

AN ORDINANCE AMENDING CHAPTER 2, "ADMINISTRATION," SECTION 40.2 "JUDGE OF THE MUNICIPAL COURT; POWERS AND," OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE TO CONSOLIDATE THE JUDGE OF THE MUNICIPAL COURT POSITIONS

WHEREAS, The Mayor and Council of the Township of West Orange (the "Township"), have an interest in the efficient operation and effective administration of government services; and

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or Federal Government, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, N.J.S.A. 2B:12-1, et seq., Section 2-40.1 of the Revised General Ordinances of the Township of West Orange (the "Township Code") establishes the Municipal Court of the Township of West Orange, Essex County (the "Municipal Court"); and

WHEREAS, Section 2-40.2 of the Township Code currently mandates the appointment of two Judges of the Municipal Court; and

WHEREAS, the Township finds that it is in the best interest of the municipality and its inhabitants, and for the efficient operation and effective administration of services of the Municipal Court to consolidate the two judge positions into one Chief Magistrate Judge position for all municipal court proceedings; and

WHEREAS, the Township desires to amend Chapter 2, "Administration," Section 40.2, "Judge of the Municipal Court; Powers and Duties" of the Township Code to consolidate the positions of Judge of the Municipal Court

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council of the Township of West Orange, in the County of Essex, State of New Jersey, being the governing body thereof, that Section 40.2, "Judge of the Municipal Court; Powers and Duties," of Chapter 2, "Administration," shall be amended as follows.

Section 1. RECITALS. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

Section 2. Chapter 2, “Administration,” Section 40.2, “Judge of the Municipal Court; Powers and Duties,” shall be amended as follows:

Note: Additions are indicated in bold and underline; ~~deletions are delineated via strikethrough~~

§ 2-40.2 Judge of the Municipal Court; Powers and Duties

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

The **Chief Magistrate** 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 of such Municipal Judges as "Chief Judge."~~ The Chief **Magistrate** Judge **of the Municipal Court** shall ~~assume the prime administrative authority for the operation~~ **preside over all court proceedings** 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 or both~~ of the permanent, part-time Municipal Judges referred to in this subsection.

Section 3. If any provision of this Ordinance or application thereof, under any circumstances, is held invalid, the invalidity shall not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision(s) or application(s) and to this end the provisions of this Ordinance are severable. All other Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 4. This Ordinance shall take effect upon final passage and publication in accordance with law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Township Council of the Township of West Orange, County of Essex, State of New Jersey held in the Municipal Building on the 26th day of May, 2026, and the same came up for final passage at the regular meeting of the Township Council held on the 9th day of June, 2026, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Township of West Orange after approval by the Mayor or in accordance with law.

SUSAN McCARTNEY, MAYOR

SUSAN SCARPA, COUNCIL PRESIDENT

**KAREN J. CARNEVALE, R.M.C.,
MUNICIPAL CLERK**

INTRODUCED: May 26, 2026

ADOPTED: June 9, 2026