

OFFICIAL COPY

ADOPTED: JAN. 23, 1991

EFFECTIVE DATE: JAN. 23, 1991
(PER RES. 39-1991)

TOWNSHIP OF PEMBERTON

ORDINANCE NO. 1-1991

AN ORDINANCE PROVIDING FOR THE ADMINISTRATION
AND ORGANIZATION OF THE MUNICIPAL GOVERNMENT
IN THE TOWNSHIP OF PEMBERTON.

BE IT ORDAINED AND ENACTED by the Township Council of the Township of Pemberton, County of Burlington and State of New Jersey as follows:

ARTICLE I. ABOLISHMENT OF EXISTING OFFICES.

Pursuant to the provisions of N.J.S.A. 40:69A-207, all offices which were existing in the Township of Pemberton at 12:00 noon on January 1, 1991 have been and are hereby deemed abolished and the terms of all elected and appointed officers are deemed to have immediately ceased and determined as of said hour except for those positions specifically exempted from abolishment by N.J.S.A. 40:69A-207. It is the intent and purpose of this ordinance to create anew the positions set forth within this ordinance except as otherwise provided by law.

ARTICLE II. GENERAL PROVISIONS.

Section 1. Short Title. The title of this Ordinance shall be known and referred to as the "Administrative Code of the Township of Pemberton".

Section 2. Definitions.

A. Administrator shall mean the Township Business Administrator duly appointed pursuant to the provisions of this Administrative Code.

B. Appointing Authority shall mean the person or entity having power of appointment and/or removal under state law or local ordinance.

C. Clerk shall mean the Municipal Clerk duly appointed pursuant to this Code and Statutes of the State

of New Jersey.

D. Council shall mean the Local Legislative Body of the Municipality constituted and elected pursuant to State Law.

E. Day shall mean a calendar day or any part of a calendar day.

F. Department shall mean an organizational unit of the municipal government established or designated by or pursuant to the Administrative Code as a Department.

G. Director shall mean the Administrative Head of a Department.

H. Governing Body shall mean the Municipal Council as constituted by State Law in the Township of Pemberton.

I. Independent Board, Commission, or Body refers to any agency or instrumentality of the municipal government which is created by the Council by an Ordinance not allocated or assigned within a department or other agency.

J. Ordinance shall mean and include any act or regulation heretofore or hereafter adopted by the governing body required to be reduced to writing and read at more than one meeting thereof and published.

K. Mayor shall mean the person directly elected by the voters of the Township to the position of Mayor.

L. Month shall mean a calendar month unless otherwise specifically provided.

M. Motion shall mean and include any act of the governing body dealing with procedural or parliamentary matters not required to be reduced to writing which may be finally passed at the meeting at which it is introduced.

N. Municipality shall mean the Township of

Pemberton, within the County of Burlington and State of New Jersey or any corporate successor thereto.

O. Person shall mean an incorporation, firm, partnership, association, organization or other entity as well as an individual.

P. President shall mean the person elected by Council to serve as President of Council.

Q. Resolution means and includes any act or regulation of the governing body required to be reduced to writing, but which may be finally passed at the meeting at which it is introduced.

R. Year shall mean a calendar year unless otherwise specifically provided.

S. Writing and Written. The terms writing and written shall include printing, typewriting, telefacsimile or any other mode of communication used on paper or similar material which is in general use as well as legible handwriting.

Section 3. Construction. For the purposes of the Administrative Code and any other Ordinances which were heretofore or are hereafter adopted, except as the context may otherwise require, the following constructions shall apply:

A. The present tense includes the past and future tenses.

B. The masculine gender includes the feminine and neuter.

C. The singular number includes the plural, and the plural number includes the singular.

D. The time within which an act is to be done shall be computed by excluding the first and inputting the last day, and if the last day be a Sunday or legal holiday, the day shall be excluded.

E. The terms "shall" and "will" are interpreted to mean mandatory; the term "may" is

interpreted to be permissive, and/or discretionary.

Section 4. Temporary Appointments to Positions. Within the Administrative Code there are established a variety of positions appointed by various Township appointing authorities. It is the intent of this Ordinance that no appointment may be made without specific Ordinance authorization for the position. However, any appointing authority may, with the advice and consent of Council, and provided that there are funds available for the position, by official action (whether it be by executive order, directive or resolution) establish a temporary position, which position shall be valid and capable of being temporarily filled, if within thirty days, the Township Council shall enact an appropriate legislation, the intent of which is to establish the position to be filled.

Section 5. Removal. Despite contrary provisions elsewhere herein contained and subject to controlling provisions of State Statutes, the appointing authority may with the advice and consent of the Council, remove any member of an independent board or agency operating within the Township of Pemberton where the appointing authority determines that said member is in violation of N.J.S.A. 40A:9-12.1.

Section 6. Severability. If any Article, Section, or part of this Code shall be declared to be unconstitutional, invalid or inoperative in whole or in part by a court of competent jurisdiction, such Article, Section or part shall to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect and no such determination shall be deemed to invalidate the remaining Articles, Sections or parts of this Code.

Section 7. Repealer. All Ordinances and parts of Ordinances heretofore enacted which are inconsistent

with any provisions of this Code are to the extent of such inconsistency, hereby repealed. The repeal of any Ordinance or part thereof by this Code or by any other Ordinance shall not revive any former Ordinance or part thereof which may have been repealed by such repealed Ordinance or part thereof.

ARTICLE III. THE GOVERNING BODY.

Section 1. Township Council.

A. Creation. The Township Council is established pursuant to N.J.S.A. 40:69A-31 et seq. and consists of five members elected at large by the voters of the Township in an election held on the first Tuesday after the first Monday in November.

B. Term. Each member of the council holds office for a four year term.

C. Organization. The Township Council shall hold an organizational meeting (reorganization meeting) on January 1st of each year at a time no earlier than 12:00 noon, or during the first seven days of January in said year. During this meeting, the Council shall elect one of its members as President of the Council who shall preside at all of the meetings and perform such other duties as the Council may prescribe.

D. Powers and Duties of the Township Council. The Township Council is the repository of all Legislative authority granted to the Township of Pemberton by the Legislature of the State of New Jersey. In this regard it has the power and responsibility to perform the following functions:

(1) Meetings.

(a) Regular Meetings. The Township Council shall hold meetings as set forth by Resolution.

(b) Special Meetings. The President of Council, or any two members of the Township Council, may call a special meeting at any time. The call for such

a special meeting shall specify the purpose of the meeting and no other business shall be transacted at any such special meeting. The call for such special meeting shall be filed with the Clerk at least 48 hours prior to the time for which the meeting is called. The Clerk shall forthwith provide notice in accordance with law and shall also give notice by telephone, telegraph or telefacsimile to each Council member at such place as each member shall have previously designated for that purpose. The Clerk shall further cause the Township Police to serve a written copy of the call for a meeting upon each Council member by delivery of a copy to his usual place of abode at least 48 hours before the time set for such meeting. Proof of delivery of such written notice shall be announced at the commencement of any such meeting.

(c) Emergency Meetings. Upon the affirmative vote of 3/4 of the whole membership of the Township Council, the Council may hold a meeting, notwithstanding its failure to provide adequate notice, if it meets the criteria of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-9(b).

(d) Meetings and Conferences. All meetings of the Township Council shall be open to the public. The Township Council may meet in an informal conference for such purposes as may be deemed appropriate, including preparing for meetings, studying matters before it, and consulting with professional advisors. Such informal conference shall be designated work sessions and shall be open to the public. The work session will not, however, include public participation or a public portion except as permitted by the Township Council. The Township Council reserves the right to take formal action at work session meetings. Work session meetings of the Township Council will be scheduled by

resolution.

(e) Place of Meetings. All meetings of the Township Council shall be held in the Municipal Building except when, in the opinion of a majority of the Township Council, it is desirable to meet at some other location of a public nature. The Township Council, upon such reasonable public notice as the circumstances permit, may meet in or adjourn to any other public building in the Township.

(f) Quorum. A majority of all members elected to the Township Council shall constitute a quorum at any meeting of the Council. If a quorum is not present within one half hour after the appointed time for any meeting, the President of Council, or the presiding officer, may declare the meeting adjourned to a time certain and to the next regularly scheduled meeting of the Council.

(2) Legislative Powers. The Township Council, as the legislative branch of the Township Government, is the repository for all of the Township's legislative power, subject to the procedures set forth in this Code and/or, N.J.S.A. 40:69A-31, et seq. Legislative powers shall be exercised by ordinance, except for the exercise of those powers that, under this plan of government or 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, including, but not limited to:

- a. The override of a veto of the mayor;
- b. The exercise of advice and consent to actions of the mayor;
- c. The conduct of a legislative inquiry or investigation;
- d. The expression of disapproval of the removal by the mayor of officers or employees;

- e. The removal of any municipal officer for cause;
- f. The adopting of rules for the council;
- g. The establishment of times and places for council meetings;
- h. 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;
- i. The declaration of emergencies respecting the passage of ordinances;
- j. The election, appointment, setting of salaries and removal of officers and employees of the council, subject to any pertinent civil service requirements and any pertinent contractual obligations, and within the general limits of the municipal budget;
- k. Designation of official newspapers;
- l. Approval of contracts presented by the mayor;
- m. Actions specified as resolutions in the "Local Budget Law" (N.J.S. 40A:4-1 et seq.) and the "Local Fiscal Affairs Law" (N.J.S. 40A:5-1 et seq.); and
- n. The expression of council policies or opinions which require no formal action by the mayor.

(3) Investigatory Power. Pursuant to N.J.S.A. 40:48-25 and 40:69A-37(a), the Council shall have the power to investigate the operation of the Township affairs in order to inform the Council on how current legislation is operating, what changes are called for in legislation, and what new legislation is required. The investigatory power is also to be used in exercising the financial control function given to the Council under N.J.S.A. 40A:4-1 et seq. and N.J.S.A. 40A:5-1 et seq.; further the Council before determining to remove a public officer may deem it appropriate to cause an investigation to occur using the power heretofore recited.

Additionally, should any conduct by municipal officials be reported to the Township Council so as to warrant an investigation, the Township Council may cause such investigation to occur using the power heretofore recited.

(4) Reports and Appearances. In the furtherance of its other powers, the Council may require:

A. Reports. Any municipal officer to prepare either sworn or unsworn statements regarding his official duties and the performance thereof.

B. Any Councilmember may, at any time, require a report on any aspect of the government of the municipality by making a written request to the Mayor. The Council may, by a majority vote of the whole number of its members, require the Mayor or his designee to appear before the Council sitting as a Committee of the whole, and to bring before the Council those records and reports, and officials and employees of the municipality as the Council may determine necessary to insure clarification of the matter under study. The Council may further, by a majority of the whole number of its members, designate any number of its members as an ad hoc committee to consult with the Mayor or his designee to study any matter and to report to the Council thereon.

C. Removal. The Township Council may, by a 2/3 majority vote, remove any municipal officer other than a member of the Council or the Mayor, for cause upon notice and an opportunity to be heard. The term "cause" shall include, but not be limited to the following: (a) neglect of duty; (b) incompetency or inefficiency; (c) incapacity due to mental or physical disability; (d) insubordination or serious breach of discipline; (e) intoxication "substance abuse" while on duty; (f) misuse or unauthorized use of authority; (g) chronic or excessive absenteeism; (h) failure to

cooperate with superior or subordinate officers or employees to the detriment of the overall operation of the Township Government; (i) disorderly or immoral conduct; (j) willful violation of any of the provisions of any Township Ordinance, applicable state, federal or local administrative rule or regulation; (k) the conviction of any criminal act or offense; (l) lack of professional skill, discretion or attitude; (m) negligence of, or willful damage to public property or waste public supplies; (n) conduct unbecoming an employee in the public service.

To initiate removal proceedings, the Township Council shall adopt a Resolution of Removal. The Resolution for Removal shall set forth the alleged cause for removal making specific charges and provide for notice and an opportunity to be heard to the affected party. The Clerk shall forthwith cause a copy of the Resolution for Removal, together with a statement of the causes and charges involved and notice of the time and place fixed for hearing, to be served personally or by registered mail upon the person affected. A hearing shall be held not less than ten days nor more than fifteen days after the date of such service and may be adjourned from time to time. Such hearing shall be open to the public and the person charged shall be entitled to be represented by his own counsel. Following the conclusion of the hearing, the President shall call for a vote on the Resolution of Removal. The above procedure is subject to modification or expansion to meet such different or additional requirements as may be established by other laws or Department of Personnel regulations.

D. Financial Control. Pursuant to N.J.S.A. 40A:4-1 et seq., N.J.S.A. 40A:5-1 et seq., and N.J.S.A. 40:69A-48, the Council shall exercise financial control

over the affairs of the Township. The Council shall by Resolution annually act on the budget in accordance with the procedures set forth under N.J.S.A. 40A:4-1 et seq., after it has been submitted by the Mayor. The Council shall, pursuant to N.J.S.A. 40A:5-17, approve or disapprove all claims, which claims shall be recorded in the Minutes of the Council meetings by attaching to said minutes a list of all claims approved at each meeting, as well as the vote each Councilmember on the motion to approve said claims. Claims need not be approved individually, but may be approved in a group or groups. The Council shall be directly responsible for the fiscal affairs of the Township.

E. Appointments. The Township Council shall make only those appointments which state or local law permit.

F. Vacancies. Should a vacancy occur in the position of member of the Township Council, it shall be filled in accordance with the State Vacancy Law, N.J.S.A. 40A:16-1 et seq.

G. Compensation. Members of the Township Council shall be compensated for their services in accordance with the Salary Ordinance of the Township, subject to the rights given the electorate under N.J.S.A. 40A:9-165.

H. Agenda. The agenda for each meeting of the Township Council shall be prepared by the Township Clerk at the direction and under the supervision of the President. The President or any two members of Council may place any matter of business on the agenda for a Council Meeting; but when the request is made by two members of Council, same shall be submitted to the Clerk one week prior to the meeting. Matters of business not submitted a week prior to the meeting may only be included on any agenda with the prior approval of the President. The agenda for each meeting of the Council shall include only such matters of Township business included on the agenda, however, important or other timely matters may be added

to the agenda at any time with the approval of the majority of those Councilmembers present. As soon as the agenda for each meeting has been prepared, the Clerk shall have delivered a copy to each Councilmember, the Mayor, the Township attorney, the consulting engineer, and the head of each department.

I. Ordinances and Resolutions.

(a) Preparation. All Ordinances shall be prepared by the Township Solicitor upon the direction of the Township Council. Resolutions may be prepared by persons other than the Solicitor, but shall be subject to review and approval (as to legal sufficiency only) of the Solicitor.

(b) Introduction. Where the consideration of any Ordinance or Resolution is upon the agenda, any such Ordinance or Resolution may be introduced by any member. Such Ordinance and Resolution shall be limited to a single subject which shall be expressed in its title or which may be readily ascertainable by its context. Ordinances and resolutions shall be introduced and read by title.

(c) Passage. All Ordinances and Resolutions shall be passed and advertised in the manner provided by law.

J. Filing of Reports and Resolutions. The Township Council shall file with the Clerk all Ordinances, Resolutions, Petitions, correspondence, and other papers considered by or presented to it.

ARTICLE IV. OFFICE OF THE MAYOR.

Section 1. Creation. The office of the Mayor is created pursuant to the provisions of N.J.S.A. 40:69A-31-32, and -33. The Mayor shall be elected by the voters of the Township of Pemberton and shall serve for a term of four years.

Section 2. Executive Power. The executive

power of the municipality shall be exercised by the Mayor, subject to the procedures of the Optional Municipal Charter Law, N.J.S.A. 40:69A-31 et seq.

Section 3. Duties of Mayor. The Mayor shall:

A. Enforce the charter and ordinances of the municipality and all general laws applicable thereto;

B. Report annually to the council and to the public on the state of the municipality, and the work of the previous year; he shall also recommend to the council whatever action or programs he deems necessary for the improvement of the municipality and the welfare of its residents. He may from time to time recommend any action or programs he deems necessary or desireable for the municipality to undertake;

C. Supervise, direct and control all departments of the municipal government and shall require each department to make an annual and such other reports on its work as he may deem desirable.

D. Require such reports and examine such accounts, records and operations of any board, commission or other agency of municipal government, as he deems necessary.

E. Prepare and submit to the council for its consideration and adoption an annual operating budget and a capital budget, establish the schedules and procedures to be followed by all municipal 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 municipal property, institutions and agencies, and make recommendations concerning the nature and location of municipal improvements and execute improvements determined by the governing body;

G. Sign all contracts, bonds or other instruments requiring the consent of the municipality;

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 the 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 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 is not an official voting member.

M. Such other duties as are set forth in N.J.S.A. 40:69A-31 et seq.

ARTICLE V. ADMINISTRATIVE ORGANIZATION.

Section 1. Departments, Boards and Commissions.

A. There shall be the following departments created within the Township of Pemberton:

1. Department of Administration
2. Department of Public Works
3. Police Department
4. Department of Construction Code Enforcement
5. Municipal Court

B. There shall be the following Board and Commissions within the Township of Pemberton:

1. Planning Board
2. Zoning Board of Adjustment
3. Municipal Utilities Authority

4. Board of Health
5. Environmental Commission
6. Human Relations Commission
7. Economic Development Council
8. Senior Citizens Council
9. Local Assistance Board
10. Board of Ethics

C. Miscellaneous Offices. There shall be the following miscellaneous offices created within the Township of Pemberton:

1. Office of the Township Clerk
2. Office of the Tax Assessor.
3. Assistant Tax Assessor
4. Public Works Supervisor
5. Buildings & Grounds Supervisor
6. Office of the Emergency Management Coordinator
7. Recreation Coordinator
8. Assistant Water Superintendent
9. Accountant
10. Administrative Clerk
11. Senior Code Enforcement Officer
12. Fire Sub-Code Official
13. Housing Inspector
14. Regional Contribution Agreement Coordinator
15. Municipal Tax Search Officer
16. Registrar of Vital Statistics
17. Deputy Registrar of Vital Statistics
18. Municipal Improvement Search Officer

D. Miscellaneous Positions of Employment. There shall be the following miscellaneous positions of employment created within the Township of Pemberton:

All positions currently existing under any collective bargaining agreement entered into by the

Township of Pemberton pursuant to the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq.

E. Boards and Commissions: Membership, Vacancy.

1. Members of all multimember boards and commissions shall serve for the terms set forth in this Code respectively, unless any such member:

(a) shall cease to reside in the Township; or

(b) shall be removed from office pursuant to any section of the Code; or

(c) for any reason set forth in N.J.S.A. 40A:9-12.1.

2. Upon the occurrence of any vacancy, the vacant position shall be filled for the unexpired term unless otherwise provided by law.

F. Status of Advisory Board Members. The members of any board or commission:

1. which was created solely by Township Ordinance, Resolution, or by declaration of the Mayor, without specific State or Federal legislation requiring such creation; and

2. the duties and functions of which are purely advisory or recommendatory in nature

shall serve at the pleasure of the authority which created their position, and shall not be deemed to be officers, officials or employees of the Township except for the following purposes:

(a) Section 2-5.5 of the Code of the Township of Pemberton - Meetings of other Township Bodies.

(b) Chapter 20 of the Code of the Township of Pemberton - Code of Ethics

(c) that section of the Code establishing the board or commission in question and setting forth the duties thereof.

Section 2. Meetings of Other Township Bodies.

A. Place of Meetings. All meetings of the Township bodies shall be held in the Municipal Building except that when in the opinion of a majority of the Township body in question, it is desirable to meet at some other location of a public nature.

B. Quorum. A majority of all members appointed to the Township body in question shall constitute a quorum at any meeting of same, unless otherwise provided by law.

Section 3. Department of Administration.

A. Appointment and Compensation. The Department of Administration shall be headed by the Business Administrator, who shall be appointed by the Mayor, with the advice and consent of the Council, and whose term of office shall be co-extensive with the term of the Mayor. He shall be compensated in accordance with the Township Salary Ordinance.

B. Removal. The Business Administrator may be removed from his position by the Mayor, or by a two-thirds vote of the full membership of the Township Council.

C. General Powers and Duties. The Business Administrator shall head the department of administration, responsible to the Mayor for the administration of certain Township business affairs and with the powers and duties described herein. He shall:

1. Develop and administer a sound personnel program and establish working, personnel, vacation, and sick leave scheduled, and appropriate records and reports, as directed by the Mayor.

2. Assist in the preparation the annual proposed budget and capital improvement program to be submitted by the Mayor to the Council.

3. Administer a centralized purchasing system and maintain a continuing review and analysis of budget operations, work programs, and costs of municipal services.

4. Attend all meetings of the Council.

5. Prepare an annual report to be submitted to the Township Council by November 30th of each year setting forth a description and inventory of all property owned by the municipality, including though not necessarily limited to, all lands and buildings, vehicles and equipment, office equipment, and such other property as the Council deems appropriate.

6. Perform such other duties as may be required by the Council.

Section 3.1. Purchasing and Cooperative Pricing.

A. Purchasing. All materials, supplies and equipment, work and labor under contract required by any department, office or agency of the Township shall be purchased by or under the direction and supervision of the Mayor or her designee. Purchases shall be authorized only after the amounts are encumbered by the finance officer and shall be made at such times and in such form as the treasurer may prescribe or approve. Neither the Mayor nor her designee shall approve any purchase nor shall any bill, claim or voucher be approved except as provided by State Statutes. The business administrator shall establish and enforce, or where required by law, shall direct the appropriate department head to establish and enforce, suitable specifications and standards for

all supplies, material and equipment to be purchased for the Township. The business administrator shall inspect or direct the appropriate department head to inspect deliveries to determine their quality, quantity and compliance with these specifications and standards and shall accept or reject the deliveries in accordance with the results of the inspection. The business administrator may make transfers of supplies, materials and equipment between departments and offices and, with the Council's authorization, sell surplus, obsolete, unused or waste supplies, materials and equipment. The business administrator shall forward the text of all specification for bids to the Mayor and Township Council for its review. The Mayor and Township Council shall have fifteen days to review said specifications and make any changes or recommendations for changes it deems necessary and appropriate. Thereafter, the business administrator shall transmit said revised specifications for bids, as well as a date for the advertisement thereof, to the Township Clerk, who in turn shall advertise for and receive bids at the place, time and date specified in the advertisement therefor and in the manner prescribed by law. The Clerk shall further make copies of the specifications available for the information of the Mayor and Township Council. Any bid received shall be deemed to be received by the Clerk conditionally pending full examination as to legal form and compliance of all requirements set forth in the specifications. After examination as to form, all bids shall be reviewed by the business administrator, who shall submit to the Mayor a written recommendation as to which bidder should be awarded the contract pursuant to the Local Public Contracts Law.

In the event that purchases are authorized as the result of quotations received by telephone, the

business administrator of the appropriate department head receiving said quotations, shall complete a form which indicates the nature of the materials, supplies, equipment, work and/or labor for which quotations were sought; the name, address and telephone number of each and every person or entity submitting quotations; and the prices, charges and/or fees quoted by said person or entity. Said form shall be signed by the business administrator and/or department head receiving said quotations and then filed with the Township Clerk, Treasurer, Chief Financial Officer, and Business Administrator.

B. Cooperative Pricing Agreement. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor (with the advice and consent of the Council) is authorized to enter into a cooperative pricing agreement with the Lead Agency or any other contracting unit within the County of Burlington for the purchase of work, materials, and supplied. The Lead Agency entering into contracts on behalf of the Township of Pemberton 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 New Jersey Statutes.

Section 3.2 Division of Finance.

A. Division Established. There shall be, within the Department of Administration, a Division of Finance, the head of which shall be the Chief Financial Officer who shall be appointed by the Mayor with the advice and consent of the Township Council. The Director of Finance shall also be known as Chief Financial Officer (N.J.S.A. 40A:9-140.1 et seq.) of the Township. He shall supervise the work of the department and its divisions, be responsible for the accounting, pre-auditing and control of all revenues and expenditures, and be responsible for the custody, receipt and disbursement of

Township funds, supervise and perform the work involved in the negotiation of loans and the sale of bonds, be responsible for the safety and investment of Township funds, the management of the Township debt, the development of financial policies for recommendation to the Mayor, and the safeguarding of the Township's financial interest to the fullest extent.

B. Accounts and Control. The Division of Finance shall be responsible for all accounts and control. The division shall:

1. Develop, maintain and enforce the uniform system of accounts including forms, standards and procedures for all departments of the Township government. Any uniform system of accounts shall include appropriate provision for such records and reports as may be prescribed or approved by the Mayor, for the determination of the cost of performance of each functional program or activity measured in work units as may be appropriate thereof and for such data, records and reports as may be prescribed or approved by the administrator, for preparation and execution of a budget for the expenditure of public funds for capital purposes that give effect to the general improvement programs.

2. Maintain and operate the Township's central bookkeeping and accounting records according to sound accounting principles and in accordance with the requirements of the Director of the State Division of Local Finance.

3. Audit all receipts and disbursements of the Township government of each of its departments, and pre-audit all bills, claims and demands against the Township, including payrolls and require each department head to certify that any materials, supplies or equipment have been received and accepted as specified, and that the services have been duly rendered.

4. Control all expenditures to insure that the budget appropriations are not exceeded and maintain such books and records as may be required for the proper exercise of such budgetary control.

5. Review each proposed expenditure and commitment to be made on behalf of any department for conformity with the State law, the charter and the Ordinances of the Township, and authorize only such expenditures and commitments as conformed with all requirements of this Administrative Code.

6. Install, operate and maintain the central payroll system, and all social security, pension and insurance records for personnel of all departments.

7. Submit a monthly report of expenditures, encumbrances, and account balances to the Mayor and Township Council, and report quarterly to the Council on the financial condition of the municipality.

Section 3.3. Division of the Treasury. Within the Department of Administration there shall be a Division of the Treasury, the head of which shall be the Township Treasurer, who shall be appointed by the Mayor with the advice and consent of the Council.

A. Powers and Duties of the Treasurer. The Treasurer shall have, perform and exercise all functions, powers and duties as provided by general law and ordinance. He shall:

1. Keep and maintain books and financial records of all financial transactions of the Township in accordance with the standards and requirements of the Division of Local Finance in the Department of Community Affairs of the State of New Jersey.

2. Have custody of all public monies of the Township and make monthly reports to the Mayor of all receipts, expenditures, commitments and unexpended

appropriations. All monies received from any source by or on behalf of the Township or any department, board, office or agency thereof, except as otherwise provided by Township Ordinance, shall be paid to the Treasurer who shall, by the next ensuing bank day after receipt, deposit them to the credit of the Township in the authorized public depository of the Township to the credit of the proper account.

3. Be the certifying agent for the Public Employees Retirement System of New Jersey, consolidated Police and Firemen's Pension Fund, Police and Firemen's and Retirement System, Old Age and Survivor's Insurance System of New Jersey, hospitalization, medical, surgical and major medical group insurance plans for employees and withholding taxes.

4. May aid, under the direction of the Mayor, with the work involved in the negotiation of loans and the sale of bonds.

5. Have custody of all investments and invested funds of the Township or in its possession in a fiduciary capacity, except as otherwise provided by law, and have the safe keeping of all bonds and notes for transfer, registration or exchange. He shall invest or deposit all monies not required for current operations in interest bearing accounts.

6. Receive and collect revenue for all Township departments except the Municipal Court. Revenue shall include all license and permit fees, charges for use of Township property, and all other sums due the Township.

B. Presentation of Claim Approval. Any person claiming payment from the Township shall present a detailed bill of demand to the Township treasurer duly certified or in the alternative, supported by an affidavit of the claimant. It shall be the duty of the

treasurer to see that the signature of the officer or employee who has been duly assigned by the Mayor to certify that the materials have been received by, or the services rendered to the Township, appears on every claim. The Treasurer shall prepare a voucher list and submit it to the Township Council prior to its regular meeting for formal approval at a regular Council meeting. Claims shall be considered by Council, which shall approve the same except that the Council may reject any claims presented to it, stating the reason for such rejection. Any disapproved claim shall be referred back to the Township treasurer with such instructions as the Council may give at the time of disapproval. The Township Clerk shall record all claims in the official minutes, indicating that the Township Council has by formal action approved the same with the appropriate record as to any claims disapproved or rejected. The claims shall also be listed on an appropriate voucher list. This voucher list shall be so captioned that the minute records shall clearly indicate that the claim had been considered by the Council and approval has been given thereto. It shall be the duty of the Clerk or such other officer designated by resolution of the Township Council to indicate on the voucher list that claims have been approved for payment with the date of approval thereof noted on the voucher list. After certifying that the claims have been approved, she shall turn over same to the treasurer or other chief financial officer who shall forthwith prepare the necessary check(s) for the payment thereof. The check shall be signed by two of the following: the treasurer, the Mayor, the President of Council, and/or the Clerk. After preparing checks for the payment of claims, the treasurer shall record them in proper books of account, and once signed, mail or otherwise distribute the check to the claimants.

C. Payroll Account. There shall be an account to be designated the Township payroll account, and from time to time, the Township Treasurer upon receipt of a warrant or an amount due such payroll account, shall deposit the same to the credit of the payroll account charging the appropriate budgetary accounts therewith. Disbursement from the payroll account may be made by payroll checks signed by the Treasurer and Mayor, President of Council, and/or Clerk and after certification of any variance from normal working hours by the several department and office heads. In the case of reimbursement for actual and necessary traveling expenses, itemized claims supported by receipts, where available, shall be presented within ten days after completion of travel, in order to obtain reimbursement for expenses incurred by Township officials who are authorized to travel by request of the Township Council and/or Mayor. In case of error or adjustment in the payroll, the Treasurer shall, make proper corrections, and appropriate record of such corrections.

Section 3.4. Division of Tax Collections. Within the Department of Administration, there shall be a Division of Tax Collection, the head of which shall be the Tax Collector. The Tax Collector shall be appointed by the Mayor, with the advice and consent of the Township Council, for a four-year term commencing on January 1st of the year of his appointment as provided by law. He shall have, perform and exercise all functions, powers and duties as are provided by general law and ordinance. He shall maintain full and complete records and accounts of all sums collected and received under the supervision of the Chief Financial Officer and auditor. He shall keep a current record of all tax title liens, advising the Mayor promptly as such liens become subject to foreclosure under the law. He shall enforce the payment

of delinquent taxes by the means provided by law as soon as they become delinquent. He shall also serve as tax searcher and perform such duties as are prescribed by general law and municipal ordinance. However, the Mayor may appoint in lieu of the tax collector, any qualified person to the position of tax searcher. He shall keep the Chief Financial Officer, Business Administrator, Mayor, and Council informed as to all sums due on all taxes and other revenue to which the Township is entitled. The Tax Collector shall perform all duties and obligations imposed by statute and ordinance.

Section 3.5. Division of Inspection and Code Enforcement. There shall be within the Department of Administration, a Division of Inspections and Code Enforcement. This division shall be responsible for performing all inspections required under the Township's Rental Inspection Ordinance; under the Township's Property Maintenance Code (Section 45 of the Code of the Township of Pemberton); and for enforcement of the Township's zoning ordinances.

As to the enforcement of local zoning, this shall be performed by the person specifically designated as the "Zoning Officer" and there is hereby created the position of "Zoning Officer" to enforce all the provisions of the Township's zoning ordinance. The Zoning Officer is also the municipal official with whom property owners and/or developers shall meet in the process of making an application to one of the Township's Land Use Boards. The Zoning Officer shall issue or deny applications for zoning permits pursuant to N.J.S.A. 40:55D-70(a), and is the official who shall be authorized to issue non-conforming use and structure certifications pursuant to N.J.S.A. 40:55D-68. Additionally, the Zoning Officer shall be responsible for inspecting properties within the municipality for violations, or, upon being

advised of the existence of a violation, shall issue orders to the owners of the property to cease and desist from such violations, or, where other means fail, file a complaint in the Municipal Court for violation of the ordinance.

The Zoning Officer, as well as the other persons assigned by the Mayor to the Division of Inspection and Code Enforcement, shall coordinate their inspection activities with related activities of the Board of Health and with the Planning Board and the Zoning Board of Adjustment.

Section 3.6. Division of Law.

A. Division Established. There shall be within the Department of Administration, a Division of Law which shall be headed by the Township Attorney.

B. Township Attorney: Appointment Compensation Qualification. The Township Attorney shall be appointed by the Mayor, with the advice and consent of the Township Council, for a term of one year. He shall be a licensed attorney within the State of New Jersey and shall possess such other qualifications of ability and experience which the Mayor and Council shall deem necessary to perform the duties of his office. He shall receive reasonable fees and charges for legal services as provided for within this contract with the Township, which contract shall be approved by resolution.

1. Powers and Duties. The Township Attorney shall be the legal advisor to the Mayor and Council and to all administrative boards and agencies appointed by the Mayor and/or Council, except as may otherwise be provided by law or this Code. The Township Attorney shall prosecute and defend actions by and against the Township and every department, board, or agency thereof, appointed by the Mayor and/or Council in accordance with law. In furtherance of these powers and without

limitation thereto, he shall:

a. act as an independent contractor and employ at his expense such persons as are deemed necessary to carry on the duties prescribed for the office.

b. Advise the Council as to the form and sufficiency of all ordinances and resolutions, and advise the Mayor and Council as to the sufficiency of all Township actions prior to their occurrence.

c. Review and approve all contracts, deeds, documents and other instruments prior to the execution thereof by or on behalf of the Township.

d. Conduct appeals from Orders, decisions or judgments affecting any interest of the Township as directed by the Township Council.

e. Subject to the approval of the Mayor and Township Council, have the power to enter into any agreement, compromise or settlement in any litigation in which the Township is involved.

f. Render opinions in writing upon any questions of law submitted to him by the Mayor and/or Council with respect to their official powers, duties or the powers and duties of any officer of the Township.

g. Maintain a record of all actions, suits, proceedings and matters which relate to the Township's interests and report thereof from time to time as the Mayor and/or Council may require.

h. Conduct prosecution for crimes and offenses cognizable before the Courts of the State of New Jersey, including the violation of Ordinances or citizens complaints of any department or agency of the Township as required under State law, and violations of the rules and regulations duly promulgated by the department, board or agency of the Township, except where the prosecution of such crimes and offenses is the duty of the County or

Township Prosecutor.

i. Perform and possess such other different functions, powers, and duties as may be provided for by the Township, by State Statute, or by administrative rule or regulations.

2. Special Counsel. Upon the advice of the Township Attorney, and to the extent that funds are available, the Mayor, with the advice and consent of the Township Council, may appoint special counsel to assist with the representation of the municipality on matters of a complex or a specialized nature or where the Township Attorney disqualifies himself as a result of any conflict of interest. All such arrangements shall be pursuant to a written contract.

C. Township Prosecutor.

1. Appointment Qualifications and Compensation. There shall be within the Township of Pemberton a Township Prosecutor, who shall be appointed by the Mayor with the advice and consent of Council for a term of one year. The prosecutor shall be a licensed attorney within the State of New Jersey and shall possess such other qualifications of ability and experience which the Mayor and Council deem necessary to perform the duties of his office. The prosecutor shall receive such compensation as is provided for pursuant to a contract approved by the Council by resolution.

2. Duties. It is the duty of the Township Prosecutor to prosecute on behalf of the Township of Pemberton all crimes and offences cognizable before the Municipal Court of the Township of Pemberton including violations of the motor vehicle and traffic laws (N.J.S.A. 39:1-1 et seq.); violations of fish and game laws (N.J.S.A. 23:1-2); violations of the ordinances of the Township of Pemberton; violations of the Disorderly Persons Act (N.J.S.A. 2A:169-1 et seq.); violations of

Chapters 1 and 4 of Title 44 of the New Jersey Statutes entitled "Poor"; violations of Chapters 6 and 17 of Title 9 of New Jersey Statutes, entitled "Children"; violations of Article IV, Chapter 5 of Title 30 of New Jersey Statutes entitled "Institutions and Agencies"; and offenses of the lesser grade or degree than a misdemeanor or to which no indictment by Grand Jury is required. In addition to the specific references contained herein, the Township Prosecutor shall:

a. Meet from time to time with local enforcement agents of the Township of Pemberton and properly advise them of procedures and practices to bring about proper enforcement of the laws operative within the Township of Pemberton;

b. To advise the Mayor and Township Council as to the procedures and practices designed to bring about proper enforcement of the laws within the community;

c. Perform such other duties as State statute, Township ordinances, or administrative rules and regulations may provide.

D. Public Defender. There is hereby established within the Department of Administration and within the Division of Law, the office of public defender. The public defender shall be appointed by the Mayor with the advise and consent of the Township Council for a term of one year. The public defender shall be an attorney at law licensed to practice in the State of New Jersey. The public defender shall represent indigent defendants in matters tried in Municipal Court when the Judge of the Municipal Court determines that a defendant does not possess the financial capability to pay their own legal defense costs. The public defender shall receive such compensation as is provided for pursuant to a contract approved by the Township Council by

resolution.

Section 3.7. Division of Engineering. There is hereby established within the Department of Administration, a Division of Engineering which shall be headed by the Township Engineer.

A. Appointment Qualifications and Compensation. The Township Engineer shall be appointed by the Mayor, with the advice and consent of the Township Council. He shall serve for a term of one year. He shall be a licensed engineer within the State of New Jersey and possess such other qualifications of ability and experience which the Mayor and Township Council shall deem necessary to perform the duties of his office. The Township Engineer shall receive reasonable fees and charges for engineering services as are provided for within his contract with the Township, which shall be approved by resolution of the Township Council.

B. Duties. The Township Engineer shall be the engineering advisor to the Mayor and Council and to all administrative board and agencies appointed by the Mayor or Council, except as may be otherwise provided for by law or this ordinance. The Township Engineer shall perform all normal engineering services required on behalf of the Township in every department, board or agency thereof appointed by the Mayor and/or Council in accordance with the law. In furtherance of these powers and without limitation thereto he shall:

1. Act as an independent contractor and employ at his expense such persons as are deemed necessary to carry on the duties prescribed for his office;

2. Perform administrative and engineering work in the investigation, design, construction and maintenance of all public work projects;

3. Supervise the preparation of such

surveys of either a topographical property line or construction nature as may be required by the Township of Pemberton;

4. Prepare and supervise the preparation of such plans, sketches and blueprints as may be required by the Mayor and/or Township Council;

5. Supervise the compilation and maintenance of the water and sewer map, as well as the official map, zoning maps, tax maps, road maps, and such other maps of the Township of Pemberton as are necessary, in accordance with the standards established by law;

6. Perform all duties as may be required by a municipal engineer by state statute;

7. Attend all regular, special and adjourned meetings of the Township Council as may be required by the Council;

8. Supervise and provide the engineering calculations, specifications and expertise required for the purchase of materials and equipment as directed by the Mayor or Township Council;

9. Perform such professional services as may be required in connection with any capital improvement program designated by the Mayor or Township Council;

10. Be responsible for all normal work in connection with the construction, reconstruction and repair of all Township roads;

11. Be responsible for general administration of contracts with third parties performing work for the Township in such instances as may be directed by the Mayor and/or Township Council;

12. In the performance of his duties or while acting as a Township Official, the Township Engineer shall always coordinate his activities with and through the Mayor. The Mayor shall at all times be responsible for the coordination of the engineer's

activities described above with any other department, office, bureau, board or agency so that proper information and action may be taken to insure proper compliance with the Ordinances of the Township of Pemberton;

13. Perform related duties at the request of the Mayor and/or Township Council.

Nothing herein contained shall limit the Township's right to solicit proposals from other engineering firms on projects which the Township deems to be of major consequence.

Section 3.8. Division of Planning. There is hereby established, within the Department of Administration, a Division of Planning which shall be headed by the Township Planner who shall be appointed by the Mayor with the advice and consent of Township Council for a term of one year.

A. Township Planner: Qualifications and Compensation. The Township Planner shall hold a Masters Degree in planning and shall have three years' experience in city or regional planning, or a BA in planning or a related field, and five years' experience in city or regional planning. He shall be compensated in accordance with the terms of a contract approved by the Township Council by resolution.

B. Powers and Duties. The Township Planner, under the direct supervision of the Mayor, shall:

1. Serve as technical planning advisors to the Mayor and Township Council, the Planning Board and Zoning Board, conducting such studies as requested;

2. Receive plans of proposed subdivisions of land within the Township. The Planner shall check such plans for conformity to sound planning principals, recommend redesign of subdivisions, make studies of land subdivision in an attempt to integrate subdivisions with overall plans of the Township;

3. Receive plans of proposed development within the Township and, along with the appropriate Land Use Board Engineer, review site plans for site design and

coordination of surrounding properties and along with the appropriate Land Use Board Engineer, recommend redesign of site plans;

4. Study and analyze matters such as, but not limited to, transportation, land use, natural and human resources, housing and capital improvements, and prepare and submit findings and recommendations to the Mayor and Township Council, Planning Board and Zoning Board;

5. Recommend and assist in the writing of amendments to zoning ordinances, subdivision ordinances, the Township's master plan and other development, conservation and planning regulations and ordinances;

6. Review and analyze the ordinances and plans of surrounding municipalities, counties and the State. The Planner shall analyze and report on the proposed development in adjacent municipalities as they may affect the Township of Pemberton. The Planner shall coordinate planning, development and conservation with the adjoining municipalities, counties, and the State;

7. The Planner shall perform other related duties at the direction of the Mayor and/or Township Council.

Section 4. Department of Public Works.

A. Department Established; Superintendent.

There shall be a Department of Public Works, the head of which shall be the Superintendent of Public Works. The Superintendent of Public Works shall be appointed by the Mayor, subject to the approval by the Council in accordance with applicable regulations of the State Department of Personnel.

B. Powers and Duties. The Superintendent of Public Works shall be responsible for and devote his full time and attention to the proper and efficient conduct

of all public works functions of the municipal government and, under the direction and supervision of the Mayor, shall direct and supervise the work of the public works department. He shall:

1. Provide routine maintenance and repair of all municipal storm drainage systems.

2. Provide for and carry out snow removal and sanding or salting operations on municipal roads.

3. Maintain and repair municipal playgrounds, play fields, outdoor recreational facilities, public parks and grounds.

4. Maintain and repair municipal buildings and facilities, in compliance with all applicable rules, regulations, and codes.

5. Maintain and repair municipal vehicles and other equipment.

6. Perform other functions and services as may be directed by the Mayor.

7. Prepare and maintain work schedules of projects.

8. Provide a weekly update to the Mayor on the status of work projects.

Section 4.1. Division of Roads. Within the Department of Public Works shall be a division of roads. Under the direction and supervision of the Superintendent of Public Works, the division shall:

1. Maintain and repair all Township streets.

2. Maintain all Township streets in a clean and safe condition, free of obstructions and hazards, and remove snow and ice therefrom as required.

3. Perform other functions and services

as may be directed by the Mayor.

Section 4.2. Division of Water. Within the Department of Public Works there shall be a division of water. The division shall perform all duties set forth in the ordinance regulating the Township water system, and shall perform other functions and services as may be directed by the Mayor.

Section 5. Department of Construction Code Enforcement.

A. Department Established, Director, Composition. There shall be a Department of Construction Code Enforcement the head of which shall be the Construction Code Official. Within the Department of Construction Code Enforcement, the following positions shall be created: Construction Code Official, Building Subcode Official, Plumbing Subcode Official, Fire Protection Subcode Official, Electrical Subcode Official.

All of said positions shall be governed by the provisions of the Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., and any and all rules and regulations promulgated thereunder. In addition, the construction code official shall be responsible for enforcing such municipal ordinances as are directed through his supervision, including though not limited to, the Township's ordinance regulating and licensing building contractors within the Township (Ordinance No. 26-1990) and Township ordinances regulating and providing for construction code fees as authorized by the State Uniform Construction Code Act. Compensation for the various officers and employees employed within this department shall be set by the Township's annual salary ordinance.

Section 6. Police Department.

A. Generally. There shall be established within the Township of Pemberton a police department created pursuant to the provisions of N.J.S.A. 40A:14-

118 et seq., as well as the provisions of Chapter 41 of the Code of the Township of Pemberton, and any amendments thereto. The Police Department shall be headed by the Chief of Police.

B. Duties and Responsibilities. It is the function of this department to bring police services to all inhabitants and taxpayers of the Township of Pemberton and in this connection, it shall enforce all laws which operate within the Township. It is the function of the police department to preserve the public peace, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the Township; suppress riots, mobs and interruptions; disburse unlawful or dangerous assemblage and preserve order at all elections and public meetings and assemblages. A further function is to administer and enforce laws and ordinances to regulate, direct, control, and restrict the movement of vehicular and pedestrian traffic and the use of streets by vehicles and persons and to make such rules and regulations not inconsistent with the charter, rules, ordinances and general law for such purpose. Further, the police department shall remove all nuisances in public streets, parks, and other public places; inspect and observe all places of public amusement or assemblage and all places of business requiring any State or municipal licences or permits. In addition, the police department shall perform all such other duties as the Township shall by ordinance provide. It is indicated that the police department is a prime provider of services for the inhabitants and taxpayers of the community.

B. Composition. Within the police department there shall be a Chief of Police who shall be the head of the department; three lieutenant positions; and various sergeant and patrolman positions as are

authorized by ordinance.

Section 6.1 Division of Animal Control. There shall be, within the Police Department, a Division of Animal Control, which agency shall enforce all of the provisions of the Township Code relating to the animal control within the Township of Pemberton and which shall perform such related functions as are assigned to the Division by ordinance.

Section 7. Municipal Court.

A. Established Powers. There shall be a municipal court in the Township pursuant to the provisions of N.J.S.A. 2A:8-1 et seq. as amended and supplemented to be known as the Municipal Court of the Township of Pemberton. The municipal court shall have a seal bearing the impress of the name of the court. The court shall be held in the Municipal Building of the Township or other such place as the Township Council shall designate from time to time, and shall exercise all the functions, powers, duties and jurisdiction conferred upon municipal courts by the provisions of State law.

B. Municipal Judge. Powers and Duties. There shall be a municipal judge of the municipal court appointed by the Mayor with the advice and consent of the Council. He shall serve for a term of three years from the date of appointment and until a successor shall be appointed and qualified. The municipal judge shall have and possess the qualifications and shall have, possess and exercise all the functions, duties, powers and jurisdictions conferred by State Statute or by general law or ordinance. The municipal judge shall be compensated in accordance with the salary ordinance.

C. Clerk of the Court. There shall be a clerk of the municipal court who shall be appointed by the Mayor with the advice and consent of the Council. He shall perform such functions and duties as shall be

prescribed for him by law, the rules applicable to municipal courts, and by the municipal judge. His duties shall include but not be limited to:

1. Carrying out the rules, regulations, policies and procedures relating to the operation of the court.

2. Interviewing and speaking to prospective complaintants, receiving complaints, dispensing information relating to court matters.

3. Maintaining the financial records of the court.

4. Attending court, taking minutes of trials and entering them in the docket, arranging trial calendars, signing court documents, preparing and issuing warrants and commitments.

5. Taking and preparing bail bonds, making inquiry as to their sufficiency and equity, receiving and accounting for fines and costs.

6. Interviewing persons on informal police court matters to determine if there is a basis for formal action and, if necessary, issue summons requiring court appearances in this regard. Maintaining and classifying records and files.

7. Any and all other such duties, requirements, and obligations promulgated by the Administrative Office of the Courts of the State of New Jersey.

D. Deputy Clerk of the Court. There shall be appointed by the Mayor, with the advice and consent of the Council, a deputy clerk of the Court who shall perform the functions assigned to him by the municipal judge, the municipal court clerk, and where applicable, the Administrative Office of the Courts.

Section 8. Township Clerk.

A. Appointment. There shall be an office of

the Clerk, the head of which shall be the Township Clerk. The Clerk shall be appointed by the Township Council and shall, prior to appointment, be qualified by training and experience to perform the duties of this office in accordance with N.J.S.A. 40A:9-133, et seq., P.L. 1985, c. 174, and any amendments thereto. The Clerk shall serve for a term of three years in accordance with law.

B. Powers and Duties. The Township Clerk shall:

1. Clerk to the Council.

a. Insure that the minutes and the records of the proceedings of the Township Council are kept, and submitted to the Council in a timely fashion.

b. 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 ordinances and resolutions then effect and shall properly index such compilations or codification and provide for its publication.

c. Provide secretarial and clerical services for the Council members and the discharge of their official duties.

d. Insure the publication of all ordinances in such official newspaper or newspapers as may be required by law and authorized by resolution of the Township Council, and shall file in his office the Affidavits of publication of such publications.

e. Issue and deliver with the assistance of the police department all notices of meetings required to be given to the Council.

f. Administer and record oaths of public office.

g. Maintain a record of all real property which the Township may acquire, sell or lease.

The records shall be in such form and contain such information as the Division of Local Finance and Community Affairs of the State of New Jersey shall prescribe.

h. Perform such other related duties of the Township Council and/or Mayor as directed by the Township Council.

2. Custodian of Records. Act as custodian of records for all official books, papers and documents of the municipality for which no other repository is provided by law, and preserve and keep them safely.

3. Custodian of the Seal. 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 any document or record in his office or to certify any act or paper which from the records in his office shall appear to be a true copy of any public recording or proceeding.

4. Issue Licenses. Under the supervision of the:

a. The Mayor: Administer regularly issued licenses and permits pursuant to ordinance and law with the assistance of any appropriate enforcing agencies required for such administration;

b. The Council: All alcoholic beverage licenses issued pursuant to the provisions of N.J.S.A. 33:1-1 et seq.; all trailer park/mobile home licenses; all parade permits; and all junkyard licenses.

5. Municipal Improvement Search Officer. Act as Municipal Improvement Search Officer charging and receiving for the use of the municipality such fees for searches, transcripts and certifications as shall be authorized by Council resolution. Further to make

examinations and issue assessment search certificates with respect to liens for municipal assessments or improvements approved but not yet certified.

6. Clerk of Elections. Act as Clerk of Elections performing all functions required by the General Law under Title 19 of the Revised Statutes to be performed by the Municipal Clerk and in this connection receive for municipal use the fees prescribed therefor.

7. Other. Perform such other duties as the Council by resolution or ordinance shall provide.

8. Deputy Clerk. There may be a deputy clerk appointed by the vote of the Township Council who shall serve with full powers of the Township Clerk during the absence of the Township Clerk.

Section 9. Planning Board. There shall be established within the Township of Pemberton a Planning Board organized pursuant to the provisions of N.J.S.A. 40:55D-1 et seq., the "Municipal Land Use Law", and specifically N.J.S.A. 40:55D-23. Said board shall consist of nine members and two alternate members. Members shall be appointed pursuant to the provisions of N.J.S.A. 40:55D-23; alternate members shall be appointed pursuant to the provision of N.J.S.A. 40:55D-23.1. The Board shall have such powers and perform such duties as are delegated to it by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

Section 10. Zoning Board of Adjustment. There shall be created within the Township of Pemberton a Zoning Board of Adjustment pursuant to the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and specifically, N.J.S.A. 40:55D-69. The Zoning Board shall consist of seven members and two alternate members, who shall be appointed by the Mayor, with the advice and consent of the Township Council. The Zoning Board of Adjustment shall possess such powers and perform such

duties as are delegated to it by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

Section 11. Environmental Commission. There shall be established within the Township of Pemberton an Environmental Commission organized in accordance with the provisions of N.J.S.A. 40:56A-1 et seq. Said Commission shall consist of seven members who shall be appointed by the Mayor in accordance with the provisions of N.J.S.A. 40:56A-1 et seq. Said Commission shall have the duties, powers, and authority afforded it under State statute.

Section 12. Local Assistance Board.

A. Establishment, Composition. There shall be a Local Assistance Board of the Township composed of three members appointed by the Mayor with the advice and consent of the Township Council. At least one of the three members shall be a woman. Not more than one member may be a member of the Township Council.

B. Terms. The members of the board of assistance shall be for a term of two years each, expiring in alternate years. However, the term for a member who is a member of the Township Council shall be one year. Vacancies in the membership of the board shall be promptly filled by appointment for the unexpired term. Members shall serve until their successors are appointed and qualified.

C. Organization of the Board.

1. Appointment of the Director of Welfare. The Board shall organize annually and select a chairman and appoint a director of welfare. The director of welfare shall be the first executive and administrative officer of the board and shall serve as head of the welfare department. The director shall hold office for a term of five years from the date of appointment. In the case of a vacancy in the office of

director of welfare one temporary or acting director may be appointed to serve for not more than ninety days.

2. Other Employees. Other employees as may be necessary to properly administer public assistance shall be appointed in the same manner as other employees of the municipality.

D. Director of Welfare. Powers and Duties.
The director of welfare shall:

a. Supervise by periodic investigation every person receiving public assistance, such investigation to be made by visitation at least once a month.

b. Reconsider from month to month the amount and nature of public assistance given and alter, amend or suspend the same when circumstances require.

c. Devise ways and means for bringing persons unable to maintain themselves to self support or to the support of any other person or agency able and willing to do so.

d. Keep full and complete records of such investigations, supervision, assistance and rehabilitation and of all certifications of persons for employment or benefits and cancellations thereof in such manner and form as required by the commissioner.

e. Bring about appropriate action for commitment to any State or County institution when the best interest of the needy persons would be so served.

f. Enforce the appropriate provisions of N.J.S.A. 44:1-1 et seq.

g. Coordinate his activities with the Mayor and provide monthly reports to the Mayor.

Section 13. Municipal Utilities Authority.

A. Authority Created. There is hereby created within the Township of Pemberton, the Pemberton Township Municipal Utilities Authority which shall be a municipal

authority and public body corporate and politic as permitted and authorized by the Municipal Utilities Authorities Law of New Jersey, N.J.S.A. 40:14B-1 et seq. and 14B-4 specifically.

B. Membership. The Pemberton Township Municipal Utilities Authority shall consist of five members who shall be appointed by the Township Council. The members first appointed shall be designated to serve for terms respectively expiring on the first days of the first, second, third, fourth and fifth Februarys next ensuing after the date of appointment. On or after January 1 in each year after such first appointments, one person shall be appointed as a member of the Municipal Utilities Authority 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 Municipal Utility Authority, which occurs during an unexpired term of office, Council shall appoint a new member to serve for such unexpired term. At least one member of the Pemberton Township Municipal Utilities Authority shall also be a member of the Township Council.

C. Powers and Duties. The Pemberton Township Municipal Utilities Authority shall have and exercise all of the powers and shall perform all the duties provided for by the Municipal Utilities Authority Law, N.J.S.A. 40:14B-1 et seq. and any other statutes heretofore or hereafter enacted and applicable thereto.

D. Compensation. Members of the Pemberton Township Municipal Utilities Authority may receive compensation for their services as members of the Authority, except that no member shall receive in excess of \$1,000.00 per year.

E. Approval of all Salaries and Contracts by Township Council. Any and all contracts authorized by

the Pemberton Township Municipal Utilities Authority, and all salaries to be paid to employees of the Municipal Utilities Authority; and any and all other expenditures to be made by the Municipal Utilities Authority, shall be subject to approval by the Township Council prior to the expenditure of said monies. In addition, the Pemberton Township Municipal Utilities Authority shall submit its annual budget to the Township Council for consideration and approval.

NOTICE OF PUBLIC HEARING

The foregoing Ordinance was introduced and passed on first reading by the governing body of Pemberton Township at a meeting held January 9, 1991, and will be considered for final passage after a public hearing at a meeting of the said governing body to be held at the Municipal Building, 500 Pemberton-Browns Mills Road, New Lisbon, New Jersey, on January 23, 1991 at 7:30 p.m. prevailing time, at which time any interested member of the public may comment. During the week prior to and up to and including the date of such meeting, or further consideration, copies of said Ordinance may be obtained from the Township Clerk.

ATTEST: Charlotte C. Newhart
CHARLOTTE C. NEWHART, RMC, TOWNSHIP CLERK

NOTICE OF FINAL PASSAGE
TOWNSHIP OF PEMBERTON ORDINANCE NO. 1-1991

AN ORDINANCE PROVIDING FOR THE ADMINISTRATION AND ORGANIZATION OF THE MUNICIPAL GOVERNMENT IN THE TOWNSHIP OF PEMBERTON.

Notice is hereby given that the above-entitled Ordinance was adopted on final reading by the governing body of Pemberton Township on January 23, 1991, which Ordinance shall take effect as of January 23, 1991 under the provisions set forth in Resolution No. 39-1991, unanimously adopted by the governing body of Pemberton Township on January 23, 1991.

ATTEST: Charlotte C. Newhart
CHARLOTTE C. NEWHART, RMC, TOWNSHIP CLERK

ACKNOWLEDGMENT OF APPROVAL BY MAYOR: Thalia G. Kay
THALIA G. KAY, MAYOR

January 23, 1991
DATE

ATTEST: Charlotte C. Newhart
CHARLOTTE C. NEWHART, RMC, TOWNSHIP CLERK