

AN ORDINANCE AMENDING CHAPTER 2, SECTION 40 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, ENTITLED "MUNICIPAL COURT ESTABLISHED"

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex and State of New Jersey, that Chapter 2, Section 40 of the Revised General Ordinances is hereby amended as follows:

I. PURPOSE

The purpose of this Ordinance is to: (i) update the statutory references set forth in Chapter 2, Section 40 of the Revised General Ordinances of the Township of West Orange such that they accurately reflect state statutes currently governing all municipal courts; and (ii) in the same Section, replace the title "Presiding Judge" with "Chief Judge" to ensure consistency with state statutes.

II. CHAPTER 2, SECTION 40.1 SHALL BE AND HEREBY IS AMENDED AND SUPERSEDED TO READ AS FOLLOWS:

2-40.1 Established; Powers.

There shall be a Municipal Court in the Township pursuant to the provisions of N.J.S.A. 2B:12-1, et seq., as amended and supplemented, to be known as the "Municipal Court of the Township of West Orange, Essex County." The Municipal Court shall have a seal bearing the impress of the name of the Court. The Court shall be held in the municipal building of the Township, or such other place as the Township Council shall designate from time to time, and shall exercise all the functions, powers, duties and jurisdiction conferred upon Municipal Courts by the provisions of N.J.S.A. 2B:12-1, et seq., as amended and supplemented, or any other law.

III. CHAPTER 2, SECTION 40.2 SHALL BE AND HEREBY IS AMENDED AND SUPERSEDED TO READ AS FOLLOWS:

2:40.2 Judge of the Municipal Court; Powers and Duties.

There shall be two (2) Judges of the Municipal Court appointed by the Mayor with the advice and consent of the Township Council. The Judges of the Municipal Court shall serve for a term of three (3) years from the date of appointment and until a successor or successors shall be appointed and qualified. The Judges of the Municipal Court shall receive such compensation as provided by ordinance by the Council.

The Judges of the Municipal Court shall have and possess the qualifications, and shall have, possess and exercise all the functions, duties, powers, and jurisdiction conferred by N.J.S.A. 2B:12-1, et seq., as amended and supplemented by general law or ordinance.

The Mayor may designate one (1) of such Municipal Judges as "Chief Judge." The Chief Judge shall assume the prime administrative authority for the operation of the Municipal Court in accordance with the rules governing the Courts of the State of New Jersey.

The Mayor may appoint an Acting Municipal Court Judge with the advice and consent of the Township Council, pursuant to Statute, and subject to the rules governing the Courts of the State of New Jersey, in the event of disqualification, incapacity, incompetency, or death of one (1) or both of the permanent, part-time Municipal Judges referred to in this subsection.

ROBERT D. PARISI, MAYOR

Susan McCartney, Council President

Approved as to form on the basis of
the facts provided.

Karen J. Carnevale, Municipal Clerk

Introduced : December 9, 2014

Adopted: January 6, 2015

2435-14

LEGISLATIVE HISTORY

Currently, Section 40 of Chapter 2 of the Revised General Ordinances of the Township of West Orange, entitled “Municipal Court Established,” contains multiple references to N.J.S.A. 2A:8-1 (the “Prior Statute”), which previously governed municipal courts in the State of New Jersey. The Prior Statute was repealed effective February 15, 1994, and was replaced with N.J.S.A. 2B:12-1, et seq. (the “Current Statute”). This Ordinance replaces all references to the Prior Statute with references to the Current Statute.

In addition, Section 40.2 of Chapter 2 currently empowers the Mayor to designate one (1) of the Township’s Municipal Judges as “Presiding Judge.” State law, however, authorizes a municipality to designate a *chief judge*. N.J.S.A. 2B:12-8. The *presiding judge* of the municipal courts is a judge of the Superior Court or a municipal court appointed by the Chief Justice of the Supreme Court of New Jersey to preside over all municipal courts within the State. To avoid confusion and ensure consistency with state law, this Ordinance replaces the title “Presiding Judge” with “Chief Judge.”