

## **ORDINANCE NO.: 12-17**

### **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 REINSTATE SECTION 4-20, MUNICIPAL COURT**

**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, to reinstate Section 4-20, Municipal Court.

**WHEREAS**, there are no other substantive changes being made to the Borough Code other than the reinstatement of Section 4-20, Municipal Court.

**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, is hereby amended and supplemented to reinstate Section 4-20, Municipal Court.

## **Chapter 4 ADMINISTRATION OF GOVERNMENT**

- |  |  |
|--|--|
| <b>§ 4-1. Title.</b>                       | <b>§ 4-18. Building Department.</b>            |
| <b>§ 4-2. Elected officials.</b>           | <b>§ 4-19. Borough Attorney.</b>               |
| <b>§ 4-3. Appointed representatives.</b>   | <b>§ 4-20. Municipal Court.</b>                |
| <b>§ 4-4. Powers and duties of Mayor.</b>  | <b>§ 4-21. Lake Hopatcong Commission.</b>      |
| <b>§ 4-5. Borough Council.</b>             | <b>§ 4-22. Planning Board/Land Use Board.</b>  |
| <b>§ 4-6. Ordinances.</b>                  | <b>§ 4-23. Reserved.</b>                       |
| <b>§ 4-7. Borough Clerk.</b>               | <b>§ 4-24. Board of Health.</b>                |
| <b>§ 4-8. Administrative organization.</b> | <b>§ 4-25. Copies of Public Documents.</b>     |
| <b>§ 4-9. Borough Administrator.</b>       | <b>§ 4-26. Zoning Officer.</b>                 |
| <b>§ 4-10. Chief Financial Officer.</b>    | <b>§ 4-27. Administrative Assistant.</b>       |
| <b>§ 4-11. Payment of claims.</b>          | <b>§ 4-28. Assistant Borough Clerk.</b>        |
| <b>§ 4-12. Tax Collector.</b>              | <b>§ 4-29. Board of Recreation Commission.</b> |
| <b>§ 4-13. Tax Assessor.</b>               | <b>§ 4-30. Municipal Public Defender.</b>      |
| <b>§ 4-14. Police Department.</b>          | <b>§ 4-31. Reserved.</b>                       |
| <b>§ 4-15. Fire Department.</b>            | <b>§ 4-32. Emergency management.</b>           |
| <b>§ 4-16. Department of Public Works.</b> | <b>§ 4-33. Rescue squad.</b>                   |
| <b>§ 4-17. Borough Engineer.</b>           | <b>§ 4-34. Reserved.</b>                       |

**[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.]**

**§ 4-20. Municipal Court. [Amended 5-7-2007 by Ord.08-07. Ord. 08-07 was repealed 11-22-2011 by Ord. No. 14-11 and 12-13-2011 by Ord. No. 16-11]**

- A. Establishment; powers. There shall be a Municipal Court in the borough pursuant to the provisions of N.J.S.A. 2B:12-1 et seq., to be known as the "Municipal Court of the Borough of Mount Arlington". The Municipal Court shall have a seat held in the Borough Hall or such other place as the Council designates and shall exercise all the functions, powers, duties and jurisdiction conferred by law upon Municipal Courts.
- B. Municipal Judge. There shall be a Municipal Judge for the borough who shall be appointed by the Mayor with the advice and consent of the Council for a term of three (3) years commencing on January 1. He shall possess the qualifications set forth in N.J.S.A. 2B:12-4 et seq. The compensation of the Municipal Judge shall be established by ordinance and shall be in lieu of any and all fees.
- C. Municipal Court Administrator. There shall be appointed by the Mayor and Council a Municipal Court Administrator and such other employees as are deemed necessary by the Council for the Municipal Court, in accordance with N.J.S.A. 2B:12-10. The compensation of the Court Administrator and all other employees may be established by ordinance or resolutions.
- D. Municipal Prosecutor. Pursuant to N.J.S.A. 2B:25-1 et seq., the borough shall employ the services of an attorney-at-law of the State of New Jersey to serve as the Municipal Prosecutor for the borough, to represent the borough on all municipal court matters and any other matters in which the borough may need someone to prosecute charges. The appointment of the Municipal Prosecutor 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, or until a successor is appointed.
- E. Municipal Public Defender. There shall be a Municipal Public Defender as set forth in Section 30 of this Chapter 4.
- F. Municipal Court Discovery. **[Added 12-13-2004 by ord. No. 14-04]**
  - (1) All requests for discovery in matters pending in the Bough 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 a special service charge 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]

**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 September 5, 2017 and will be further considered after a Public Hearing held on October 3, 2017 at the Municipal Building at 7:00 P.M.

INTRODUCED: 09-05-17

PUBLISHED:

ATTEST:

  
Linda DeSantis, RMC, Borough Clerk

BOROUGH OF MOUNT ARLINGTON  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

  
Michael Stanzilis, Mayor

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

~~CONFIDENTIAL~~

**Borough of Mount Arlington  
419 Howard Boulevard  
Mount Arlington, NJ 07856**

***Borough Clerk's Office***  
(973) 398-6832 ext. 112  
(973) 398-8662 Fax  
ldesantis@mtarlingtonboro.com

The following Ordinance was passed on second reading at the Council Meeting of the Borough of Mount Arlington on October 3, 2017:

**Ordinance #12-17**

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 Reinstate Section 4-20, Municipal Court

TAKE NOTICE that the above entitled Ordinance was introduced and passed at a regular meeting of the Borough Council of the Borough of Mount Arlington held on **September 5, 2017**; and after being duly advertised was further considered for final passage at a Council Meeting held on **October 3, 2017** at which time, after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Borough of Mount Arlington according to law.

ADOPTED: October 3, 2017



Linda DeSantis, RMC  
Borough Clerk