

CHAPTER 52. MAYOR AND COUNCIL

§ 52-1. Borough Council.

§ 52-2. Meetings.

§ 52-3. Powers and duties of Mayor.

§ 52-4. President of Council.

[HISTORY: Adopted by the Mayor and Council of the Borough of Spring Lake 8-9-1993 by Ord. No. 15-1993 as §§ 2-1 to 2-6 of the Revised General Ordinances. Amendments noted where applicable.]

§ 52-1. Borough Council.

A. Organization of Borough Council. The Council shall consist of the Mayor and six Council members elected at large in the Borough, all of whom shall be elected and take office in the manner provided by law. The term of office shall commence January 1 next following their election.

B. Rules of Council.

(1) The Council shall by ordinance adopt rules of procedure not inconsistent with this chapter.

(2) The rules shall provide for standing committees of the Council.

C. Ordinance and resolutions. Council shall take appropriate action to ensure that ordinances and resolutions of the preceding year are complied or codified.

D. Vacancies. Whenever a vacancy occurs in the membership of the Borough Council for any reason other than the expiration of term of office, the vacancy shall be filled pursuant to state statutes.

E. Qualifications. Every person appointed by the Mayor, the Borough Council or by the Governor to fill a vacancy, either for the unexpired term or temporarily, shall have the qualifications required by statute to permit the appointee to qualify for election to the office, and if the previous incumbent had been elected to office as the nominee of a political party, the person so appointed shall be of the same political party.

§ 52-2. Meetings.

The Council shall meet for organization on the first day of January, or during the first seven days in January in any year at the call of the incoming Mayor. Thereafter, the Council shall meet regularly within the Borough at such times and places as provided by the Rules of Council. The Mayor shall when necessary call special meetings of the Council. In case of his neglect or refusal, any four members of the Council may call such meetings at such time and place in the Borough as they may designate. In all cases of special meetings, 24 hours' written notice (or actual voice contact) shall be given to all members of the Council. Written notice may be by leaving such notice at their places of residence.

§ 52-3. Powers and duties of Mayor.

A. The Mayor shall preside over all meetings of the Council but shall not vote except to give the deciding vote in case of a tie. Except as otherwise provided by statute or specific ordinance, the Mayor shall nominate and, with the advice and consent of the Council, appoint all officers in the Borough, and the Chairman and members of all standing committees. No appointments requiring Council confirmation shall be made

except by a majority vote of the Council members present at the meeting, provided that at least three affirmative votes shall be required for such purpose, the Mayor to have no vote thereon except in the case of a tie. Vacancies in appointive offices shall be filled by appointment in the same manner for the unexpired term only. The Mayor shall make such nomination to fill a vacancy within 30 days after the appointive office becomes vacant. If the Mayor fails to nominate within 30 days or the Council fails to confirm any nomination made by the Mayor, then, after the expiration of 30 days, the Council shall appoint the officer.

B. The Mayor shall see that the laws of the state and the ordinances of the Borough are faithfully executed, and shall recommend to the Council such measures as he may deem necessary or expedient for welfare of the Borough. He shall maintain peace and good order and have the power to suppress all riots and tumultuous assemblies in the Borough.

C. The Mayor shall supervise the conduct and acts of all officers in the Borough and shall execute all contracts made on behalf of the Council.

§ 52-4. President of Council.

At the organizational meeting the Council by a majority vote shall elect from their number a President of the Council, who shall preside at all of its meetings when the Mayor does not preside. The President of the Council shall hold office for one year and until the next annual meeting. The President of the Council shall have the right to debate the vote on all questions before the Council. If the Council at its annual meeting fails to elect a President, the Mayor shall appoint the President from the Council and in that case no confirmation by the Council shall be necessary. If the Mayor is absent from the Borough for a period of three consecutive days or for any reason is unable to act, the President of the Council shall perform all the duties of the Mayor during his absence or inability. In case of the Mayor's intended absence from the Borough for more than three days at any one time, the Mayor shall notify the President in writing of such intended absence, whereupon the President shall become Acting Mayor upon the receipt of such notice and continue to act until the Mayor's return. In case of the temporary inability of the President to so act, the Council member having the longest term of service as such may act temporarily for the President.

ARTICLE I. Borough Clerk

[Adopted 8-9-1993 by Ord. No. 15-1993 as § 2-8 of the Revised General Ordinances]

§ 58-1. Appointment; term.

[Amended 9-5-2006 by Ord. No. 16-2006]

There shall be Borough Clerk appointed by the governing body of the municipality. The term of office of the Clerk shall be three years which shall run from January 1 in the year in which the Clerk was appointed.

§ 58-2. Qualifications.

No person shall be appointed as Borough Clerk unless he shall have a registered Municipal Clerk certificate issued pursuant to N.J.S.A. 40A:9-133 et seq.

§ 58-3. Compensation.

The Clerk's salary shall be established in the Salary Ordinance.

§ 58-4. Acting Clerk.

Should the office of Borough Clerk become vacant, the Borough Council may appoint a person to serve as Acting Clerk for a period of not more than six months.

§ 58-5. Powers and duties.

The Borough Clerk shall:

- A. Act as secretary of the municipal corporation and custodian of the Municipal Seal and of all minutes books, deeds, bonds, contracts, and archival records of the municipal corporation. The Borough Council may, however, provide by ordinance that any other specific officer shall have custody of any specific other class of record.
- B. Act as secretary to the Borough Council, prepare meeting agendas at the discretion of the Council, be present at all meetings of the Council, keep a journal of the proceedings of every meeting, retain the original copies of all ordinances and resolutions, and record the minutes of every meeting.
- C. Serve as the chief administrative officer in all elections held in the Borough, subject to the requirements of Title 19 of the New Jersey Statutes Annotated.
- D. Serve as chief registrar of voters in the Borough, subject to the requirements of Title 19 of the New Jersey Statutes Annotated.
- E. Serve as the administrative officer responsible for the acceptance of applications for licenses and permits and the issuance of licenses and permits, except where statute or ordinance has delegated that responsibility to some other Borough officer.
- F. Serve as coordinator and records manager responsible for implementing local archives and records retention programs as mandated pursuant to Title 47 of the New Jersey Statutes Annotated.
- G. Perform such other duties as are now or hereafter imposed by statute, regulation or by ordinance or regulation.

§ 58-6. Deputy Borough Clerk.

- A. Office created. Pursuant to N.J.S.A. 40A:9-135, the office of Deputy Borough Clerk is hereby created in the Borough.
- B. Appointment and confirmation. The Deputy Borough Clerk shall be appointed by the Mayor and confirmed by the Council in accordance with the laws relating to appointive officers.
- C. Terms of office. The term of office of the Deputy Borough Clerk shall be for one year and shall continue until the successor to the office shall have been appointed and confirmed or until the office shall have been abolished.
- D. Powers and duties. The Deputy Borough Clerk shall assist and be under the direction of the Borough Clerk in the performance of his duties and shall perform such other duties as the Borough Council may prescribe. In the absence or temporary disability of the Borough Clerk, the Deputy Clerk shall perform the duties of the Borough Clerk.
- E. Compensation. The compensation of the Deputy Borough Clerk shall be as provided in the Salary Ordinance.