

ORDINANCE NO.: 11-17

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING BOROUGH CODE CHAPTER 4, ADMINISTRATION OF GOVERNMENT, TO CHANGE THE NAME OF THE MUNICIPAL ADMINISTRATOR TO BOROUGH ADMINISTRATOR

WHEREAS, the Mayor and Council for the Borough of Mount Arlington reviewed and desires to amend and supplement Borough Code Chapter 4, Administration of Government, in sixteen (16) places; and anywhere else in the Borough Code, to change the name of the “Municipal Administrator” to the “Borough Administrator”.

WHEREAS, there are no other substantive changes being made to the Borough Code.

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the Borough Code Chapter 4, Administration of Government, in sixteen (16) places; and anywhere else in the Borough Code, is hereby amended and supplemented to change the name of the “Municipal Administrator” to the “Borough Administrator” to read in its entirety as follows:

Chapter 4 ADMINISTRATION OF GOVERNMENT

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| § 4-1. Title. | § 4-18. Building Department. |
| § 4-2. Elected officials. | § 4-19. Borough Attorney. |
| § 4-3. Appointed representatives. | § 4-20. Reserved. |
| § 4-4. Powers and duties of Mayor. | § 4-21. Lake Hopatcong Commission. |
| § 4-5. Borough Council. | § 4-22. Planning Board/Land Use Board. |
| § 4-6. Ordinances. | § 4-23. Reserved. |
| § 4-7. Borough Clerk. | § 4-24. Board of Health. |
| § 4-8. Administrative organization. | § 4-25. Copies of Public Documents. |
| § 4-9. Borough Administrator. | § 4-26. Zoning Officer. |
| § 4-10. Chief Financial Officer. | § 4-27. Administrative Assistant. |
| § 4-11. Payment of claims. | § 4-28. Assistant Borough Clerk. |
| § 4-12. Tax Collector. | § 4-29. Board of Recreation Commission. |
| § 4-13. Tax Assessor. | § 4-30. Municipal Public Defender. |
| § 4-14. Police Department. | § 4-31. Reserved. |
| § 4-15. Fire Department. | § 4-32. Emergency management. |
| § 4-16. Department of Public Works. | § 4-33. Rescue squad. |

§ 4-17. Borough Engineer.

§ 4-34. Reserved.

[HISTORY: Adopted by the Mayor and Council of the Borough of Mount Arlington as Chapter II of the 1982 Compilation. Amended in its entirety 12-13-2011 by Ord. No. 16-11. Amendments noted where applicable.]

Note:

GENERAL REFERENCES

Personnel policies — See Ch. 23.

Board of Health Administration — See Ch. 183.

§ 4-1. Title.

This chapter may be cited as the "Administrative Code of the Borough of Mount Arlington" and is herein referred to as "the code." **[Amended 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]**

§ 4-2. Elected officials.

[Amended 5-7-2007 by Ord. No. 08-07; 12-14-2010 by Ord. No. 12-10; 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

A. Officials enumerated.

- (1) There shall be elected by the voters of the borough a Mayor and six (6) Council members. The term of office of each shall begin at 12:00 midnight on January 1 next after their election.
- (2) The Mayor shall hold office for four (4) years and until the successor qualifies. Council members shall hold office for three (3) years and until their successors qualify, and the respective terms shall be arranged so that the terms of two (2) Council members expire at the end of each year.
- (3) Required course study. Pursuant to the Local Government Best Practices guidelines established by Governor Chris Christie, all elected officials shall attend basic courses on their responsibilities and obligations in local government including Budgeting, Policy Setting, Local Government Contracting, Risk Management and the Open Public Records Act at least once during their term. These courses are to be coordinated through Rutgers University, County and State League of Municipalities, Mayor's Association, NJAC and JIFs. The cost of the courses shall be borne by the borough. **[Added 12-14-2010 by Ord. No. 12-10]**

B. Resignation and vacancies. All vacancies occurring in the governing body shall be controlled by and filled in accordance with the provisions of N.J.S.A. 40A:16-1 et seq., otherwise known as the Municipal Vacancy Law.

§ 4-3. Appointed representatives.

[Amended 3-15-1995 by Ord. No. 95-1; 5-7-2007 by Ord. No. 08-07; 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

There shall be appointed such representatives as are required by the law of New Jersey and such additional representatives as the governing body may deem necessary. All representatives shall permit and are subject to a background check if requested. These representatives shall perform the duties required by law and the ordinances of the borough. They shall hold office at the pleasure of the governing body unless otherwise

specified by law. There shall be no residency requirement for any appointed office within the borough. Except as otherwise provided by the laws of New Jersey, the Mayor shall nominate and, with the advice and consent of the Council, appoint all representatives and fill all vacancies in appointive offices for the unexpired term only. Within thirty (30) days after an office becomes vacant, the Mayor shall make a nomination. If the Mayor fails to nominate within thirty (30) days or the Council fails to confirm any nominations made by the Mayor, then after the expiration of thirty (30) days the Council shall appoint the representatives directed to be appointed. No appointment shall be made except by the vote of a majority of the members of the Council present at the meeting, provided that at least three (3) affirmative votes shall be required for that purpose, the Mayor to have no vote thereon except in case of a tie.

§ 4-4. Powers and duties of Mayor.

[Amended 4-17-1991 by Ord. No. 91-5; 11-22-2011 by Ord. No. 14; 12-13-2011 by Ord. No. 16-11]

The Mayor shall have the following powers and responsibilities:

- A. The Mayor shall be the head of the municipal government and shall have all the powers granted by the laws of New Jersey and the ordinances of the borough, including particularly those powers enumerated in N.J.S.A. 40A:60-5.
- B. The Mayor shall preside at the meetings of the Council and its deliberations and may vote to break a tie. The Mayor shall also participate in the determination of borough affairs to the extent permitted by statute.
- C. The Mayor shall, on all occasions, preserve the strictest order and decorum and shall cause the removal of all persons who interrupt the orderly proceedings of the Council.
- D. When two (2) or more Council members shall speak at the same time, the Mayor shall name the one (1) entitled to the floor.
- E. The Mayor shall decide all questions of order without debate, subject to appeal to the Borough Council, and may call upon the Borough Council for its opinion upon any question of order.
- F. The Mayor shall be an ex officio member of all Borough Council committees, both standing and special, and shall be informed in advance of all meetings of such committees.
- G. The Mayor shall serve as the liaison between the governing body and all boards, committees, agencies or organizations. The Mayor shall also appoint a Council member as liaison to the Free Public Library, the Board of Education, the Board of Health and such other agencies as the Mayor deems appropriate and necessary.
- H. The Mayor shall provide written notice of the Mayoral appointments subject to advice and consent of the Council to the governing body at least two (2) weeks prior to the borough reorganization meeting.

§ 4-5. Borough Council.

[Amended 9-17-1991 by Ord. No. 91-5; 2-16-1994 by Ord. No. 94-1; 5-7-2007 by Ord. No. 08-07; 11-22-2011 by Ord. No. 14-11]

A. Composition. The Mayor and Council members of the Borough shall constitute the Council.

B. Meetings.

- (1) The Council shall hold an annual meeting for the purpose of reorganization within the first seven (7) days of January as is designated by the Council and advertised in accordance with law.

- (2) Regular meetings of the Council shall be held at the Borough Hall during the course of the year according to the meeting schedule approved by the governing body at the annual reorganization meeting in accordance with the requirements of the state statute. All regular meetings will conclude at 10:30 p.m. unless a majority of the governing body present votes to extend the meeting end time for that meeting.
- (3) At the annual reorganization meeting, the following order of business shall be observed:
- (a) Call to order.
 - (b) Flag salute.
 - (c) Roll call.
 - (d) Swearing in of new Council members.
 - (e) Roll call.
 - (f) Invocation.
 - (g) Guests in audience.
 - (h) Nomination of Council President.
 - (i) Mayor's address.
 - (j) Appointments.
 - (k) Council meeting dates for year.
 - (l) Open to the public.
 - (m) Resolutions.
 - (n) Motions.
 - (o) Adjourn.
- (4) **[Amended 4-1-2014 by Ord. No. 04-14]** At the regular meetings, the following order of business shall be observed:
- (a) Call to order.
 - (b) Adequate notice.
 - (c) Flag salute.
 - (d) Roll call.
 - (e) Presentations/Mayor's appointments. The Mayor shall provide written notice of the Mayoral appointments subject to advice and consent of the Council to the governing body at least two (2) weeks prior to the meeting that the appointment shall occur.
 - (f) Finance report.
 - (g) OPRA report.
 - (h) Approval of minutes.
 - (i) Mayor's report.
 - (j) Chief of Police report.
 - (k) Borough Administrator's report.

- (l) Council Committee reports.
 - (m) Public comment.
 - (n) New business.
 - (o) Old business.
 - (p) Resolutions.
 - (q) Ordinances—Introduction.
 - (r) Ordinances—Second reading.
 - (s) Motions.
 - (t) Executive session. Discussion topics are permitted to be bullet pointed on agenda.
 - (u) Adjournment.
- (5) The order of business for the annual reorganization meeting and the regular meetings may be changed by a majority vote of the members present at the meeting of the Borough Council. Every member who shall be present when the question is put to vote shall vote for or against the question or shall abstain. Such abstention shall have no effect upon the final count and shall be treated as neither affirmative nor negative.
- (6) Except as otherwise required by law, all action of the Borough Council shall be by a majority vote of those present, except that no action may be taken with fewer than three (3) affirmative votes.
- (7) Upon the motion of one (1) member of the Borough Council and seconded by another member of the Borough Council, or upon request of the Mayor and seconded by a member of the Borough Council, a roll-call vote shall be taken and the yeas, nays and abstentions entered into the minutes of the meeting.
- (8) While a Council member is speaking, no other Council member shall leave their seat or engage in private discussions.
- (9) No member of the public during the public session shall speak more than twice on the same subject or exceed five (5) minutes unless authorized to do so by the Mayor.
- C. Quorum. Three (3) Council members and the Mayor or, in the absence of the Mayor, four (4) Council members shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time.
- D. President of the Council. By a majority vote the Council at its annual reorganization meeting shall elect from its members a President who shall preside at all its meetings when the Mayor does not preside. The President shall hold office for one (1) year and until the next annual reorganization meeting. The President shall have the right to debate and vote on all questions and issues before the Council. If the Council at its annual reorganization meeting fails to elect a President, the Mayor shall appoint the President from the Council, and no confirmation by the Council shall be necessary.
- E. Acting Mayor. If the Mayor is absent from the borough for a period of three (3) days or for any reason is unable to act, the President of the Council shall perform all the duties of the Mayor during such absence or inability. If the President is temporarily unable to act, the Council member having the longest term of service may act temporarily for the President.
- F. Powers of the Mayor and Council.
- (1) The Mayor shall possess all the powers granted by or permissible under the laws of the State of New Jersey, including particularly those powers enumerated in N.J.S.A. 40A:60-5.

- (2) The Council shall possess all the powers granted by or permissible under the laws of the State of New Jersey, including particularly those powers enumerated in N.J.S.A. 40A:60-6.

G. Rules of procedure.

- (1) The Council shall provide by resolution or ordinance rules of procedure not inconsistent with law or this code. Proceedings at all meetings shall be conducted in accordance with Robert's Rules of Order, revised, except where the Council provides otherwise by resolution or ordinance. The Attorney shall be ex officio parliamentarian and shall give his/her opinion on questions or procedure at the request of members of the Council.
- (2) The Mayor and Council shall permit public discussion in accordance with the Agenda, and as required by law.

H. Attendance at meetings. All regular and special meetings of the Council shall be open to the public. The Attorney, the Clerk and any other borough officer or employee whose presence is required by resolution of the Council shall attend such meetings.

I. Conference meetings. The Borough Council may meet at any time in informal conferences for preliminary consideration of any borough business, to prepare or plan agenda for its future meetings and meet with any representative or employee of the borough or any other person. Such meetings shall be subject to the provisions of the Open Public Meetings Act, P.L. 1975, c. 231. Except for meetings which are closed to the public as authorized by the Open Public Meetings Act, all conference meetings of the Council shall be open to the public.

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

§ 4-6. Ordinances.

[Amended 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

- A. Procedure for passage; vote required.** Borough ordinances shall be submitted in writing at a meeting of the Council and passed at a subsequent meeting. No ordinance shall be finally passed except by the vote of a majority of the members of the Council present at the meeting, provided that at least three (3) affirmative votes shall be required for such purpose, the Mayor to have no vote except in the case of a tie.
- B. Publication of ordinances.** No ordinance shall be considered for final adoption until it has been advertised as required by law. The Clerk shall be responsible for arranging for the advertising of proposed ordinances.
- C. Ordinances presented to Mayor after passage; veto.**
 - (1) Within five (5) days after its passage, Sundays excepted, every ordinance passed by the Council shall be presented to the Mayor by the Clerk, whose report shall be conclusive evidence that the ordinance has been so presented.
 - (2) If the Mayor approves an ordinance, the Mayor may do so orally at the time of passage or shall sign it within five (5) days after receiving it, Sundays excepted, and file it with the Clerk. If the Mayor does not approve an ordinance, the Mayor shall return it within five (5) days after receiving it, Sundays excepted, with any objections in writing, to the Clerk. At its next meeting the Council shall cause the objections to be entered at length on its minutes and proceed to reconsider the ordinance.
 - (3) If an ordinance contains more than one (1) distinct section, clause or item, the Mayor may approve one (1) or more and veto the rest.

- D. Passage over veto; vote required. If two-thirds (2/3) of all the Councilmen at the next meeting as aforesaid, or at any subsequent meeting to which they postpone such reconsideration, vote to pass the ordinance or the vetoed part over the veto of the Mayor, the ordinance shall take effect.

§ 4-7. Borough Clerk.

[Amended 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

- A. Appointment; term; duties. There shall be a Borough Clerk appointed by the Council for a term of three (3) years, and thereafter shall be eligible for tenure in accordance with state law, at N.J.S.A. 40A:9-133.7. The Clerk shall serve as Clerk of the Council and shall perform all duties specified by law. The Clerk shall attend all meetings of the Council and of Council committees when required by the chairman and shall keep the minutes of the meetings of the Council. The minutes of each meeting of the Council shall be signed by the Clerk. **[Amended 5-7-2007 by Ord. No. 08-07]**
- B. Reserved. **[Amended 7-21-1993 by Ord. No. 93-11; repealed 5-7-2007 by Ord. No. 08-07]**
- C. Ordinances and resolutions.
- (1) The Clerk shall record all ordinances in books to be provided for that purpose. After each ordinance the Clerk shall record and certify the proof of its publication as required by law. Each ordinance so recorded shall be signed by the Mayor and the Clerk, who shall attest that it was adopted on a date stated, and when so signed the recorded copy shall be deemed to be a public record of the ordinance. Any omission by the Clerk or the Mayor to record, sign or certify shall not impair or affect the validity of an ordinance which has been duly adopted.
 - (2) Periodically, as determined by the Council, the Clerk shall compile at least two (2) copies of all ordinances that have been adopted since the previous revision or supplement and forward them to a company selected by the Council to prepare a supplement to the revision.
 - (3) The Clerk shall compile annually, in the order of their adoption, all resolutions adopted by the Council during the year and shall preserve them.
- D. Custodian of records. The Clerk shall have custody of and safely keep all records, books and documents of the borough except those committed by ordinance, to any other office, by resolution or by law. On request and on the payment of the fees prescribed therefor, the Clerk shall furnish a certified copy of any paper in custody of the borough under the Corporate Seal of the borough.
- E. Corporate Seal. The Clerk shall cause the Corporate Seal of the borough to be affixed to instruments and writings when authorized by ordinance or resolution of the Council or when necessary to exemplify any document on record in the Clerk's office, or to certify any act or paper which from the records in the Clerk's office shall appear to have been a public act of the borough or a public document.
- F. Insurance; surety bonds; contracts. Subject to the supervision of the Council, the Clerk shall:
- (1) Be the depository for and the custodian of all official surety bonds furnished by or on account of any office or officer or employee, except his/her own bond which shall be placed in the custody of the Treasurer or Chief Financial Officer; of all insurance policies on or with respect to risks insured for the benefit of the borough or to protect it against any claim, demand or liability; and of all formal contracts for work, labor, services, supplies, equipment and materials to which the borough may be a party.
 - (2) Be the depository for and the custodian of all performance bonds running to the borough as obligee or any other form of security given by a contractor, subdivision developer or other persons on account of work done or to be done in or for the borough.

- (3) Have custody of all leases of property owned by the borough.
- (4) Report to the Council annually, at such times as the Council may require, on the coverage, expiration date and premium of each surety bond and contract of insurance, the nature and terms of outstanding leases, the rent reserved by each and their respective expiration dates.

G. Bingo and raffle licensing. The Clerk is authorized and delegated to approve the granting of bingo and raffle licenses to be held in the borough. **[Repealed 5-7-2007 by Ord. No. 08-07; added 11-22-2011 by Ord. No. 14-11]**

H. Other laws and ordinances. In addition to other functions, powers and duties prescribed by ordinance and subject to the supervision and direction of the Council, the Clerk shall:

- (1) Perform all the functions required of municipal clerks by the General Election Law (Title 19 of the Revised Statutes) and any other law or ordinance.
- (2) Administer the provisions of borough ordinances with reference to the licensing of occupations and activities for which licenses are required by law or ordinance to be obtained from the Clerk.
- (3) Have such other, different and additional functions, powers and duties as may be prescribed by law or ordinance or delegated to him by the Council.
- (4) Shall administer regularly licenses pursuant to the ordinance and law, with the assistance of any appropriate enforcing agencies required for the administration.

§ 4-8. Administrative organization.

[Amended 11-22-2011 by Ord. No. 14-11]

A. Committees; officers; boards; bodies and commissions. **[Amended 12-18-1985 by Ord. No. 85-18; 9-17-1991 by Ord. No. 91-5; 2-16-1994 by Ord. No. 94-1]**

- (1) **[Amended 4-22-2002 by Ord. No. 02-15; 5-7-2007 by Ord. No. 08-07]** Pursuant to the authority of N.J.S.A. 40A:60-7b, there are hereby established the following standing committees:
 - (a) Committee on Finance.
 - (b) Committee on Police.
 - (c) Committee on Personnel.
 - (d) Committee on Fire, Rescue and Office of Emergency Management.
 - (e) Committee on Parks and Recreation.
 - (f) Committee on Public Works, Buildings, Grounds and Utilities.
- (2) Appointment. **[Amended 5-7-2007 by Ord. No. 08-07]**
 - (a) The Mayor shall appoint the members of all committees as well as the Chairperson of each committee at the annual meeting, with the advice and consent of the Council, and shall see that all matters referred to committees are acted upon and reported promptly to the Council.
 - (b) The standing committees may consist of up to three (3) Council members each (not including the Mayor, who is ex officio). Each Council member shall be Chairperson of one (1) of the six (6) standing committees and a member of two (2) others.
 - (c) In the case of death, resignation, removal from office or incapacity to serve on any committee Chairperson or member, the Mayor shall name the successor Chairperson of the committee.

- (d) The Mayor shall, at any time, change existing committee assignments and Chairperson if the Mayor deems it to be in the best interest of the borough.
 - (e) In the event a new Chairperson is to be appointed to fill a vacant spot, the new Chairperson should be the most senior Council member of the existing committee. **[Repealed 5-7-2007 by Ord. No. 08-07; added 11-22-2011 by Ord. No. 14-11]**
- (3) Duties and powers of committees. **[Amended 5-7-2007 by Ord. No. 08-07]**
- (a) Standing committees are appointed to expedite and facilitate the work of the Council, but the entire Council is accountable for any and all of its acts.
 - (b) The general duties, powers and functions of a standing committee shall be to:
 - [1] Administer the activities and matters for which it has been given responsibility.
 - [2] Perform such additional acts and duties as may be assigned to it by the Mayor and Council.
 - [3] Report and make recommendations to the Council concerning activities and matters assigned to it.
 - (c) Reserved.
- (4) **[Amended 4-22-2002 by Ord. No. 02-15; 5-7-2007 by Ord. No. 08-07; 12-3-2013 by Ord. No. 13-13]** Specific duties of the standing committees.
- (a) The Committee on Finance shall advise the Council on financial and budgetary matters.
 - (b) The Committee on Police shall advise the Council on matters relating to the Borough Police Department.
 - (c) The Committee on Personnel shall advise the Council on all personnel matters relating to borough employees. The Borough Administrator shall direct and supervise the administration of all departments and offices of the borough, and except as provided by law, shall be in charge of all the departments, offices and employees of the borough. The department heads are in charge of and responsible for the smooth and efficient operation of the activities of the borough on a day-to-day basis. The department heads shall report directly to the Borough Administrator, who shall report to the Mayor and Council.
 - (d) The Committee on Fire, Rescue and Office of Emergency Management shall advise the Council on matters relating to the Mount Arlington Fire Department and the Office of Emergency Management.
 - (e) The Committee on Parks and Recreation shall advise the Council on matters relating to borough recreational, beach and park facilities.
 - (f) The Committee on Public Works, Buildings, Grounds shall advise the Council on matters relating to the maintenance of all buildings, grounds, and other real property owned by the borough and the maintenance and operation of borough public works and utilities, including the borough's sewer and water systems.
- (5) The Mayor may appoint other special committees and the Chairperson of such committees with the advice and consent of the Council. The Chairperson of such special committees shall be prepared to report to the Mayor and Council on the work of his/her committee. **[Amended 5-7-2007 by Ord. No. 08-07]**

The Chairperson shall provide to the Clerk a list of all duties, meeting times, and contact information. These Committees include but are not limited to the following:

Board of Education Working Committee
Building Committee
Citizens Financial Advisory Committee
Code Book Review Committee
Dial-A-Ride Committee
Green Team Committee
Lake Hopatcong Water Level Management Plan Review Committee
Landfill Committee
Master Plan Committee
Raritan Highlands Compact
Technology Committee
Water & Sewer Committee
Zoning Committee

- B. Boards and bodies. **[Amended 9-17-1991 by Ord. No. 91-5; 5-7-2007 by Ord. No. 08-07]** There shall be the following boards and bodies in the Borough of Mount Arlington:
- (1) Joint Municipal Court.
 - (2) Land Use Board.
 - (3) Board of Health.
 - (4) Library Board of Trustees.
 - (5) Advisory Councils: The Mayor and Council may appoint from time to time, temporary advisory councils, in accordance with N.J.S.A. 40A:60-7d, as they deem necessary and appropriate, to advise them on such matters as are referred to such councils by the Mayor and Council. These advisory councils may be referred to as Committees.
- C. Department head. **[Repealed 5-7-2007; added 10-4-2011 by Ord. No. 13-2011; amended 12-3-2013 by Ord. No. 13-13]**
- (1) Each department head shall make a recommendation to the Borough Administrator and the Borough Administrator shall make a recommendation to the Mayor and Council for all hiring, transferring, promoting, and discharging of all employees.
 - (2) Each department head shall report to the Borough Administrator who shall serve as each department purchasing agent as supervised by the Borough Chief Financial Officer subject to approval of the Mayor and Council.

§ 4-9. Borough Administrator.
[Amended 9-16-1987 by Ord. No. 87-95; 5-7-2007 by Ord. No. 08-07; repealed 10-4-2011 by Ord. No. 13-11; 11-22-2011 by Ord. No. 14-2011; added 12-13-2011 by Ord. No. 16-2011]

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

A. General powers and duties. The Administrator shall in accordance with N.J.S.A. 40A:9-136, et seq.

- (1) Serve as the personnel officer, having authority to hire, transfer, promote, demote and discharge employees subject to Borough Council approval;
- (2) Serve as purchasing agent of the borough unless or until the Borough Council shall authorize the appointment of a purchasing agent; and
- (3) Under the supervision and control of the Borough Council:
 - (a) Represent the borough and assess its proper interest in relation to this state and other political subdivisions with respect to municipal contracts; agreements; and the like.
 - (b) Attend all meetings of the Borough Council with the right to take part in the discussions but without the right to vote.
 - (c) Keep the Borough Council advised of the financial condition of the borough; make reports to the Borough Council as requested by it; and at least once a year, make an annual report of the financial affairs of the borough for the benefit of the Borough Council and the public.
 - (d) Study the governmental and administrative operations and needs of the borough and prepare and recommend to the Borough Council necessary and desirable plans and programs to meet present and foreseeable needs.
 - (e) Investigate any time deemed desirable or recommended by the Personnel Committee the affairs of any department of the borough, with the right to take corrective action subject to Borough Council approval.
 - (f) Receive and reply to inquiries, issues and/or complaints concerning borough business, provide information and assistance and remedy and/or cause to be remedied the source of any just complaint.
- (4) Establish working, personnel, vacation and sick leave schedules and appropriate records and reports.
- (5) Compensation. Compensation for the position of Borough Administrator shall be established in the borough's salary ordinance.

§ 4-10. Chief Financial Officer.

[Added 5-17-1989 by Ord. No. 89-3; amended 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

- A. Office created. The office of Chief Financial Officer is hereby created in and for the Borough of Mount Arlington.
- B. Appointment. The Chief Financial Officer of the borough shall be appointed by the Mayor with the advice and consent of the Council for a term of four (4) years, which shall run from January 1 of the year in which the Chief Financial Officer is appointed. **[Amended 5-7-2007 by Ord. No. 08-07; 10-4-2011 by Ord. No. 13-11]**
- C. Responsibilities. The responsibilities of the Chief Financial Officer shall be to assure that the proper practices of fiscal administration in local government set forth in N.J.S.A. 52:27BB-26 et seq. are carried out.
 - (1) Chief Financial Officer shall approve all bills and vouchers for payment prior to final approval by the Borough Council.

- (2) Chief Financial Officer shall maintain a continuing review and analysis of budget operations, work programs, and costs of municipal services.
 - (3) Reserved.
 - (4) Chief Financial Officer shall submit to the Mayor and Council the annual budget for the calendar year no later than March 25 of said year. The Chief Financial Officer, subject to governing body approval, shall control the expenditure programs of each department and office through the application of work programs and periodic allotments of budget appropriations. No department or office shall incur any expenditure in excess of the amount so allocated. Whenever it shall appear to the Chief Financial Officer that the amount appropriated for any department or any purpose within a department is in excess of the amount required to be authorized by the budget, the Chief Financial Officer may, by administrative order with the approval of the Borough Council, reduce the amount available for expenditure by any department during the remainder of any year.
- D. Qualifications. The qualifications for the position of Chief Financial Officer shall be those as established by Section 2 of P.L. 1988, c. 110 (N.J.S.A. 40A:9-140.2, as amended), and after January 1, 1991, no person shall be appointed or reappointed as a Chief Financial Officer unless he/she holds a municipal finance officer certificate issued pursuant to the provisions of N.J.S.A. 40A:9-140.1 et seq. or otherwise meets the requirements of N.J.S.A. 40A:9-140.13.
- E. Tenure. Any person who has served in the position of Chief Financial Officer of the borough for a period of four (4) consecutive years and is reappointed thereafter shall be granted tenure in accordance with state law, at N.J.S.A. 40A:9-140.8. **[Amended 5-7-2007 by Ord. No. 08-07]**
- F. Compensation. Compensation for the position of Chief Financial Officer shall be established in the borough's salary ordinance.

§ 4-11. Payment of claims.

[Amended 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-2011]

- A. Procedure. Disbursements in payment of bills and demands other than payments from the payroll account shall be made once a month by the Treasurer upon his/her pre-audit, provided that the voucher has been properly executed by the vendor and all appropriate municipal officials. Once a month, the Council shall review the list of paid vouchers and consider them for approval. Every warrant shall be in the form of a warrant-check payable to the order of the person for which it is drawn and the account or appropriation to which it is chargeable. Each warrant-check shall bear the signatures of three (3) borough representatives, which must include the following: (1) the Borough Administrator, (2) the Clerk, and (3) the Chief Financial Officer or Treasurer. **[Amended 4-17-1991 by Ord. No. 91-6; 5-7-2007 by Ord. No. 08-07; 12-3-2013 by Ord. No. 13-13]**
- B. Payroll account. There may be an account to be designated as the "Borough of Mount Arlington Payroll Account," and on a biweekly basis the Borough Treasurer, on receipt of a warrant or an amount due the payroll account, shall deposit it 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 Mayor or, in his/her absence by the CFO or the Borough Administrator. The Council shall review and approve all payroll disbursements on a monthly basis. In case of error or adjustment in the payroll, the Treasurer shall make proper correction and appropriate record thereof. **[Amended 5-7-2007 by Ord. No. 08-07; 12-3-2013 by Ord. No. 13-13]**
- C. Travel expenses. Itemized claims supported by receipts, where available, shall be presented in order to obtain reimbursement for expenses incurred by local officials where authorized to travel by the borough.

D. Approval of vouchers and claims. [Amended 2-16-1994 by Ord. No. 94-1; 12-3-2013 by Ord. No. 13-13]

- (1) All bills or claims against the borough shall be in writing, fully itemized, and on such forms as the borough shall provide for that purpose. They shall be sworn by the claimant before submission for approval and payment.
- (2) Only those bills or claims will be approved for payment which have first been encumbered by the Chief Financial Officer.
- (3) The corresponding vouchers shall accompany all checks drawn in payment thereof when said checks are presented to the Mayor and Treasurer for approval.
- (4) All bills, vouchers and paid checks shall be filed in a safe place and be made available for public inspection whenever requested.

§ 4-12. Tax Collector.

[Amended 5-7-2007 by Ord. No. 08-07; 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

- A. Creation. In accordance with the provisions of N.J.S.A. 40A:9-141, et seq., as amended and supplemented, there is hereby created the office of Tax Collector.
- B. Appointment. The Tax Collector shall be appointed by the Mayor with the advice and consent of the Council.
- C. Term of office. In accordance with the provisions of N.J.S.A. 40A:9-142, the Tax Collector shall hold his/her office for a term of four (4) years from the first day of January next following his/her appointment. Vacancies other than due to expiration of term shall be filled by appointment for the unexpired term. The Tax Collector shall be eligible for tenure in accordance with the provisions of N.J.S.A. 40A:9-145.
- D. Qualifications. The Tax Collector shall hold a tax collector certification, pursuant to N.J.S.A. 40A:9-145.2 et seq.
- E. Powers and duties. The Tax Collector shall possess all the powers and duties established by law. The Collector shall keep records of the sums received by him/her each day for taxes, with the names of the persons on whose account the same shall have been paid; and shall, within sixty (60) days after the end of the fiscal year, or when otherwise required by the Council, make and furnish a report thereof with a detailed and true statement of all moneys received by him from the commencement of his/her official year to the date of his/her report, or for such period as the Council may require, and a list of delinquent taxpayers for the previous year. The Tax Collector shall file the report and list of delinquents with the Clerk within the time hereinabove specified or when otherwise required by the Council. The Tax Collector shall, as necessary and as directed, arrange for and conduct sales of tax liens for delinquent taxes.

§ 4-13. Tax Assessor.

[Amended 3-17-1982 by Ord. No. 82-1; 5-7-2007 by Ord. No. 08-07; 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

- A. Creation. In accordance with the provisions of N.J.S.A. 40A:9-146 et seq., as amended and supplemented, there is hereby created the office of Tax Assessor.
- B. Appointment. The Tax Assessor shall be appointed by the Mayor with the advice and consent of the Council.

- C. Term of office. The Tax Assessor shall hold office for a term of four (4) years from the first day of July next following his/her appointment. Vacancies other than due to expiration of term shall be filled by appointment for the unexpired term. The Tax Assessor shall be eligible for tenure in accordance with the provisions of N.J.S.A. 54:1-35.31.
- D. Qualifications. The Tax Assessor shall hold a tax assessor certification, pursuant to N.J.S.A. 54:1-35.25 et seq.
- E. Powers and duties. The Tax Assessor shall have all the duties, rights and obligations imposed upon him by the statutes of the State of New Jersey, including but not limited to:
- (1) Having, performing and discharging all the functions, powers and duties prescribed by law for a municipal assessor.
 - (2) Making assessments for benefits for local improvements and for that purpose having and exercising the powers and duties of an assessor for local improvements as provided by law.
 - (3) Maintaining adequate assessment records of each separate parcel of real property assessed or exempted.
 - (4) Maintaining a current Tax Map of the municipality as a public record and causing to be recorded thereon all changes in ownership or character of the real property assessed, employing for that purpose the facilities of other departments as provided by law.
 - (5) Reporting to the Mayor and Council as to equalization proceedings and other matters involving the County Tax Board and making recommendations as to action to be taken in that regard.
- F. Salary. The Tax Assessor shall receive such salary or compensation as the Mayor and Council by ordinance or resolution may fix, provided that the compensation of the Tax Assessor shall not be decreased during his/her term of office without his/her written consent.

§ 4-14. Police Department.

[Amended 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11; 5-15-2012 by Ord. No. 07-12]

- A. Establishment. There shall be a Police Department in the borough which shall consist of a Chief of Police, one (1) Lieutenant, three (3) Sergeants and nine (9) patrolmen and may include more officers as deemed necessary by the Mayor and Council to properly preserve peace and good order in the borough. **[Amended 7-16-1986 by Ord. No. 86-9; 5-16-2001 by Ord. No. 01-08; 8-22-2005 by Ord. No. 18-05; 4-14-2008 by Ord. No. 05-08]**
- B. Appointment; control. The officers and members of the Police Department shall be appointed by the Mayor with the advice and consent of the Council. The Council shall designate the office to be filled and the salary to be paid. The Chief of Police shall report to the Mayor and Council through the Borough Administrator. The police officers serving under the Chief of Police shall report directly to the Chief of Police. Pursuant to N.J.S.A. 40A:14-118, the Mayor and Council are hereby designated as the appropriate authority to adopt and promulgate rules and regulations for the government of the force and for the discipline of its members. **[Amended 4-21-1988 by Ord. No. 88-10; 12-3-2013 by Ord. No. 13-13]**
- C. Qualifications. No person shall be appointed to the Police Department unless that person shall:
- (1) Be a citizen of the United States.
 - (2) Be a resident of New Jersey.

- (3) Be not more than thirty-five (35) years or less than eighteen (18) years of age, except as otherwise provided by law.
- (4) Be sound of body and mind and of good health, sufficient to satisfy the board of trustees of the police and firemen's retirement system of New Jersey that he or she is eligible for membership in the retirement system.
- (5) Be able to read, write and speak the English language well and intelligently.
Editor's Note: Amended at time of adoption of code; see Ch. 1, General Provisions, Art. I.
- (6) Be of good moral character and not have been convicted of an indictable offense or of a crime involving moral turpitude.
- (7) Submit to an oral examination to be conducted in accordance with the Rules and Regulation for the governance of the Borough's Police Department.
- (8) Have earned at least an associate's degree, or at least sixty (60) credits from an accredited four (4) year college or university, with a concentration in police science, public safety administration, political science, criminal justice or a related field prior to the date of appointment.

D. Probationary and permanent appointments.

- (1) All appointments to the position of patrolman shall be made from among persons who possess the qualifications set forth in Subsection C.
- (2) Each appointee shall serve a twelve-month probationary period, and during such period his/her appointment shall be subject to revocation at any time without cause or hearing. The probationary period may be extended to a maximum of eighteen (18) months in order for the appointee to successfully complete a police training course as prescribed by law. No person shall receive or accept a permanent appointment unless he or she has successfully completed the course. On the expiration of the probationary period, if all conditions and standards are met, appointment shall be made to the position of patrolman.

E. Oath of allegiance. Before entering upon the performance of his/her duties each member of the Police Department shall take and subscribe an oath to bear true faith and allegiance to the government established in this state, to support the Constitutions of the United States of America and the State of New Jersey and to discharge faithfully, impartially and justly all the duties of his office. The oath of affirmation shall be filed with the Clerk.

F. Continuation of duty. The permanent members of the Police Department shall hold their offices and employment during good behavior and efficiency, and no person shall be removed from office or employment for political reasons or for any cause other than incapacity, misconduct or disobedience of just rules and regulations established for the Department, and then only on written charges and hearing in accordance with law, provided that any member of the Department who is absent from duty without just cause for a period of five (5) days continuously shall at the expiration of such time cease to be a member of the Police Department.

G. Powers and duties. The powers and duties of the officers and members of the Police Department shall be as prescribed by the laws of the state, the ordinances and resolutions of the Borough and such rules and regulations as may now or hereafter be adopted by resolution for the government and discipline of the Department. All members of the Department shall have the power to serve and execute all processes issued by the Municipal Judge.

H. Detective Division.

- (1) There is hereby established within the Police Department of the Borough of Mount Arlington a branch or division which shall be known as the "Detective Division." Said Division shall consist of such superior officers and patrolmen who are members of the Borough Police Department as may be necessary for the efficient operation of the Division.
 - (2) Members of the Borough of Mount Arlington Police Department may be assigned to and reassigned from the Detective Division by the Chief of Police with the approval of the governing body. Assignment to and reassignment from the Detective Division shall in no way affect the existing status, title, seniority or rights of such members of the Police Department so assigned or reassigned; nor shall the creation of the Detective Division and the assignment of members of the Police Department thereto constitute the creation of a new office or rank within the Police Department.
 - (3) The Detective Division shall be in charge of all investigative activities of the Police Department under the direction of the Chief of Police and shall be responsible to and receive orders only from the supervisor assigned to oversee the Detective Division, or in his/her absence or incapacity, the Chief of Police.
 - (4) The Detective Division shall be charged with such duties and responsibilities and shall perform such functions as may be prescribed by the department regulations enacted by the Mayor and Council.
- I. Police manual and rules and regulations. The Mount Arlington Police Department Rules and Regulations as adopted by Ord. No. 03-10 are hereby adopted by the Governing Body of the Borough of Mount Arlington for the purpose of adopting a police manual and rules and regulations for the operation, government and discipline of the Police Department of the Borough of Mount Arlington, that certain manual entitled "Police Manual and Rules and Regulations for the Operation, Government and Discipline of the Police Department of the Borough of Mount Arlington," three (3) copies of which manual have been and now are filed in the Office of the Clerk of the Borough of Mount Arlington, and the same is hereby adopted and incorporated as fully as if set out at length herein, and shall take effect from the date of this chapter. **[Amended 6-1-2010 by Ord. No. 03-10]**
- (1) The aforesaid manual entitled "Police Manual and Rules and Regulations for the Operation, Government and Discipline of the Police Department of the Borough of Mount Arlington," when adopted, shall be posted by the Chief of Police within five (5) days of the adoption of this section in the Municipal Building on the bulletin board assigned to the Police Department, and a copy thereof shall be delivered to each and every member of the Department within five (5) days after the adoption thereof and/or any amendment or repeal thereof. Each member of the Police Department shall, within thirty (30) days from the delivery thereof, acknowledge that he or she has received a copy thereof, has read the same and is familiar with the content thereof.
 - (2) The manual herein may from time to time be amended and portions thereof repealed by resolutions and/or ordinances of the Mayor and Council of the Borough of Mount Arlington as provided by law.
 - (3) If any clause, sentence, subdivision, paragraph, section or part of said Police Manual and Rules and Regulations for the Operation, Government and Discipline of the Police Department of the Borough of Mount Arlington be adjudged by any court of competent jurisdiction to be invalid, said judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.
- J. Suspensions; fines; demotion; removal from office. No permanent officer of the Police Department shall be removed from office, employment or position, or suspended, removed, fined or reduced in rank except in accordance with state law, at N.J.S.A. 40A:14-147. **[Amended 9-21-1988 by Ord. No. 88-10; 5-7-2007 by Ord. No. 08-07]**

K. Private employment of off-duty police officers. [Amended 11-21-1988 by Ord. No. 88-13]

- (1) Any request for a police officer to attend at a private gathering or to provide traffic assistance to a private business shall be made to the Chief of Police.
- (2) The Chief of Police, at his/her discretion, may assign members of the Police Department not on regular duty to perform such work. While performing work for a private individual or business, the police officer so assigned shall be under the supervision and control of the Chief of Police and superior officers of the Police Department and shall be subject to the provisions of this section and the rules and regulations applicable to the Department. In determining whether to assign a member of the Police Department to private employment, the Chief of Police shall consider the borough's own manpower needs and the appropriateness of the work for a police officer.
- (3) For their services, each police officer so employed shall be compensated at a rate equal to one and one-half (1 1/2) times the officer's regular hourly rate as established by the borough in its salary ordinance. The person or business requesting the services shall pay the required fee to the borough, which will in turn pay the officer. In addition to the officer's pay, the person or business requesting the services shall include in the amount paid to the borough an administrative fee equal to sixteen percent (16%) of the officer's pay to compensate the borough for the expense of administering this program, including the costs of social security payments, workmen's compensation payments, payroll and overhead. All monies received pursuant to this section shall be deposited into and disbursed from an escrow account specifically designed for this purpose. **[Amended 5-7-2007 by Ord. No. 05-07]**
- (4) The Chief of Police shall recommend to the Mayor and Council for inclusion in the police manual such further rules and regulations governing the employment of off-duty police officers as the Chief of Police shall deem necessary for the effective operation of this program.
- (5) Any person or entity requesting police services under this section must first execute an indemnity and proof of insurance agreement in a form approved by the Borough Attorney, Borough Mayor, the Borough Administrator, and the Chief of Police. **[Amended 12-3-2013 by Ord. No. 13-13]**

L. Promotions of Police Chief. [Added 12-22-2008 by Ord. No. 21-08] Pursuant to the authority of the Mayor and Council of the Borough of Mount Arlington to establish the position of the Police Chief for the Mount Arlington Police Department, once the Mayor and Council of the Borough of Mount Arlington have certified by resolution that the position of Chief of Police is vacant and will be filled, a notice shall be posted on the bulletin board of the Police Headquarters and the Mayor and Council shall implement the procedures contained herein below:

- (1) In order to be considered for the rank of Police Chief the officer must be a member of the Mount Arlington Police Department and hold the rank of Sergeant or above for a minimum of one (1) year. A Bachelor's degree, Master's degree is preferred. Preference is given to hiring from within the Police Department.
- (2) All candidates for promotion to the rank of Police Chief must successfully complete the psychological examination conducted by a psychiatrist or psychologist or by a professional psychological service organization appointed by the Mayor and Council of the Borough of Mount Arlington.
- (3) Psychological testing will be conducted for objective suitability traits and attributions. Testing shall relate to motivation, intelligence, team compatibility, endurance, social judgment, stress tolerance, self-control and emotional stability. Candidates shall be evaluated for supervisory potential, ability to analyze the management role, as well as leadership and attitudes towards directing and disciplining former peers.

- (4) The test shall be scored on a pass/fail basis as to suitability with evaluation reports and ranking order of candidates which shall be provided to the Mayor and Council.
 - (5) All candidates for promotion to the rank of Chief must successfully complete an oral examination conducted by an outside testing agency appointed by the Mayor and Council of the Borough of Mount Arlington. A standardized interview will be conducted by the outside testing agency (i.e. State Chiefs of Police Association) by a Board of three (3) examiners at least one (1) of which will be a Personnel Evaluator from the outside testing agency. None will be an officer, employee, resident or relative thereof, of the Borough of Mount Arlington.
 - (6) Each candidate's performance will be rated on a standardized form and a score for the interview will be derived. A report of those scores will be reviewed with these determinations: acceptability, Yes or No; point score for each candidate. The weight of the raw score on the oral test will equal thirty percent (30%) of the overall evaluation score of the candidate. Training and education shall equal thirty percent (30%) of the overall evaluation score of the candidate. Time in service with the Mount Arlington Police Department shall equal twenty (20%) percent of the overall evaluation score of the candidate. In a case of a tie breaker between applicants, seniority shall be used to make the final determination. See N.J.S.A. 40A:14-129.
 - (7) The Mayor and Council shall select a Chief from among all eligible candidates.
 - (8) Interviews may be conducted by the Mayor and Council to help in the selection, in which case all eligible candidates will be interviewed. The Borough Administrator and Police Chief may be present to assist. The interview shall equal twenty percent (20%) of the overall evaluation score of the candidate.
 - (9) The Mayor and Council shall consider all testing, experience, and other information. Throughout the course of the testing, the Mayor and Council will be provided the periodic results. The selection will be made by secret ballot of the governing body. A majority vote will prevail. There will be no veto power.
 - (10) A probationary period of one (1) year shall be served.
- M. Promotional process for Sergeant and Lieutenant. The following criteria shall be used to determine eligibility for promotion to the rank of Sergeant and Lieutenant:
- (1) Sergeant: Must have a minimum of five (5) years experience, including probation, as a Police Training Commission certified police officer. All candidates must have an associate's degree or at least sixty (60) credits from an accredited four (4) year college or university with a concentration in police science, public safety administration, political science, criminal justice or a related field required to be completed by December 31, 2017.
 - (2) Lieutenant: Must have obtained rank of Sergeant. All candidates must have an associate's degree or at least sixty (60) credits from an accredited four (4) year college or university with a concentration in police science, public safety administration, political science, criminal justice, or a related field. Bachelor's degree preferred.
- A potential Sergeant and Lieutenant candidate's years of service and/or years in present rank for eligibility purposes must be met as of the date of the notice of a promotional examination is posted. There shall be no exception to this requirement.
- All promotions to Sergeant and Lieutenant shall be made from the membership of the Borough of Mount Arlington Police Department, provided that the candidate meets the eligibility requirements of this section and successfully completes the examination process as contained herein.

Sergeant and Lieutenant promotional process: At least forty-five (45) days prior to the date an oral question and answer examination is scheduled, a notice shall be posted at the Police Department that will set forth the following:

- (a) The position available through promotion.
- (b) The date the examination will be conducted.
- (c) The location of the examination.
- (d) The time the examination will begin.
- (e) A list of study materials.

Furthermore, the promotional process shall adhere to all requirements as set forth in the Borough of Mount Arlington Police Policies and Procedures Promotional Process (Volume I and Chapter 5)

N. College reimbursement.

- (1) For officers hired prior to February 1, 2012, the Borough will reimburse an officer for up to twelve (12) credits per year of undergraduate or graduate classes, with a grade of "C" or better, at a cost not exceeding the "Rutgers University" resident rate, and for the cost of all course required textbooks. Reimbursement shall be for class enrollment and course required textbooks only. No reimbursement for travel, meals or any other expenses including study materials and supplies will be considered. Any application fee(s) required to be paid by the officer as a prerequisite to being accepted as a student at the college or university, but not for a specified course, will be the responsibility of the officer.

Provided the officer has obtained a grade of "C" or better, the officer shall be reimbursed by the borough for approved college tuition expenses within thirty (30) days of submitting proof of final grade. Any officer who accepts reimbursement from the borough must remain employed with the Borough of Mount Arlington for at least two (2) years after completing his/her last class. Officers will be required to refund one hundred percent (100%) of the fees paid for classes and expenses presently enrolled or previously taken within two (2) years if he/she voluntarily leaves the employment of the Borough of Mount Arlington during the course or within two (2) years of completing the course with the exception of retirement.

§ 4-15. Fire Department.

[Amended 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

- A. Establishment. The Borough recognizes the Mount Arlington Fire Company, Inc., a duly incorporated volunteer fire company, as an agent and instrumentality of the borough for the prevention and control of fire, and that company is authorized to use the fire equipment, hydrants and facilities of the borough in discharging its functions.
- B. Officers; members. Officers and members of the Department shall be chosen and admitted to membership in accordance with the bylaws of the company which, under and until superseded by rules and regulations of the Borough Council, shall govern the Department generally. All officers and members of the Department, regardless of their designation, shall be subject to confirmation by the Borough Council prior to taking office or becoming members of the Department. All operators of vehicles shall be approved by the Council.

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- C. Rules and regulations. The Borough Council may by resolution promulgate, amend and repeal rules and regulations relative to membership requirements and administration of the Fire Department.

D. Exemption certificate. Pursuant to N.J.S.A. 40A:14-57 et seq., a fireman otherwise qualified who has performed sixty percent (60%) of fire duty in the Department during each of seven (7) years shall be entitled to the issuance of an exempt fireman certificate and all of the rights and privileges incident thereto. Sufficiency of service shall be established by records of the Department filed annually with the Borough Clerk. Such records shall be verified by the Chief pursuant to N.J.S.A. 40A:14-57.

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

E. Junior Firemen's Auxiliary. **[Amended 4-21-1993 by Ord. No. 93-4]**

- (1) Pursuant to the provisions of N.J.S.A. 40A:14-95 et seq., it is hereby established within the Fire Department of the Borough of Mount Arlington a Junior Firemen's Auxiliary.
- (2) No person shall be eligible for membership in the Junior Firemen's Auxiliary who is less than sixteen (16) or more than eighteen (18) years of age. Persons between the ages of sixteen (16) and eighteen (18) shall be required to obtain permission to join the Auxiliary from their parents or guardian. Such permission shall be in writing and acknowledged or proved in the manner required by law for deeds to real estate to be recorded. **[Amended 5-7-2007 by Ord. No. 08-07]**
- (3) The Borough of Mount Arlington may provide members of the Junior Firemen's Auxiliary the same insurance coverage as provided for the regular volunteer firemen of the fire district under N.J.S.A. 40A:14-37 and 40A:14-38.
- (4) The Fire Department shall formulate rules and regulations to govern the activities of the auxiliary. The rules and regulations shall provide for the training of the Auxiliary for eventual membership in the Volunteer Fire Department of the Borough, and shall further provide that no junior fireman shall be required to perform duties which would expose him to the same degree of hazard as a regular member of a Volunteer Fire Company. The rules and regulations once adopted by the Fire Department shall be submitted to the governing body of the Borough of Mount Arlington for its further consideration and adoption.
- (5) Persons shall be admitted to membership in the Junior Firemen's Auxiliary in accordance with the rules and regulations provided for in Subsection E(4). Upon election to membership in the Junior Firemen's Auxiliary by the Fire Department, in accordance with its bylaws and the rules and regulations established pursuant to this chapter, said persons shall be subject to confirmation by the governing body prior to becoming members of the Junior Firemen's Auxiliary.

§ 4-16. Department of Public Works.

[Amended 9-16-1987 by Ord. No. 87-10; 3-15-1995 by Ord. No. 95-1; 3-12-2001 by Ord. No. 01-03; 4-14-2003 by Ord. No. 05-03; 5-7-2007 by Ord. No. 08-07; 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

A. Department created. There is hereby a Department of Public Works.

B. Functions.

- (1) The Department of Public Works of the Borough of Mount Arlington shall be responsible for the operation and maintenance of all of the buildings, grounds, parks, piers, playgrounds, streets, fire lanes, stormwater runoff systems and any other real property; structures, support and infrastructure systems and/or property currently belonging to the borough or which may be acquired from time to time by the borough.

- (2) The Department of Public Works shall also be responsible for the maintenance and repair of all vehicles and equipment which the Department uses in the execution of the work performed by the Department.
- (3) The Department of Public Works shall also be responsible for the operation and maintenance of any public utilities which are currently owned and/or operated by the borough for the benefit of the citizens of the borough, or which the borough may acquire in the future. Such utilities currently include but shall not necessarily be limited to certain domestic water supply systems and sanitary sewage collection systems.
- (4) The Department of Public Works shall also provide or cause to be provided the following services for the benefit of the citizens of the borough:
 - (a) Snow and ice removal.
 - (b) Regularly scheduled cleanup operations of roadways, buildings and grounds.
 - (c) Operation of the Recycling Center.
 - (d) Any other services which the Borough Council may from time to time direct the Department of Public Works to provide for the benefit of the citizens of the borough.

C. Department staffing. The Department of Public Works shall consist of:

- (1) A management staff; and
- (2) An operating staff.

D. Composition of management staff. The management staff of the Department of Public Works shall consist of:

- (1) A Superintendent of Public Works.
- (2) Supervisor of Public Works.
- (3) Other such management level employees as the Borough Council may from time to time deem necessary to effectively manage and direct the operation of the Department.

E. Superintendent of Public Works.

- (1) Appointment and term. The Superintendent of Public Works shall be appointed by the Mayor with the consent of the Council. The term of said appointment shall be as follows:
 - (a) The first term of any person appointed shall expire on December 31 of the year of the appointment of that person.
 - (b) The second term of any person shall commence on completion of the first term and reappointment and shall terminate on December 31 of the year of the second appointment.
 - (c) Any term thereafter shall commence upon completion of the prior term and reappointment but may, at the discretion of the Mayor and Council, expire on December 31 of the first, second or third year thereafter, except to the extent tenure of office pursuant to N.J.S.A. 40A:9-154.6 limits such discretion.
- (2) Powers and duties. The Superintendent of Public Works shall be the executive manager of the Department of Public Works and shall have the responsibility for and the authority to:
 - (a) Under direction, plan, organize, and direct the programs and activities of a comprehensive public works department such as road, sewer, and water line construction, repair, and maintenance;

sanitation operations; maintenance, and repair; landscape and tree maintenance; water distribution and sewage collection. Furthermore, performs administrative and supervisory duties in planning and organizing the installation, maintenance, and repair of various public works facilities; does other related duties as required.

- (b) Develop, administer, and implement a variety of public works programs, including but not limited to the improvement of streets, roads, bridges, public buildings, water and sewer facilities, and recreation facilities.
- (c) Establish priorities among work programs and implement plans.
- (d) Manage work operations and/or functional programs, and has responsibility for employee evaluations and for effectively recommending the hiring, firing, promoting, demoting, and/or disciplining of employees.
- (e) Coordinate the work plans of various functional units.
- (f) Consult with general contractors on applicable construction projects.
- (g) Supervise the use of equipment.
- (h) Supervise the maintenance of records and files.
- (i) Prepare reports and correspondence.
- (j) Will be required to learn to utilize types of electronic and/or manual recording and information systems used by the borough.
- (k) Hire operating staff employees, subject to the approval of the Council and within the staffing guidelines set forth in this chapter, which may from time to time be amended, as the Borough Council deems necessary.
- (l) Recommend to the Department head such disciplinary actions as may from time to time be appropriate or necessary, including, but not limited to, suspension without pay, demotion or termination of employees.
- (m) Train the operating staff.
- (n) Subject to the approval of the Council, promote members of the operating staff from level to level within the guidelines set forth for advancement in Subsection I of this section and ensure that such advancement is within the budgetary constraints imposed on the Borough Council by ordinance or by statute.
- (o) Manage and direct the operations of the Department as set forth in Subsection B of this section.
- (p) Prepare and recommend to the Council the annual operating and expense budget of the Department.
- (q) Make recommendations to the Borough Council for capital purchases or projects as necessary to support the operation of the Department or to fulfill its functions.
- (r) Maintain such personnel, preventive maintenance and operations records and to prepare and submit such reports as may be required for the proper documentation of the operations of the Department, as may be required by federal regulations, state statute and/or local ordinances or as may be requested by the Mayor and Council at regular intervals or upon special request.
- (s) Provide consultation and advice to all municipal officials, boards or commissions.

- (t) Prepare and present to the Mayor and Council planning recommendations for the development and improvement of the borough, when requested.
 - (u) Execute and plan for the effective utilization of available funds, personnel, equipment, materials, and supplies.
 - (v) Is responsible for all Department purchases.
 - (w) Initiate maintenance and use standards for all equipment and materials used.
 - (x) Keep up-to-date with changes which would affect Department operations and purchase procedures.
 - (y) Give assignments and instructions to individuals and groups and supervise their work.
 - (z) Make investigations of complaints and take action to see that repairs are made with a minimum delay.
 - (aa) Ensure that proper safety precautions are taken by employees.
 - (bb) Obtain, store, safeguard, and supervise use of needed equipment, materials, and supplies.
 - (cc) In conjunction with the Municipal Engineer, plan, design, and recommend to governing body new and improved public works facilities to meet future needs of the community.
 - (dd) Provide assistance for the proper billing of water and sewer services.
 - (ee) Maintain databases of Department work orders, overtime, daily time, inventory, etc.
 - (ff) Instruction and training of Class I through Class IV employees.
- (3) Reserved.
- (4) Experience. The Superintendent of Public Works shall have the following experience:
- (a) Five (5) years of experience in the development, administration and implementation of public works or other similar construction/maintenance programs, including responsibility for budgeting and supervision, four (4) years of which shall have included management responsibilities.
- NOTE: Satisfactory completion of college level credits in engineering courses at an accredited college or university may be substituted for up to two (2) years of experience on the basis of thirty (30) semester hour credits being equivalent to one (1) year of experience.
- (5) Licenses and certification. The Superintendent of Public Works shall possess the following licenses and certifications:
- (a) A driver's license valid in New Jersey.
 - (b) A certification as a Certified Public Works Manager.
 - (c) Where the position involves responsibility for supervision and administration of a water distribution and wastewater collection system, appointees will be required to possess or be willing and able to obtain a license of the appropriate grade issued by the New Jersey Department of Environmental Protection to operate a public water distribution and wastewater collection system.

F. Supervisor of Public Works.

- (1) Appointment and term. The Supervisor of Public Works shall be appointed by the Mayor with the consent of the Council. The term of said appointment shall be as follows:

The first term of any person appointed shall expire on December 31 of the year of the appointment of that person.

Each subsequent term of any person shall commence upon reappointment each year and shall terminate on December 31 of the year of each appointment.

Notwithstanding the terms of appointment set forth above, the appointment of a Supervisor of Public Works may be rescinded at any time by the Borough Council.

- (2) Prerequisite for employment or advancement into this operating staff working supervisory level:
 - (a) At least one (1) year's experience at Crew Leader, Class I employee or four (4) years of similar public or private experience judged to be equivalent by the Superintendent of Public Works.
 - (b) Employee has demonstrated to the satisfaction of the Superintendent of Public Works that he or she has:
 - [1] Developed the necessary interpersonal and leadership skills to effectively lead and direct a work crew.
 - [2] Supervised and trained Crew Leader, and Class I through Class IV employees in the various technical skill requirements of their positions.
 - (c) Knowledge and abilities required for position:
 - [1] Knowledge of procedures used in making routine and complex repairs to water and sewer equipment.
 - [2] Knowledge of processes used in the construction, maintenance, and repair of streets.
 - [3] Ability to organize work and make suitable assignments and instructions to groups and individuals.
 - [4] Ability to prepare reports containing findings, conclusions, and recommendations.
 - [5] Ability to keep needed records and files.
 - [6] Ability to learn to utilize various types of electronic and/or manual recording and information systems used by the Department.
 - [7] Ability to read, write, speak, understand, or communicate in English sufficiently to perform the duties of this position.
 - [8] Persons with mental or physical disabilities are eligible as long as they can perform the essential functions of the job after reasonable accommodation is made to their known limitations. If the accommodation cannot be made because it would cause the employer undue hardship, such person may not be eligible.
- (3) Job responsibilities:
 - (a) Performs any tasks set forth for Crew Leader Class I, II, III or IV employees as may be required.
 - (b) Supervises and trains Crew Leader and Class I through Class IV personnel in their specific job functions and skill requirements.
 - (c) Develops suitable work programs for the varied functions and responsibilities of the Department.
 - (d) Develops suitable programs for the operation, maintenance, and service of Public Works equipment.
 - (e) Generates work orders for tasks to be assigned to work crews. Maintains a work order data base.
 - (f) Gives assignments and instructions to individuals and groups, and supervises their work.

- (g) Provides instruction and guidance to employees.
- (h) Ensures that proper safety precautions are taken by employees.
- (i) Ensures that proper safety precautions are taken to protect the public from injury during repair, maintenance, and construction activities.
- (j) Inspects and checks work in progress or completed to see that proper procedures are/were followed and desired objectives are achieved and reports findings on work orders.
- (k) Prepares reports with recommendations as appropriate.
- (l) Makes recommendations to Superintendent concerning disciplinary measures, promotions, and appointment of employees under supervision.
- (m) Conducts investigations of complaints and takes proper action to see that repairs are made with minimal delay.
- (n) Obtains, stores, safeguards and supervises proper use of equipment, materials and supplies.
- (o) Follows through on public work projects undertaken by private contractors to see that such work is completed properly and that contractor complies with the terms of contract.
- (p) Will be required to learn to utilize various types of electronic and/or manual recording and information systems used by the Department.

G. Composition of the operating staff.

- (1) Job titles. The following job titles are established for the operating staff of the Department of Public Works.
 - (a) Class I, II, III, and IV Department of Public Works employees and Crew Leader.
- (2) Staffing needs. The number of employees hired in these positions shall depend, among other things, on the manpower needs of the Department, budgetary constraints and the availability of funds. The Superintendent of Public Works may recommend, and the Council may approve, an increase or decrease in the number of operating staff employees. The establishment of the above job titles does not require that they be filled or that there be a minimum or maximum number of employees in those titles. The Superintendent shall have the responsibility for determining staffing needs, subject to the approval of the Council.
- (3) Classification of existing employees. The Superintendent of Public Works shall be responsible for assigning the existing Department of Public Works employees to the appropriate employee class designation (as itemized in Subsection I of this section) consistent with the qualifications, experience and ability of the employee.

H. Duties of the operating staff. The duties of the operating staff shall be determined and assigned in the sole discretion of the Superintendent of Public Works, consistent with the functional requirements of the Department as outlined in Subsection B of this section.

I. Public works employee classification and prerequisites. There shall be four (4) classifications of public works employees as follows. Advancement from one level to the next rests within the sole discretion of Department of Public Works management, subject to Council approval. All Class I through IV Department of Public Works employees when hired shall have a CDL license, or those hired on a probationary basis will acquire one before one hundred eighty (180) days probationary period is ended.

- (1) Class I employee.

(a) Prerequisites for employment in or advancement to this employee classification level:

- [1] At least one (1) year's experience as a Class II employee or three (3) years of similar public or private experience judged to be equivalent by the Superintendent of Public Works.
- [2] Employee has demonstrated to the satisfaction of the Superintendent of Public Works that he or she has:
 - [a] Knowledge of the proper maintenance and repair of the type of roads found in the Borough of Mount Arlington.
 - [b] Ability to perform the techniques and practices of road rebuilding and repair.
 - [c] Ability to identify drainage problems.
 - [d] Knowledge of and ability to perform catch basin construction and reconstruction.

(b) Job responsibilities:

- [1] In the absence of the supervisory or management personnel of the Department of Public Works and upon specific temporary assignment, carry out the supervisory and management responsibilities of the Department, including but not limited to employee supervision and direction.
- [2] Knowledge of and performance of any tasks set forth for Class II, III and IV employees, as may be required.
- [3] Instruction and training of Class II through Class IV employees.
- [4] Safe and proficient operation of all borough equipment and general equipment repair.
- [5] Scheduling and updating of preventive maintenance and maintaining repair logs for all vehicles and equipment.
- [6] Inventory control and material requisition updates as preventive maintenance and/or repair stock is used.
- [7] Ability to operate water system and sewer system facilities and infrastructure.

(2) Class II employee.

(a) Prerequisites for employment at or advancement to this employee classification level:

- [1] At least one (1) year's experience as Class III employee or two (2) years similar public or private experience judged to be equivalent by the Superintendent of Public Works.
- [2] Employee has demonstrated to the satisfaction of the Superintendent of Public Works that he or she has:
 - [a] Ability to operate the excavating equipment in a safe and proficient manner.
 - [b] Knowledge of and ability to perform the general maintenance procedures and practices of all borough buildings, utility systems, grounds, parks, playgrounds and recreation areas.

(b) Job responsibilities:

- [1] Knowledge of and performance of any tasks set forth for Class III and IV employees, as may be required.
- [2] Operation of all equipment in a safe and proficient manner.

- [3] Light maintenance on all equipment and machinery.
 - [4] General maintenance of all buildings, grounds, parks, playgrounds, recreation areas and other borough property and subsystems thereof.
 - [5] Instruction and training of all Class III and IV employees.
- (3) Class III employee.
- (a) Prerequisites for employment at or advancement to this employee classification level:
 - [1] At least one (1) year's experience at Class IV level or similar public or private experience in related fields judged to be equivalent by the Superintendent of Public Works.
 - [2] Employee has demonstrated to the satisfaction of the Superintendent of Public Works that he or she has:
 - [a] Knowledge of names and location of all borough roads and fire lanes;
 - [b] Knowledge of geographic boundaries of the borough.
 - [c] Ability to operate all trucks and light equipment in a safe and proficient manner.
 - [d] Ability to recognize recyclable material and to handle same in a proper manner.
 - [e] Ability to perform the normal preventive maintenance and safety checks on the trucks and other light equipment.
 - [f] Ability to perform road and drainage system maintenance as a member of a work crew under the direction of the Superintendent of Public Works or qualified supervisor.
 - (b) Job responsibilities:
 - [1] Knowledge and continued performance of any tasks set forth for Class IV employees, as may be required.
 - [2] Operation of all trucks owned by the borough in a safe and proficient manner.
 - [3] Performance of light maintenance on trucks such as, but not necessarily limited to, oil changes, greasing, tire repairs and lamp replacement.
- (4) Class IV public works employees (entry level employee).
- (a) Prerequisites for employment:
 - [1] Able-bodied worker capable of heavy manual labor.
 - [2] Possessor of a valid New Jersey driver's license and a CDL within one hundred eighty (180) days of hiring.
 - [3] Aptitude for and an inclination to learn the type of work relating to the execution of the general requirements of the Department of Public Works as hereinbefore defined.
 - [4] Willingness to learn the skills necessary for potential advancement to higher employee class.
 - (b) Job responsibilities. The Class IV employee shall be responsible for the performance of the following duties under the direction of the Superintendent of Public Works:
 - [1] Load the waste removal truck.
 - [2] Cleaning of vehicles and equipment.

- [3] Perform such other operations, maintenance, repair work and labor as hereinbefore defined under Subsection H, "Duties of the operating staff."
- [4] Willingness to perform any of the duties assigned by the Superintendent of Public Works as may be required to carry out the general responsibilities of the Department of Public Works.

(5) Crew Leader.

(a) Prerequisites for employment or advancement into this operating staff working supervisory level:

- [1] At least one (1) year's experience as Class I employee or five (5) years of similar public or private experience of which at least two (2) years have been in a lead man or crew leadership capacity and which is judged to be equivalent by the Superintendent of Public Works.
- [2] Employee has demonstrated to the satisfaction of the Superintendent of Public Works the ability to lead and direct work crews and to instruct and train Department of Public Works employees in the various requirements of their positions.

(b) Job responsibilities:

- [1] Knowledge of and performance of any tasks set forth for Class I through IV employees as may be required.
- [2] Employee has demonstrated to the satisfaction of the Superintendent of Public Works the ability to lead and direct work crews and to instruct and train Department of Public Works employees in the various requirements of their positions.
- [3] Instruction and training of and all Class I through Class IV employees.
- [4] In the absence of the supervisory personnel of the Department of Public Works and upon specific temporary assignment, carry out the supervisory responsibilities of the Department, including but not limited to employee supervision, direction and training.

J. Waiver of promotion requirements for advancement of operating staff members. Upon the written recommendations of the Borough Administrator, the governing body, by majority vote, may waive any promotion provisions as a requirement for advancement to higher levels, as may be necessary or appropriate for the benefit and welfare of the borough. **[Amended 12-3-2013 by Ord. No. 13-13]**

§ 4-17. Borough Engineer.

[Amended 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

- A. Appointment; term. In accordance with state statute, there shall be a Borough Engineer appointed by the Council for a term of one (1) year. The Borough Engineer shall receive such compensation as may be agreed upon and determined by the Council. He or she shall be a duly licensed professional engineer of the State of New Jersey.
- B. Duties. The Engineer shall perform the duties prescribed by general law and ordinance and as authorized by the Council; and in addition, when so authorized, shall:
 - (1) Prepare or cause to be prepared plans, designs and specifications for public works and improvements undertaken by the borough, either on force account or by public contract.
 - (2) Provide and maintain surveys, maps, plans and specifications and control records with respect to public works and facilities owned or operated by the borough.
 - (3) Provide technical and engineering advice and assistance to other borough departments as needed.

- (4) Upon the termination of his/her service with the borough, surrender all papers, documents, memoranda, reports and other materials which he or she prepared or which were submitted relating to the position of Borough Engineer.

§ 4-18. Building Department.

[Amended 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

The Construction Official, Building Subcode Official, Plumbing Subcode Official and all other Subcode officials are appointed pursuant to the Uniform Construction Code. Their terms of office and duties are fixed pursuant thereto. See Ch. 67, Construction Codes, Uniform, for adoption thereof.

§ 4-19. Borough Attorney.

[Amended 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

- A. Appointment. The Borough Attorney shall be appointed by the Mayor with the advice and consent of the Council for a term of one (1) year. He or she shall be an attorney-at-law of the State of New Jersey, but need not be a resident of the borough. The Attorney may receive a retainer and shall be paid reasonable fees and charges.
- B. Powers and duties. **[Amended 2-20-1985 by Ord. No. 82-5]** Except as provided in Subsection C below the Attorney shall give all legal counsel and advice required by the Council or any member thereof and shall in general serve as the legal advisor to the Council on all matters of borough business. He or she shall represent the borough in all judicial and administrative proceedings in which the borough or any of its representatives or agencies may be a party or have an interest. In furtherance of these general powers and duties, but without limiting them, the Attorney shall:
- (1) Draft or approve as to form and sufficiency all legal documents, contracts, deeds, ordinances and resolutions made, executed or adopted by or on behalf of the borough.
 - (2) Conduct appeals from orders, decisions or judgments affecting any interest of the borough.
 - (3) With the approval of the Borough Council, compromise or settlement litigation in which the borough is involved.
 - (4) Render opinions in writing upon questions of law submitted to him by the Council or any member thereof with respect to their official powers and duties.
 - (5) Supervise and direct the work of additional attorneys and technical and professional assistants which the Council may authorize for special or regular employment in or for the borough.
- C. Reserved. **[Added 2-20-1985 by Ord. No. 85-2; repealed 5-7-2007 by Ord. No. 08-07]**

§ 4-20. Reserved.

Municipal Court previously codified herein and containing portions of Ord. No. 08-07 was repealed 11-22-2011 by Ord. No. 14-11 and 12-13-2011 by Ord. No. 16-11.

§ 4-21. Lake Hopatcong Commission.

[Amended 2-9-2004 by Ord. No. 01-04]

- A. Established. The Lake Hopatcong Commission is created by P.L. 2000, c.175, effective January 8, 2001, as codified at N.J.S.A. 58:4B-1, et seq.
- B. Appointment of members. Pursuant to P.L. 2000, c. 175, Section 3, as codified at N.J.S.A. 58:4B-3, the Mayor and Borough Council of the Borough of Mount Arlington shall appoint a member to the Lake Hopatcong Commission, and may appoint an alternate member to act in the absence or disability of the regular member.
- C. Each member appointed to the Lake Hopatcong Commission shall be appointed to serve for a term of two (2) years, and until a successor shall have been appointed and qualified, subject to the pleasure of the Mayor and Borough Council. Members and alternate members may be reappointed to successive terms. Vacancies in these appointed positions shall be filled in the same manner as the original appointments were made, but for the unexpired term only.
- D. The powers, duties and responsibilities of the Lake Hopatcong Commission are set forth in P.L. 2000, Sections 5 and 6, as codified at N.J.S.A. 58:4B-5 and 6.

§ 4-22. Planning Board/Land Use Board.

[Amended 5-7-2007 by Ord. No. 08-07; 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

The Planning Board is established pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) to exercise the powers of both a Planning Board and Zoning Board of Adjustment, and shall be referred to as the "Land Use Board" of the Borough of Mount Arlington. The establishment, membership, duties, and terms of office of the members of the Planning Board/Land Use Board shall be as set forth in the Land Development Ordinance, except that there shall be also appointed to the Board, in accordance with N.J.S.A. 40:55D-23.1, up to four (4) alternate members, who shall be Borough residents. Class I and Class III members of the Board shall not participate in the consideration of applications for development which involve relief pursuant to subsection d of Section 57 of N.J.S.A. 40:55D-70.

Editor's Note: See Ch. 17, Land Development.

§ 4-23. Reserved.

[Repealed 5-7-2007 by Ord. No. 08-07]

§ 4-24. Board of Health.

- A. Establishment. There shall be a Board of Health in the borough consisting of seven (7) members appointed by the Mayor, with the advice and consent of the Borough Council, for a term of three (3) years, except that the members first appointed shall serve for staggered terms. Appointments to fill vacancies shall be made in the same manner as original appointments and all such appointments shall be for the unexpired term only.
- B. Powers and duties. The Board of Health shall have the power and authority to adopt ordinances relating to the protection of the health of borough residents, shall employ necessary personnel and fix their salaries, within the limits of the budget approved by the Council. The Board of Health shall have all jurisdiction conferred upon Boards of Health by Title 26 of the Revised Statutes. **[Amended 4-15-1998 by Ord. No. 98-9; 5-7-2007 by Ord. No. 08-07]**
- C. In addition to the seven (7) members identified in Subsection A above, there shall be one (1) alternative member, who shall be appointed by the Mayor, with the advice and consent of the Borough Council, for a

term of one (1) year, subject to reappointment. An appointment to fill a vacancy shall be made in the same manner as original appointment and such appointment shall be made in the same manner as original appointment and shall be for the unexpired term only. In cases where a member of the Board is absent, unavailable or otherwise unable to participate in a matter to be voted upon, the alternate member shall participate in that member's stead. [Added 12-3-2013 by Ord. No. 13-13]

§ 4-25. Copies of public documents.

[Amended 3-15-1995 by Ord. No. 95-1; 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

A. [Amended 10-5-2010 by Ord. No. 10-10] The following fees for copies of government records pursuant to OPRA shall be as follows:

- (1) All paper copies of standard 8.5" x 11" size or less shall be \$.05 per page.
- (2) All paper copies greater than 8.5" x 11" size which are able to be copied on borough equipment, shall be \$.07 per page.
- (3) All paper copies greater than 8.5" x 11" size which are not able to be copied on borough equipment shall be charged according to the prices of the outside vendor with equipment able to accommodate the request.
- (4) All fax and email copies of documents shall be provided free of charge unless copies are necessary to perform redactions thereto.
- (5) Nothing in this section shall prohibit the imposition of a special service charge in accordance with the Code of the Borough of Mount Arlington.

B. For copies of the Land Use Ordinance, the Code of the Borough of Mount Arlington, the Zoning Map and the Tax Map, or parts thereof, the actual cost of the same shall be charged.

Editor's Note: See Ch. 17, Land Development.

C. Municipal Court discovery. [Added 12-13-2004 by Ord. No. 14-04]

- (1) All requests for discovery in matters pending in the Borough of Mount Arlington Municipal Court shall be submitted through the Municipal Prosecutor.
- (2) The following fees shall be payable by the requestor to the Borough of Mount Arlington for the discovery provided:
 - (a) \$.75 per page for each of the first ten (10) pages photocopied.
 - (b) \$.50 per page for each of the next ten (10) pages photocopied.
 - (c) \$.25 per page for each of the pages photocopied thereafter.
 - (d) Actual postage for any discovery sent by mail.
 - (e) \$.25 for the envelope for any discovery sent by mail.
 - (f) Photographs will be photocopied at the rates established herein. If requests are made for duplicate photographs, the actual cost of making the photographs shall be charged.
 - (g) Duplication of videotapes constituted an extraordinary duplication process and will be charged at the rate of \$5.00 per videotape.

- (h) On any item that cannot be photocopied on the borough copy machine or not otherwise provided for in this schedule, the actual cost incurred in making the copy shall be charged.
- (3) Requiring a substantial amount of manipulation or programming of information technology, the borough may charge, in addition to the actual cost of duplication, a special charge that shall be reasonable and shall be based on the cost for any extensive use of information technology, or for the labor cost of personnel providing the service, that is actually incurred by the agency or attributable to the agency for the programming, clerical, and supervisory assistance required, or both. **[2-9-2009 by Ord. No. 02-09]**
- (4) CD's, DVD's, videotapes and audiotapes. **[Added 3-10-2008 by Ord. No. 01-08; amended 2-9-2009 by Ord. No. 02-09]** In addition to the per page costs set forth in Section 4-25C(4)(f) below which shall be charged, as well as special service charges pursuant to Section 4-25D(1), when applicable, the costs for duplication and or transformation of a government record not in the form of printed matter are as follows:
- (a) Standard quality compact disc- \$0.60.
 - (b) Standard quality DVD- \$0.60.
 - (c) Standard quality videotape- \$1.50.
 - (d) Standard quality audiotape- \$0.65.
 - (e) The borough will only copy such information utilizing CD's, DVD's, videotapes and/or audiotapes purchased by the borough or provided by the public that are in the original package.
 - (f) Production of government records in electronic medium, whether via facsimile, email or compact disc shall be charged per government record page according to the schedule of charges set forth in OPRA for ordinary business sized paper copies, as well as any applicable special service charges pursuant to Section 4-25D(1).
- (5) Any government record requested in a media which is not in the printed form nor listed in subsection C(4)(e) and/or (f) above shall be charged according to the actual costs of duplicating same. **[Added 3-10-2008 by Ord. No. 01-08; amended 2-9-2009 by Ord. No. 02-09]**
- D. Fees, special service charges and amounts authorized. **[Added 5-7-2007 by Ord. No. 08-07; amended 3-10-2008 by Ord. No. 01-08]**
- (1) Whenever government records cannot be reproduced by regular copying equipment or fulfillment of the request will involve extraordinary time and effort (for example, where a large number of records must be recovered from storage or substantial staff time is required to locate, review, assemble and redact the documents for copying or inspection), reasonable charges may be imposed as follows:
 - (a) The actual cost (materials and supplies but no labor charges) of duplication, reproduction or assembly for inspection; and
 - (b) A special service charge of \$15. per hour or the actual direct cost of labor (if less) shall be imposed for each hour expended by the borough employee to respond to an extraordinary request.
 - (2) Advance notice of fees; special service charges; deposit. Any requestor of government records who may be subject to the payment of a fee or special device charge under this section shall receive advance notice of the amount of the fees and charges before any work is begun. Whenever the costs of reproducing a document exceed \$5. dollars, the Borough Clerk shall require payment in full of such charges before beginning the work.

- (3) Duplication of other work beyond capability of the borough work force. Whenever the borough work force or borough equipment is insufficient to duplicate or produce government records in a timely manner, the Borough Clerk may cause such duplication or production to be performed by outside vendors such as copy centers or producers of digital images. If the cost to duplicate or produce the record charged by such vendors exceeds the routine charges set forth in N.J.S.A. 47:1A-5, the requestor shall pay the actual costs of same without any surcharge for labor costs.
- E. Certified copies of any vital statistic record from the Municipal Registrar shall be \$7.00 per certified copy. **[Added 6-8-09 by Ord. No. 14-09]**
- F. Fees for redemption of tax certificate or tax lien. **[Added 2-15-2011 by Ord. No. 03-11]**
 - (1) In accordance with N.J.S.A. 54:5-54 the Tax Collector shall provide to any party entitled to redeem a certificate pursuant to this section (N.J.S.A. 54:5-54) two (2) calculations of the amount required for redemption within a calendar year at no cost. For each subsequent calculation requested from the Tax Collector there shall be a \$50. fee. A request for a redemption calculation shall be made in writing to the Tax Collector.
 - (2) In accordance with N.J.S.A. 54:5-97.1 the Tax Collector may charge a lien holder of a tax lien \$50. for the calculation of the amount due to redeem the tax lien as required pursuant to N.J.S.A. 54:5-97.1. Any request for a redemption calculation shall specify the date to be used for the calculation, which shall be the date of the notice. Neither the Tax Collector nor the municipality shall be liable for an incorrect calculation. The fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to N.J.S.A. 54:5-54 .

§ 4-26. Zoning Officer.

[Amended 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

- A. Establishment. The office of the Zoning Officer of the Borough of Mount Arlington is hereby created in accordance with state statute.
- B. Appointment; term; vacancy. Appointments to the office of the Zoning Officer shall be made by the Mayor with the advice and consent of the Council. The term of office shall be one (1) year, but the first term shall commence upon the effective date of this chapter and shall expire December 31 of the same year. Thereafter, every appointment shall be made for the calendar year. A vacancy for the office shall be filled for the unexpired term only.
- C. Duties of Zoning Officer. The Zoning Officer shall:
 - (1) Enforce the Zoning Ordinance of the Borough of Mount Arlington and have all the powers, functions and duties prescribed by general law and ordinances, and as further provided in the Zoning Ordinance.
Editor's Note: See Ch. 17, Land Development.
 - (2) Keep a record of his/her proceedings and a permit book and complaint book, all of which shall be subject to inspection; report monthly to the Council the number of zoning permits issued and the fees received. **[Amended 5-7-2007 by Ord. No. 08-07]**
 - (3) Reserved. **[Repealed 5-7-2007 by Ord. No. 08-07]**
- D. Reserved. **[Added 4-14-2003 by Ord. No. 06-03; repealed 5-7-2007 by Ord. No. 08-07]**

§ 4-27. Administrative Assistant.

[Amended 3-15-1995 by Ord. No. 95-1; 5-7-2007 by Ord. No. 08-07; 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

The Council shall appoint such persons as it deems appropriate to serve in the position of Administrative Assistant of the Borough of Mount Arlington. The duties of such position shall include assisting in the clerical and administrative functions of the Borough as directed by the Department heads.

§ 4-28. Assistant Borough Clerk.

[Repealed 5-7-2007 by Ord. No. 08-07; added 11-22-2011 by Ord. No. 14-11; amended 12-13-2011 by Ord. No. 16-11]

In accordance with N.J.S.A. 40A:9-135 there shall be an Assistant Borough Clerk whose duties shall be prescribed and defined by the governing body. In the absence of a Municipal Clerk, the Assistant Borough Clerk shall serve as an "acting" clerk and shall work in conjunction with the Municipal Clerk on a daily basis.

§ 4-29. Board of Recreation Commission.

[Added 12-19-1985 by Ord. No. 85-19; amended 10-10-05 by Ord. No. 21-05; 3-29-2009 by Ord. No. 04-09; 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

- A. Pursuant to N.J.S.A. 40:12-1 et seq. and as may be amended by future legislation, there is created the Mount Arlington Board of Recreation Commission which shall consist of not less than three (3), but no more than seven (7) Commissioners who shall be residents of Mount Arlington and who shall be appointed by the Mayor.
- B. The Commissioners first appointed shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years respectively, in such manner that the term of at least one (1) Commissioner and not more than two (2) Commissioners shall expire in each year according to the number appointed as fixed by the Mayor.
- C. After the first Commissioners are appointed, all subsequent appointments shall be for the term of three (3) years if the Board consists of three (3) members or five (5) years if the Board consists of five (5) or seven (7) members, according to the number appointed to comprise the Board, and vacancies shall be filled for the unexpired term only.
- D. The members shall serve until their respective successors are appointed and shall qualify. The members shall receive no compensation for their services.
- E. The Borough Board of Recreation Commission Secretary shall be an employee of the Borough of Mount Arlington and shall report to the Borough Administrator. The Secretary shall be responsible for keeping accurate minutes of all meetings, receiving and preparing correspondence required by the MABORC's business. The Secretary shall be responsible for maintaining a file of all documents relating to the MABORC's business and assume all other administrative duties as directed by the Borough Administrator. **[Added 12-3-2013 by Ord. No. 13-13]**
- F. Pursuant to N.J.S.A. 40:12-1.1 et seq. and as may be amended by future legislation, there is hereby created not more than two (2) alternate members to the Mount Arlington Board of Recreation Commission. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2." The length of the terms of the alternate members shall be the same as the length of the terms of the regular members of the Board of Recreation Commissioners. If two (2) alternates are appointed, their terms shall be staggered by the appointment of one (1) of the alternates for an initial term that is a year less than a regular term. A vacancy occurring otherwise than by expiration of term shall be filled by the governing body for the unexpired term only. **[Amended 12-3-2013 by Ord. No. 13-13]**

- G. No alternate member shall be permitted to act on any matter in which the alternate has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he or she requests one, be removed by the governing body for cause. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of the Board of Recreation Commissioners. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote. **[Amended 12-3-2013 by Ord. No. 13-13]**
- H. All members. Members shall serve until their respective successors are appointed and shall qualify. A vacancy occurring otherwise than by expiration of term shall be filled by the governing body for the unexpired term only. Alternate No. 1 shall be reassigned to full member following a vacancy; Alternate No. 2 shall become Alternate No. 1. New members shall start as an alternate unless a vacancy allows full membership. Members shall receive no compensation for their services. **[Amended 12-3-2013 by Ord. No. 13-13]**
- I. The Mount Arlington Board of Recreation Commission shall meet on a monthly basis and adopt bylaws and rules for the conduct of their meetings. The Board shall elect its Chairperson, Vice Chairperson and Secretary at the first annual meeting of the Board on an annual basis. The Chairperson shall be the presiding officer of each meeting of the Board. The Vice Chairperson shall perform the functions and duties of the Chairperson in the absence of the Chairman. The Secretary shall draft all notices, minutes of meetings of the Board and communications of the Board, subject to the approval by the Board. **[Amended 12-3-2013 by Ord. No. 13-13]**
- J. The Mount Arlington Board of Recreation Commission shall report on a monthly basis to the governing body as to activities and recommendations with regard to recreation programs and activities, recreation fees and charges, and recreation facilities and equipment. The Mount Arlington Board of Recreation Commission shall also submit a proposed annual budget to the governing body for recreation activities. **[Amended 12-3-2013 by Ord. No. 13-13]**
- K. The Board shall recommend all proposals for the purchase of recreation equipment and expenses related thereto as well as proposals for the provision of any services related to recreation activities. The governing body shall review such recommendations of the Board and shall have the absolute authority to either accept or reject the recommendations of the Board. **[Amended 12-3-2013 by Ord. No. 13-13]**
- L. All moneys received by the Board, whether by gift, donation or otherwise not raised by taxation and or through the issuance of bonds, shall be paid over to the Municipal Treasurer and be maintained in a special fund, which shall be under the control of the Board and used only for the purpose of defraying the expenses of improving, maintaining or policing the facilities, grounds and recreation places and for the other expenses of the Board. The Board shall report all such monies, the source thereof, received and disbursed under this section to the governing body in its monthly report. **[Amended 12-3-2013 by Ord. No. 13-13]**
- M. The governing body, having control over the finances of the municipality, shall annually fix and determine the appropriate sum of money to be raised by taxes for use by the Board and shall also provide for a suitable location for the Board to meet to conduct its meetings. **[Amended 12-3-2013 by Ord. No. 13-13]**

§ 4-30. Municipal Public Defender.

[Added 2-18-1998 by Ord. No. 98-4; amended 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

- A. Position created. Pursuant to P.L. 1997, c. 256, the borough shall employ the services of an attorney-at-law of the State of New Jersey, to be referred to as the "Municipal Public Defender," to provide for the representation of persons entitled by law to the appointment of counsel in the Joint Municipal Court.

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

- B. Appointment; term; compensation. The appointment of the Municipal Public Defender shall be by the Mayor with the advice and consent of the Council. The appointment shall be made annually and shall run for the remainder of the calendar year of appointment. At the expiration of term of office, the Municipal Public Defender may continue to serve in office pending reappointment or appointment of a successor.
- C. Responsibilities. The Municipal Public Defender shall be responsible to conduct the legal representation of indigent defendants who have been assigned to the Municipal Public Defender by the Joint Municipal Court Judge, following a review by the Court of the charges against the defendant, any possible consequence of magnitude and the financial condition of the defendant.
- D. Fee for services; waiver. Any individual defendant in the Joint Municipal Court applying for the services of the Municipal Public Defender shall pay an application fee prior to the Court considering said application; provided, however, that the Joint Municipal Court Judge, in his/her discretion, may waive all or any portion of said fee if, in the opinion of the Joint Municipal Court Judge and for reasons placed on the record of the proceedings, the application fee constitutes an unreasonable burden on the individual seeking representation.

§ 4-31. Reserved.

[Repealed 5-7-2007 by Ord. No. 08-07]

§ 4-32. Emergency management.

[Added 4-21-1999 by Ord. No. 99-2; amended 5-7-2007 by Ord. No. 08-07; 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

- A. There is hereby established the Office of Emergency Management to implement emergency operations, planning and procedures at the local and state level in accordance with N.J.S.A. App. A:9-40.1 et seq.
- B. The Office of Emergency Management Coordinator is hereby established with an annual stipend in the amount to be determined by the Council on an annual basis, to perform statutory responsibilities of the Coordinator and supervise the Office of Emergency Management. The Coordinator shall be appointed by the Mayor with the advice and consent of the Council.
- C. The Coordinator shall be assisted in such duties by Deputy Emergency Management Coordinators to be appointed by the Coordinator. The number of such deputies and their annual stipend shall be determined by the Council on an annual basis.

§ 4-33. Rescue squad.

[Added 5-17-2000 by Ord. No. 00-7; amended 11-22-2011 by Ord. No. 14-11; 12-13-2011 by Ord. No. 16-11]

- A. Establishment. The borough utilizes a Joint Agreement with a provider of services for the furnishing of emergency first aid and transportation services. **[Amended 5-7-2007 by Ord. No. 08-07]**

§ 4-34. Reserved.

Defined Contribution Retirement Program previously codified herein and containing portions of Ord. No. 10-08 was repealed 11-22-2011 by Ord. No. 14-11 and 12-13-2011 by Ord. No. 16-11.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 3. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

SECTION 4. This Ordinance shall take effect upon final publication as provided by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on August 1, 2017 and will be further considered after a Public Hearing held on September 5, 2017 at the Municipal Building at 7:00 P.M.


INTRODUCED:

PUBLISHED:

ATTEST:

BOROUGH OF MOUNT ALRINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY



Linda DeSantis, RMC, Borough Clerk

Michael Stanzilis, Mayor