

**TOWNSHIP OF HAMPTON
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE NO. 2014-08

**AN ORDINANCE OF THE TOWNSHIP OF HAMPTON, COUNTY OF SUSSEX,
AND STATE OF NEW JERSEY REPEALING CHAPTER 8, ENTITLED
“COURT, JOINT MUNICIPAL” AND ADDING NEW CHAPTER 8, ENTITLED
“COURT, JOINT MUNICIPAL”**

WHEREAS, the Township of Hampton entered into a shared services agreement to form a joint municipal court with the Township of Andover, Township of Byram, the Township of Fredon, and Borough of Andover; and

WHEREAS, it is in Hampton Township’s best interest to participate in a joint municipal court with said municipalities; and

WHEREAS, each of said municipalities has resolved to establish such joint municipal court;

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hampton, in the County of Sussex, and State of New Jersey as follows:

SECTION 1. Chapter 8, entitled “Court, Joint Municipal,” shall be repealed in its entirety and replaced with new Chapter 8, entitled “Court, Joint Municipal” which shall read as follows:

CHAPTER 8. COURT, JOINT MUNICIPAL.

§ 8-1. Creation of court; name; jurisdiction; location.

- A. Creation of Court. Pursuant to N.J.S.A. 2B:12-1, there is hereby created a joint municipal court consisting of the following members: the Township of Andover, the Township of Hampton, the Township of Fredon, the Township of Byram and Borough of Andover, all located in Sussex County. The joint municipal court is created pursuant to a shared services agreement in accordance with N.J.S.A. 40A:65-1, et seq., between the aforesaid municipalities and is subject to the terms thereof.

- B. Name of Court. The name of the joint municipal court shall be the “Andover Joint Municipal Court”.
- C. Effective date. The effective date for the creation of the joint municipal court shall be January 1, 2015.
- D. Jurisdiction. The jurisdiction of the joint municipal court shall be coextensive with the territories of the Township of Andover, the Township of Hampton, the Township of Fredon, the Township of Byram and the Borough of Andover. The joint municipal court shall be under the jurisdiction of the Assignment Judge of the Superior Court of New Jersey for Vicinage 10 – Morris/Sussex.
- E. Location. The joint municipal court shall be located in the Township of Andover or at such other place or places as hereafter may be designated by ordinance or resolution adopted by all participating municipalities.

§ 8-2. Municipal judge: powers, duties, qualifications, term, compensation.

- A. There shall be one municipal judge nominated and appointed as provided by law in the case of a joint municipal court in accordance with N.J.S.A. 2B:12-4(b). Until such time as the appointment is finalized in accordance with N.J.S.A. 2B:12-4(b), the Assignment Judge of the Superior Court of New Jersey for Vicinage 10 – Morris/Sussex may appoint the municipal judge for the joint municipal court.
- B. The municipal judge shall have and possess the qualifications and shall have, possess and exercise all the functions, duties, powers and jurisdiction required and conferred by law or ordinance. He/she shall be an attorney-at-law admitted to practice law in the State of New Jersey for a minimum of five years.
- C. The municipal judge shall faithfully carry out all of the duties and responsibilities of a municipal judge and shall abide by all rules and regulations established for municipal court judges by the Administrative Office of the Courts and the New Jersey Supreme Court.
- D. A municipal judge appointed in accordance with N.J.S.A. 2B:12-4(b) shall serve for a term of three years from the date of his/her appointment and until his/her successor shall be appointed and qualified.

- E. The compensation of the municipal judge shall be established by the governing body of the Township of Andover by ordinance or resolution and shall be paid by the Township of Andover.

§ 8-3. Prosecutor; court administrator; deputy court administrator; support staff; public defender; auditor.

- A. Municipal Prosecutor and Alternate Municipal Prosecutor. There shall be a municipal prosecutor and an alternate municipal prosecutor who shall prosecute cases in the joint municipal court and shall have the jurisdiction, powers and duties prescribed by N.J.S.A. 2B:25-1 et seq. They shall be appointed by the governing body of the Township of Andover and shall meet the qualifications and comply with the requirements of applicable law and applicable ordinances of the Township of Andover. Their compensation shall be established by ordinance or resolution of the governing body of the Township of Andover and shall be paid by the Township of Andover.
- B. Municipal Court Administrator. There shall be a municipal court administrator of the joint municipal court who shall perform the functions and duties prescribed for municipal court administrators by law, by rules applicable to municipal courts and by the municipal judge. The municipal court administrator shall have such authority accorded by law and the Rules of the Courts of New Jersey to administrators and clerks of courts of record. The person serving as municipal court administrator shall meet the applicable requirements of N.J.S.A. 2B:12-11 and of applicable law and ordinances of the Township of Andover. The municipal court administrator shall be appointed by the governing body of the Township of Andover with approval of the Assignment Judge for Vicinage 10 – Morris/Sussex subject to the tenure provisions of N.J.S.A. 2A:8-13.3 as may apply. The municipal court administrator shall be employed by the Township of Andover, and his/her compensation shall be established by ordinance or resolution of the governing body of the Township of Andover and paid by the Township of Andover.
- C. Deputy Municipal Court Administrator. There shall be a deputy municipal court administrator of the joint municipal court who shall perform the functions and duties prescribed by law, the rules applicable to municipal courts, the municipal court judge and the municipal court administrator. The deputy municipal court administrator shall be appointed in accordance with the applicable law and court rules. The deputy municipal court administrator shall

be employed by the Township of Andover, and his/her compensation shall be established by ordinance or resolution of the governing body of the Township of Andover and paid by the Township of Andover.

- D. Support Staff. The governing body of the Township of Andover may appoint necessary support staff of the joint municipal court, which staff shall perform the functions assigned by the municipal court judge and by the municipal court administrator. The support staff shall be employed by the Township of Andover, and his/her/their compensation shall be established by ordinance or resolution of the governing body of the Township of Andover and paid by the Township of Andover.
- E. Public Defender. There shall be a municipal public defender and a conflict municipal public defender who shall represent defendants determined by the municipal court judge to be eligible for public defender services in accordance with applicable law and ordinances of the Township of Andover. The municipal public defender and conflict municipal public defender shall be appointed by the governing body of the Township of Andover and shall meet the qualifications and comply with the requirements of applicable law and ordinances of the Township of Andover. Their compensation shall be established by ordinance or resolution of the governing body of the Township of Andover and shall be paid by the Township of Andover.
- F. Auditor. The auditor for the Township of Andover shall act as the auditor for the joint municipal court. The auditor shall perform an annual audit of the joint municipal court, which audit shall be prepared generally in accordance with the requirements of the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1 et seq. A copy of the complete audit shall be supplied to each participating municipality by September 1 of each year.

§ 8-4. Uniform Shared Services and Consolidation Act.

The governing bodies of the Townships of Andover, Hampton, Fredon and Byram and the Borough of Andover have authorized by resolutions the entry into a shared services agreement with each other pursuant to the Uniform Shared Services and Consolidation Act (“Act”), N.J.S.A. 40A:65-1, et seq. In case of a discrepancy between a provision of this chapter and a provision of the shared services agreement and/or the Act and any amendments thereto, the provision of the agreement and/or Act shall take precedence.

SECTION 2. Repealer. On this Ordinance becoming effective pursuant to Sections 8-1(C) and 8-6 hereof, existing Chapter 8 of the Code of the Township of Hampton entitled “Court, Joint Municipal”, adopted by the Township Committee of Hampton Township as Ordinance No.: 2007-3 on July 31, 2007, shall thereupon be repealed.

SECTION 3. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

SECTION 4. All ordinances, policies and or procedures or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency.

SECTION 5. Effective Date. This Ordinance shall take effect on January 1, 2015.

CERTIFICATION

I hereby certify that the above Ordinance was adopted by the Township Committee at their regular meeting held November 25, 2014 at the Hampton Township Municipal Building, Baleville, Sussex County, New Jersey.

Date: _____

Kathleen Armstrong, RMC
Township Clerk

**HAMPTON TOWNSHIP
NOTICE
ORDINANCE 2014-02**

TAKE NOTICE that the foregoing Ordinance #2014-08 was introduced and passed on First Reading at the regular meeting of the Hampton Township Committee held on October 28, 2014, and was ordered published according to law, and will be further considered at the regular meeting of the Hampton Township Committee to be held on November 25, 2014. All interested parties may appear and be heard. A copy of this Ordinance has been posted on the Bulletin Board upon which public notices are customarily posted in the Township Hall of the Township.

Kathleen Armstrong, RMC
Township Clerk

**HAMPTON TOWNSHIP
NOTICE**

NOTICE IS HEREBY GIVEN that the foregoing Ordinance #2014-08 was adopted at Final Reading at the regular meeting of the Township Committee of the Township of Hampton, County of Sussex held on Tuesday, November 25, 2014 , at the Hampton Township Municipal Building, Baleville, N.J.

Kathleen Armstrong, RMC
Township Clerk