municipal programs and administer budgetary controls as to all financial assistance received by the Township.

(11) Maintain and enforce a system of budget control and cost analysis for budgetary items and, in this regard, conduct inquiries on behalf of the Township and report to the Township Council as to fiscal irregularities.

(12) Conduct a continuing performance audit for municipal operations for determining quality of work and devising improvements in efficiency and economy.

(13) Invest all available Township of Dover funds in order to obtain the highest possible return thereon.

§ 44-8 Division of Revenue Collections; Tax Collector.

A. Division of Revenue Collections. There is hereby created, within the Department of Finance, the Division of Revenue Collections, the head of which shall be the Tax Collector. The Division of Collection shall be responsible for:

(1) Charging and collecting payments as well as any penalties for delinquent payments for real estate taxes, pursuant to law.

(2) Enforcing all municipal liens and charges, including the undertaking of any in rem foreclosure and tax sale proceedings.

(3) Certifying searches for taxes and other liens on real property as may be authorized by law.

B. Tax Collector. There is hereby created the office of Tax Collector of the Township of Dover pursuant to N.J.S.A. 40A:9-142.

(1) Appointment and term of office. The Tax Collector shall be appointed by the Mayor, with the advice and consent of the Township Council, and shall serve a term of office of four years commencing on January, 1 of the year of appointment and ending on December 31 of the fourth year, or until a successor shall be appointed and qualified. A vacancy in the office of Tax Collector, other than due to expiration of term, shall be filled by appointment for the unexpired term. The Tax Collector shall possess a Tax Collector certificate pursuant to N.J.S.A. 40A:9-145.7.

(2) Duties. The duties of the Tax Collector shall be as prescribed by law. The Tax Collector shall perform such other duties which are related to her work as are prescribed by the Mayor and Township Council, and shall be a full-time employee.

C. Deputy Tax Collector. There is hereby created the office of Deputy Tax Collector of the Township of Dover, whom shall be the Collector of Arrears of Taxes pursuant to N.J.S.A. 40A:9-143..

(1) Appointment and term of office. The Deputy Tax Collector shall be appointed in accordance with N.J.S.A. 40A:9-143 and shall serve a term of office of four years, commencing on January 1 of the year of appointment and ending on December 31 of the fourth year, or until a successor shall be appointed and qualified.

(2) Duties. The Deputy Tax Collector shall work in conjunction with and under the direction of the Tax Collector. The Deputy Tax Collector shall perform all duties and functions as directed by the Tax Collector, and in the absence of the Tax Collector, shall perform all of the duties of the office of Tax Collector.

§ 44-9 Township Insurance Representative

There is hereby created the position of Township Insurance Representative.

§ 44-10 . Powers and duties; compensation.

The Township Insurance Representative shall advise the Mayor and Township Council on insurance matters. The Township Insurance Representative shall serve at a yearly compensation of \$1, with no other compensation or benefits. The Township Insurance Representative shall be appointed by the Mayor, with the advice and consent of Council, in accordance with N.J.S.A. 40A:10-37 to serve as a Commissioner of the Joint Municipal Insurance Fund.

§ 44-11 . Term; vacancy.

If the Township Insurance Representative is a member of the governing body, he or she shall hold office for two years or for the remainder of his or her term of office as a member of the Township Council, whichever shall be less, and until his or her successor shall have been duly appointed and qualified. If the Township Insurance Representative is an employee of the Township of Dover, he or she shall hold office at the pleasure of the Mayor and Township Council. In the event of a vacancy caused by any reason other than expiration of the term as a member of the Township Council, the office shall be filled by the Mayor, with the advice and consent of Council.

CHAPTER 46

Department of Health, Human Services and Human Resources

§46-1. Creation; Director.

There is hereby created the Department of Health, Human Services and Human Resources, the head of which shall be the Director of the Department of Health, Human Services and Human Resources.

§ 46-2 Divisions of Department

There shall be the following divisions within the Department of Health, Human Services and Human Resources:

- A. Division of Senior Services
- B. Division of Youth Services
- C. Division of Animal Control
- D. Division of Human Resources

§ 46-3 Division of Senior Services.

There is hereby created, within the Department of Health, Human Services and Human Resources, the Division of Senior Services, the head of which shall be the Division Manager of Senior Services. The Division Manager of Senior Services shall coordinate and develop senior citizens programs and activities in the Township. The Division Manager of Senior Services may be assisted by the Deputy Division Manager of Senior Services, who will assist the Division Manager with respect to senior services matters.

§ 46-4. Powers and duties of Division of Senior Services.

Under the direction and supervision of the Division Manager of Senior Services, the Division of Senior Services shall:

- A. Develop programs and coordinate projects directed to the development of needed senior services in the Township.
- B. Act as liaison between the Township Council and various senior service agencies and programs, both public and private, on the local, state and federal levels.

- C. Actively seek out and advise Township Council of grants, funds and loans which may be available for senior services and related programs.

§ 46-5. Division of Youth Services

There is hereby created, within the Department of Health, Human Services and Human Resources, the Division of Youth Services, the head of which shall be the Division Manager of Youth Services, who shall have a bachelor's degree in behavioral sciences and five years' experience in youth service activities or a master's degree and three years' experience in youth service activities and who shall be a regular employee of the Township. . The Division Manager of Youth Services may be assisted by the Deputy Division Manager of Youth Services, who will assist the Division Manager with respect to youth services matters.

§ 46-6. Powers and duties of Division of Youth Services.

Under the direction and supervision of the Division Manager of Youth Services, the Division of Youth Services shall:

- A. Develop programs and coordinate projects directed to the development of needed youth services in the Township.
- B. Act as liaison between the Township Council and various youth service agencies and programs, both public and private, on the local, state and federal levels.
- C. Actively seek out and advise Township Council of grants, funds and loans which may be available for youth services and related programs.

§ 46-7. Division of Human Resources established.

There is hereby created a Division of Human Resources, the head of which shall be the Division Manager of Human Resources.

§ 46-8. Duties and responsibilities.

The Division Manager of the Division of Human Resources shall be responsible for:

- A. Develop and administer the Township's Human Resources program, including up-to-date job classifications and pay plans, active recruitment of needed personnel and in-service training programs.

B. Design, install and maintain personnel records for each Township officer and employee, including a job description and qualifications required, the education, training and experience of the employee, any professional or trade licenses held, all personnel actions taken with respect to the employee, compensation, pension status, the Merit System Board and any other such information deemed pertinent at the discretion of the Division Manager.

C. Develop, install and administer an orderly procedure for the consideration, review and adjustment of employee grievances subject to any requirements in collective bargaining agreements.

D. Coordinate the processes of appointment and removal of municipal employees within the various departments with other Department heads and the Mayor, and to this end, review and recommend proposed procedures.

E. Maintain a continuing review and analysis of budget operations, work programs and costs of municipal services.

F. As directed by the Mayor or Business Administrator, assign and transfer employees temporarily, from one department to another as efficient administration may require, provided that such assignment or transfer shall not affect classification within the State, Department of Personnel, status or compensation of any employee.

G. Develop, prescribe and enforce rules and regulations for the efficient management of the Township government, so as to avoid any duplication or overlapping of effort among the departments or among units within a department, and for the improvement of methods and procedures of administration.

H. Assign office space, furniture and facilities among and within departments.

I. Conduct entrance and exit interviews of employees.

J. Attend meetings and conferences at the request of Council.

K. Monitor labor relations and negotiations and regularly advise the Township Attorney of any labor issues.

L. Monitor and administer employee fringe benefit programs, as applicable.

§ 46-9. Division of Animal Control

There is hereby established within the Department of Health, Human Services and Human Resources the Division of Animal Control, the head of which shall be the Division Manager of Animal Control. The Division of Animal Control shall be

responsible for administering Chapter 165, Animals and Animal Establishments, as well as any other duties as directed by the Director of Health, Human Services and Human Resources.

§ 46-10. Board of Health

There is hereby created within the Department of Health, Human Services and Human Resources, the Board of Health. The Board of Health shall be composed of seven members, whom shall be appointed by the Township Council in accordance with the authority within N.J.S.A. 26:3-5. There is hereby created the position of Board of Health secretary, whose duties shall be prescribed by the Board of Health.

§ 46-11. Office of Township Physician

There is hereby created the office of Township Physician. The Township Physician shall conduct all required physical examinations for all Township employees except for those of the Police Department, which examinations shall be conducted by the Police Physician or Police Surgeon. The Township Physician shall be appointed pursuant to law and shall receive such compensation and perform such duties as provided by law. There shall be no more than two individuals who shall hold the office of Township Physician.

§ 46-12 **Municipal Alliance Committee; Establishment.**

There shall be established a Municipal Alliance Committee on Alcoholism and Drug Abuse within the Department of Health, Human Services and Human Resources.

§ 46-13. Membership.

Membership on the Municipal Alliance Committee shall be appointed by the Mayor with the advice and consent of the Township Council and shall include but not necessarily be limited to representatives of the following groups:

- A. A Mayoral representative.
- B. The Chief of Police.
- C. The President of the School Board.
- D. The Superintendent of Schools.
- E. The Student Assistant Coordinator.
- F. A representative of the PTA.

- G. A representative of the local bargaining unit for teachers.
- H. A representative of the Chamber of Commerce.
- I. A representative of organized labor.
- J. A representative of the court system.
- K. A representative of a local civic association.
- L. A representative of a local treatment provider agency.
- M. A representative of a local religious group.
- N. A youth representative.
- O. A recovered substance abuser.

§ 46-14. Purpose.

The purposes of the Municipal Alliance Committee shall include the following:

- A. To organize and coordinate efforts involving school, law enforcement, business and community groups for purposes of reducing alcoholism and drug abuse.
- B. To develop, in conjunction with the LEA, comprehensive alcoholism and drug abuse education programs for Grades K-12.
- C. To develop, in conjunction with the LEA, procedures for intervention, treatment/referral and discipline of students involved with substance abuse.
- D. To develop comprehensive alcoholism and drug abuse education, outreach and support efforts for parents.
- E. To develop a comprehensive alcoholism and drug abuse community awareness program.

§ 46-15. Functions.

The functions of the Municipal Alliance Committee shall be:

- A. To create a network of community leaders, private citizens and

representatives for public and private human service agencies who are dedicated to promote and support drug and alcohol prevention and education programs.

B. To conduct an assessment of community-wide needs pertaining to drug abuse and alcohol issues.

C. To identify existing efforts and services acting to reduce alcoholism and drug abuse.

D. To assist in the development of programs at the municipal level that accomplish the purpose of the Alliance effort.

E. To assist the municipality in acquiring funds for Alliance programs.

F. To cooperate with the Governor's Council on Alcoholism and Drug Abuse, as well as the County Alliance Committee, to provide data, reports or other information that may be needed to assist in the Alliance effort.

§ 46-16. Municipal Alliance Coordinator; position created

There is hereby created the position of Municipal Alliance Coordinator for the Township of Dover.

§ 46-17. Qualifications of Municipal Alliance Coordinator.

To be appointed to the position of Municipal Alliance Coordinator for the Township of Dover, an individual must possess the following qualifications:

A. Preferred, but not required, graduation from a four-year course at an accredited college or university.

B. Experience or training in the ATOD (Alcohol, Tobacco and Other Drugs Council) field.

C. Experience in coordinating and managing programs in a related field.

§ 46-18. Duties.

The Municipal Alliance Coordinator shall be responsible for the planning, promotion, development and supervision of the Municipal Alliance Program as follows:

- A. Coordinating and assuring the implementation of all Alliance ATOD programs as outlined in the approved grant. These programs shall include, but not be limited to, Project Graduation, the Senior Citizen Awareness Program, the Tobacco Awareness Program, Teen Coffee Shop Night and the Monthly Newsletter.
- B. Gathering information for the community needs assessment and making recommendations for future grant applications based on that information.
- C. Coordinating and managing Alliance volunteers by scheduling meetings, providing information and training, overseeing committees and maintaining pertinent records.
- D. Providing the community with information on ATOD prevention, resources and specific Alliance programs through a monthly newsletter, press and other media releases.
- E. Organizing fund-raising activities that will provide additional funds as needed.
- F. Preparing the annual grant application which shall require attendance at Ocean County grant-related meetings/training and the compilation of statistical and financial information.
- G. Coordinating activities with other municipal agencies and organizations, including the Board of Education.
- H. Maintaining and filing all records in a central office. Such records shall include, but not be limited to, minutes of monthly meetings, financial records, the annual grant and related documents, program descriptions and evaluations, copies of the

newsletter, media releases, a video pamphlet library, correspondence with the County of Ocean and training and time records for Alliance volunteers.

§ 46-19. Compensation.

The salary for the position of Municipal Alliance Coordinator shall be paid in accordance with the terms and provisions of the Salary Ordinance of the Township of Dover. Said position shall also be funded by a grant from the Governor's Council on Alcoholism and Drug Abuse.

§ 46-20 Deputy Municipal Alliance Coordinator.

There is hereby created the office of Deputy Municipal Alliance Coordinator, which shall be a part-time position. The duties and responsibilities of the Deputy Municipal Alliance Coordinator shall be prescribed by the Municipal Alliance Coordinator.

Chapter 48

Department of Law and Community Development

§ 48-1 Department of Law and Community Development; Director; Qualifications.

There is hereby created the Department of Law and Community Development, the head of which shall be the Director of Law and Community Development, whom shall be the Township Attorney. To be appointed to the position of Director of Law and Community Development, an individual shall meet the following requirements:

- A. Graduation from an accredited college or university with a bachelor's degree.
- B. At least five (5) years experience in New Jersey, county, regional or municipal planning and/or engineering activities.
- C. Duly admitted to the practice of law in the State of New Jersey for at least five (5) years.

§ 48-2 Duties of the Director of Law and Community Development.

- A. He or she shall keep accurate records and books of account of all transactions as Director and of the work and transactions of his Department. He or she shall prepare budget recommendations for the Department and shall have full charge and management of the functions of the Department of Law and Community Development.
- B. He or she shall render to the Mayor and Township Council such reports, recommendations, drawings or other documents as may be required, at regular stated intervals or on special request therefor. He or she shall hold himself available for consultation and advice to all municipal officials and municipal boards or commissions and shall prepare and present to the Mayor and Township Council short- and long-range recommendations for the improvement of the Township in the areas within the functions and duties of his Department.
- C. He or she shall perform any and all duties as Township Attorney.

§ 48-3 Functions and duties.

In addition to any specific duties and obligations delineated herein, the Department of Law and Community Development shall:

- A.. Prepare needed reports, establish and maintain records and files and assist in the promulgation of municipal ordinances.

- B. Enforce the Zoning Ordinance of the Township of Dover.
- C. Issue zoning permits in the Township of Dover.
- D. Issue flood hazard letters in writing, when requested.
- E. Answer all inquiries with regard to zoning.
- F. Keep a record of all applications for permits and of all permits and certificates issued with a notation of all special conditions involved.
- G. File and safely keep copies of all proposed development plans submitted.
- H. Collect and record fees for zoning permits and flood letters.
- I. Prepare monthly reports for the Township Council summarizing all zoning permits and flood hazard letters issued by said Department, a copy of which shall also be given to the Tax Assessor.

§ 48-4 Divisions of Department of Law and Community Development.

Within the Department of Law and Community Development, there shall be the following divisions:

- A. Division of Law
- B. Division of Engineering
- C. Division of Conservation and Natural Resources
- D. Division of Economic Development
- E. Division of Land Use Regulation
- F. Division of Code Enforcement

§ 48-5 Division of Law.

There shall be a Division of Law, the head of which shall be the Township Attorney. The Township Attorney and the First and Second Assistant Township Attorneys shall be full-time and shall receive such compensation in accordance with the current Salary Ordinance. The Township Attorney, First Assistant Township Attorney and Second Assistant Township Attorney shall be deemed exempt employees pursuant to the Fair Labor Standards Act and regulations promulgated therewith.

A. Qualifications.

The Township Attorney, Assistant Township Attorneys and any Special Counsel shall be counselors at law duly admitted to practice of law in the State of New Jersey for at least five (5) years.

B. Powers and duties.

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

1. Advise the Council and its members, the Mayor and other officers of the Township, as to all matters which may be submitted to her or him for his or her opinion.
2. Review and approve all contracts, deeds, documents and instruments prior to the execution thereof by or on behalf of the Township.
3. Institute litigation and conduct appeals from orders, decisions or judgments affecting any interest of the Township as he or she may in his or her discretion determine to be necessary or desirable, subject to the approval of the Council.
4. Subject to the approval of Council, have the power to enter into any agreement, compromise or settlement of any litigation in which the Township is involved.
5. Render opinions in writing upon any question of law submitted to him or her by the Mayor, the Council, the Business Administrator, Municipal Clerk, Tax Assessor, or the head of any department in a prompt manner.
- 6.. 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.
7. Notify Council President within 48 hours of receipt by the Township Attorney of any tort claim notice or related document and any letter threatening litigation.
8. Attend such Council meetings as requested by Council.
9. Have such other and different functions, powers and duties as may be provided by the Charter, this Code or other ordinance.

§ 48-6 First Assistant Township Attorney

There is hereby created the position of Assistant Township Attorney, whom shall assist the Township Attorney in his or her duties pursuant to the provisions of this

Chapter above as legal advisor to the Mayor, Council and all departments, except as otherwise provided by the Charter or the Township Code. The First Assistant Township Attorney shall be supervisor to the Second Assistant Township Attorney.

§ 48-7 Second Assistant Township Attorney

There is hereby created the position of Second Assistant Township Attorney, whom shall assist the Township Attorney in his or her duties pursuant to the provisions of this Chapter above as legal advisor to the Mayor, Council and all departments, except as otherwise provided by the Charter or the Township Code.

§ 48-8 Special counsel.

Whenever in the opinion of the Township Attorney, special counsel should be appointed to handle specific litigations or matters, the Township Attorney shall provide his or her recommendation in writing to the Mayor and Township Council. Special counsel may only be appointed by resolution of the governing body. Such appointments shall be on a contractual basis and subject to contractual approval by the Council as required under Local Public Contracts Law.

§ 48-9. Division of Engineering

There is hereby created the Division of Engineering, the head of which shall be the Township Engineer. He or she shall be a licensed Professional Engineer of the State of New Jersey.

§ 48-10. Powers and Duties of Township Engineer

The Township Engineer shall perform such duties as are prescribed by general law and ordinance and, in addition, shall:

- (a) Prepare or cause to be prepared plans, designs and specifications for public works and improvements undertaken by the Township.
- (b) Provide and maintain surveys, maps, plans, specifications and control records with respect to public works and facilities owned or operated by the Township.
- (c) Provide technical and engineering advice and assistance to other Township departments and divisions as needed and as directed by the director of the Department of Law and Community Development.
- (d) Administer the various housing programs set up in the township to provide housing for families eligible to participate in the program for low- and moderate-income persons approved in the state and federal government.

(e) Administer the various township programs established for the purpose of rehabilitation of existing housing under applicable local, state and federal programs.

(f) Undertake any additional related duties as may be directed by the Director of Law and Community Development.

§ 48-11 Surrender of township property on termination of service.

All papers, documents, memoranda, reports and other materials relating to the administration of engineering duties of the engineer shall be and remain the property of the Township. Upon termination of his or her services with the Township, the engineer shall forthwith surrender to any successor all such property.

§ 48-12 Special Consulting Engineers

Whenever, in the opinion of the Township Engineer, special consulting engineers should be appointed for a specific or particular project or matter, the Township Engineer shall provide a recommendation in writing to the Mayor and Township Council. Special Counsel may only be appointed by resolution of the governing body.

§ 48-13 Division of Conservation and Natural Resources

There is hereby created a Division of Conservation and Natural Resources, the head of which shall be the Conservation Officer. The Conservation Officer shall act as a liaison to the Environmental Commission and Historic Preservation Commission and shall have such duties as prescribed by the Director of Law and Community Development and as delineated elsewhere throughout this Code.

§ 48-14 Division of Economic Development

There is hereby created a Division of Economic Development within the Department of Law and Community Development, the head of which shall be the Division Manager of Economic Development. As head of this Division, the Division Manager shall have the following duties:

A. Actively seek out and advise the Council of grants, funds and loans available for various projects and programs in the Township, including but not limited to, Community Development Block Grant program administered by the Office of Housing and Urban Development.

B. Act as liaison to the District Management Corporation for the Special Improvement District.

C. Act as liaison to the Industrial Commission.

§ 48- 15 Division of Land Use Regulation

There is hereby created a Division of Land Use Regulation within the Department of Law and Community Development, the head of which shall be the Division Manager of Land Use Regulation. As head of the Division of Land Use Regulation, the Division Manager shall have the following duties:

- A. Act as liaison to the Planning Board.
- B. Act as liaison to the Zoning Board of Adjustment.
- C. Act as liaison for the Rent Leveling Board.
- D. Supervise and advise the Zoning Officer in the performance of his or her duties.

§ 48-16 Zoning Officer.

A. Position created. There is hereby created the position of Zoning Officer of the Township of Dover.

B. Duties. The duties of the Zoning Officer shall be as follows:

(1)To enforce the zoning ordinances of the Township of Dover.

(2)To issue zoning permits.

(3)To issue flood hazard letters in writing when requested.

(4)To answer all inquiries with regard to zoning.

(5)To keep a record of all applications for permits and of all permits and certificates issued, with a notation of all special conditions involved.

(6)To file and safely keep copies of all plans submitted.

(7)To collect and record fees for zoning permits and flood letters.

(8)To prepare a monthly report for the Mayor and Township Council summarizing all activity of the previous months concerning the duties of the Zoning Officer.

C. The Zoning Officer shall be deemed to be the administrative officer as defined in N.J.S.A. 40:55D-3 and shall also issue certifications on behalf of the

Township of Dover certifying whether or not a subdivision has been approved by the Dover Township Planning Board, in accordance with N.J.S.A. 40:55D-56 and, in general, shall coordinate the efforts of the Planning Board of the Township of Dover and have such other duties or responsibilities as may, from time to time, be imposed with regard to the Planning Board.

D. The Zoning Officer shall conduct field inspections and special investigations to ensure compliance with various municipal ordinances, initiate and enforce rules and regulations in relation to enforcement of ordinances, initiate necessary legal action against violators of various municipal ordinances, prepare needed reports, establish and maintain the records and files and may assist in the promulgation of municipal ordinances.

§ 48-17 Deputy Zoning Officer.

There is hereby created the position of Deputy Zoning Officer.. The duties of the Deputy Zoning Officer shall be:

(1)To assist the Zoning Officer to enforce the zoning ordinances of the Township of Dover.

(2)To perform all of the duties of the Zoning Officer at his direction or in his absence.

§ 48-18 Planning Board support staff.

For purposes of administration, the Planning Board secretary and other clerical support staff of the Planning Board shall be under the auspices of the Department of Law and Community Development.

§ 48-19 Zoning Board of Adjustment support staff.

For purposes of administration, the Planning Board secretary and other clerical support staff of the Zoning Board of Adjustment shall be under the auspices of the Department of Law and Community Development.

§ 48- 20 Rent Leveling board support staff.

For purposes of administration, the Rent Leveling secretary and other clerical support staff of the Rent Leveling Board shall be under auspices of the Department of Law and Community Development.

§ 48-21 Division of Code Enforcement

There is hereby created within the Department of Law and Community Development, a Division of Code Enforcement, the head of which shall be the Code Enforcement Officer. The Division of Code Enforcement shall:

- A. Conduct field inspections and special investigations to ensure compliance with various municipal ordinances.
- B. Initiate and enforce rules and regulations in relation to enforcement of ordinances.
- C. Initiate necessary legal action against violators of various municipal ordinances.
- D. Perform any other such function as necessary to administer the purpose of this Department.

§ 48-22 Duties; Code Enforcement Officer

There is hereby created a Division of Code Enforcement, the head of which shall be the Code Enforcement Officer. The Code Enforcement Officer shall have the following duties:

- A. Responsible for enforcing the municipal ordinances and codes of the Township.
- B. Responsible for reviewing the municipal ordinances of the Township on a continuing basis and to make periodic reports to the immediate supervisor, not less than once every six months, advising the immediate supervisor as to recommendations for new ordinances or regulations or the amendment of existing ordinances or regulations of the Township of Dover.
- C. To attend all meetings of the Planning Board, Board of Adjustment and other meetings as required by the Director of Law and Community Development.
- D. To submit monthly reports to the Director of Law and Community Development detailing work performance.
- E. To make investigations, serve violation notices, make and process complaints for code violations and make court appearances as necessary in connection therewith.
- F. To maintain files of all papers and records pertinent to work performance.
- G. To perform such other duties as are required by resolution.

Chapter 50

Department of Law Enforcement

§ 50-1. Department and officers continued; duties; rules and regulations.

- A. There is hereby continued in the Township of Dover, in the County of Ocean, the Law Enforcement Department of the Township of Dover.
- B. Police officers regularly employed by the Township of Dover at the time of passage of this chapter shall continue as members of the Law Enforcement Department of the Township of Dover, in the County of Ocean.
- C. The Law Enforcement Department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Township of Dover; direct and control traffic; provide assistance and protection during emergencies; provide appearances in court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members and officers.
- D. The Business Administrator shall be designated as the appropriate authority as provided by N.J.S.A. 40A:14-118. The Business Administrator shall be responsible for the overall performance of the Law Enforcement Department. The Business Administrator shall adopt and promulgate Rules and Regulations for the government of the Law Enforcement Department and for the discipline of its members.

§ 50-2. Appointments and tenure; leaves of absence.

- A. All appointments by the Township and promotions shall be for a probationary period of one year after graduation from the police academy, or one year after date of hire if appointment was made after graduation from police academy, after which the appointment or promotion shall be made permanent by the Township, by resolution, upon the recommendation of the Chief of Police. The Township, after considering the recommendation of the Chief of Police, may, in its absolute discretion, terminate the employment of any probationary appointee without cause or refuse to make a permanent promotion at any time during said one-year period. Except as otherwise provided by law, the employment of permanent members of the Law Enforcement Department shall be indeterminate and continuous during good behavior and efficiency.
- B. The Chief of Police shall be appointed to the office of the Chief of Police by the Mayor with the advice and consent of the Township Council, and such appointment shall not be subject to a probationary period or recommendation. The Chief of Police shall have served at least one year time in grade as Deputy Chief or Captain.

- C. The Deputy Chief of Police shall be appointed to the office of Deputy Chief after consultation with the Chief of Police, and such appointment shall not be subject to probationary period or recommendation. The Deputy Chief of Police shall have served at least one year time in grade as Captain.
- D. Any full-time police officer who shall be injured, ill or disabled from any cause shall be granted a leave of absence with pay not exceeding one year pursuant to N.J.S.A. 40A:14-137, provided that the appointed Police Physician shall certify to such illness or disability.

ARTICLE II, Organization

§ 50-3. Establishment of offices and positions.

The following offices and positions, and the authorized number of such offices, if so limited, are hereby established:

- A. Chief of Police: one.
- B. Deputy Chief of Police: one.
- C. Captain of Police: three.
- D. Lieutenant of Police: six.
- E. Sergeant of Police: 15.
- F. Detective of Police. 16
- G. Traffic safety officer. 1
- H. Police officers. 110
- I. Communications Dispatcher
- I Confidential Secretary to the Chief of Police
- J. Records Supervisor.
- K. Secretary.
- L. Bookkeeper.
- M. Records Attendant, full and part time.

N.. Adult School Crossing Guards pursuant to N.J.S.A. 40A:9-154.1 et seq. To be appointed as provided by N.J.S.A. 40A:9-154.1 when determined by the Chief of Police as necessary for the efficient operation of the Law Enforcement Department and in a number as determined by the Chief of Police as necessary for the efficient operation of the Law Enforcement Department.

O. Public Service Aide. To be appointed when determined by the Chief of Police as necessary for the efficient operation of the Law Enforcement Department and in a number as determined by the Chief of Police as necessary for the efficient operation of the Law Enforcement Department.

P. Public Administrative Aide. To be appointed when determined by the Chief of Police as necessary for the efficient operation of the Law Enforcement Department and in a number as determined by the Chief of Police as necessary for the efficient operation of the Law Enforcement Department.

Q. Mechanic.

§ 50-4. Divisions, bureaus and special positions.

Divisions, bureaus and special positions may be established by the Chief of Police by regulations as hereinafter provided, except that such regulations shall provide for Detective and Safety Bureaus and shall be subject to the approval of the Business Administrator in his or her capacity as Appropriate Authority. Promotions to Detective and Traffic Safety Officer shall be made after considering the recommendations of the Chief of Police.

§ 50-5. Special law enforcement officers.

The Township may appoint from time to time special law enforcement officers in accordance with N.J.S.A. 40A:14-146.8 et seq. for terms not exceeding one year. They shall possess and exercise all the powers and duties provided by said statutes during their term in office, but shall not be continued as regular members of the Law Enforcement Department and shall not be entitled to tenure. The Chief of Police may authorize special law enforcement officers when on duty to exercise the same powers and authority as regular members of the Law Enforcement Department, including the carrying of firearms and the power of arrest in accordance with N.J.S.A. 40A:14-146.15. Additionally, auxiliary police officers may be appointed pursuant to Law Enforcement Departmental Policies and Procedures.

§ 50-6. Police Physician; Police Surgeon; Police Orthopedic Physician.

There is hereby created the position of Police Physician for the purpose of conducting examinations and providing medical services for personnel of the Department of Law

Enforcement. There is also created the offices of Police Psychologist/Psychiatrist, Police Surgeon and Police Orthopedic Physician. The duties of Police Psychologist/Psychiatrist, Police Physician, Police Surgeon and Police Orthopedic Physician shall be as provided by law, and they shall receive such compensation as annually provided for in the applicable contract as negotiated by the Mayor and approved by the Township Council.

§ 50-7. Limitation on number of positions.

Where no specific number of authorized positions is indicated herein, the number shall be limited only insofar as appointments to such positions are made from time to time by the Township, pursuant to this Code and other applicable laws and regulations.

ARTICLE III, Qualifications; Promotions

§ 50-8 Qualifications

In addition to the specific qualifications for appointment to police officer as required by N.J.S.A. 40A:14-122, or special law enforcement officer as required by N.J.S.A. 40A:14-146.10, the following general qualifications shall apply. No person shall be appointed an officer in the Department unless that person:

- A. Completes an application on a form provided for such purpose. Any misstatement or nonstatement of essential facts in such application shall be sufficient cause for rejection of the applicant or for dismissal from the Department if not discovered until after the appointment is made.
- B. Is a citizen of the United States.
- C. Is able to read, write and speak the English language well and intelligently.
- D. Is sound in body and of good health.
- E. Is of good moral character.
- F. Never has been convicted of any criminal offense involving moral turpitude.
- G. Has his or her fingerprints taken, which shall be filed with the State Police and the Federal Bureau of Investigation.

H. Having been a member of the armed forces, shall have completed such services under honorable conditions.

§ 50-9. Reserved.

§ 50-10 Police officers.

In addition to the minimum requirements set forth in this article, the following qualifications are a prerequisite for appointment to the position of police officer:

- A. Bachelor of Science or Bachelor of Arts degree from an accredited college or 64 credit hours from an accredited college, combined with either two years full-time regular police experience or two years full-time active duty military experience. Appointments made prior to May 15, 2000, shall have met the requirements in the preexisting ordinances and regulations.
- B. Passage of a written examination approved by the Chief of Police and the Township Council.
- C. Interviews based on ability to communicate and comprehend, awareness of social trends and imperatives, attitude and temperament, adaptability to varying situations and similar factors; the interviews to be conducted by the command officers of the Law Enforcement Department.
- D. Possession of a valid New Jersey driver's license by the time of appointment to position.
- E. Passage of an appropriate physical agility examination.
- F. Passage of a medical examination conducted by the Police Physician sufficient to satisfy the Board of Trustees of the Police and Firemen's Retirement System of New Jersey as to the officer's eligibility for membership in the retirement system.
- G. Certification by a State Certified Psychologist selected by the Township that the candidate for appointment is emotionally and mentally capable of assuming the duties of police officer.
- H. Passage of a prescribed swimming test.

§ 50-11. Promotions.

- A. Promotion of any police officer of the Department to a superior position shall be made from the membership of the Department after a promotional procedure as set forth in this section. Promotions shall become effective after formal approval by resolution of the Township Council after consideration of a report prepared by the Chief of Police regarding the candidate for promotion.
- B. No police officer of the Department shall be eligible for promotion to Traffic Safety Officer until that officer has served at least three continuous years in the Department.
- C. No police officer of the Department shall be eligible for promotion to Detective until that officer has served at least five continuous years in the Department.
- D. No police officer of the Department shall be eligible to participate in the promotion procedure for the position of Sergeant until that officer has served five continuous years in the Department as a police officer.
- E. No Sergeant shall be eligible to participate in the promotion procedure for promotion to Lieutenant until that Sergeant has served two years as a Sergeant.
- F. No Lieutenant shall be eligible to participate in the promotion procedure for promotion to Captain until that Lieutenant has served two years as a Lieutenant.
- G. In addition to the other qualifications for promotion hereinabove set forth, qualifications for promotion to Sergeant, Lieutenant, Captain and Deputy Chief shall be based on a promotional process which considers the following factors.

(1) Sergeant. In accordance with N.J.S.A. 40A:14-129, due consideration shall be given to the length and merit of service and to seniority in service to any candidate for promotion to Sergeant. Further, specific consideration shall be given in accordance with the following criteria:

Grading of the Review Board: 70%; grading of present department supervisor, or department supervisor who had the most supervisory contact with applicant in the prior three-year period: 20%; longevity: 0.0555% for every month of service to a maximum of 10%.

(2) Lieutenant. In accordance with N.J.S.A. 40A:14-129, due consideration shall be given to the length and merit of service and to

seniority in service to any candidate for promotion to Lieutenant. Further, specific consideration shall be given in accordance with the following criteria:

Grading of the Review Board: 70%; grading of present department supervisor, or department supervisor who had the most supervisory contact with applicant in the prior three-year period: 20%; longevity: 0.0555% for every month of service to a maximum of 10%.

- (3) Captain. In accordance with N.J.S.A. 40A:14-129, due consideration shall be given to the length and merit of service and to seniority in service to any candidate for promotion to Captain. Specific consideration shall be given to the recommendation of the Chief of Police-which shall be based on the aforementioned statutory factors.

(4) Deputy Chief of Police. In accordance with N.J.S.A. 40A:14-129, due consideration shall be given to the length and merit of service and to seniority in service to any candidate for promotion to Deputy Chief of Police. Specific consideration shall be given to the recommendation of the Chief of Police which shall be based on the aforementioned statutory factors.

I. Review Boards. The Chief of Police shall be responsible to designate a Review Board for promotional purposes which shall make its recommendation to the Chief of Police, and the Chief shall forward that recommendation as part of the total promotional report to the Township Council for its consideration.

J. Promotion list. The promotion list will be in effect for three years.

K. In addition to the other qualifications for promotion herein set forth, officers will be assigned to the Detective Bureau upon the recommendation of the Chief of Police, based upon an interview by the Chief of Police, the Bureau Commander and a another supervisor as well as a review of the officer's work record. The officers will serve a one-year probationary period. Upon successful completion of the one-year probationary period, officers will be eligible for permanent promotion to Detective. That promotion shall be based on a promotional process which consists of a subjective evaluation of the candidates with respect to the following criteria: initiative, teamwork, report writing, interviewing, organization and work knowledge.

§ 50-12. Reserved.

§ 50-13 Oath

Before any appointment or promotion can become effective, the appointee shall take an oath or affirmation as prescribed by regulation as herein after provided.

ARTICLE IV, Powers and Duties

§ 50-14 Chief of Police

- A. Authority. The Chief of Police is the chief executive of the Department and shall exercise authority in all matters of operations and discipline, except as otherwise set forth herein.
- B. Responsibilities. The Chief of Police is responsible for supervising the enforcement of all laws and ordinances within the legal jurisdiction of the Law Enforcement Department of the Township of Dover; for planning, directing, coordinating, controlling and staffing all activities of the Department; for its continued and efficient operation; for the enforcement of its rules and regulations; for the completion and forwarding of such reports as may be required by competent authority; and for its relations with the public, the Mayor, the Township Council and other governmental agencies.
- C. Duties. The Chief of Police shall be the head of the police force and he shall be directly responsible to the Business Administrator for the efficiency and routine day-to-day operations of the Law Enforcement Department. Pursuant to policies established by the Business Administrator, the Chief of Police shall:
- (1) Administer and enforce the Rules and Regulations of the Law Enforcement Department and any special emergency directive for the disposition and discipline of the Department and its members and officers;
 - (2) Have, exercise and discharge the functions, powers and duties of the Law Enforcement Department;
 - (3) Prescribe the duties and assignments of all members and officers;
 - (4) Delegate such authority as may be deemed necessary for the efficient operation of the Law Enforcement Department to be exercised under the Chief's direction and control; and
 - (5) Report at least monthly to the Township Council in such form as shall be prescribed on the operation of the Law Enforcement Department during the preceding month and make such other reports as may be requested by the Township Council.

§ 50-15. Deputy Chief of Police.

- A. Authority and responsibilities. The Deputy Chief of Police shall be the principal assistant to the Chief of Police and shall perform such duties of a command or executive nature as may be assigned to him by the Chief of Police.
- B. Absence or disability. During the absence or disability of the Chief of Police, the Deputy Chief of Police shall possess all the powers, responsibilities and authority of the Chief of Police. Disability shall be determined in accordance with N.J.S.A. 40A:14-137 and Subsection 50-2D above. No determination of permanent disability shall be effective without concurrence by the Board of Trustees of the Police and Firemen's Retirement System of New Jersey and that there shall be no loss of salary or longevity during periods of temporary disability.

§ 50-16. Division commanders, commanding officers, shift commanders and supervisory officers.

Ranking officers' authority, responsibilities and duties within the Department shall be set forth in rules and regulations promulgated by the Chief of Police and approved by the Business Administrator in his or her capacity as appropriate authority as hereinafter provided.

ARTICLE V, Rules and Regulations

§ 50-17. Establishment of policies and procedures; posting of notice; when effective .

- A. In accordance with N.J.S.A. 40A:14-118, the Business Administrator, in his or her capacity as the Appropriate Authority, shall adopt and promulgate rules and regulations for the government of the Law Enforcement Department and for the discipline of its members, after consideration of the recommendations by the Chief of Police.
- B. All rules and regulations promulgated by the Business Administrator shall be posted upon the Department bulletin board and distributed via memorandum to members of the Department. An acknowledgment of receipt shall accompany each manual and shall state that the policies and procedures, rules and regulations apply to all members and employees of the Department. The acknowledgment shall be signed and dated by each employee receiving the manual. Said acknowledgment shall be placed in the employee's personnel file.

- C. Such rules or regulations, including amendments thereto, shall not take effect until 30 days after posting.

§ 50-18. Manual form; distribution of copies.

A. The Rules and Regulations of the Department and the Department Policies and Procedures shall be maintained in manual form under the direction of the Business Administrator. All employees of the Department shall comply with said policies and procedures, rules and regulations.

B. A copy of the Rules and Regulations of the Department and the Departmental Policies and Procedures shall be maintained in the following locations:

- (1) The office of the Township Administrator.
- (2) The office of the Chief of Police.
- (3) The Watch Commander's office.
- (4) The office of Professional Standards.

C. A copy of the Rules and Regulations of the Department and the Departmental Policies and Procedures shall be maintained in electronic form, on-line, on the Law Enforcement Department computer network and will be available to all department employees.

ARTICLE VI, Police Chaplain

§ 50-19. Position created; appointment; qualifications.

There is hereby established the position of Police Chaplain in the Law Enforcement Department, and the person or persons so designated shall be appointed for an annual term by resolution of the Township Council. Any person appointed as Chaplain shall be an ordained clergyman in good standing in the religious body for which that person is selected. Such Chaplain shall become a member of the Law Enforcement Department, without rank and without salary.

ARTICLE VII, Rules of Discipline

§ 50-20. Authority to discipline.

- A. Within the limitations set forth in N.J.S.A. 40A:14-147 to 40A:14-151, inclusive, Chapter 50 of the "Code of the Township of Dover, New Jersey," any appropriate collective bargaining agreements between the Township of Dover affecting the employees effected by the discipline, the Rules and Regulations of the Township Law Enforcement Department and the Departmental Policies and Procedures, the departmental disciplinary authority and responsibility rests with the Chief of Police or his or her representative designated by him in writing to the Township Council.
- B. No sworn member or officer of the Law Enforcement Department shall be suspended, removed, fined or reduced in rank for any cause other than for incapacity, misconduct or disobedience as provided in the New Jersey statutes, the Law Enforcement Department's Rules and Regulations and Departmental Policies and Procedures.
- C. Revocation of appointment of special law enforcement officers with or without cause shall be conducted in accordance with N.J.S.A. 40A:14-146.14.

§ 50-21. Conflict with laws and contract provisions.

Nothing contained herein shall operate to deny any member or employee of the Department any rights guaranteed under applicable law and any collective bargaining agreement.

ARTICLE VIII, Secondary Employment

§ 50-22. Administration by the Township.

The Township shall administer secondary employment for Township police officers. At all times during such secondary employment, Township police officers shall be considered to be in the employment of the Township of Dover. Administration of secondary employment will be consistent with the current sidebar agreement for secondary employment between the Township of Dover and the Dover Township Police Officers' Association. The Chief of Police or his or her designee shall have the authority to enter into contracts with users of secondary employment services which shall be consistent with the terms of this article.

§ 50-23 . Protective secondary employment.

Protective secondary employment shall be charged to users at a rate as established by separate ordinance

ARTICLE IX COMMUNITY SERVICE OFFICERS

§ 50-24 Division of Community Service

There is hereby created a Division of Community Service under the direct supervision of the Emergency Medical Service Coordinator, whom shall be a police officer within the Department of Law Enforcement. The Division shall provide emergency medical transport services as a supplement to the services provided by the volunteer rescue squads of the Township. Community service officers, whether full-time or part-time, shall be considered employees of the Township.

Chapter 52

Department of Parks, Buildings and Grounds

§ 52-1 Department established.

There is hereby created the Department of Parks, Buildings and Grounds, the head of which shall be Director of Parks, Buildings and Grounds. The Department of Buildings and Grounds shall maintain all public buildings, grounds, real property and parks, including garbage removal and maintenance of restroom facilities. The Director shall supervise and direct the employees engaged in the maintenance and custodial services for the Municipal Complex and other Dover Township public buildings, grounds, real property, docks, wharves, bulkheads, piers and parks. The Director shall 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 and snow removal areas.

§ 52- Positions created.

There is hereby created within the Department of Parks, Buildings and Grounds the following positions:

- (1) Parks Foreman
- (2) Senior Groundsman
- (3) Groundsman, full-time
- (4) Groundsman, part-time
- (5) Pool workers.

The duties of the Parks Foreman, Senior Groundsman, and Groundsman, full-time, and Groundsman, part-time, and Pool workers shall be as delineated by the Director of Buildings and Grounds.

§ 52- Division of Environmental Health Services.

There shall be a Division of Environmental Health Services with the Department of Parks, Buildings and Grounds, the head of which shall be the Division Manager of Parks, Buildings and Grounds, which shall be responsible for proper testing of bathing beach waters and municipal swimming pool waters, as well as any other duties as prescribed by the Director of Parks, Buildings and Grounds.

Chapter 54

Department of Public Works

§ 54-1 Department established; term of Director; Deputy Director.

There is hereby created the Department of Public Works, the head of which shall be the Director of Public Works. The Director shall be appointed by the Mayor with the advice and consent of the Township Council. There shall also be a Deputy Director of Public Works, who shall be appointed by the Director with the approval of the Mayor.

§ 54-2. Creation of positions.

A. Foreman. There is hereby created the position of Foreman. There shall be a Foreman for each Division of the Department of Public Works, whom shall be under the supervision of the Director of Public Works. Foremen shall organize and develop suitable work programs for the varied functions of public works; supervise collection of solid waste and recycling; give suitable assignments and instructions to individuals and groups and supervise their work; as applicable to the Division assigned, supervise the cleaning and repair of streets and sewers, the paving of streets, the maintenance of piers, and the maintenance and care of the garbage dumps; make investigations of complaints dealing with public works and take proper action to see that needed repairs are made with a minimum of delay; prepare suitable reports; obtain, store, safeguard and supervise the proper use of needed equipment, materials and supplies; and keep needed records and files and perform such other related tasks as are required by the Director and Township Council.

B. Public Works Recycling Foreman, Enforcement. There is hereby created within the Department of Public Works the position of Public Works Recycling Foreman. The Public Works Recycling Foreman shall perform all duties of Public Works Foreman and be responsible for and have authority for enforcement of Chapter 232, Burning, Outdoor; and Chapter 442, Solid Waste, of the Code of the Township of Dover.

C. Laborer. There is hereby created the position of Laborer. Under the direction of the appropriate Division Foreman, the Laborer shall primarily perform varied types of manual and unskilled laboring work; may drive a truck in connection with laboring work on occasion; and do related work as required.

D. Mechanic. There is hereby created the position of Mechanic. Under the direction of the appropriate Division Foreman, the Mechanic shall perform varied mechanical work involved in the repair, maintenance, and servicing of motor vehicles and/or construction equipment working with various machines and hand tools common to the trade. The Mechanic shall do related work as required.

E. Driver. There is hereby created the position of Driver. Under the direction of the appropriate Division Foreman, the Driver shall possess a valid Commercial Driver's License and shall drive a truck to transport materials, equipment or people, which includes, but is not limited to, Robo-garbage trucks and recycling trucks.

F. Operator. There is hereby created the position of Operator. Under the direction of the appropriate Division Foreman, Operator shall perform such duties as required by the Director of Public Works.

G. Clerical Staff. There is hereby created the position of Senior Secretary, Secretary, Bookkeeper, and Clerk-Bookkeeper for the Department of Public Works, who shall perform such bookkeeping, payroll and clerical duties as required by the Director of Public Works.

§ 54-3 Divisions within Department of Public Works.

The following divisions are created within the Department of Public Works:

- A. Division of Roads.
- B. Division of Equipment/Maintenance.
- C. Division of Recycling.
- D. Division of Sanitation.

§ 54-4 Division of Roads; powers and duties.

The Division of Roads shall:

- A. Construct, repair and maintain all Township streets and roads, including pothole repair, and the cleaning and repair of catch basins.
- B. Remove snow from Township streets and roads.
- C. Maintain all signs, traffic markers, and streetlights which are owned or under the control of the Township.
- D. Perform heavy street, road, drainage and park construction projects.
- E. Maintain all drainage facilities located upon Township property.

§ 54-5 Division of Sanitation.

There is hereby created a Division of Sanitation within the Department of Public Works, which shall be responsible for the collection and disposal of solid waste, to include the operation and use of the Township Landfill.

§ 54-6 Division of Equipment/Maintenance; powers and duties.

The Division of Equipment/Maintenance shall:

- A. Maintain automotive and radio equipment owned or controlled by the Township.
- B. Operate the centralized garage and motor pool.
- C. Undertake performance analysis of Township equipment.

§ 54-7 Division of Recycling; powers and duties.

The Division of Recycling shall be responsible for:

- A. Administering the recycling program of the Township of Dover under Chapter 442 of the Township Code.
- B. Administering leaf collection throughout the Township.
- C. Organizing and maintaining the Dover Township Convenience Center and leaf yard.

Chapter 56

Department of Recreation

§ 56-1 Director of Recreation

There shall be a Department of Recreation, the head of which shall be the Director of Recreation. He or she shall be appointed by the Mayor with the advice and consent of the Township Council. The salary and compensation of the Director shall be fixed by Council and shall be within the current Salary Ordinance. The Director shall possess a Bachelor's degree in recreation or a closely-related field and have at least five (5) years experience in management and operations of recreational programs and activities.

§ 56-2 Powers and Duties of the Director.

The Director of Recreation shall:

- a. Administer the work of the department, and administer and operate swimming pools, playgrounds, facilities for indoor and outdoor sports, athletic, cultural and recreational programs and activities for children, youth and adults of the Township, including celebration of events, holiday activities and summer camps; and where authorized by law and by resolution of the Township Council, charge and collect on behalf of the Township a reasonable fee for each person for admission to or use of facilities, programs and activities provided for under this provision.
- 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. Adopt reasonable rules, regulations and bylaws, subject to approval of the Council, for the conduct of all persons participating in programs and activities or utilizing recreational facilities or equipment sponsored by the Department.
- f. Study, investigate, develop and recommend recreation programs in conjunction with the recreation committee.

- g. Conduct studies of the present and future 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.
- h. Maintain such records as may be required to control department receipts, property and personnel, and provide information to the Mayor for budgeting and financing of recreational programs. Such records shall include time cards, or the equivalent Township-approved time tracking device, for part-time and seasonal personnel.
- i. Be responsible to the Township Council for the proper custody and preservation of the books, records and property under his or her control, and for the faithful performance of his or her duties.
- j. Submit to the Mayor monthly reports concerning the conduct and progress of the department, including receipts and monies.
- k. Administer the expenditure of funds in accordance with the annual budget.
- l. Administer the management of the public golf courses and ice rinks.
- m. Operate programs related to Township beaches and boardwalks.
- n. Hire part-time and seasonal staff as needed, with the approval of the Mayor, to carry out the functions of the Department.

§ 56-3 Assistant Director of Recreation.

- a. There may be an Assistant Director of 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 Director with the approval of the Mayor and shall possess a Bachelor's degree in recreation or a closely-related field and have five (5) years experience in managing and operating recreational programs and activities.
- b. The Assistant Director shall carry out such duties as specifically designated by the Director and in the absence of the Director, assume all of the duties, responsibilities, and powers of the Director as designated in this section.

§ 56-4 Program Director

There is hereby created the position of Program Director who shall be responsible for:

- a. Efficient operation of individual recreation programs as established including summer playground programs and all seasonal programs.
- b. Maintaining accurate records relating to attendance of participants and staff.

§ 56-5 Positions created.

There is hereby created the following positions within the Department of Recreation:

- (1) Program Supervisor
- (2) Beach Supervisor
- (3) Security Officer.
- (4) Maintenance worker.
- (5) Senior Maintenance worker.

§ 56-6 Bey Lea Public Golf Course.

The Department of Recreation shall be responsible for:

- (A.) Operating and administering Bey Lea Golf Course and Clubhouse.
- (B) Enforcing all applicable regulations for the use and safe operation of said golf course.
- (C) Administering the collection of funds and proper custody and preservation of books, records, and property of Bey Lea Golf Course.

§56-7 Winding River Ice Rink

The Department of Recreation shall be responsible for:

- (A) Operating and administering Winding River Ice Rink.
- (B) Enforcing all applicable regulations for the use and safe operation of said rink.
- (C) Administering the collection of funds and proper custody and preservation of books, records, and property of Winding River Ice Rink.

Chapter 60

Municipal Court

§ 60-1 Continuance.

The Municipal Court of the Township heretofore established as of January 1, 1949, in accordance with applicable law (now N.J.S.A. 2B:12-1 et seq.), is hereby continued.

§ 60-2 Name of Court

The name of the Municipal Court shall be the "Municipal Court of the Township of Dover."

§ 60-3 Seal

The Municipal Court shall have an official seal which shall bear the impress of the name of the Court.

§ 60-4 Municipal Court Judges; Appointments; Qualifications; Term

The Municipal Court of the Township shall have two judges who shall be appointed by the Mayor with the advice and consent of the Township Council. Said judges shall have the qualifications required by law. The judges shall each serve terms of three (3) years from the date of appointment and until their successors are appointed and qualified.

§ 60-5 Compensation of judges

Judges of the Municipal Court shall be compensated by an annual salary as established by Township Council. This compensation is in lieu of any and all other fees.

§ 60-6 Jurisdiction; powers; duties

The Municipal Court and the judges thereof shall have, possess and exercise all the jurisdictions, powers, functions and duties which are or may be conferred by law and the applicable rules of the Supreme Court of New Jersey.

§ 60-7 Court Administrator; Term; Appointment; Duties

There shall be a Court Administrator who shall be appointed by the Mayor with the advice and consent of Township Council. The Court Administrator shall serve for a term of three years from January 1 of the year in which he or she is appointed and until a successor is appointed and qualified. The Court Administrator shall receive such compensation as established by Township Council. The Court Administrator shall supervise and administer the work of the Municipal Court, subject to the direction of the judges and applicable statutes and Court rules, and act as the Clerk of said Court according to statute and the rules of Court

§ 60-8 Court costs; payment to State of New Jersey.

For violations of Title 39 of the New Jersey Revised Statutes, municipal ordinances and violations of state law which are subject to Municipal Court jurisdiction, the Municipal Court is authorized, at its discretion, to charge court costs up to, but not exceeding, the maximum amount as is permitted by N.J.S.A. 22A:3-4. For every such violation, all costs assessed pursuant to N.J.S.A. 22A:3-4 which are payable to the State of New Jersey shall not be suspended and must be collected by the Municipal Court and transmitted to the applicable state fund.

Chapter 62

Office of Municipal Public Defender

§ 62-1 Office of Municipal Public Defender; Office created; qualifications; term.

There is hereby created the Office of the Municipal Public Defender. The Mayor, with the advice and consent of Township Council, may designate one or more attorneys at law of the State of New Jersey to provide representation of persons entitled by law to appointment of counsel pursuant to the terms of N.J.S.A. 2B:24-3 for crimes and offenses cognizable by the Municipal Court of the Township of Dover. He or she shall serve for a term of one (1) year and thereafter until his or her successor has been appointed and qualified.

§ 62-2. Duties. The Public Defender shall defend indigent persons in the Municipal Court of the Township of Dover upon being requested to do so by the Municipal Judge and shall perform such other duties as may be required by the N.J.S.A. 2B:24-6, other applicable statute, and the Rules of Court.

§ 62-3. Application fee. Pursuant to N.J.S.A. 2B:24-1 et seq., the Township of Dover shall require any person applying for representation by the Municipal Public Defender to pay an application fee of not more than \$200. The Municipal Court may waive any required application fee, in whole or in part, if the Court determines, in its discretion, that the application fee represents an unreasonable burden on the person seeking representation.

§ 62-4. Investigator; duties. There is hereby created the position of Investigator, whose duties shall be to investigate the qualifications for assistance of any indigent defendant pursuant to N.J.S.A. 2B:24-7 et seq. The Investigator shall be appointed by the Public Defender.

§ 62-5. Compensation. The annual salary for the Municipal Public Defender and the Investigator shall be established by Township Council by ordinance. The compensation of a Municipal Public Defender for services rendered shall be in lieu of any and all other compensation by the Township.

§ 62-6 Removal. In addition to any other means provided by law for the removal from office of a public official, a Municipal Public Defender may be removed by the Township Council for good cause and after a public hearing, and upon due notice and an opportunity to be heard.

§ 62-7 Other representation. The Municipal Public Defender may represent private clients in any municipality, including the municipality where they act as a Municipal Public Defender, subject to the Rules of Court Governing the Conduct of Lawyers, Judges and Court Personnel.

Chapter 64

Office of Municipal Prosecutor

§ 64-1 Office of Municipal Prosecutor; Position created.

There is hereby created the position of Municipal Court Prosecutor.

§ 64-2 Qualifications.

The Municipal Court Prosecutor shall be an attorney at law of the State of New Jersey in good standing.

§ 64-3. Appointment and term of office.

The Municipal Court Prosecutor shall be appointed by the Mayor, with the advice and consent of the Township Council. He or she shall serve for a term of one (1) year and until his or her successor is appointed and qualified.

§ 64-4 Duties.

The Municipal Court Prosecutor shall appear in the Municipal Court on behalf of the State of New Jersey or the Township of Dover in any case therein pending, upon the request of the Municipal Judge, the Chief of Police or directive of the Mayor or Council. He shall exercise the powers and duties assigned to such office by N.J.S.A. 2B:25-5, any other applicable statutes, and Rules of Court of the State of New Jersey.

§ 64-5. Compensation.

The Municipal Court Prosecutor shall be compensated in accordance with a professional services contract as approved by resolution of the Township Council. The compensation shall be in lieu of any and all other fees; provided, however, that when a municipal prosecutor is assigned to prosecute a de novo appeal in Superior Court, the prosecutor shall be entitled to additional compensation unless the municipality expressly provides otherwise at the time the compensation is fixed.

Chapter 66

Office of Emergency Management

§ 66-1 Office of Emergency Management

A. The Mayor shall appoint an Emergency Management Coordinator from among the residents of the Township of Dover. The Emergency Management Coordinator shall serve, subject to fulfilling the requirements of this section, for a term of three (3) years.

B. As a condition of his appointment and his right to continue for the full term of his appointment, the Emergency Management Coordinator shall have successfully completed, at the time of his appointment or within one (1) year immediately following his appointment, the current approved Home Study Course and the basic Emergency Management workshop. The failure of any Emergency Management Coordinator to fulfill such requirements within the period prescribed shall disqualify the Coordinator from continuing in the office of Coordinator, and, thereupon, a vacancy in said office shall be deemed to have been created.

§ 66-2 Deputy Coordinator

The Emergency Management Coordinator shall appoint an Emergency Management Deputy Coordinator with the approval of the Mayor. Wherever possible, such Deputy shall be appointed from among the salaried officers or employees of the Township.

§ 66-3 Duties of Coordinator.

A. The Emergency Management Coordinator shall be responsible for the planning, activating, coordinating and the conduct of disaster control operations within the Township.

B. Whenever, in his or her opinion, a disaster has occurred or is imminent in any municipality, the Emergency Management Coordinator of that municipality shall proclaim a state or local disaster emergency within the Township. The Emergency Management Coordinator, in accordance with regulations promulgated by the State Director of Emergency Management, shall be empowered to issue and enforce such orders as may be necessary to implement and carry out emergency management operations and to protect the health, safety and resources of the residents of the Township.

§ 66-4 Emergency Management Council

There is hereby created an Emergency Management Service Council, to be composed of not more than fifteen (15) members, who shall be appointed by the Mayor and shall hold office at the will and pleasure of the Mayor. The Emergency Management Coordinator shall be a member and shall serve as Chairman of the Emergency Management Service Council. The members of the Emergency Management Service Council shall include the Mayor, the Chief of Police, representatives from Fire District #1 and #2, representatives from all First Aid squads, the Director of Public Works, an Environmental Officer, a Health officer, Social Service personnel, a resource manager, a public information officer, a shelter manager and one or more community group representatives.

§ 66-5 . Duties of Emergency Management Council.

A. The Emergency Management Service Council shall assist the municipality in establishing the various local volunteer agencies needed to meet the requirements of all local civil defense and disaster control activities in accordance with the rules and regulations established by the Governor of the State of New Jersey in pursuance of the provisions of act concerning emergency management.

B. The Emergency Management Service Council is authorized, within the limits of appropriations, to establish an adequate organization to assist in supervising and coordinating the civil defense and disaster control activities of the local municipality.

Chapter 71

Statutory Boards and Commissions

The following Boards and Commissions shall be established in accordance with this Chapter:

A. Board of Adjustment

The Zoning Board of Adjustment is established in Chapter 348, Land Use and Development Regulations.

B. Environmental Commission

(1) Creation. There is hereby created an Environmental Commission for the protection, development or use of the natural resources within the Township and to be known as the "Dover Environmental Commission." Said Commission is created pursuant to N.J.S.A. 40:56A-1 to -5.

(2) Membership of Environmental Commission. The Commission shall consist of seven members appointed by the Mayor, one of whom shall also be a member of the Planning Board and all of whom shall be residents of the Township of Dover. The members shall serve without compensation. The Mayor shall annually designate one of the members to serve as Chairman and presiding officer of the Commission. The terms of office of each member shall commence on January 1 of the year of appointment and shall be for a term of three years, to expire on December 31 of the third year. A vacancy occurring otherwise than by the expiration of the term shall be filled by the appointing authority for the unexpired term only.

(3) Removal. 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 or by counsel. A vacancy on the Commission occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

(4) Alternate members. In addition to the regular members, the Environmental Commission shall have two alternate members, designated as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two years. A vacancy occurring otherwise than by the expiration of the term shall be filled by the appointing authority for the unexpired term only. The terms of alternate members shall commence on January 1 of the year of appointment and expire on December 31 of the second year.

(5) Powers and duties of Environmental Commission. The Commission is established for the protection, development or use of natural resources, including water resources, located within the territorial limits of the Township of Dover. The Commission shall have power to conduct research into the use and possible use of the open land areas of the Township and may coordinate the activities of unofficial bodies organized for similar purposes and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which, in its judgment, it deems necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas, and may from time to time recommend to the Planning Board plans and programs for inclusion in the Master Plan and the development and use of such areas.

(6) Acquisition of property by Environmental Commission. The Environmental Commission may, subject to the approval of the Township Council, acquire property, both real and personal, in the name of the Township, by gift, purchase, grant, bequest, devise or lease for any of its purposes and shall administer the same for such purposes subject to the terms of the conveyance or gift. Such an acquisition may be to acquire the fee or any lesser interest, development right, easement (including conservation easement), covenant or other contractual right (including a conveyance on conditions or with limitations or reversions), as may be necessary to acquire, maintain, improve, protect and limit the future use or otherwise conserve and properly utilize open spaces and other lands and water areas in the Township.

(7) Records and annual report of Environmental Commission. The Environmental Commission shall keep records of its meetings and activities and shall make an annual report to the Township Council.

C. Historic Preservation Commission

(1) Establishment. There is hereby created an Historic Preservation Commission for the Township of Dover.

(2) Class qualifications. The Historic Preservation Commission shall consist of nine regular members and two alternate members. There shall be two members each of Class A and B, and five members of Class C. Class qualifications shall be as follows:

(a) Class A: a person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality.

(b) Class B: a person who is knowledgeable or with a demonstrated interest in local history and who may reside outside the municipality.

(c) Class C: citizens of the municipality who shall hold no other municipal office, position or employment, except for membership on the Planning Board or Board of Adjustment.

(d) Alternate members shall meet the qualifications of Class C members.

(3) Appointment of members; terms; vacancies. The Mayor shall appoint all members of the Commission and shall designate at the time of appointment the regular members by class and the alternate members as "Alternate No. 1" and "Alternate No. 2." Commencing with the first appointments to the Commission, three members shall be appointed for terms of one year, three members shall be appointed for terms of two years, and three members shall be appointed for terms of three years, Alternate No. 1 shall be appointed for a term of two years, and Alternate No. 2 shall be appointed for a term of one year, and thereafter all regular members shall be appointed for terms of three years, and all alternate members shall be appointed for terms of two years. A member may be appointed for additional terms.

D. Industrial Commission

(1) Pursuant to the provisions of N.J.S.A. 40:55B-3 et seq. (Chapter 154 of Laws of New Jersey 1936), a local industrial commission, to be known as the "Industrial Commission of the Township of Dover," is hereby created to consist of seven members, which said Commission shall be a body corporate, having the powers hereinafter enumerated.

(2) Appointment, terms of office and oath of members. The members of the Commission shall be appointed by the Township Council. Each member shall be, for the last five years preceding his or her appointment, a citizen of the United States and qualified voter of the State of New Jersey. One member shall be appointed for one year, one member for two years, one member for three years, two members for four years and two members for five years. At the expiration of each of the above terms, the new member shall be appointed for a term of five years. Vacancies in the membership of the Commission, occurring for whatever cause, shall be promptly filled by appointment by the Township Council for the unexpired term thereof. Members shall serve for their respective terms and until their successors are appointed and qualify.

(3) The members, officers and employees of the Commission shall be subject to the limitations provided by N.J.S.A. 40:55B-5 et seq. and shall take and subscribe the oath therein provided.

(4) Office to be maintained. The employees and assistants required by the Commission shall be recruited and shall serve as provided in N.J.S.A. 40:55B-6. The Commission shall have and maintain a suitable office where its maps, plans, documents, records and accounts shall be kept, subject to public inspection at such times and under such reasonable conditions as the Commission shall determine. Existing office facilities of the Township of Dover shall be used without charge, if practical.

(5) General powers. The Commission shall have the general powers provided in N.J.S.A. 40:55B-7.

(6) Specific functions and powers. The Commission shall perform the functions and exercise the powers hereinafter enumerated:

A. Inquire into, survey and publicize the extent, advantages and utility of the vacant lands of the Township of Dover, whether municipally owned or otherwise.

B. Classify such vacant lands according to their adaptability for the settlement thereon of various types of industrial enterprises.

E. Local Ethics Board

- (1) Board established. There is hereby established a Township Ethics Board consisting of six (6) members who are residents of the Township of Dover, at least two of whom shall be public members. The members of the ethics board shall be appointed by the Township Council. The members shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. No more than three members of the ethics board shall be of the same political party.
- (2) Chairman. The members of the Township Ethics Board shall annually elect a Chairman from among the membership.
- (3) Term; vacancies. The members shall serve a term of five years; except that of the members initially appointed, two of the public members shall be appointed to serve for a term of five years, one member shall be appointed to serve for a term of four years, and the remaining members shall be appointed to serve for a term of three years. Any vacancy occurring in the membership of the ethics board shall be filled in the same manner as the original appointment for the unexpired term.
- (4) Compensation. Members of the ethics board shall serve without compensation but shall be reimbursed by the municipality for necessary expenses incurred in the performance of their duties under this act.
- (5) The Township Council of the municipality shall provide the municipal ethics board with offices for the conduct of its business and the preservation of its records, and shall supply equipment and supplies as may be necessary.
- (6) All necessary expenses incurred by the Township Ethics Board and its members shall be paid, upon certification of the Chairman, by the Chief Financial Officer within the limits of funds appropriated by the Township Council by annual or emergency appropriations for those purposes.
- (7) The Township Ethics Board may appoint employees, including independent counsel, and clerical staff as are necessary to carry out the provisions of this act within the limits of funds appropriated by the Township Council for those purposes.
- (8) Township Code of Ethics; promulgation. Within 90 days after the establishment of a Township Ethics Board, that ethics board shall promulgate by resolution a Township Code of Ethics for all local government officers and employees serving the municipality. Local

government officers and employees serving a independent authority shall be deemed to be serving the municipality for purposes of this act.

(a) The Township Code of Ethics so promulgated shall be either identical to the provisions set forth in N.J.S.A. 40A:9-22.5 or more restrictive, but shall not be less restrictive.

(b) Within 15 days following the promulgation thereof, the code of ethics, and a notice of the date of the public hearing to be held thereon, shall be published in at least one newspaper circulating within the municipality and shall be distributed to the municipal clerk and to the heads of the local government agencies serving the municipality for circulation among the local government officers and employees serving the municipality. The Township Ethics Board shall hold a public hearing on the Township Code of Ethics not less than 30 days following its promulgation at which any local government officer or employee serving the municipality and any other person wishing to be heard shall be permitted to testify. As a result of the hearing, the ethics board may amend or supplement the Township Code of Ethics as it deems necessary. If the Township Code of Ethics is not identical to the provisions set forth in section 5 of this act, the Township Ethics Board shall thereafter submit the Township Code of Ethics to the Local Finance Board for approval. The board shall approve or disapprove a Township Code of Ethics within 60 days following receipt. If the board fails to act within that period, the Township Code of Ethics shall be deemed approved. A Township Code of Ethics requiring board approval shall take effect for all local government officers and employees serving the municipality 60 days after approval by the board. A Township Code of Ethics identical to the provisions set forth in section 5 of this act shall take effect 10 days after the public hearing held thereon. The Township Ethics Board shall forward a copy of the Township Code of Ethics to the municipal clerk and shall make copies of the Township Code of Ethics available to local government officers and employees serving the municipality.

(9) Powers of the Township Ethics Board. The Township Ethics Board shall have the following powers:

(a) To initiate, receive, hear and review complaints and hold hearings with regard to possible violations of the Township Code of Ethics or financial disclosure requirements by local government officers or employees serving the municipality.

- (b) To issue subpoenas for the production of documents and the attendance of witnesses with respect to its investigation of any complaint or to the holding of a hearing.
 - (c) To forward to the County Prosecutor or the Attorney General or other governmental body any information concerning violations of the Township Code of Ethics or financial disclosure requirements by local government officers or employees serving the municipality which may become the subject of criminal prosecution or which may warrant the institution of other legal proceedings by the Attorney General.
 - (d) To render advisory opinions to local government officers or employees serving the municipality as to whether a given set of facts and circumstances would constitute a violation of any provision of the Township Code of Ethics or financial disclosure requirements.
 - (e) To enforce the provisions of the Township Code of Ethics and financial disclosure requirements with regard to local government officers or employees serving the municipality and to impose penalties for the violation thereof as are authorized by this act.
 - (f) To adopt rules and regulations and to do other things as are necessary to implement the purposes of this act.
- (10) Advisory opinions. A local government officer or employee serving the municipality may request and obtain from the Township Ethics Board an advisory opinion as to whether any proposed activity or conduct would in its opinion constitute a violation of the Township Code of Ethics or any financial disclosure requirements. Advisory opinions of the Township Ethics Board shall not be made public, except when the ethics board by the vote of two-thirds of all of its members directs that the opinion be made public. Public advisory opinions shall not disclose the name of the local government officer or employee unless the ethics board in directing that the opinion be made public so determines.
- (11) Complaints. The Township Ethics Board, upon receipt of a signed written complaint by any person alleging that the conduct of any local government officer or employee serving the municipality is in conflict with the Township Code of Ethics or financial disclosure requirements, shall acknowledge receipt of the complaint within 30 days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint.

(a) Determination; hearing. The Township Ethics Board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis. If the Township Ethics Board shall conclude that the complaint is outside its jurisdiction, frivolous or without factual basis, it shall reduce that conclusion to writing and shall transmit a copy thereof to the complainant and to the local government officer or employee against whom the complaint was filed. Otherwise, the Township Ethics Board shall notify the local government officer or employee against whom the complaint was filed of the nature of the complaint and the facts and circumstances set forth therein. The officer or employee shall have the opportunity to present the Township Ethics Board with any statement or information concerning the complaint which he wishes. Thereafter, if the Township Ethics Board determines that a reasonable doubt exists as to whether the local government officer or employee is in conflict with the Township Code of Ethics or any financial disclosure requirements, it shall conduct a hearing in the manner prescribed by N.J.S.A. 40A:9-22.12, concerning the possible violation and any other facts and circumstances which may have come to its attention with respect to the conduct of the local government officer or employee. The Township Ethics Board shall render a decision as to whether the conduct of the officer or employee is in conflict with the Township Code of Ethics or any financial disclosure requirements. This decision shall be made by no less than two-thirds of all members of the ethics board.

- (12) Penalties. If the Township Ethics Board determines that the officer or employee is in conflict with the code or any financial disclosure requirements, it may impose any penalties which it believes appropriate within the limitations of this act. A final decision of the Township Ethics Board may be appealed to the Local Finance Board within 30 days of the decision.
- (13) Preservation of materials. All statements, complaints, requests or other written materials filed pursuant to this act, and any rulings, opinions, judgments, transcripts or other official papers prepared pursuant to this act shall be preserved for a period of at least five years from the date of filing or preparation, as the case may be.

F. Municipal Utilities Authority

(1) Organization of Municipal Utilities Authority; members; appointment; compensation.

(a) There is hereby continued a public body corporate and politic under the name the Dover Municipal Utilities Authority (hereinafter "DMUA"). Pursuant to N.J.S.A. 40:14B-4, the DMUA shall consist of five (5) members appointed by Township Council. Each member shall receive compensation not to exceed \$2,000 in any one year for services as a member of the Authority; provided, however, that in the event that any member of the Authority is or shall also be appointed an officer, agent or employee of the Authority, then such member shall, in addition to such \$2,000, receive such compensation for such member's services as such officer, agent or employee as the Authority may determine.

(b) Terms of regular members. The members first appointed shall, by the resolution of appointment, be designated to serve for terms respectively expiring on the first days of the first, second, third, fourth and fifth Februaries next ensuing after the date of their appointment. On or after January 1 in each year after such first appointments, one person shall be appointed as a member of the DMUA to serve for a term commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. In the event of a vacancy in the membership of the DMUA occurring during an unexpired term of office, a person shall be appointed as a member of the DMUA to serve for such unexpired term.

(c) Alternate members. Pursuant to N.J.S.A. 40:14B-4, there shall be two (2) alternate members of the Municipal Utilities Authority. Said alternate members shall be designated "Alternate No. 1" and "Alternate No. 2" and shall serve in rotation during the absence or disqualification of any regular member or members.

(d) Terms for alternate members. The term of each alternate member shall be five years commencing on February 1 of the year of the appointment; provided, however, that in the event two alternate members are appointed, their initial terms shall be four and five years respectively. The terms of the first alternate members appointed pursuant to this chapter shall commence on the day of their appointment and shall expire on the fourth or fifth January 31 next ensuing after the date of their appointments, as the case may be. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of the Authority. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. Said alternate members shall be compensated in the same manner and amount as the regular members of the Authority.

- (2) Powers and duties. The DMUA shall be vested with all powers, duties, authority and obligations as delineated within N.J.S.A. 40:14B-1 et seq.

G. Parking Authority

- (1) Authority Established. There is hereby created and established in the Township of Dover, a public body corporate and politic, in accordance with N.J.S.A. 40:11A-4, to be known as the Parking Authority of the Township of Dover.
- (2) Organization; terms of office. The Township Council shall appoint five (5) persons as commissioners of the Parking Authority. The commissioners who are first appointed shall be designated to serve for terms of 1, 2, 3, 4 and 5 years, respectively, from the date of their appointment. Thereafter, commissioners shall be appointed for a term of 5 years.
- (3) Additional commissioners. The Mayor shall appoint two (2) persons as additional commissioners of the Parking Authority, whose terms shall be for five (5) years.
- (4) Vacancies. All vacancies in any commissioner position shall be filled for the unexpired term only in the manner by which the position was appointed
- (5) Powers and duties. The Authority shall have all powers, duties and obligations as set forth in N.J.S.A. 40:11A-1 et seq., except as otherwise limited by this chapter.

- (6) Condemnation. In accordance with N.J.S.A. 40:11A-7, the Authority shall not acquire any real property by the exercise of the power of eminent domain without the prior approval of the Township Council by resolution

H. Planning Board

The Planning Board is established in Chapter 348, Land Use and Development Regulations.

I. Redevelopment Entity

(1) Establishment. Pursuant to the provisions of N.J.S.A. 40A:12A-3, the Township Council is hereby designated as the "Redevelopment Entity" and shall be vested with the power to implement redevelopment plans and carry out redevelopment projects in any area in need of redevelopment, or any area in need of rehabilitation, or in both.

(2) Powers.

A. Upon the adoption of a redevelopment plan, pursuant to N.J.S.A. 40A:12A-7, the redevelopment entity may proceed with the clearance, replanning, development and redevelopment of the area designated in that plan.

B. In order to carry out and effectuate the purposes of N.J.S.A. 40A:12A-1 et seq., and the terms of the redevelopment plan, the redevelopment entity may:

(1) Authorize, by resolution, the undertaking of redevelopment projects and, for this purpose, issue bonds in accordance with the provisions of N.J.S.A. 40A:12A-29.

(2) Authorize, by resolution, the acquisition of property pursuant to N.J.S.A. 40A:12A-22 (i).

(3) Authorize, by resolution, the acquisition by condemnation any land or building which is necessary for the redevelopment project pursuant to the provisions of the Eminent Domain Act of 1971 (N.J.S.A. 20:3-1 et seq.)

(4) Clear any area owned or acquired and install, construct or reconstruct streets, facilities, utilities and site improvements essential to the preparation of sites or use in accordance with the redevelopment plan.

(5) Authorize, by resolution, the preparation or arrangement by contract for the provision of professional services in the

preparation of plans by registered architects, licensed professional engineers or planners or other consultants for the carrying out of the redevelopment projects.

- (6) Authorize, by resolution, the arrangement or contract with public agencies or redevelopers for the planning, replanning, construction or undertaking of any project or redevelopment work or any part thereof; negotiate and collect revenue from a redeveloper to defray the cost of the redevelopment entity, including, where applicable, the costs incurred in conjunction with bonds, notes or other obligations issued by the redevelopment entity and to secure payment of such revenue; as part of any such arrangement or contract, provide an extension of credit or making of loans to redevelopers to Business Administrator any project or redevelopment work, or upon finding that the project or redevelopment work would not be undertaken but for provision of financial assistance, or would not be undertaken in its intended scope without the provision of financial assistance, provided as part of an arrangement or contract for capital grants to redevelopers; and arrange or contract with public agencies or redevelopers for the opening, grading or closing of streets, roads, roadways, alleys or other places or for the furnishing of facilities or for the acquisition by such entity of property options or property rights or for the furnishing of property or services in connection with the redevelopment area.
- (7) Authorize, by resolution, the leasing or conveyance of property or improvements to any other party pursuant to this article, without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease or conveyance is made in conjunction with the redevelopment plan, notwithstanding the provision of any law, rule or regulation to the contrary.
- (8) Enter upon any building or property in any redevelopment area in order to conduct investigations or make surveys, sounding or test borings necessary to carry out the purposes of this article.
- (9) Adopt a resolution authorizing the arrangement or contract with a public agency for the relocation of residents, industry, or commerce displaced from a redevelopment area.
- (10) Make, consistent with the development plan:
 - a. Plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements.

b. Plans for the enforcement of laws, codes and regulations relating to the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition or removal of buildings and improvements.

- (11) Request that the Planning Board recommend and the redevelopment entity designate particular areas as being in need of redevelopment or rehabilitation and make recommendations for the redevelopment or rehabilitation of such areas.
- (12) Study the recommendations of the Planning Board for the redevelopment of the area.
- (13) Publish and disseminate information concerning any redevelopment area, plan or project.
- (14) Do all things necessary or convenient to carry out its powers.

J. Rent Leveling Board

The Rent Leveling Board of the Township of Dover is established in Chapter 343, Mobile Home Parks.

Chapter 76 Advisory Committees

§ 76-1. Youth Advisory Council.

A. There is hereby created the Dover Township Youth Advisory Council, said Council shall consist of 13 members with membership background, to the degree possible, from educational, law enforcement, legal, medical, recreational, clerical, social services and business sources, all of which members shall be residents of the Township and who shall be chosen to maximize community and parental input from the broadest possible base. The Supervisor of Youth Services shall serve as an ex officio member with the Youth Advisory Council and shall participate in meetings but shall not vote.

B. The purpose of the Youth Advisory Council created herein shall be to assess ongoing needs for juvenile programs, to develop policies and programs in conjunction with the Township Committee and the Supervisor of Youth Services to aid and assist with the needs of Dover Township youth; to advise the Supervisor of Youth Services and the Township Committee with respect to the advisability of particular programs and policies; to act as a community resource for coordination of youth programs between private and governmental entities; to assist as necessary in the development and administration of grants received for youth programs; and to act as advocate for youth programs both within the Township of Dover and to public and private sources of funding and support.

C. Seven (7) members of the Youth Advisory Council shall be appointed by the Mayor and six (6) members shall be appointed by the Township Council. All members shall serve for terms of three years commencing January 1 of the year of their appointment.

D. The Youth Advisory Council shall have the power to make, amend and repeal bylaws to the extent that the same are not inconsistent with the terms of the within section.

E. Nothing contained herein shall be deemed to affect the terms of office of any member of the Youth Advisory Council holding office as of the date of adoption of the within chapter, but said terms shall continue in accordance with the terms of the ordinance under which the holder of said office was appointed.

§ 76-2 Veterans Commission; membership; appointment.

A. The membership of the Veterans Commission shall be composed of a maximum of 13 members appointed annually. The Mayor shall appoint six (6) members and the Township Council shall appoint five (5) members. These members shall be residents of the Township of Dover, who are veterans as defined in this chapter.

B. In addition to the members denoted herein above, the following shall be honorary, nonvoting members whose attendance shall not be counted towards determining a quorum:

(1) The commanders of all veterans' organizations in Dover Township chartered by the Congress of the United States.

(2) The Presidents of the Ladies Auxiliaries of all veterans' organizations in Dover Township chartered by the Congress of the United States.

(3) All residents of Dover Township who are holders of an honorable discharge from any of the military services of the United States of America.

§ 76-3. Objectives.

The objectives of the Veterans Commission of Dover Township shall include, but not be limited to the following:

A. Recommendation to the Mayor and Township Council of such measures as to promote the welfare of veterans residing in Dover Township.

B. Recommendation and coordination of public patriotic celebrations.

C. Cooperation with county, state and federal veterans' agencies, so as to provide better service to veterans who are residents of Dover Township.

§ 76- . Definitions.

For the purpose and concern of the Veterans Commission of Dover Township, the following definitions shall be duly noted:

VETERAN -- Any person who has served and was discharged under honorable conditions or is currently serving the country in the Army, Navy, Air Force, Marines and Coast Guard, including all Reserves and National Guard personnel attached to these branches, as well as those who serve in the Merchant Marine in time of war.

VETERAN OF ANY WAR -- Any veteran who served in the active military, naval or air service during a period of war.

§ 76- . Recreation fees exemption.

A disabled veteran of any war, who is a permanent resident or taxpayer of the Township of Dover and who is certified by appropriate federal authorities as being qualified for a permanent disability of 30% or more, shall be exempt from the payment of any fees or other charges for the use of any recreational facilities of the Township as provided for by applicable law.

§ 76- . Attendance at meetings required.

Members are required to attend meetings of the Veterans Commission. The unexcused failure to attend three meetings in a calendar year shall cause that member to be removed without further action. The Mayor and Township Council may appoint a successor to fill the unexpired term.

§ 76- Fund-raiser authorized.

Subject to the prior written permission of the Township Administrator, the Veterans Commission is authorized to have a car and cycle show as a fund-raiser once a year. The Township Administrator may impose whatever requirements are necessary to protect the Township's interest as a condition of approval.

§ 76- . Registration fee for car and cycle show.

There is hereby authorized the following fee structure for the car and cycle show to be put on by the Veterans Commission:

- A. Preregistration fee (up to 10 days prior to show): \$8.
- B. Registration the day of the show: \$10.

§ 76- . Essay contest authorized.

The Veterans Commission is authorized to have an essay contest once a year. The Veterans Commission is also authorized to solicit donations to be used as prizes in this essay contest and to defray any additional parade expenses in a manner that is consistent with the Local Budget Law, N.J.S.A. 40A:4-1 et seq. The Township Administrator may impose whatever requirements are necessary to protect the Township's interests as condition of approval.

Chapter 80

Claims Approval

§ 80-1. Submission of detailed statement.

Any person claiming payment from the Township of Dover shall first submit a detailed statement of the items or demand necessitating such claim to the Chief Financial Officer, specifying particularly how the bill or demand is made up, and a certification of the party claiming payment that it is correct. No bill, claim or demand shall be considered for payment unless the voucher has attached to it or includes a certification of a department head, or other municipal official responsible for certain functions, or of his duly designated representative having personal knowledge of the facts that the goods have been received by or the services rendered to the Township of Dover, and that those services or goods are consistent with any existing contract or purchase order. The Chief Financial Officer shall have the duty to audit, warrant and make recommendations on all claims and bills.

§ 80-2. Inclusion in agenda.

The bill or claim duly certified shall be presented to the Municipal Clerk for inclusion in the agenda of the next immediate formal meeting of the Township Council, and it shall be the duty of the Clerk to examine all bills or claims submitted for payment in order to ascertain if proper administrative procedures have been followed. Claims or bills to be considered by the Township Council shall be listed systematically without preference, and said list shall be made available to every member of said Township Council prior to formal action by that body.

§ 80-3. Approval or disapproval of claims.

Claims shall be considered by the Township Council, which shall approve the same, except that said Township Council may reject any claim presented to it, stating the reason for such rejection. Any disapproved claim shall be referred back to the Municipal Clerk with such instructions as the Township Council may give at the time of disapproval.

§ 80-4. Records.

It shall be the duty of the Municipal Clerk to record all claims in the official minutes or through an appropriate claims register, indicating that the Township Council has by formal action approved the same, with appropriate record as to any claims disapproved or rejected. All records pertaining to approved and disapproved bills or claims shall be available for public inspection.

§ 80-5. Payment of claims.

After the Clerk has certified that the claims have been approved, he or she submit said claims to the Chief Financial Officer, who shall forthwith prepare the necessary checks for the payment thereof, which said checks shall be signed by the Mayor and thereafter signed by the Township Clerk and Chief Financial Officer. After preparing checks for the payment of claims, he or she shall record them in proper books of account and forward said checks to claimants

§ 80-6. Payment of advances for travel expenses.

Notwithstanding any other provision of this chapter, the Township Council may, by resolution, provide for and authorize the payment of advances to specific Township officers and employees for travel expense and incidental expenses thereto when such travel and incidental expenses are necessary and proper, as the Township Council in its sole discretion shall determine, in advancing the scope and nature of the work of the particular Township officer or employee, subject to § 80-8.

§ 80-7. Payment of advances for vendor services.

Notwithstanding any other provisions of this chapter, the Township Council may, by resolution, provide for and authorize the payment of advances for vendor services, excluding the provision of materials and supplies, when such services are of a professional nature as defined in the Local Public Contracts Law of New Jersey, N.J.S.A. 40A:11-1 et seq., and when the Township Council, in its sole discretion, shall determine that circumstances exist which require the simultaneous payment for the services when the services are provided.

§ 80-8. Procedure for payment of advances.

In making advances, pursuant to this chapter, to any individual and/or vendor, the following procedure shall govern:

A. A resolution shall be prepared by the Township Administrator, setting forth the department head requesting the advance, the party to whom the advance is to be paid and the purpose and amount of the advance.

B. The original resolution shall be approved, in writing, by the Township Administrator and maintained on file in his office. [

C. A voucher requesting the advance and completed in accordance with § 80-1 shall be attached to the original resolution on file in the office of the Township Administrator, bearing the signature of the appropriate department head requesting the advance and the party to whom the advance is to be paid.

D. The advance resolution shall be approved at a public meeting of the Township Council, pursuant to §§ 80-2 and 80-3.

E. Following approval, an advance check shall be issued pursuant to § 80-5.

F. Within 10 days of the completion of the authorized travel or payment for the vendor's services, the Township department head from whose department the request originated shall countersign the previously submitted voucher, submit a detailed bill and require any necessary adjustment to be made as to the advance payment to any officer or employee within his department, including the repayment of any excess advance, under the supervision of the Township Administrator.

Chapter 86

Cooperative Pricing Agreements

ARTICLE I, Township of Dover

§ 86-1. Title.

This article shall be known and may be cited as the "Toms River Inter-Agency Cooperative Pricing System."

§ 86-2. Statutory authority.

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Township Council hereby authorizes the creation of a cooperative pricing system to be known as the "Toms River Inter-Agency Cooperative Pricing System" (TRIAC) with the Township of Dover as the lead agency.

§ 86-3. Separate agreements authorized.

The Township Council is hereby authorized to enter into separate cooperative pricing agreements with the participating governmental units, and said agreements shall be deemed a single agreement. These agreements shall be for the purchase of work, materials and supplies.

§ 86-4. Responsibilities of lead agency.

The Township of Dover, as lead agency, shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the Revised Statutes of the State of New Jersey.

ARTICLE II, Township of Stafford

§ 86-5. Title.

This article shall be known and may be cited as the "Ocean County Cooperative Pricing System of the Township of Dover; Lead Agency – Township of Stafford."

§ 86-6. Statutory authority.

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Township of Dover is hereby authorized to enter into a cooperative Pricing Agreement with the Township of Stafford, as the lead agency, or any other contracting unit within the County of Ocean or adjoining counties for the purchase of work, materials and supplies.

§ 86-7. Responsibilities of lead agency.

The lead agency entering into contracts on behalf of the Township of Dover shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), and all other provisions of the revised statutes of the State of New Jersey.

Chapter 94

Defense and Indemnification

(Chapter 25 of the prior Administrative Code, entitled "Defense and Indemnification," is readopted in its entirety as Chapter 94)

Chapter 104

Employee Regulations and Benefits

(Chapter 34 of the prior Administrative Code, entitled "Employee Regulations and Benefits," is readopted in its entirety as Chapter 104)

Chapter 109

Fire Companies

(Chapter 47 of the prior Administrative Code, entitled "Fire Companies," is readopted in its entirety as Chapter 109.)

Chapter 114

Fire Districts

(Chapter 50 of the prior Administrative Code, entitled "Fire Districts," is readopted in its entirety as Chapter 114.)

Chapter 120

Hazardous Materials Management

§ 120-1. Agencies designated to handle emergencies.

Hazardous material emergencies shall be managed by the Dover Township Police Department, Emergency Management, and the Dover Township Bureau of Fire Prevention as hereinafter provided.

§ 120.2. Support personnel.

The Hazardous Material Emergency Management Team (hereinafter referred to as "Haz-Mat Team") shall consist of the Haz-Mat Team staff coordinators, the Code Enforcement Officer and one representative each from all of the first aid squads in the municipality, from each fire district, from the Department of Public Works, from the Board of Health or Health, Human Services and Human Resources Department, from the Department of Construction and Inspection Services, from the Department of Law Enforcement and from the Department of Law and Community Development, Engineering Division. Except for the fire districts and first aid squad representatives and the Code Enforcement Officer, all members of said Team shall be appointed by the Mayor with advice and consent of Council.

§ 120-3. Line personnel.

Line response shall consist of specially trained personnel from the fire and police, who shall be appointed by the Dover Township Fire Commissioners and Chief of Police.

§ 120-4. Designation of staff coordinators.

The staff coordinators of the Haz-Mat Team shall be the Chief Inspector of the Bureau of Fire Prevention, the Emergency Management Coordinator and the Chief of Police, and they shall exercise overall supervision over the Team and any support units created to assist that Team.

§ 120-5. Classes of emergency.

Three classes of hazardous material emergency shall be recognized, as follows:

- A. Class 1: a non-life-threatening incident presenting minor risks of damage to person or property and which may be safely responded to by nonemergency personnel or equipment.

B. Class 2: a life-threatening incident involving substantial risk of damage to persons or property and requiring emergency or specialized personnel or equipment.

C. Class 3: an incident of disaster proportions with life-threatening or serious property-damage consequences and which requires the use of resources beyond those of the Haz-Mat Team.

§ 120-6. Unit responses.

A staff coordinator or a designee of the Haz-Mat Team shall determine the response to be made to each reported incident depending on the type class thereof, provided that a Class 1 incident shall require a minimum single individual response of the responsible agency, a Class 2 incident shall require a minimum response of fire and police personnel, and a Class 3 incident shall require a minimum response by a police unit, a fire company, first aid squad and Emergency Management personnel. These minimum responses shall not preclude any additional responses of personnel or equipment to be determined by the staff coordinators. The staff coordinators are authorized in any Class 2 or Class 3 incident to request assistance from nonmunicipal emergency services.

§ 120-7. Duties of Haz-Mat Team.

The Haz-Mat Team shall respond to any incident involving a threat to public safety created by any hazardous material as defined by any building code, property maintenance code, fire safety code or state and federal statute.

§ 120-8. Cooperation of personnel.

All Haz-Mat personnel under the jurisdiction of the Township of Dover and the Dover Township Fire Commissioners, or receiving financial assistance therefrom, shall cooperate to the fullest extent possible with any responses required by the staff coordinators. The members of the Team shall serve as liaisons between the staff coordinators and each municipal department or agency whose participation is required to effectuate the purposes of this chapter, and each team member shall serve as a liaison directly from and to the department or agency from which he is a representative, where applicable. For purposes of this chapter, all employees and officials of the departments and agencies from whom representatives are drawn for membership on the Haz-Mat Team shall constitute Haz-Mat personnel.

§ 120-9. Review of responses.

The Haz-Mat Team shall meet at least once monthly and shall review responses to prior incidents, assess the performance of such responses and formulate plans for future emergency operations.

§ 120-10. Report of activities.

The Chief Inspector of the Bureau of Fire Prevention shall furnish a written report of the activities of the Haz-Mat Team, including any recommendation for action by the Township Council or Mayor, and the Dover Township Fire Commissioners, both to the Township Council and Mayor, and the Dover Township Fire Commissioners within seven days of each monthly meeting of said Team, and shall furnish special reports following any Class 3 incident as soon as practically possible thereafter.

§ 120-11. Ex officio members.

Ex officio members of the Team shall be a Dover Township Councilperson and a Commissioner from Dover Township Fire District No. 1 and a Commissioner from Dover Township Fire District No. 2.

§ 120-12. Emergency Planning Team.

A. Pursuant to the Super Fund Amendments and Reauthorization Act of 1986, the Dover Township Emergency Planning Team shall be comprised of:

- (1) One member of the Dover Township Council.
- (2) The Dover Township Emergency Management Coordinator.
- (3) The Dover Township Chief of Police.
- (4) One representative of the Dover Township Bureau of Fire Prevention.
- (5) One representative from the Dover Township Fire Officers' Association.
- (6) One representative of Dover Township Fire Commissioners, District No. 1.
- (7) One representative of Dover Township Fire Commissioners, District No. 2.
- (8) One representative from the Dover Township First Aid Association.
- (9) One representative from Toms River Community Memorial Hospital.
- (10) One representative of the Toms River Regional Schools Board of Education.
- (11) One representative of local industry, to be appointed by the Mayor.

B. Except as otherwise specifically indicated, each entity shall be responsible for designating its respective representative.

Chapter 125

Mutual Aid Agreements

§ 125-1. Purpose; findings.

A. N.J.S.A. 40A:14-156, 40A:14-156.1, 40A:14-156.2 and 40A:14-156.3 authorize municipalities to enter into mutual aid and assistance agreements for police services in cases of emergencies.

B. The County of Ocean consists of 33 municipalities, 32 of which have municipal police or fire departments operating for or within the Township of Barnegat, Borough of Barnegat Light, Borough of Bay Head, Borough of Beach Haven, Borough of Beachwood, Township of Berkeley, Township of Brick, Township of Dover, Borough of Harvey Cedars, Borough of Island Heights, Township of Jackson, Township of Lacey, Borough of Lakehurst, Township of Lakewood, Borough of Lavallette, Township of Little Egg Harbor, Township of Long Beach, Township of Manchester, Borough of Mantoloking, Borough of Ocean Gate, Township of Ocean, Borough of Pine Beach, Township of Plumsted, Borough of Point Pleasant, Borough of Point Pleasant Beach, Borough of Seaside Heights, Borough of Seaside Park, Borough of Ship Bottom, Borough of South Toms River, Township of Stafford, Borough of Surf City, Borough of Tuckerton and Township of Eagleswood, which regularly interact and provide assistance to each other in police-related emergencies.

§ 125-2. Mutual aid agreements established.

Pursuant to N.J.S.A. 40A:14-156, N.J.S.A. 40A:14-156.1 et seq., there are hereby established mutual aid agreements among and between this municipality and each of the aforementioned municipalities in the County of Ocean, New Jersey, which shall become effective upon the adoption by one or more of the aforementioned municipalities (hereinafter referred to as "participating municipalities") of reciprocal ordinances to provide mutual aid in police services in case of emergency. This agreement shall apply whenever this municipality may have an emergency within its boundaries requiring additional police assistance to protect life and property, and whenever any of the aforementioned municipalities may experience a similar emergency.

§ 125-3. Emergency defined; standard operating procedure.

For purposes of this article, the term "emergency" shall be defined to include situations in which the number of available police officers in a participating municipality is insufficient to meet the public need in a particular situation and situations where police aid involving special expertise or training is required in order to protect life and property

or to assist in suppressing a riot or disorder. No formal declaration of emergency is required to implement the provisions of the mutual aid agreement.

§ 125-4. Requests for assistance.

The Chief or acting head of the Police Department or Mayor, or chief executive officer of a participating municipality, is hereby authorized to request assistance from the Chief or other head of the Police Department of any other participating municipality to provide aid in accordance with N.J.S.A. 40A:14-156 et seq.

§ 125-5. Provision of assistance.

A participating municipality shall provide police assistance when a valid request in accordance with this agreement to supply personnel is made, to the extent possible without endangering persons or property within the confines of the providing municipality.

§ 125-6. Powers; rights; immunities.

The members of the providing municipality's Police Department supplying aid shall have the same powers, authority, rights and immunities as the members of the police force of the requesting municipality when aid is being rendered therein. Said members shall also have, while so acting, such rights and immunities as they may otherwise enjoy in the performance of their normal duties in the municipality rendering such assistance.

§ 125-7. County Critical Incident Management Plan.

These mutual aid agreements established herein by and between the aforementioned municipalities in the County of Ocean shall further authorize mutual police aid and assistance under the County Critical Incident Management Plan as established by the Ocean County Prosecutor, as the chief law enforcement official in the county. The plan provides for a response by specially trained regional Emergency Response/Special Weapons and Tactics Team in the event of certain hostage, barricade, sniper, high risk armed apprehensions, terrorist or similar situations occurring within a municipality within the County of Ocean.

§ 125-8. Benefits; injury; death.

Members of the police force of the providing municipality suffering injury, or their legal representatives, if death results while rendering assistance in the requesting municipality, shall be entitled to all such salary, pension rights, workers' compensation or other benefits, as they would have accrued if such injury or death had occurred in the performance of duties in their own municipality, with such benefits to be the responsibility of the providing municipality.

§ 125-9. Reimbursement.

A. A municipality receiving police assistance hereunder pursuant to the terms of the County Critical Incident Management Plan shall not be required to directly reimburse the regional team for services so provided. The member municipalities shall, however, otherwise support the function of the respective regional response teams by providing the necessary manpower, equipment and supplies on an ongoing annual basis pursuant to the terms of the County Critical Incident Management Plan.

B. Where emergency police aid is otherwise provided under circumstances outside the County Critical Incident Management Plan, reimbursement shall be pursuant to N.J.S.A. 40A:14-156, or such other terms and conditions for reimbursement specifically agreed to between specific municipalities.

§ 125-10 When effective; adoption by participating municipalities.

This article shall take effect upon final passage and publication according to law. It shall become effective with respect to this municipality's activities with another participating municipality when such other participating municipality has adopted an ordinance reciprocal to this one and such ordinance has become effective in that municipality.

Chapter 129 Official Map

§ 129-1. Map established and adopted.

An Official Map of and for the Township of Dover is hereby established and adopted.

§ 129-2. Copies on file.

Three copies of said Official Map shall be maintained in the office of the Township Clerk and shall be open to the public for inspection, said map being adopted by reference.

Chapter 132

Public Records, Inspection of

§ 132-1. Right to inspect; custodian of a government record; copies; exceptions.

A. In accordance with the provisions of N.J.S.A. 47:1A-1 et seq. (the "Act"), government records shall be readily accessible for inspection, copying, or examination by the citizens of this state, with certain exceptions, for the protection of the public interest, and any limitations in the right of access accorded by the Act as amended and supplemented shall be construed in favor of the public's right of access. A "government record" or "record" shall be as defined within N.J.S.A. 47:1A-1.1.

B. In accordance with N.J.S.A. 47:1A-1.1, the "custodian of a government record" or "custodian" shall mean the Municipal Clerk. The Municipal Clerk may delegate responsibility for handling records requests for particular departments within the Township to deputy custodians.

C. The custodian of government record shall permit the record to be inspected, examined, and copied by any person during regular business hours unless a government record is exempt from public access by the Act, as amended and supplemented, any other statute, resolution of either or both houses of the Legislature, regulation promulgated under the authority of any statute or executive order of the Governor, executive order of the Governor, Rules of Court, any federal law, federal regulation, or federal order. A request for a record must be made on a form adopted by the custodian of the government record.

D. Unless a shorter time period is otherwise provided by statute, regulation, or executive order, a custodian of a government record shall grant access to a government record or deny a request for access to a government record as soon as possible, but not later than seven business days after receiving the request, provided that the record is currently available and not in storage or archived.

E. During such regular business hours and under the supervision of a representative of the custodian, every citizen of the state shall also have the right to copy such records by hand and to purchase copies of the records. Copies of records shall be made available upon the payment of the price as established by law. The custodian may require a deposit against costs for reproducing documents sought whenever the custodian anticipates that the information thus requested will cost in excess of \$5 to reproduce.

§ 132-2. Fees for copies.

A. The following fees shall be charged for copies of public documents and records:

- (1) Duplicate tax bills: \$5 for an initial duplicate copy of a tax bill; \$25 for each subsequent copy of a tax bill for the same tax year requested by the same person or organization.
- (2) Zoning maps:
 - (a) Small-scale maps: \$5 each
 - (b) Large-scale maps: \$10 each.
- (3) Police photographs:
 - (a) Five dollars per eight-by-ten-inch black and white photograph.
 - (b) Ten dollars per eight-by-ten-inch color photograph.
- (4) Copies of the Land Use and Development Ordinance and Zoning Ordinance: \$50 each or the cost to the Township for purchasing copies of the ordinance from the Code publisher, whichever is greater.
- (5) All other documents:
 - (a) First to 10th page: \$0.75 per page.
 - (b) Eleventh page to 20th page: \$0.50 per page.
 - (c) All pages over 20: \$0.25 per page.
- (6) Review of video tape: \$25 per hour or portion thereof.
- (7) Copy of video tape: \$75 with the provision that the party seeking to copy the tape must supply his own video equipment and tape for copying the same.
- (8) Notwithstanding the provisions of Subsection A(6) and (7) above, a defendant shall have the right to review and copy a video tape at no charge.
- (9) Certified copy of disposition of Municipal Court case: \$5.
- (10) Road maps:
 - (a) Small road maps: \$5 each.
 - (b) Large road maps: \$10 each.
- (11) Tax Maps:
 - (a) Small set [twelve by eighteen (12 x 18)]: \$75.
 - (b) Large set [twenty-four by thirty-six (24 x 36)]: \$200.
 - (c) Small Tax Map [twelve by eighteen (12 x 18)] (single sheet): \$2 each.
 - (d) Large Tax Map [twenty-four by thirty-six (24 x 36)] (single sheet): \$4 each.

- (12) Police reports: first page to 10th page, \$0.75 per page; 11th page to 20th page, \$0.50 per page; all pages over 20, \$0.25 per page. If the request for a police report is not made in person, an additional fee of \$5 for the first three pages and \$1 for each additional page shall be assessed, as provided by N.J.S.A. 39:4-131.
- (13) PC Codification Disc: \$300 per disc.
- (14) Township Code Book: \$300 per book
- (15) Update to Code Book, diskette or pages: \$50 per update material requested.
- (16) Dover Township Master Plan: \$75.
- (17) Duplicate tax sale certificate: \$100.
- (18) Copies of audio cassette, computer diskette or computer compact disk: \$20.
- (19) Issuance of bid documents/specifications: \$50
- (20) Certificates for redemption: \$25.
- (21) Bid specifications prepared by the Township of Dover: \$10
- (22) Booklet of Rules and Regulations for the Township Water and Sewer Utility Department: \$55.

B. If the custodian of any such records shall find that there is no risk or damage of mutilation of such records and that it would not be incompatible with the economic and efficient operation of the office and the transaction of public business therein, he may permit any citizen who is seeking to copy more than 100 pages of records to use his own photographic process, approved by the custodian, upon the payment of a reasonable fee, considering the equipment and the time involved, to be fixed by the custodian of not less than \$10 nor more than \$50 per day.

C. Whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied is such that the record cannot be reproduced by the Township by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort by the Township to accommodate the request, and a fee is not specified for the particular document or record in § 132-2A above, a special service charge of \$25 shall be assessed in addition to the actual cost of duplicating the record.

D. In the event an extraordinary expenditure of time and effort is needed by the Township to accommodate a request to inspect, in addition to any fees for actual duplication and copying incurred by the requestor under this chapter, the Township shall assess a special service charge based upon the cost incurred for such extensive use of information technology resources and/or the labor cost of the personnel providing the service that is actually incurred or attributable to the Township for the clerical and supervisory assistance required, or both. The manner by which such special inspection service fee is calculated shall be kept on file with the Township. The requestor shall have the opportunity to review and object to the charge prior to its being incurred.

Chapter 147

Salaries and Compensation

Salary ranges for Township employees are set by ordinance of the Township Council.
The latest wage and salary ordinance is on file in the Office of the Township Clerk.

Chapter 150

Tax Map

§ 150-1. Approval.

The revision and updating of the Dover Township Tax Map by the Township Engineer, to show conditions of lands and real estate in this municipality as of _____, is hereby accepted and approved.

§ 150-2. Copies sent to certain officials.

Township Clerk shall send a certified copy of this chapter to the Secretary of the Board of Tax Assessors and to the Tax Collector of this municipality.

§ 150-3. Engineer to forward copy for state records.

The Township Clerk shall send two certified copies of this chapter to the Township Engineer, one being for his or her records and the other for her or him to forward to the Director, Division of Taxation, Engineering and Railroad Tax Bureau, Department of the Treasury, State of New Jersey, with a reduced-size Tax Map for the records and information of said Director.

Chapter 152

Volunteer Incentives

§ 152-1. Definitions.

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

ACTIVE VOLUNTEER -- Any person who currently serves in one or more of the volunteer organizations as defined below without compensation.

VOLUNTEER IDENTIFICATION CARD -- A photo identification card to be issued to all active volunteers upon certification of membership in one or more of the local volunteer organizations.

VOLUNTEER ORGANIZATIONS -- The following organizations, which serve the residents of the Township of Dover without compensation, and their auxiliaries, if any: East Dover First Aid, Dover/Brick First Aid, Ortleigh Beach First Aid, Toms River First Aid, Pleasant Plains First Aid, Silverton First Aid, East Dover Fire Company, Ocean Beach Fire Company, Pleasant Plains Fire Company, Toms River No. 1 Fire Company, Toms River No. 2 Fire Company, Silverton Fire Company and Dover Township Auxiliary Police.

§ 152-2. Certification of membership in volunteer organizations.

The director of each volunteer organization and its auxiliary, if any, in the Township of Dover or his or her designee shall annually certify a list of active members and their addresses in his or her organization to the Director of Parks, Recreation and Public Lands by January 31 of the year in question, after the first year. Each person so certified shall, upon application, receive a volunteer identification card at no charge, which will be valid for the calendar year of issue. The volunteer identification card may be renewed for subsequent years, but only if that person continues to be certified as an active volunteer as defined in § 152-1.

§ 152-3. Rights and privileges of volunteer identification cardholders.

Volunteer identification card holders shall have the following rights and privileges:

- A. Free access to all beaches within the Township of Dover.
- B. Free access to the municipal swimming pool on weekdays, excluding holidays.
- C. Reduced greens¹ fee at the Bey Lea Golf Course (the applicable senior rate) on weekdays, excluding holidays.
- D. Use of the Township tennis courts at no charge with the volunteer identification card, taking the place of the Township recreation identification card.
- E. Use of indoor recreational facilities at no charge with the volunteer identification card, taking the place of the Township recreation identification card.
- F. Use of the Winding River Ice Rink at the resident rate with the volunteer identification card, taking the place of the Township recreation identification card.