

Ben Angeli

From: Rural Raucous Caucus NJ <opra+request-29004-196662a4@requests.opramachine.com>
Sent: Tuesday, January 25, 2022 4:23 PM
To: OPRA requests at Salem City
Subject: OPRA request - Salem City Charter and Reorganization Amendments To Original Incorporation

Dear Salem City,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

OPRA RECORDS REQUESTED:

(1) PLEASE PROVIDE: a copy of the CHARTER incorporating the Township of Salem into a CITY, to be called the "City of Salem"

PLEASE PROVIDE: the statutory change method utilized to change Salem away from the Mayor-Council plan to plan where the Mayor is no longer the Chief Executive of the City of Salem

(2) If a charter study commission recommend that the Salem municipality change to one of the optional forms of government under the Faulkner Act,

PLEASE PROVIDE: the date of the question pertaining to the "CHARTER COMMISSION STUDY RECOMMENDATION" was placed on the ballot for referendum of the voters.

(3) PLEASE PROVIDE: a copy of any and all CHARTER amendments that reorganizes the City of Salem into a new or alternate form of municipal government under New Jersey Statue.

Yours In Solidarity,

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:

opra+request-29004-196662a4@requests.opramachine.com

Is cityclerk@cityofsalemnj.gov the wrong address for OPRA requests to Salem City? If so, please contact us using this form:

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THE CHARTER

**THE CHARTER OF
THE CITY OF SALEM
SESSION OF 1858.**

CHAPTER LIV.

An act to incorporate the city of Salem.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That all that part of the county of Salem, known as the township of Salem, shall be, and is hereby incorporated into a city, to be called the City of Salem.

2. And be it enacted, That for the better order and government of the said city of Salem, there shall be elected hereafter in said city, one mayor who shall be keeper of the city seal, and hold his office for three years; and at the first election for city officers, six common councilmen (two of whom shall hold their offices for one year, two for two years, and two for three years; and at the first meeting of the common council after said election, it shall be determined by lot, which of the members thereof shall hold their office for one year, which for two, and which for three years); and annually thereafter, there shall be elected two persons, as members of said council, who shall hold their office respectively for three years; which mayor and common councilmen shall be one body politic and corporate in deed, fact, name and law, by the name, style and title of "The Mayor and Common Council of The City of Salem".

3. And be it enacted, That an election by ballot shall be held on the second Tuesday of March next, at the place of holding the last annual election, and annually thereafter at such place as the common council of the City of Salem may appoint, of which place the said council shall cause public notice to be given, by advertising the same two weeks, in one or more newspapers published in said city, or by setting up such notice, either written or printed, in five public places in said city, at least two weeks previous to the day of such election (and in default of such notice, the election shall be held at the place where the last annual election was held); at which election one mayor, six councilmen, one recorder or clerk, one marshal, one or more assessors, one collector who shall be ex-officio, city treasurer, two chosen freeholders, one school superintendent, two trustees of public schools, two overseers of the poor, two surveyors of the highways, three commissioners of appeal, one judge of election, and one or more pound keepers shall be chosen and elected in said city from among the citizens residing therein, and entitled to vote at such election, and annually thereafter on the second Tuesday of March, excepting the mayor and common council, who shall be elected as hereinbefore provided, but no person shall be elected or serve as mayor or common councilmen of said city unless he shall have resided in said city at least one year immediately preceding said election.

4. And it be enacted, That the mayor and common councilmen of said city shall constitute the common council thereof, and shall hold an annual meeting therein, on the fourth Tuesday of March, yearly and every year; and such other meetings as they shall, by ordinance, direct and appoint; the mayor shall preside at said meeting, and shall have a vote only in cases where there shall be a tie; and if the mayor be absent at any meeting, then the councilmen shall appoint one of their number to preside pro tempore, and when met said common council shall have power to make and adopt such rules and by-laws for their own government as they may

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driving or passing over or upon the same with horses, wagons, carts, or carriages of any description; for ascertaining and establishing the boundaries of all streets and alleys in said city, and preventing and removing all encroachments in and upon said streets or alleys; for preventing or regulating the running at large of cattle, horses, goats, geese, dogs, and swine; for imposing a reasonable tax on the owners or possessors of dogs; for preventing the immoderate riding or driving through or in any street or alley of said city; for abating or removing any nuisance in any street or wharf, or on any lot or lots or inclosure, or other place in said city; for causing common sewers or drains to be made, and granting permission to construct vaults in any part thereof; for lighting the streets of the same; for preventing or restraining riots, routs, disturbances, or disorderly assemblages, in any street, alley, house or place in said city; for regulating, protecting, improving and reclaiming the public grounds or walks therein, and sinking and regulating pumps, wells, and cisterns in the streets thereof; for the maintenance of fire engines and hose companies, and for the prevention or suppression of fires; for compelling the cleaning of chimneys; for appointing watchmen, constables and an additional police, and prescribing their powers and duties; for regulating the vending of meats, fish, and vegetables; for regulating butchers, hawkers, peddlers, and petty chapmen within said city; for restraining vagrants, mendicants, and street beggars; for erecting and maintaining a city hall, a school-house or houses, with such other public buildings as may be necessary in said city; for regulating the public docks and wharves therein, and the rates of wharfage, for the more effectual suppression of vice and immorality; for preserving peace and good order; for suppressing and restraining disorderly and gaming houses; for prescribing and defining the duties of the several officers elected therein, and such other by-laws and ordinances for the peace, good order, and prosperity of said city as they may deem expedient, not repugnant to the constitution and by-laws of this state or of the United States, and to enforce the observance of all such laws by exacting penalties for the violation thereof, either by imprisonment in the county jail, not exceeding seven days, or by a fine not exceeding fifty dollars, recoverable with costs, in an action of debt in the name of the treasurer of said city, before any justice of the peace or the mayor thereof, for the use of the incorporation thereof; and further, it shall be lawful for any justice of the peace, or the mayor of said city, before whom judgment of imprisonment may be given, to carry such judgment into effect by warrant of commitment, under their hand or seal, directed to the keeper of the county prison; provided always, each and every ordinance so passed shall be published in five of the most public places in said city, and also twice in one or more newspapers published in said city, by the mayor thereof, for twenty days before said ordinance shall go into effect; and provided also, that no ordinance or by-law shall be enacted or passed by said common council, unless the same shall have been introduced before the said common council at a previous meeting.

9. And it be enacted, That it shall and may be lawful for the common council to cause to be raised by tax, from year to year, such sum or sums of money as may be necessary for carrying into effect the laws and ordinances from time to time enacted by them, and for defraying all other necessary expenses of said city, not to exceed in any one year the sum of forty-five cents on every one hundred dollars of taxable property of all kinds in said city, and from time to time to borrow money in the faith and in the name of said city, on bond, note, or other sufficient security; provided, that the sum so borrowed shall never amount, in all, to more than two-thirds of the estimated tax to be levied and assessed in any one year, nor be made payable at any period later than thirty days after the time fixed by law for the collection of said taxes; and it is further provided, that all lands within the limits of said city, held as farm lands and not for building purposes, shall be valued and taxed as farm lands, in the same manner as they are now

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15. And be it enacted, That the said mayor and common council, or a majority thereof, in council convened, shall have the sole, only, and exclusive right and power of granting license under the common seal of said city, to all and every innkeeper, and retailer of spirituous liquors residing in said city, in the like manner and on the same conditions as may now be done by the courts of common pleas in this state, except only that they may grant such license for any term not exceeding one year, as they may deem best; and they shall also have the sole, only, and exclusive right and power of licensing such and so many keepers of oyster houses and cellars, and places for the sale of fermented liquors, within said city, upon such terms and conditions and subject to such regulations as they may deem most conducive to the public good thereof; and the amount of license fees levied and assessed shall be paid to the treasurer for the use of the city.

16. And be it enacted, That the mayor of the said city of Salem shall not be entitled to receive any compensation for the performance of his official duties other than the fees which appertain to his office as a justice of the peace and a commission for taking the acknowledgment and proof of deeds; neither shall the members of common council be paid any compensation whatever for the performance of their official duties; the city clerk shall be paid fifty cents for each meeting of councils he may attend, and six cents per folio of one hundred words each for recording the ordinances thereof.

17. And be it enacted, That it shall be the duty of the city treasurer, once at least in each year, and as much oftener as the mayor and common council shall require, to make a statement of all moneys received and paid out by him showing the source from whence received and to what applied, the amount of the indebtedness of the city, and the balance of funds in his hands; which when approved by the common council shall be filed in the office of the city clerk at least twenty days before the next annual election for city officers; and the city council shall cause the same to be published for two weeks in one or more newspapers published in said city, or to be set up in five of the most public places in said city, at least two weeks previous to the said election; and the treasurer shall be allowed for making out such statement, six cents per folio of one hundred words.

18. And it be enacted, That the commissioners of appeal in cases of taxation shall convene annually, on the third Monday of October, to hear and determine all appeals; and they shall sit from 10 A.M. to 6 P.M., and longer, if found necessary to dispose of all the cases submitted to them for consideration.

19. And be it enacted, That the treasurer shall, at least one week before the day of appeal, in cases of taxation, demand of all persons taxed the amount of their tax, by notice to them personally given, if to be found in the city, or left at their residence, if within the city; and in case of the non-payment of any taxes by the Monday next preceding the first Tuesday in November, the treasurer shall make out a list of the names of delinquents, with the sums due from each, and deliver the same to the mayor or a resident justice of the peace.

20. And be it enacted, That it shall be the duty of said mayor or justice of the peace, on receipt of the list of delinquents as aforesaid, to administer an oath or affirmation to the said treasurer, that the moneys on said list had been duly demanded, in the manner hereinbefore directed, and thereupon to give to said treasurer a receipt for such list, certifying therein the names of such delinquents, and the sum due from each respectively; and it shall be the duty of the mayor, or justice, within five days after receipt of said list, to deliver to a constable or

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27. And be it enacted, That the mayor and members of common council to be elected by virtue of this act, shall take the oath or affirmation prescribed, on or before the third Tuesday in March, next after their election.

28. And be it enacted, That all the property now vested in the township of Salem, shall be, and is hereby vested in the corporation of the city of Salem.

29. And be it enacted, That all laws of this state inconsistent with the provisions of this act, are hereby repealed.

30. And be it enacted, That this act shall take effect immediately.

Approved February 25, 1858.

BACKGROUND

The foregoing 30 articles of the original 1858 legislative charter established Salem's status as a "city," although the origins of Salem as a community can be traced back at least as early as 1675. The City of Salem is one of only five municipalities in New Jersey that are organized based upon special charters granted specifically to them by the Legislature. Since 1858 the original City Charter has been modified many times, both by specific amendment and general laws. The most substantial modifications to the original Charter include an 1871 specific charter amendment which divided the city into two wards, with four Council members being elected from each ward. In 1883 a general law, P. L. 1883, c. 32, Section 1, p. 38, applicable to all cities of the third class, increased the term of Council members to four years. Most recently, in 1988, the Legislature enacted a general law, codified as N.J.S.A. 40A:61-1 et seq., entitled "Cities," which further modified and modernized the governmental structure in the City of Salem.

The history of organized community and government in Salem is long and proud. We who are a part of the present community and government share this long and proud history. It would do us well to remember this as we move forward into the future.

David J. Puma, Esq.
City Solicitor
Salem, New Jersey
June 1, 1995