TOWN OF DOVER
MAYOR AND BOARD OF ALDERMEN

ORDINANCE NO. 15-2018

AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING THE TOWN CODE, CHAPTER 2

§ 2-1. Definitions.

For the purpose of this chapter and in the interpretation and application of all other ordinances and resolutions heretofore or hereafter adopted by the Town, except as the context may otherwise require, the following terms shall have the meanings indicated:

ADMINISTRATOR — The Business Administrator of the Town of Dover.

CHARTER OR TOWN CHARTER — Mayor-Council Plan as amended and supplemented in N.J.S.A. 40A:62-1 et seq., and any and all general laws as therein defined which are or may be applicable to the Town form of government.

CLERK OR TOWN CLERK — The Municipal Clerk of the Town of Dover.

CODE — The Administrative Code, 1995, and all amendments and supplements thereto.

BOARD OF ALDERMEN — The members of the Town's Board of Aldermen constituted pursuant to the Charter and formerly known as the "Board of Aldermen."

DEPARTMENT — An organization unit or group of organizational units of the Town government or designated as a department by this chapter.

DIRECTOR — The individual placed in charge of a department's activities pursuant to this Code or the Charter.

ELECTION — The Mayor and Board of Aldermen shall be elected at a November general election.

GOVERNING BODY — The Board of Aldermen created and constituted pursuant to the Charter.

MAYOR — The individual serving as chief executive officer of the Town pursuant to the Charter.

MONTH — A calendar month unless otherwise specifically provided.

PERSON — Any corporation, firm, partnership, association, organization or other entity, as well as individual.

TOWN — The Town of Dover, in the County of Morris, State of New Jersey as governed by the provisions of the Charter.

YEAR — A calendar year unless otherwise specifically provided.

§ 2-2. Word usage.

For the purposes of the Administrative Code and any other ordinances heretofore or hereafter adopted, except as the context may otherwise require:

A. The present tense includes the past and future tenses and the future, the present.
B. The masculine gender includes the feminine and neuter.
C. The singular number includes the plural, and the plural the singular.
D. The time within which an act is to be done shall be computed by excluding the first and including the last day, and if the last day be a Sunday or a legal holiday, that day shall be excluded.
E. "Writing" or "written" include printing, typewriting, stencil duplicating, computer printout, magnetic media and any other visual mode of reproducing words or figures on paper-like material which is in general use.

§ 2-3. Personnel.

A. Personnel generally.

(1) All appointments and promotions in the civil service of the Town shall be made by the Administrator or appointing authority according to any pertinent civil service requirements, pertinent contractual obligations and within the general limits of the municipal budget.
(2) The compensation of all officers and employees shall be in such amount and at such rates as shall be prescribed by the employment agreement which conforms to the Salary Ordinance adopted by the Board of Aldermen.
(3) The days and hours of work of individual employees shall be assigned and scheduled by the respective department heads, subject to the approval of the Administrator, so that Town business may be conducted without interruption and Town services shall be provided as conditions may require during the regular business hours of the Town government and during such emergencies as may arise.

B. Personnel policy and practices. The Administrator shall be the responsible person for the preparation and administration of a system of personnel policy and practices, subject to the approval of the Board of Aldermen. Such policy and practices shall cover all personnel matters not inconsistent with the Civil Service Law and Regulation, including, without limitation thereto, classification, compensation, vacations, sick leave, holidays, grievances, in service training and such other practices and procedures as the Administrator may deem necessary or desirable to the administration of a sound personnel system. Such policy and practice shall be adopted by the Board of Aldermen in the form of a resolution.

C. Office hours. The normal office hours for the transaction of municipal business shall be from 8:30 a.m. to 4:30 p.m., Monday through Friday of each week, except on legal holidays, and such additional hours as the Board of Aldermen may by resolution require with respect to particular departments or divisions.

D. Antidiscrimination. In addition to the requirements of the Civil Service Law and Regulations, in the appointment and promotion of any officer or employee who is compensated by Town funds, no political, racial, religious or ethnic test or qualifications shall be permitted or given consideration nor shall handicapped persons be in any way discriminated against.

E. Political activity. No municipal officer or employee shall directly or indirectly use or seek to use his authority or official influence to control or modify the political action of another person; nor shall any paid officer or employee, during the hours of duty, engage in any political activity, with respect to any candidate for elective office therein. Nothing in this section shall be construed to prevent an elected officer from campaigning at any time.

F. Dual appointments. The Administrator may appoint the same person to serve as head of two or more committee departments, and a department head may also be appointed by the Administrator to serve as head of a division within his department. The Administrator may appoint a division head to serve as the head of two or more divisions or as Purchasing Agent, so long as the functions, powers and duties of such appointments are not inconsistent with the approval of the Board of Aldermen.

G. Delivery of funds and records.

(1) Upon the termination of the term of office or the employment of any officer or employee, he shall forthwith deliver to his successor or, if there be no successor, then to the Clerk or other person who may be designated by the Board of Aldermen to receive the same all moneys, papers, books, memoranda, accounts and data o f any nature whatsoever pertaining to his office. Upon receipt, the successor, the Clerk or person designated by the Board of Aldermen shall schedule an audit regarding said delivery of funds and records.

(2) Upon termination of employment of any officer or employee, an exit interview is to be conducted by the department head and/or Administrator.

I. Nondisclosure of information. No municipal official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Town, nor shall he use such information to advance the financial or other private interest of himself or others. The Board of Aldermen may, from time to time, determine by resolution what shall be deemed confidential for the purposes of this section in accordance with N.J.S.A. 10:4-6 to N.J.S.A. 10:4-21.

§ 2-4. Mayor.

A. The Mayor shall be the chief executive of the Town. The Mayor shall be elected by the voters of the Town of Dover and shall be known as the Alderman-at-large. He shall serve for a term of four (4) years. The Mayor shall prepare the Agenda and shall preside over the deliberations of the Board of Aldermen. He shall also participate in the determination of the Town affairs to the extent permitted by law.

B. The Mayor shall on all occasions preserve the strictest order and decorum, and he shall cause the removal of any persons who interrupt the orderly proceedings of the Board of Aldermen.

C. When two or more Board of Aldermen members shall rise at the same time, the Mayor shall name the one entitled to the floor.

D. The Mayor shall decide all questions of order without debate and may call upon the Town Attorney upon any questions of order.

E. The Mayor shall be a member of all committees, both standing and special, and shall be informed in advance of all meetings of such committees.

F. The Mayor shall serve as the liaison between the governing body and all boards, committees, agencies or organizations except as herein assigned to a specific committee for liaison purposes.

G. The Mayor shall be so designated in all official documents and instruments of every kind and shall sign all ordinances, documents, bond notes, contracts and other special documents and instruments by that title.

H. The Mayor shall have all those powers placed in the Mayor by general law.

I. The Mayor shall be known as the Alderman-at-large, preside at all its meetings and possess all the powers of a member of the Board of Aldermen.

J. Only those recognized by the Mayor during Town Meeting, including any Board of Alderman member, will be able to hold the floor and speak.

K. The Mayor, Administrator, and Clerk shall prepare an agenda for all meetings of the Board of Aldermen. Any Board of Aldermen member can request consideration for items to be included on the agenda. Said request must be received by the Friday preceding the Board of Aldermen meeting at 12:00 noon. The Mayor at his sole discretion will decide whether any of such items are to be included in the agenda.

L. Any resolution not previously placed on the agenda will have to be approved by Mayor prior to it being introduced. No resolution or item may be introduced from the floor except by the Mayor or with the Mayor's approval including, and without any limitations, any resolution or motion to suspend any of these rules.

§ 2-5. Elected officials.

A. Enumerated. The elected officers of the Town of Dover shall be a Mayor and Board of Aldermen consisting of eight Aldermen all elected by wards. The Mayor shall be elected at large and shall also be known as an "Alderman at Large."

B. Terms of office.

(1) The Mayor shall hold office for four (4) years from January 1 next following his/her election.

(2) The Board of Alderman shall hold office for two (2) years from January 1 next following his/her election.

§ 2-6. Town Clerk.

A. Appointment; term. The Town Clerk shall be appointed by the Mayor with the advice and consent of the Board of Aldermen for a term of three (3) years, subject to any right of tenure. The Town Clerk shall receive such annual compensation as shall be provided in the Employment Contract and Salary Ordinance, prior to the period of tenure. Any person who shall be reappointed Town Clerk subsequent to having received a registered Municipal Clerk Certificate pursuant to N.J.S.A. 40A:9-133 et seq. and having served as Town Clerk or performed the duties of Town Clerk for not less than three consecutive years immediately prior to such reappointment shall hold his or her office during good behavior and efficiency, notwithstanding that such reappointment was for a fixed term of years; and he shall not be removed therefrom for political reasons but only for good cause shown and in accordance with the provisions set forth in N.J.S.A. 40A:9-133.7. No Town Clerk shall acquire tenure of office unless he or she holds a Municipal Clerk Certificate pursuant to N.J.S.A. 40A:9-133 et seq.

B. General duties.

(1) The Town Clerk shall have charge of all record books and documents of the Town, except when the Board of Aldermen directs otherwise. He shall keep a record of the proceedings of the Board of Aldermen and record all ordinances in a book to be provided for that purpose, which shall be deemed a public record of such ordinances. Each ordinance so recorded shall be signed by the Mayor and the Clerk.

(2) The Clerk shall turn over to the Treasurer without delay all moneys received by him for the use of the Town. His office shall be at the Town Hall, and he shall keep his office open for the transaction of public business during the hours specified by the Board of Aldermen.

(3) Perform all of the functions required of Municipal Clerks by the General Election Law (Title 19 of the New Jersey Statutes) and any other state law or other town ordinance, and receive the fees prescribed therefor for the use of the town.

(4) Issue all licenses required by law or ordinance, faithfully make all reports required by law or ordinance to the Mayor and Board of Aldermen and monthly account for all fees received by him or her.

(5) See to it that all ordinances and notices of the Town of Dover are properly advertised.

(6) Take care of all correspondence of the municipality and the Mayor and the Board of Aldermen.

(7) Administer oaths.

(8) Be custodian of all leases or property owned by the Town.

(9) Have such other, different and additional functions, powers and duties as may be prescribed by law, or ordinance or regulation.

C. Corporate Seal. The Clerk shall cause the Corporate Seal of the Town to be affixed to the instruments and writings when authorized by ordinance or resolution of the Board of Aldermen or when necessary to exemplify any document on record in his office or to certify any act or paper which, from the records in his office, appears to have been a public act of the Town or a public document. He shall not affix the Seal or cause or permit it to be affixed to any other instrument, writing or paper unless required by law or ordinance.

D. Insurance; surety bonds; contracts. The Clerk, subject to the supervision of the Board of Aldermen, shall:

(1) Be the depository for and custodian of all official surety bonds furnished by or on account of any officer or employee, except his Be the depository for own bond, which shall be placed into the custody of the Treasurer; of all insurance policies upon or with respect to risks insured for the benefits of the Town or to protect it against any claim, demand or liability whatsoever; and all formal contracts for work, labor, services, supplies, equipment and materials to which the Town may be a party.

(2) Be the depository for and custodian of all performance bonds running to the Town as obligee or any other form of security given by a contractor, subdivision developer or other person on account, of work done or to be done in or for the Town.

(3) Report to the Board of Aldermen annually, at such time as it may require, on the coverage, expiration date and premium of each surety bond and contract of insurance, the nature and terms of outstanding leases, the rent reserved by each and their respective expiration dates.

E. Administrative rules and regulations; filing and publication. No rule or general regulation made by any department, officer, agency or authority of the Town, except such as relates to the organization or internal management of the Town government or a part thereof, shall take effect until it is filed with the Clerk. The Clerk shall maintain a current compilation of all such rules and regulations, which shall be available for public inspection in his office during business hours.

§ 2-7. Board of Aldermen.

A. The Board of Aldermen shall be the legislative body of the municipality.

B. The Board of Aldermen may, subject to general law:

(1) Pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law.

(2) Control and regulate the finances of the municipality and raise money by borrowing and taxation.

(3) Create such offices and positions, by resolution, as it may deem necessary. The officers appointed thereto shall perform the duties required by law and the ordinances of the Board of Aldermen.

(4) Remove, by resolution, any officer of the municipality, other than those officers excepted by law, for cause.

(5) In the absence of the Mayor, select a member to serve as Chairman Pro Tem and preside over the deliberations of the Board of Aldermen.

C. The Board of Aldermen shall, by resolution, appoint such subordinate officers as it may deem necessary, except as otherwise noted by this Code.

D. Every officer appointed pursuant to this section shall hold office during his official term and until his successor shall have been duly appointed and qualified.

E. The Board of Aldermen may delegate all or a portion of the executive responsibilities of the municipality to an Administrator.

F. Any meetings of the Board of Aldermen, unless specifically provided for pursuant to some provision of this Code or law, shall be governed by Robert's Rules of Order 1983 Edition, a copy of which shall be retained on file by the Town Clerk. **[Added 6-21-2004 by Ord. No. 18-2004]**

G. The Mayor, Administrator, and Clerk shall prepare an agenda for all meetings of the Board of Aldermen. Any Board of Aldermen member can request consideration for items to be included on the agenda. Said request must be received by the Friday preceding the Board of Aldermen meeting at 12:00 noon. The Mayor at his sole discretion will decide whether any of such items are to be included in the agenda.

H. Any resolution and/or item not previously placed on the agenda will have to be approved by Mayor prior to it being introduced at any meeting.

§ 2-8.1 Town Administrator. [Amended 12-13-2005 by Ord. No. 36-2005]

A. The Town Administrator shall, under the supervision and control of the Mayor and the Board of Aldermen, perform such duties as may be requested from time to time other than those required by law to be exercised by the governing body itself or by another officer or body and to the extent not prohibited by law. Such duties and responsibilities shall include but not be limited to the coordination of operations, activities and administration of all departments, divisions, offices, boards and agencies of the Town government and exchanging and disseminating information and generally advising and consulting with the Board of Aldermen without infringing upon the lawful powers and duties of other officers, boards and departments. In addition, the Administrator shall have the following specific duties and responsibilities:

(1) To serve as chief administrative officer of the Town.

(2) To attend all meetings of the Board of Aldermen as required, with the right to participate in all discussions but without the right to vote.

(3) To advise the governing body on policy decisions.

(4) To execute all laws of the State of New Jersey and execute ordinances and resolutions of the Town, subject to the direction of the Mayor and Board of Aldermen.

(5) As the appointing authority, to appoint and remove employees, subject to the approval of the Mayor, for whose selection and removal no other method is provided by law.

(6) To negotiate contracts, subject to the approval of the Mayor and the Board of Aldermen.

(7) To make recommendations concerning the nature and location of Town improvements as determined by the Mayor and the Board of Aldermen.

(8) To recommend to the Mayor and the Board of Aldermen the adoption of such measures as he, the Administrator, may deem necessary or expedient.

(9) To represent the Town in its relations with the federal government, state, county and other municipalities and assess the Town's interest in contracts, franchises and other business transactions.

(10) To make reports to the Mayor and the Board of Aldermen as required.

(11) To investigate the affairs of any officer or department at the initiation of the Mayor and the Board of Aldermen and to report to the Board on the work of all departments.

(12) To receive and reply to all inquiries and complaints concerning Town business and to provide information and assistance in respect thereto and, in addition, to review, suggest a method for handling and follow up on all requests for information.

(13) To establish and maintain effective personnel practices and maintain records of all employees.

(14) To carry out all policies established by the Mayor and Board of Aldermen.

(15) In consultation with the Municipal Auditor and department heads, to prepare the annual operating and capital budgets and submit them to the Mayor and the Board of Aldermen at a date and in accordance with procedures established by the Board and state law.

(16) To supervise the disbursement of all Town funds and approve all vouchers and bills before submitting the same to the Mayor and the Board of Aldermen for final approval.

(17) To maintain a continuing review and analysis of budget operations, work programs and costs of municipal services.

(18) To delegate to any department head such of his powers as he may deem necessary for efficient administration.

(19) To implement and enforce the policy of Mayor and the Board of Aldermen with respect to the compiling and release of public information.

(20) To keep the Mayor and the Board of Aldermen informed as to federal aid projects and state aid projects and any other aid programs for which the Town may qualify.

(21) To perform such other duties as may be required by ordinance, resolution or direction of the Mayor and the Board of Aldermen.

(22) To control the hiring and firing of all employees, subject to Mayor approval, below the rank of a department head, all such action to be within the scope of the New Jersey Department of Personnel regulations and all other local, state or federal regulations.

(23) To have the authority to assign, reassign or combine functions and personnel in any department in order to effectuate an orderly and efficient operation.

(24) To receive, review and disseminate all correspondence addressed to the Town of Dover and any of its officials, unless it is clearly marked personal and confidential.

(25) In conjunction with the Auditor, where deemed necessary, to control and approve all transfers of funds within or from department budgets and, further, from time to time to require all departments heads to justify purchases and expenditures, subject to quotations or bids previously obtained.

B. Designation of substitute.

The Town Administrator may designate a qualified municipal employee of the Town, subject to the Mayor's approval, to perform his duties during his temporary absence or disability. In the event of his failure to make such designation, the Mayor, may appoint such a substitute Administrator for the aforesaid purposes.

C. Administrative powers. Except for the purpose of inquiry, the governing body and its committees shall deal with the administrative service solely through the Municipal Administrator, and the Board of Aldermen (excluding the Mayor) nor any of its committees shall give orders, publicly or privately, to any subordinates of the Administrator.

D. Annual meetings.

(1) The Mayor and Board of Aldermen shall hold an annual meeting on January 1 of each year at 12:00 noon or soon after, but no later than January 8 of each year.

(2) At the aforesaid meeting, the Board of Aldermen shall fix the time and place for holding regular meetings during the ensuing year.

(3) The following order of business shall be observed at the regular monthly meetings of the Board of Aldermen for the conduct of official business:

(a) Call to order.

(b) Pledge of Allegiance.

(c) Call of the roll.

(d) Approval of minutes.

(e) Report of committees.

(f) Presentations of communications, petitions, etc.

(g) Invitation for discussion by the public concerning items on public agenda (only).

(h) Approval of vouchers.

(i) Approval of resolutions.

(j) Advertised hearings.

(k) Introduction of ordinances.

(l) Unfinished or new business.

(m) Invitation for discussion by the public.

(n) Adjournment.

§2-8.2 **Creation of the Office of Deputy Town Administrator**
Pursuant to N.J.S.A. 40AA:9-136, et seq., there is hereby created in the Town of Dover the office of Deputy Town Administrator.

Deputy Town Administrator

A. The Deputy Town Administrator shall be appointed by the Mayor and term shall run concurrent with the Mayor's term for four (4) years and until his successor has been appointed and qualified. The Deputy Town Administrator shall receive such compensation as shall be provided for in the Employment Contract and confirmed by the salary ordinance. In addition to administrative assistance, research and special assignments at the direction of the administrator, the Assistant Town Administrator shall perform the following duties:

   (1) Attend meeting when Town Administrator is unavailable;

   (2) Administer salary and wage compensation programs;

   (3) Administer the program of employees' fringe benefits;

   (4) Maintain liaison with State Division of Pensions;

   (5) Administer Town Safety Programs;

   (6) Participate in labor negotiations; and

   (7) Any other duties as assigned by the Town Administrator.

B. The Deputy Town Administrator shall be considered a Director and may concurrently serve as a Director of any other Town Department.

§ 2-9. Standing committees. [Amended 11-10-1998 by Ord. No. 33-1998; 2-10-2004 by Ord. No. 1-2004; 1-25-2005 by Ord. No. 1-2005]

A. The following standing committees of the Board of Aldermen, consisting of at least two Aldermen each (other than the Mayor, ex officio officer), shall be appointed by the Mayor at the annual reorganization meeting:
   (1) Finance;

(2) Police;
(3) Fire;
(4) Public Works;
(5) Recreation, Library and Education;
(6) Health;
(7) Economic Development and Redevelopment;
(8) Personnel; and
(9) Engineering, Zoning, Construction and Code Enforcement.

B. Committee membership. The Mayor shall appoint a Chairman and two (2) additional Alderman to each of the nine standing committees named in this section.

C. Appointment. The Mayor shall appoint all committees, of which the Mayor shall be a member, ex officio, of each such committee. In addition, the Mayor shall see that all matters referred to the committees are acted upon and reported promptly.

D. Purpose of standing committee. Standing committees are appointed to expedite and facilitate the work of the Board of Aldermen, but only within statutory limits, as the entire Board of Aldermen is held responsible for any or all of its acts.

(1) A standing committee shall:
   (a) Plan, stage and direct the committee within budgetary limitations and carry on the routine activities for which it has primary responsibility.
   (b) Perform such acts as may be assigned to it by the Board of Aldermen or the Mayor.
   (c) Report and make recommendations to the Mayor and/or Board of Aldermen regarding its responsibilities and activities.
   (d) Meet at least once a month.

(2) Except as provided above, a standing committee shall not:
   (a) Exceed its budgetary appropriations without prior approval of the Board of Aldermen.
   (b) Make promises or commitments to anyone which directly bind the Board of Aldermen.
   (c) Act in a manner or make decisions which set a precedent or violate established Board of Aldermen policy.

E. Special committees. Special committees may be appointed for purposes other than those included in the duties of the standing committees.

F. Reports by committees. The Chairman of each standing or special committee shall be prepared to report to the Mayor and Board of Aldermen at each regular meeting on the principal activities and achievements of his Committee. He shall also prepare a report and submit it in writing to the Mayor not later than December 1 of each year.

G. Duties of standing committees.

(1) Finance Committee. The Finance Committee shall have primary responsibility for the following described activities and matters:

(a) The administration, practices, procedures and records of the following:

[1] The Town Clerk;

[2] The Tax Collector;

[3] The Tax Assessor; and

[4] The Chief Financial Officer.

(b) The initiation of foreclosure action and subsequent administration and disposition of property acquired by the Town under foreclosure of tax title liens.

(c) The coordination of department budgets; the preparation of budgetary figures relating to the activities above-mentioned; and the final preparation, explanatory and continuing supervision of the entire municipal budget.

(d) The review, revision and all other matters pertaining to any insurance coverage of the Town.

(e) To serve as the liaison between the Board of Aldermen and the registered municipal accountants and any other body or organization on fiscal matters.

(2) Police Committee. The Police Committee shall have primary responsibility for the following described activities and matters:

(a) The administration, practices, procedures and records of the following:

[1] Police Department.

[2] Granting of licenses and the inspection of licensed premises and persons, as designated by the Board of Aldermen.

[3] Highway, traffic and all parking matters (except construction and maintenance of municipal parking lots).

[4] The Office of Emergency Management.

[5] Transportation companies.

(b) It shall serve as the liaison between the Board of Aldermen and the Judge of the Municipal Court and all organizations or agencies concerned with public safety.

(3) Fire Committee. The Fire Committee shall have primary responsibility for the following described activities and matters:

(a) The administration, practices, procedures and records of the following:

[1] Dover Fire Department.

[2] Dover Emergency Squad.

(4) Public Works Committee. The Public Works Committee shall have primary responsibility for the following described activities and matters:

(a) The administration, practices, procedures and records of the following:

[1] Road repairs, improvement, maintenance and cleaning, including street openings.

[2] Repair and maintenance of curbs.
[3] Maintenance of and operation of the Public Works garage.
[4] Maintenance of vehicles and other mechanical equipment, as assigned.
[5] Off-street parking lots, repair, improvement and maintenance and cleaning.
[6] Stormwater collection and disposal.
[7] Maintenance of publicly owned buildings and grounds.
[8] Sanitary sewer collection and transmission system.

(5) Recreation, Library and Education Committee. The Recreation, Library and Education Committee shall meet with nonprofit and local civic groups regarding recreation and education issues and shall have the primary responsibility and serve as liaison for the Mayor and Board of Alderman with the Dover Board of Education and the Dover Recreation Commission, as well as the Dover Public Library Board.

(6) Health Committee. The Health Committee shall have primary responsibility for the following described activities and matters:
(a) The administration, practices, procedures and records of the following:
[1] The Animal Control Officer.
(b) It shall also serve as the liaison between the Board of Aldermen and the following:
[1] Juvenile Conference Committee.
[2] Board of Health.

(7) Economic Development and Redevelopment Committee. The Economic Development Committee shall have the primary responsibility to perform studies and make recommendations concerning economic development and redevelopment, including but not limited to helping existing businesses grow, encouraging new businesses to be started and attracting business from outside the Town.

(8) Personnel Committee. The Personnel Committee shall have the primary responsibility to periodically review policies and procedures for inclusion in the Town's Personnel Manual as well as participate in the grievance procedure as may be required by collective bargaining agreements.

(9) Engineering, Zoning, Construction and Code Enforcement Committee. The Engineering, Zoning, Construction and Code Enforcement Committee shall serve as the liaison between the Mayor and Board of Aldermen and the Engineering, Zoning, Construction and Code Enforcement Departments.

§ 2-10. Bills, claims and vouchers.

A. Forms of bills or claims. All bills or claims against the Town shall be in writing, fully itemized and on such forms as the Town shall provide for that purpose. As required by statute, they shall be sworn to by the claimant before submission for approval and payment.

B. Certification of claims; presentation; approval. All bills and claims must be supported by a certification of the receipt of the goods or the satisfactory rendering of the service or services by the responsible person accepting the same on behalf of the Town and who may be held accountable therefor.

C. Presentation and approvals of vouchers.

(1) All vouchers recommended for payment shall be presented to the Board of Aldermen by the Town Clerk at a regular meeting or an adjourned regular meeting.

(2) Authorization to draw the checks and pay the amounts of the approved vouchers shall be by resolution of the Board of Aldermen.

D. Presentation of checks for signature. The corresponding vouchers shall accompany all checks in payment thereof when said checks are presented to the Mayor, the Treasurer and to the Town Clerk for signature.

E. Storage of bills, vouchers and paid checks. All bills, vouchers and paid checks shall be filed in a safe place and be made available for public inspection.

§ 2-11. Amendments.

A. Proposal of amendments; consideration.

(1) The Mayor or any member of the Board of Aldermen may propose amendments to this chapter at any regular Board of Aldermen meeting or adjourned regular meeting.

(2) The Mayor will then appoint a special committee of three members of the Board of Aldermen to consider the proposed amendments and, in addition, may submit other suggested changes.

B. Recommendations. The special committee will present its recommendations at a regular meeting or adjourned regular meeting of the Board of Aldermen.

C. Vote for amendment. This chapter shall only be altered or amended by a majority vote on a roll call taken at two successive regular meetings or adjourned regular meeting of the Board of Aldermen.

§ 2-12. Town Attorney.

A. The appointment of a Town Attorney is hereby authorized for a one-year term upon appointment by the Mayor with the advice and consent of the Board of Aldermen and until his successor has been appointed and qualified.

B. Duties. The Town Attorney shall direct and supervise all legal matters of the Town. He shall attend meetings of the Board of Aldermen. He shall review and advise on ordinances and resolutions. The Town Attorney shall prepare or approve all legal instruments relating to the business of the Town. The Town Attorney shall render legal advice and counsel as may be required by the Mayor and/or Board of Aldermen; shall appear as the attorney of record in their behalf and shall draft all contracts, resolutions, ordinances and documents normally and ordinarily required in connection therewith. The Town Attorney shall receive such compensation as provided in an annual agreement approved by resolution. In addition, all disbursements incurred by the Town Attorney, shall be included in a monthly, itemized bill. "Disbursements" are defined as any out of pocket expenses incurred by the attorney in connection with the provision of legal services to the Town.

C. Additional Duties. The Town Attorney shall also:

(1) Maintain records of all actions, suits, proceedings and matters which relate to the Town's interest and report thereon as the Mayor or Board of Aldermen may require.

(2) Have power to enter into any agreement, compromise or settlement of any litigation in which the Town is involved, subject to the approval of the Board of Aldermen.

(3) When called upon by the Mayor, resolve any disputes or issues related to the Rules and Procedures at any Board of Alderman Meeting.

Upon the termination of his service with the Town, the Town Attorney shall forthwith surrender to his successor all Town property, papers and records together with a written consent to substitution of his successor in any pending actions or proceedings.

§ 2-13. Municipal Prosecutor

The appointment of a Municipal Prosecutor is hereby approved, for a one- year term upon appointment by the Mayor with the advice and consent of the Board of Aldermen and until his successor has been appointed and qualified. The Municipal Prosecutor shall receive such compensation as provided in an annual agreement approved by resolution. The Municipal Prosecutor shall represent the Town in all matters heard in the Town of Dover Municipal Court. The Mayor, with the advice and consent of the Board of Aldermen, may appoint additional or alternate Municipal Prosecutors under the same terms and conditions as the Prosecutor, as same may be required for the proper and orderly administration of the Court. All Municipal Prosecutors shall be licensed to practice law in the State of New Jersey.

§ 2-14. Chief Financial Officer

A. The Chief Financial Officer shall be appointed by the Mayor with the advice and consent of the Board of Aldermen for a term of three years and until his successor has been appointed and qualified. The Chief Financial Officer shall receive such compensation as shall be provided for in the Employment contract and confirmed by the salary ordinance. The Chief Financial Officer shall be responsible for the proper financial administration of the municipality pursuant to N.J.S.A. 40A:9-140.10 and is responsible for the proper financial administration of the municipality and such other statutes and rules and regulations promulgated by the Director of the Division of Local Governmental Services, the Local Finance Board or any other state agencies as may pertain to the administration of the municipality. In addition to duties specified by the Revised Statutes of New Jersey, the Chief Financial Officer shall perform the following duties:

(1) Pursuant to all applicable statutes, code, and laws, invest all monies of the Town not required for the current operations or deposit same in interest bearing accounts.

(2) Make disbursements of town funds on warrants by an individual warrant check for each bill, claim, wage and salary payment as approved by the Town Administrator. Every warrant shall be made payable to the care of the person entitled to receive same and shall specify the purpose for which it is drawn and the account or appropriation for which it is chargeable. Each warrant check shall bear the signature of the Mayor, Town Clerk and Chief Financial Officer.

(3) Keep a full systematic account of all cash receipts and disbursements.

(4) At least once a month, furnish the Mayor, Finance Committee Chairman and Town Administrator with a statement of all monies received and expended by the Chief Financial Officer, subsequent to his last report.

(5) Prepare for each regular meeting of the Board of Aldermen, a certified list of all bills, claims and vouchers which have been approved for payment by the Town Administrator on the Friday next preceding the meeting and since the last preceding list was compiled. Such list shall be on file with the Town Clerk.

(6) Maintain the Town's central accounting records and a uniform system of accounts for all departments in the Town government to facilitate the production of an annual audit.

(7) Pre-audit all bills, claims and demands against the Town including payrolls, for which each department head shall be required to certify that the materials, supplies or equipment have been received or the services rendered.

(8) Obtain at least once a month, reports of all receipts from each department of the Town.

(9) Maintain budget appropriation commitment system.

(10) Determine that sufficient uncommitted balances are available within each appropriation to provide funds for the payment of all supplies and service requests.

(11) Keep books and records of account to show the amount of each appropriation, the amount paid therefrom, the amount committed against, unpaid obligations and unencumbered balance thereof.

B. The Chief Financial Officer who has serve the Town of Dover for a period of not less than five consecutive years while holding a Municipal Finance Officer Certificate issued in accordance with P.L. 1971, c. 413, and who thereafter is appointed as the chief financial officer of the Town of Dover, shall be granted tenure of office upon the filing with the clerk of the municipality and the Director of the Division of Local Government Services in the Department of Community Affairs a notification evidencing his compliance with this section.

C. The Chief Financial Officer who has held office continuously for five consecutive years in the Town of Dover may continue to serve in his current position and shall not be removed from office or denied reappointment for failure to qualify as a certified municipal finance officer pursuant to provisions of P.L. 1971, c. 413. However, any such individual shall not be entitled to be appointed as the chief financial officer of the Town of Dover unless he possesses a municipal finance officer certificate.

§ 2-15. Treasurer.

A. The Treasurer shall be appointed by the Mayor with the advice and consent of the Board of Aldermen and shall serve for such time fixed by law for Treasurers and until his successor has been appointed and qualified and shall be paid the sum provided in the Employment Contract and conform to the Salary Ordinance The Treasurer shall be the custodian of Town funds committed to his keeping and shall perform such other duties as are prescribed by the laws of the State of New Jersey and by resolution of the Mayor and Board of Aldermen pertaining to the office of Treasurer.

B. Whenever a person has or shall have held the office of municipal treasurer for 10 consecutive years, the governing body of the Town of Dover may grant tenure in office to such person. In the event the governing body fails to grant tenure in office to a municipal treasurer who has held that office for 10 consecutive years, a petition may be filed for a referendum vote on the question of whether the municipal treasurer shall continue to hold office during good behavior and efficiency, and shall not be removed therefrom except for just cause and then only after public hearing upon a written complaint setting forth

the charge or charges against him. The petition shall be signed by at least 10% of the registered voters of the municipality and filed with the municipal clerk. Upon the filing of the petition the question shall be submitted to the voters at the next general election which shall occur not less than 60 days thereafter. The municipal clerk shall cause the question to be placed upon the official ballot to be used at the general election in the manner provided by law in substantially the following form: "Shall the municipal treasurer continue to hold office during good behavior and efficiency and not be removed therefrom except for just cause and then only after public hearing upon a written complaint setting forth the charge or charges against him?" Immediately to the left of the question there shall be printed the words "Yes" and "No", each with a square, in either of which the voter may make a cross (x), or a plus sign (+) or check mark (✓) according to his choice. There shall also be printed the following: "Place a cross (x), or a plus sign (+) or check mark (✓) in one of the above squares indicating your choice." Where voting machines are used, voting thereon shall be equivalent to the foregoing. The election shall be held in accordance with the general law relating to public questions to be voted on in a single municipality at elections as provided for by Title 19 (Elections) of the Revised Statutes.

§ 2-16. Tax Collector.

A. The Tax Collector shall be appointed by the Mayor with the advice and consent of the Board of Aldermen and shall old his office for a term of four years from January 1 next following his/her appointment and until his successor has been appointed and qualified and shall be paid the sum provided in the Employment Contract and conform to the Salary Ordinance. Vacancies other than due to the expiration of term shall be filled by appointment for the unexpired term. The Tax Collector shall have the duty of collecting and accounting for taxes and assessments due to the Town of Dover, in addition to such other duties as may be prescribed by the laws of the State of New Jersey. The Tax Collector shall hold office such time as it is prescribed by statute and shall be compensated at the annual salary established in the Salary Ordinance.

B. The Tax Collector who shall be reappointed subsequent to having received a tax collector certificate pursuant to section 3 or 4 of P.L. 1979, or holds a tax collector certificate issued pursuant to N.J.S. 40A:9-141, section 2 of P.L. 1979, c. 384 and section 6 of P.L. 1993, c. 25 and having served as tax collector or performed the duties of tax collector for not less than four years immediately prior to such reappointment or, shall have acquired tenure; shall hold his office during good behavior, efficiency and compliance with requirements for continuing education pursuant to sections 6 and 7 of P.L. 1993, c. 25, notwithstanding that such reappointment was for a fixed term of years; and he shall not be removed therefrom for political reasons but only for good cause shown and after a proper hearing before the director or his designee in accordance with the provisions of N.J.S.A. 40A:9-145.8. During the months of January, April, July and October, the Tax Collector shall work according to a schedule set by the Mayor and Board of Aldermen by resolution. The hours worked by the Tax Collector and all Deputies shall be monitored by the Town Administrator.

§ 2-17. Tax Assessor.

The Tax Assessor shall be appointed by the Mayor with the advice and consent of the Board of Aldermen and shall serve for a term of four years from July 1 next following his appointment and until his successor has been appointed and qualified and shall be paid the sum provided in the Employment Contract and conform to the Salary Ordinance. The Tax Assessor shall have and perform the duties of levying and assigning all taxes and assessments on behalf of the Town of Dover and of defending and upholding all such levies and assessments, pursuant to the laws of the State of New Jersey.

§ 2-18. Town Auditor.

The Town Auditor shall be appointed by the Mayor with the advice and consent of the Board of Aldermen for a one-year term and until his successor has been appointed and qualified and shall be paid the sum provided in the Employment Contract and conform to the Salary Ordinance. The Town Auditor shall audit the books of the Town offices and employees in conformance with the requirements of the State of New Jersey and shall perform such other and additional services as may be required of him.

§ 2-19. Public Works Department. [Amended 2-9-2016 by Ord. No. 02-2016]

A. The Director of Municipal Services shall be appointed by the Mayor with the advice and consent of the Board of Aldermen and shall serve at the pleasure of the governing body and until his successor has been appointed and qualified in accordance with all applicable law and regulations. The Director of Municipal Services shall be an unclassified position and not subject to the laws, regulations or procedures of the Civil Service Act, N.J.S.A. 11A:1-1 et seq. The Director of Municipal Services is a high-level municipal title and is a subordinate officer as deemed necessary by the Mayor and Board of Aldermen for the Town of Dover in compliance with N.J.S.A. 40A:62-6(d). The Director of Municipal Services shall receive such annual compensation as shall be provided in the Employment Agreement and confirmed by the Salary Ordinance.

B. Duties of the Public Works Department include the cleaning of the public streets, maintenance of sewers, removal and disposal of ashes, garbage, refuse and waste matter and maintenance of parks and other publicly owned buildings and grounds by the Town of Dover.

C. Supervision of the Department. The Public Works Department shall be under the supervision and control of the Director of Municipal Services. The Director of Municipal Services shall be under the authority and the direction of the Town Administrator as delegated by the Mayor and Board of Aldermen.

§ 2-20. Municipal Court.

A. Name of Court. A Municipal Court to be named "Municipal Court of the Town of Dover in the County of Morris" is hereby established in the Town pursuant to the provisions of N.J.S.A. 2A:8-1 et seq.

B. Judge of the Municipal Court. The Judge of the Municipal Court shall have the qualifications, possess such tenure of office and have, possess and exercise all the functions, powers, duties and jurisdiction as is conferred upon such Judge by the provisions of N.J.S.A. 2A:8-1 et seq.**8** and as may be conferred upon him by law. The Municipal Judge shall be appointed by the Mayor with the advice and consent of the Board of Aldermen and shall serve until his successor has been appointed and qualified in accordance with all applicable law and regulations.

C. Court Administrator.

(1) The mayor shall appointment of a Court Administrator for the Municipal Court. Such Court Administrator shall be under direction and supervision of the Judge of the Municipal Court at an annual salary as shall be fixed by ordinance.

(2) Duties. The Court Administrator shall perform the duties of the Director of Municipal Court whenever necessary and in the absence or disability of the Court Director.

(3) The Court Administrator shall supervise, operate and maintain the sound and recording system of the Municipal Court and the Director of the Municipal Court of the Town of

Dover, New Jersey, and shall perform such other duties as may be authorized or required by the Judge of the Municipal Court and subject to law.

§ 2-21. Defense and indemnification of municipal employees.

A. Purpose. It is the intent and purpose of this section to provide for the defense of actions against, and the indemnification of, public employees as permitted by N.J.S.A. 59:10-4.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

EMPLOYEE — Any elected or appointed official or any officer, employee or servant, whether or not compensated or part-time, who is authorized to perform any act or service; provided, however, that the term does not include an independent contractor.
PUBLIC EMPLOYEE — Any employee or former employee of the Town.

C. Provisions for defense. The Town shall provide for the defense of any action brought against a public employee on account of any act or omission in the scope of his employment, and this obligation shall extend to any cross action, counterclaim or cross complaint against such employee.

D. Exceptions. The provisions for defense shall not be applicable when the Mayor and Board of Aldermen, through resolution, determine that:

(1) The act or omission was not within the scope of employment.

(2) The act or failure to act was because of actual fraud, willful misconduct or actual malice.

(3) The defense of the action or proceeding would create a conflict of interest between the Town and the public employee.

(4) The defense of the action or proceeding is provided for by an insurance policy or policies; whether obtained by the Town or by any other person.

(5) The public employee failed to deliver to the Town Clerk, within 10 calendar days after the time he is served with any summons, complaint, process, notice, demand or pleading, the original or a copy of the same.

(6) The public employee has failed to cooperate fully with the defense.

E. Methods of providing defense. The Town may provide any defense required of it under this section through an attorney from the Morris County Municipal Joint Insurance Fund or any potential successor carrier. The Town shall in no event be responsible for costs or attorney's fees incurred by anyone unless it shall have agreed in writing to the terms of this representation.

F. Control over litigation. Whenever the Town provides any defense required of it under this section, the Town, through its Town Attorney or outside counsell, may assume exclusive control over the representation of the public employee, and such employee shall cooperate fully with the defense.

G. Indemnification.

(1) In any case where the Town is required to provide a defense under this section, the Town shall pay or shall reimburse the public employee for the following:

(a) Any bona fide settlement agreements entered into by the Town on behalf of the employee.

(b) Any judgments entered against the employee, including but not limited to exemplary or punitive damages resulting from the employee's civil violation of state or federal law if, in the opinion of the Mayor and Board of Aldermen, the acts committed by the employee upon which the damages are based did not constitute actual fraud, actual malice, willful misconduct or an intention wrong.

(c) If the Town has failed, after reasonable notice, to provide such required defense, all costs of defending the action, including reasonable counsel fees and expenses, together with costs of any appeal.

(2) In addition, in any case where the Town would be required to provide a defense under this chapter, except for the fact that such defense is provided for by insurance, the Town shall provide indemnification as aforesaid, but only to the extent not covered by insurance.

(3) Nothing in the section shall authorize the Town to pay for damages resulting from the commission of a crime.

§ 2-22. Municipal Public Defender. [Added 2-24-1998 by Ord. No. 6-1998]

A. Establishment. There is hereby established in the Town of Dover, County of Morris and State of New Jersey, the office of Municipal Public Defender pursuant to P.L. 1997, c. 256.**11**

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

INDIGENT DEFENDANT — A person who is entitled to be represented by a Municipal Public Defender pursuant to P.L. 1997 c. 256**12** and does not have the present financial ability to secure competent legal representation as determined by Subsection L herein.
MUNICIPAL COURT — The Municipal Court of the Town of Dover, County of Morris and State of New Jersey.
MUNICIPAL PUBLIC DEFENDER — A person as defined in Section 4 of P.L. 1997, c. 256**13**, appointed to represent indigent defendants in proceedings over which the Municipal Court has jurisdiction.

C. Appointment. One Municipal Public Defender shall be appointed by the Mayor with the advice and consent of the Board of Aldermen.

D. Qualifications. The Municipal Public Defender shall be an attorney at law of this state in good standing.

E. Term. The Municipal Public Defender shall serve for a term of one year from the date of his appointment and may continue to serve in office pending reappointment or appointment of a successor. In addition to any other means provided by law for the removal from office of a public official, a Municipal Public Defender may be removed by the governing body of the municipality for good cause shown and after a public hearing and upon due notice and an opportunity to be heard. Failure to reappoint a Municipal Public Defender for a second or subsequent term does not constitute a removal from office in the meaning of this section.

F. Compensation. The Municipal Public Defender shall receive an annual salary to be determined by the governing body, paid in equal monthly installments. Compensation of the Municipal Public Defender for services rendered pursuant to this section shall be in lieu of

any and all other compensation by the municipality. The Municipal Public Defender shall also receive a fee, to be determined by the governing body, for interlocutory appeals in the Superior Court.

G. Duties of the Municipal Public Defender. It shall be the duty of the Municipal Public Defender to represent, except in the case of temporary unavailability or conflict of interest, any defendant charged with an offense in Municipal Court who is an indigent municipal defendant entitled to representation pursuant to P.L. 1997, c. 256.**14** The Municipal Public Defender shall be responsible for handling all phases of the defense, including but not limited to discovery, pretrial and post-trial hearings, motions, removals to federal district court and other collateral functions reasonably related to the defense. As used in this section, post-trial hearing shall not include de novo appeals in Superior Court. The Municipal Public Defender shall represent an indigent defendant charged in Municipal Court with a crime as specified in N.J.S.A. 2B: 12-18 or if, in the opinion of the Municipal Court, there is a likelihood that the defendant, if convicted of any other offense, will be subject to imprisonment or other consequence of magnitude.

H. Private representation. The Municipal Public Defender may represent private clients in any municipality, including the Town of Dover, where he acts as a Municipal Public Defender, subject to the Rules of Court governing the conduct of lawyers, judges and court personnel.

I. Services and facilities of representation. All necessary services and facilities of representation, including both expert and lay investigation and testimony as well as other preparations shall be provided in every case. The municipality shall be responsible for payment or services pursuant to this section. The factors of need and real value to a defendant may be weighed against the financial constraints of the municipality in determining the necessary services and facilities of representation. The final determination as to necessity for services required pursuant to this section shall be made by the Court. Nothing in this section shall be deemed to require the municipality to pay for expert and lay investigation or testimony for a period of one year after the effective date of P. L. 1997, c. 256. Vacancy in office. If there is a vacancy in the office of Municipal Public Defender, if the Municipal Public Defender is temporarily unavailable or if a finding of conflict of interest precludes the Municipal Public Defender from representing an indigent defendant, the Municipal Prosecutor may prosecute the offense if the Municipal Court appoints a qualified attorney to represent the indigent defendant. The rate of payment for such appointed attorney shall be $100 per case. Payment to such attorney is to be made within 30 days of appointment. Once appointed, the attorney shall carry out all duties of Municipal Public Defender in connection with the case that is the subject of the appointment.

J. Confidentiality. All communications between the indigent defendant and the Municipal Public Defender or any other attorney appointed to act as a Municipal Public Defender on a particular case, shall be fully protected by the attorney-client privilege to the same extent and degree as though counsel had been privately engaged. This shall not preclude the use by the Municipal Public Defender of privileged material for the preparation and disclosure of statistical, case study and other sociological data, provided that in any such use there shall be no disclosure of identity of or means for discovery of the identity of particular defendants.

K. Eligibility.

(1) Eligibility for the services of a Municipal Public Defender shall be determined by the Municipal Court on the basis of the need of the defendant, except as provided in Subsection L(4) below. Need shall be measured according to Section 14 of P.L. 1967, c. 43 (N.J.S.A. 2A:158A-14) and guidelines promulgated by the New Jersey Supreme Court.

(2) In the event that a determination of eligibility cannot be made before the time when the first services are to be rendered or if an initial determination is found to be erroneous, the Municipal Court shall refer the defendant to the Municipal Public Defender provisionally; and, if subsequently it is determined that the defendant is ineligible, the Municipal Court shall inform the defendant, and the defendant shall be obliged to engage his own counsel and to reimburse the municipality for the costs of the services rendered to that time.

(3) The Municipal Court shall make an investigation of the financial status of each defendant seeking representation pursuant to P.L. 1997, c. 256, and shall have the authority to require a defendant to execute and deliver written requests or authorizations required under applicable law to provide the Court with access to records of public or private sources, otherwise confidential, as may be of aid in evaluating eligibility. The Court is authorized to obtain information from any public record, office of the state or of any subdivision or agency thereof on request and without payment of fees ordinarily required by law.

(4) Whenever a person entitled to representation by a Municipal Public Defender pursuant to this section is under the age of 18 years, the eligibility for services shall be determined on the basis of the financial circumstances of the individual and the financial circumstances of the individual's parents or legal guardian. The municipality shall be entitled to recover the costs of legal services from the parents or legal guardians as set forth below, and the Municipal Court shall have authority to require parents or legal guardians to execute and deliver the written requests for authorizations required under applicable law in order to provide the Court with access to records of public or private sources, otherwise confidential, as may be of aid to it in evaluating eligibility.

(5) If the defendant has or reasonably expects to have means to meet some part, though not all, of the cost of the services rendered, the defendant shall be required to reimburse the municipality, either by a single payment or in installments in such amounts as he can reasonably be expected to pay, but no default or failure in making payment shall affect or reduce the rendering of services.

L. Lien of municipality.

(1) The Town shall have a lien on any property to which the defendant shall have or acquire an interest in for an amount equal to the reasonable value of the services rendered to a defendant pursuant to P.L. 1997, c. 256, as calculated at the same rate as the office of the Public Defender bills clients at that time.

(2) To effectuate such lien for the municipality, the Town Attorney shall file a notice setting forth services rendered to the defendant and the reasonable value thereof with the Clerk of the Superior Court. The filing of the notice with the Clerk of the Superior Court shall constitute a lien on property for a period of 10 years from the date of filing, unless discharged sooner, and, except for such time limitations, shall have the force and effect

of a judgment. Within 10 days of the filing of the notice, the Town Attorney shall send by certified mail, or serve personally, a copy of the notice with a statement of the date of the filing to or upon the defendant at the defendant's last known address. If the Town Attorney shall fail to give notice, the lien is void.

(3) The Town Attorney is authorized to compromise and settle any claims for services performed pursuant to this section whenever the financial circumstances of the person receiving the services are such that, in the judgment of the Town Attorney, the best interests of the state will be served by compromising settlement.

(4) The Town Attorney, in the name of the municipality, may do all things necessary to collect any money due to the municipality by way of reimbursement for services rendered by a Municipal Defender pursuant to this section. The Town Attorney may enter into arrangements with any state or county agency to handle collections on a cost basis. The Town Attorney shall have all the remedies and proceedings available for collection which are available for or upon the recovery of a judgment and a civil action and shall also be permitted to collect counsel fees and costs from the defendant for such collection action so that the same are not borne by the municipality.

M. Application fee; waiver. There is required of all persons applying for representation by the Municipal Public Defender or Court-approved counsel an application fee of not more than $200, but only an amount necessary to pay the costs of the Municipal Public Defender's services. In accordance with guidelines promulgated by the Supreme Court, the Municipal Court may waive any required application fee, in whole or in part, or if the Court determines, in its discretion, upon a clear and convincing showing by the applicant, that the application fee represents an unreasonable burden on the person seeking representation. The Municipal Court may permit a person to pay the application fee over a specific period of time not to exceed four months.

N. Dedicated fund. Funds collected pursuant to Subsection N of this section shall be deposited in a dedicated fund administered by the Chief Financial Officer of the Town. Such funds shall be used exclusively to meet the costs incurred in providing the services of a Municipal Public Defender, including, when required, expert and lay investigation and testimony. In the event that the division of Local Government Services, during its annual review beginning in 1999 of the municipal budget, determines that the amount of money in a dedicated fund established pursuant to P.L. 1997, c. 256,**18** exceeds by more than 25% the amount which the municipality expended during the prior year providing the services of the Municipal Public Defender, such amount in excess of the amount expended shall be forwarded to the Criminal Disposition and Review Collection Fund administered by the Victims of Crime Compensation Board.

§ 2-23. Department of Code Enforcement. [Added 4-27-2004 by Ord. No. 11-2004]

A. Establishment. There is hereby established in the Town of Dover the Department of Code Enforcement.

B. Personnel. The Department of Code Enforcement shall consist of a Chief Code Enforcement Officer and those additional Code Enforcement Officers as may be deemed appropriate and necessary by the Town Administration. The Code Enforcement Officers shall be under the direct supervision of the Chief Code Enforcement Officer, and the Chief Code Enforcement Officer shall be under the supervision of the Town Administrator.

C. Duties. The Chief Code Enforcement Officer and Code Enforcement Officers shall enforce the property maintenance code, zoning code, solid waste disposal code and recycling code of the Town of Dover, as well as enforce the multiple dwelling laws, regulations and ordinances of the Town of Dover and State of New Jersey.

§ 2-24. License Inspector. [Added 4-28-2015 by Ord. No. 06-2015]

Within the office of the Town Clerk, there shall be a bureau of central licensing, which shall contain a License Inspector. Under the direction, supervision and final authority of the Town Clerk, the bureau shall administer and enforce the licensing ordinances of the Town with respect to the following matters and subjects:

A. Newsstands;

B. Canvassers and solicitors;

C. Taxicabs and limousines;

D. Vendors and peddlers;

E. Auctioneers;

F. Pawn shops;

G. Junkyards;

H. Sound trucks;

I. Dance halls, pool and billiard parlors, bowling alleys and coin-operated amusements;

J. Such additional and other licenses as may be provided by ordinance or statute except as this Code otherwise provides;

K. Films or movie shoots;

L. Dog licenses shall be issued by the bureau of central licensing under the supervision of the Chief License Inspector, but the control of the Dog Warden and the assistants and enforcement of all ordinances pertaining to dogs shall remain the responsibility of the Health Department;

M. Autobuses. The functions of the administration and enforcement of all ordinances in connection with autobuses are the responsibility of the bureau of central licensing under the supervision of the Chief License Inspector;

N. Florists;

O. Garage sales;

P. Towing/tow trucks;

Q. Private open-air parking permits;

R. Secondhand dealers;

S. Sidewalk sales;

T. Solicitation of contributions from motorists in roadways;

U. Donation clothing bins;

V. Theaters;

W. Travelling shows and kiddy rides;

X. Window display areas.

§ 2-25. Department of Economic Development and Community Affairs. [Added 2-9-2016 by Ord. No. 01-2016]

A. Department established. There shall be a Department of Economic Development and Community Affairs that shall be under the authority of the Town Administrator as delegated by the governing body of the Town of Dover and shall provide such services to include but not be limited to community improvement, redevelopment, economic stimulus, community affairs, and cultural affairs.

B. Qualifications.

(1) The Director of Economic Development and Community Affairs is a municipal department head. Prior to his/her appointment, the Director of Economic Development and Community Affairs shall be qualified by education, training and at least five years of responsible experience for the duties of his/her office. The Director of Economic Development and Community Affairs shall receive an annual salary as set forth in the Employment Agreement and conformed by the salary ordinance, to be paid as all other salaries are paid.

C. Duties of Director. The Director of Economic Development and Community Affairs shall be under the direction of the Town Administrator as delegated by the governing body and performing such duties including but not limited to the following:

(1) Directing and taking complete charge of a community development program and any of its personnel; and

(2) Being responsible for the administration, planning and development procedures of community development programs and for promoting and administering a comprehensive community development service, which includes planning, organizing, monitoring and evaluating federal, state and county community-oriented programs; and

(3) Be responsible for the preparation, formulation and implementation of an overall economic development plan for the Town; and

(4) Formulate plans for attracting new business and industry into the Town; and

(5) Involve public officials and private citizens in defining development goals and determining project opportunities; and

(6) Implement programs developed by the Mayor and Board of Aldermen designed to promote cultural services; and

(7) Maintain liaison with citizen programs interested in participating in programs and activities promulgated by the department; and

(8) Ascertain the cultural needs of the Town and implement programs to meet them; and Assume responsibility for the development of services and programs aimed at meeting the needs of the community; and

(9) All other duties that may be expected to be performed by a Director of Economic Development and Community Affairs as set out by the Mayor and Board of Aldermen or as assigned by the Town Administrator.

D. Appointment of Director; term. The Director of Economic Development and Community Affairs shall be appointed by the Mayor with the advice and consent of the Board of Aldermen and shall serve at the pleasure of the governing body and until his successor has been appointed and qualified in accordance with all applicable law and regulations. The Director of Economic Development and Community Affairs shall be an unclassified position and not subject to the laws, regulations or procedures of the Civil Service Act, N.J.S.A. 11A:1-1 et seq. The Director of Economic Development and Community Affairs is a high-level municipal title and is a subordinate officer as deemed necessary by the Mayor and Board of Aldermen for the Town of Dover in compliance with N.J.S.A. 40A:62-6(d). The Director of Municipal Services shall receive such annual compensation as shall be provided in the Employment Agreement and confirmed by the Salary Ordinance.

§2-26 Town Engineer

The Mayor with the advice and consent of the Board of Aldermen shall, by resolution, appoint a Town Engineer and fix his compensation on an annual salary as set forth in the Employment Contract and conform to the salary ordinance. The Town Engineer shall serve for a three (3) years term and until his successor has been appointed and qualified.

A. Duties:

The Town Engineer shall perform such duties as are prescribed by general law and ordinance and in addition shall:

(1) Prepare or cause to be prepared plans, designs and specifications for public works and improvements undertaken by the Town.

(2) Provide and maintain surveys, maps, plans, specifications, estimates and control records with respect to public works and facilities owned or operated by the town, or to be acquired or built.

(3) Provide technical and engineering advice, estimates and review of plans and assistance to other town departments as needed.

(4) Attend meetings of the Board of Aldermen, Planning Board and Zoning Board of Adjustment as needed.

(5) Report to the Town Administrator on a monthly basis as to the status of all duties he or she is undertaking on behalf of the town.

B. All papers, documents, memoranda, reports and other materials relating to the administration of engineering duties of the Town Engineer shall be and remain the property of the town. Upon the termination of his services with the town, the Town Engineer shall forthwith surrender to any successor all such property.

§2-27 Repeal and severability

A. All ordinances, resolutions and regulations, or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

B. If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be judged invalid, such adjudication, shall apply only to the section, paragraph, article, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

ATTEST:

Tara Pettoni, Municipal Clerk

Town of Dover, Morris County

James P. Dodd, Mayor

Introduced: 11/8/2018
Adopted: 11/27/2018