

## BOROUGH OF FRENCHTOWN

### **AN ORDINANCE REPEALING CHAPTER § 2-29 OF THE CODE OF FRENCHTOWN BOROUGH, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY ENTITLED "MUNICIPAL COURT OF THE DELAWARE VALLEY" AND ESTABLISHING NEW CHAPTER § 29 ENTITLED "MUNICIPAL COURT"**

#### ***Ordinance #856***

**BE IT ORDAINED** by the Borough Council of Frenchtown Borough, in the County of Hunterdon, State of New Jersey as follows:

**SECTION 1.** Chapter §2-29 of the Code of Frenchtown Borough entitled "Municipal Court of the Delaware Valley" is hereby repealed in its entirety.

**SECTION 2.** Pursuant to the Interlocal Services Act, *N.J.S.A. 40:8A-1* and *N.J.S.A. 2B:12-1c*, the Mayor, on behalf of the Borough Council, is hereby authorized to enter into a shared services agreement to provide jointly for courtrooms, chambers, equipment, supplies and employees for the municipal court of Frenchtown Borough and another municipality, and to agree to appoint the same persons as judges and administrators without establishing a joint municipal court. Where the municipal courts of the Borough of Frenchtown and another municipality share facilities in this manner, the identities of the individual courts shall continue to be expressed in the captions of orders and process. Pursuant to *N.J.S.A. 2B:12-1.d*, said interlocal agreement may be terminated as provided in the agreement.

**SECTION 3.** There is hereby established a new Chapter §2-29 entitled "Municipal Court" of the Code of the Frenchtown Borough to read as follows:

#### **CHAPTER 2-29 - MUNICIPAL COURT**

2-29 -1. Court established.

The Municipal Court is hereby created and established pursuant to *N.J.S.A. 2B:12-1*, et seq., and by Rule 7:1, et seq. The Municipal Court shall be presided over by the Judge of the Municipal Court.

2-29 -2. Name.

The name of the Municipal Court shall be the "Municipal Court of the Frenchtown Borough in the County of Hunterdon."

2-29-3. Seal.

The Municipal Court shall have an official seal which shall bear the impress of the name of the Court.

2-29-4. Judges; appointment; term.

There shall be one Judge of the Municipal Court, who shall be appointed by the Mayor and Borough Council for a term of three years from the date of appointment and until their successors are appointed and qualified.

2-29-5. Temporary Acting Judge.

In the event that the Judge of the Municipal Court is unable to perform his/her duties, due to either illness, absence or physical and/or mental disability, the Court Administrator shall select a Municipal Court Judge from a list established by the Assignment Judge to serve as a Temporary Acting Judge of the Municipal Court during the period of incapacity of the Judge.

2-29-6. Compensation of Judges.

A. The Judge of the Municipal Court shall receive compensation as determined and adopted by Ordinance of the Mayor and Borough Council. The salary shall be paid in the same manner as the salaries of other municipal officers are paid and shall be lieu of all fees, costs and any other allowances whatsoever.

B. The compensation of an acting judge, assigned in accordance with Sub-section 2-29-5, shall be at the rate of \$300 per session.

2-29-7. Compensation of additional court sessions for driving- while- intoxicated matters.

A. The Judge and Prosecutor who are assigned to an additional Court session for the handling of driving while intoxicated matters shall receive compensation for the additional Court session from funds to be paid out of the Alcohol Education and Rehabilitation Fund of the State of New Jersey:

1. Judge: \$300
2. Prosecutor: \$250

B. All requests for disbursement of Alcohol Education and Rehabilitation Fund monies shall be approved by the Assignment Judge.

2-29-8 Jurisdiction; powers and duties.

The Municipal Court and the Municipal Judges thereof shall have, possess, and exercise all the functions, powers, duties and jurisdiction which are or may be conferred by general law and the applicable rules of the Supreme Court of New Jersey.

2-29-9 Court Administrator; appointment; term.

There shall be a Municipal Court Administrator who shall be appointed by the Mayor and Borough Council. They shall perform such functions and duties as shall be prescribed by law, the rules applicable to Municipal Courts of the State of New Jersey and by the Judge of the Municipal Court (N.J.S.A. 2B:12-10, et seq.).

2-29-10 Public Defender; appointment; term.

There shall be a Municipal Court Public Defender who shall be appointed by the by the Mayor

and Borough Council for a term of one year. They shall perform such functions and duties as shall be prescribed by law, the rules applicable to Municipal Courts of the State of New Jersey (N.J.S.A 2B-24-1, et seq.). In the event that the Municipal Defender is unavailable or unable to represent one or more individuals, the by the Mayor and Borough Council may appoint one or more attorneys to serve as Alternate Municipal Public Defender, or as otherwise provided by the applicable shared service agreement. Compensation for any Alternate Municipal Public Defender shall be as provided by the shared service agreement with the shared municipal court.

2-29-11 Prosecutor; appointment; term.

There shall be a Municipal Court Prosecutor who shall be appointed by the by the Mayor and Borough Council for a term of one year. They shall perform such functions and duties as shall be prescribed by law, the rules applicable to Municipal Courts of the State of New Jersey (N.J.S.A 2B:25-1 et seq). In the event that the Municipal Prosecutor is unavailable or unable to represent one or more individuals, the by the Mayor and Borough Council may appoint one or more attorneys to serve as Alternate Municipal Prosecutor, or as otherwise provided by the applicable shared service agreement. Compensation for any Alternate Municipal Prosecutor shall be as provided by the shared services agreement with the shared municipal court.

2-29-10. Sessions

The Municipal Court shall be held at the Raritan Township Municipal Court Building or other agreed-upon location per the applicable shared services agreement. The Municipal Judges shall sit at such times as the business of the Court may require, subject to the rules of the New Jersey Supreme Court applicable to municipal courts.

**SECTION 4.** This ordinance supersedes and repeals any ordinances, sections or portion(s) of the Borough of Frenchtown Code or any other Borough ordinance or portion of the Code to the extent they are inconsistent herewith.

**SECTION 5.** All other language contained in the Frenchtown Borough Code not specifically changed by this ordinance amendment shall remain in full force and effect.

**SECTION 6.** If the provision of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such order or judgment shall not affect, impair or invalidate the remainder of any such article, section, subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are hereby declared to be severable.

**SECTION 7.** The sections, subsections and provisions of this Ordinance may be renumbered as necessary or practical for codification purposes.

**SECTION 8.** This ordinance shall take effect immediately upon:

- a. Its final adoption and publication in accordance with law,
- b. Approval of the Municipal Court by the Administrative Office of the Courts and the Vicinage Assignment Judge;

c. January 1, 2021.

ATTEST:

Borough of Frenchtown

\_\_\_\_\_  
Brenda S. Shepard, Borough Clerk

By: \_\_\_\_\_  
Brad Myhre, Mayor

First Reading: \_\_\_\_\_

Published on: \_\_\_\_\_

Second reading: \_\_\_\_\_

Published on: \_\_\_\_\_

Published by: \_\_\_\_\_

Title: \_\_\_\_\_

I hereby certify that the attached ordinance is a true and correct copy of an ordinance entitled **AN ORDINANCE REPEALING CHAPTER § 2-29 OF THE CODE OF FRENCHTOWN BOROUGH, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY ENTITLED "MUNICIPAL COURT OF THE DELAWARE VALLEY" AND ESTABLISHING NEW CHAPTER § 29 ENTITLED "MUNICIPAL COURT"** which was introduced at the meeting of the Frenchtown Borough Council Meeting on \_\_\_\_\_, 2020 and adopted at the meeting of the Frenchtown Borough Council on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Brenda S. Shepard, Borough Clerk

NOTICE OF INTRODUCTION

PLEASE TAKE NOTICE that the following Ordinance was introduced on first reading by the Frenchtown Borough Council at a regular meeting held on 2020. The Ordinance was then ordered to be published according to law. Notice is hereby given that said Ordinance will be considered for final adoption, following a public hearing at a regular meeting of the Borough Council to be held on \_\_\_\_\_, 2020 beginning at the Frenchtown Borough Municipal Building, 29 Second Street, Frenchtown, New Jersey. At that time, all interested citizens will be given an opportunity to be heard.

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Brenda S. Shepard, Borough Clerk