

**TOWNSHIP OF HAMILTON**

**ORDINANCE NO.: 1834 -2016**

**AN ORDINANCE TO ABOLISH THE MUNICIPAL COURT OF THE TOWNSHIP OF HAMILTON AND TO CREATE AND REPLACE IT WITH THE TOWNSHIP OF HAMILTON REGIONAL MUNICIPAL COURT.**

**WHEREAS**, Hamilton currently has its own municipal court; and

**WHEREAS**, Buena currently has a joint municipal court known as the “Buena Vista Regional Court” with the Township of Weymouth; and

**WHEREAS**, Hamilton and Buena believe it to be in the public interest of their respective residents to form a joint municipal court for the benefit and service of both municipalities; and

**WHEREAS**, the Township of Weymouth desires not to join with Hamilton and Buena; and

**WHEREAS**, N.J.S.A. 2B:12-1(b) provides in part that:

Two or more municipalities, by ordinance, may enter into an agreement establishing a single joint municipal court and providing for its administration. A copy of the agreement shall be filed with the Administrative Director of the Courts; and

**WHEREAS**, N.J.S.A. 40A:65-1, et. seq. empowers municipalities to enter into Shared Services Agreements; and

**WHEREAS**, pursuant to the authority granted by N.J.S.A. 2B-12-1(b) and N.J.S.A. 40A:65-1, et. seq. Buena has indicated a willingness to enter in a Shared Services Agreement with Hamilton to permit Hamilton to provide all of the usual and ordinary services of the Municipal Court for Buena; and

**WHEREAS**, pursuant to the authority granted by N.J.S.A. 2B-12-1(b) and N.J.S.A. 40A:65-1, et. seq. Hamilton has expressed a willingness to enter into a Shared Services Agreement with Buena to provide all of the usual and ordinary services of a Municipal Court for Buena.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Hamilton, County of Atlantic and State of New Jersey, that Chapter 52, Sections 1 through 13, of the current Municipal Code shall be and are hereby repealed; and

**IT IS FURTHER ORDAINED** that the following new provisions of Chapter 52 of the Municipal Code shall be and are hereby adopted:

## **CHAPTER 52: MUNICIPAL COURT**

### **Article 1. General Provisions**

#### § 52-1. Municipal Court of the Township of Hamilton abolished.

Effective January 1, 2017, or upon the approval of the Township of Hamilton Regional Municipal Court by the State of New Jersey Administrative Office of the Courts, the Municipal Court of the Township of Hamilton is hereby abolished and §§52-1 through 52-13 of the Code of the Township of Hamilton shall be and are hereby repealed in their entirety and replaced by the following new sections establishing the Township of Hamilton Regional Municipal Court.

#### § 52-2. Court established; statutory authority.

Pursuant to N.J.S.A. 2B:12-1, there is hereby created a joint municipal court composed of the Township of Hamilton (“Hamilton”) and Buena Vista Township (“Buena”) and collectively referred to as the “municipalities”, both located in Atlantic County, New Jersey.

#### § 52-3. Official name.

The name of the Joint Municipal Court shall be the “TOWNSHIP OF HAMILTON REGIONAL MUNICIPAL COURT”.

#### § 52-4. Seal.

The Joint Municipal Court shall have a Seal, which shall bear the impress of the name of the Court.

#### § 52-5. Jurisdiction.

The jurisdiction of the Township of Hamilton Regional Municipal Court shall be coextensive with the territory of the Township of Hamilton and Buena Vista Township.

### **Article II. Appointment of Professionals**

#### § 52-6. Appointment of Municipal Court Judge; powers, duties and qualifications.

- A. There shall be one joint Municipal Court Judge. Pursuant to Article VI, Section VI of the New Jersey Constitution, the Municipal Court Judge of the Joint Municipal Court shall be nominated and appointed by the Governor, with the advice and consent of the Senate. Any and all recommendations made to the Governor for such nomination and appointment shall be made by the Township of Hamilton. Until such time as the Gubernatorial appointment is finalized, the Assignment Judge for Vicinage I – Atlantic/Cape May Counties may appoint the Municipal Court Judge.

- B. During any vacancy in the office of Municipal Court Judge of the Joint Municipal Court, the Acting Judge shall be appointed by the Vicinage Assignment Judge, in accordance with N.J.S.A. 2B:12-6.
- C. The Municipal Court Judge shall serve for a term of three (3) years from the date of appointment and until a successor shall be appointed and qualified.
- D. The Municipal Court Judge shall have and possess the qualifications as established by N.J.S.A. 2B:12-7 and the New Jersey Supreme Court and shall have, possess and exercise all the functions, duties, power and jurisdiction conferred by the law or ordinance. Whenever the Municipal Court Judge is unable to sit as such, any Judge designated by the Assignment Judge for Vicinage I - Atlantic-Cape May Counties may sit for him/her temporarily and hold the Joint Municipal Court. Any such designee, while sitting temporarily, shall possess all of the powers of the Municipal Court Judge.
- E. The Municipal Court Judge shall faithfully carry out all of the duties and responsibilities of a Municipal Court Judge and shall abide by all rules and regulations established for Municipal Court Judges by the New Jersey Supreme Court, by the Administrative Office of the Courts and by the laws of the State of New Jersey.
- F. The Municipal Court Judge shall have full management authority over judicial operations of the Joint Municipal Court.
- G. The compensation for the Municipal Court Judge, Acting Judge and/or temporary judges shall be fixed and paid for by the governing body of Hamilton.

§ 52-7. Municipal Court Prosecutor.

- A. There shall be one Prosecutor for the Joint Municipal Court who shall prosecute all cases in the Joint Municipal Court. The Municipal Prosecutor for the Joint Municipal Court shall be appointed by the governing body of Hamilton, in its sole and exclusive discretion, for a one (1) year term. The compensation of the Municipal Prosecutor shall be determined by the governing body of Hamilton.
- B. There shall be one Alternate Prosecutor for the Joint Municipal Court who shall be utilized in the event of conflicts or unavailability of the Prosecutor. The appointment and compensation of the Alternate Prosecutor shall be the responsibility of Hamilton, in its sole and exclusive discretion.

§ 52-8. Public Defender.

- A. There shall be one Public Defender for the Joint Municipal Court who shall represent those defendants assigned by the Municipal Court Judge. The Municipal Public Defender for the Joint Municipal Court shall be selected by the governing body of Hamilton, in its sole and exclusive discretion, and hired for a one (1) year term. The compensation of the Municipal Public Defender shall be determined by the governing body of Hamilton.
- B. There shall be one Alternate Public Defender of the Joint Municipal Court who shall be utilized in the event of conflicts or unavailability of the Public Defender. The appointment and compensation of the Alternate Public Defender shall be the responsibility of Hamilton, in its sole and exclusive discretion.

**Article III. Appointment of Employees.**

§ 52-9. Municipal Court Administrator.

- A. There shall be an Administrator of the Joint Municipal Court appointed by the governing body of Hamilton, in its sole and exclusive discretion, who shall perform the functions and duties prescribed for Municipal Court Administrators by law, by the Court Rules applicable to Municipal Courts and by the Municipal Court Judge. The Administrator shall be appointed by Hamilton for a term of one (1) year, subject, however, to the tenure provisions as set forth in N.J.S.A. 2A:8-13.1. The Administrator's duties shall include, but are not limited to:
  - 1. Carrying out the rules, regulations, policies and procedures relating to the operation of the Court, inclusive of supervision of the Deputy Municipal Court Administrator(s).
  - 2. Maintaining the financial records of the Court, including overseeing the receipt and accounting for fines and costs.
  - 3. Attending all court sessions; recording pleas; judgments and dispositions; arranging trial calendars; signing court documents; preparing and issuing warrants and commitments and other court related documents.
  - 4. Maintaining and classifying records and files of the Court.
  - 5. Maintaining, forwarding, receiving and reporting such records, reports and files as required by appropriate agencies.
  - 6. Consulting and meeting with the Administrative Office of the Courts on an "as needed" basis and making daily decisions regarding the closing of Court, personnel coverage for the Court, and work assignments/scheduling of Court personnel.

7. Carrying out such additional duties as may be required in order to fulfill the duties of the Court Administrator, including, without limitation, those duties falling within the parameters of N.J.S.A. 2B:12-13.

B. Deputy Municipal Court Administrators. There shall be up to two (2) Deputy Municipal Court Administrators of the Joint Municipal Court both of whom shall be appointed by Hamilton, in its sole and exclusive discretion. The Deputy Court Administrators shall perform the functions assigned to them by the Municipal Court Judge and Municipal Court Administrator. The compensation of the Deputy Court Administrators shall be determined by Hamilton.

§ 52-10. Necessary Clerical and Other Assistance. There may be appointed such other clerical and other personnel, full or part-time, for the Joint Municipal Court as is necessary for the efficient operation of the Court. Hamilton shall appoint such clerical or other personnel as it deems necessary, in its sole and exclusive discretion.

§ 52-11. Auditor. The Auditor for the Joint Municipal Court shall be same as that utilized by Hamilton. The Auditor shall perform a yearly audit of the Joint Municipal Court in accordance with the requirements of the Local Fiscal Affairs Law, N.J.S.A. 4A:5-1, et. seq.

#### **Article IV. Shared Services Agreements.**

§ 52-12. Shared Service Agreements.

- A. Hamilton hereby approves and agrees to the terms of the Shared Services Agreement, and any subsequent amendments thereto, by and between The Township of Hamilton and Buena Vista Township for a Joint Municipal Court to be incorporated herein by reference and expressly authorizes the Mayor and the Clerk of the Township of Hamilton to execute the agreement on behalf of Hamilton.
- B. The Joint Municipal Court will be governed by this Ordinance and the Shared Services Agreement by and between The Township of Hamilton and Buena Vista Township for a Joint Municipal Court approved by the governing body of Hamilton.
- C. Other Municipalities who approve a Shared Services Agreement to join the “Township of Hamilton Regional Municipal Court” shall be subject to the terms thereof which will embody the provisions of this chapter.

§ 52-13. Administration of Joint Court.

- A. The Joint Municipal Court operations shall be administered by Hamilton as a joint municipal court pursuant to N.J.S.A. 2B:12-1(b), using one set of books and one court calendar.
- B. Location. The Joint Municipal Court will be located at the Township of Hamilton Town Hall, 6101 Thirteenth Street, Mays Landing. Hamilton will make available for the court:

a courtroom, chambers, offices, storage space, equipment and supplies for the Municipal Court Judge, support personnel of the court, and court security.

- C. Court Days and Times. Municipal Court sessions shall be determined by the Municipal Court Judge of the Township of Hamilton Regional Municipal Court. Emergency or special sessions can be scheduled as may be necessary by the Court Administrator in consultation with the Municipal Court Judge.

§ 52-14. Budget; Accounting.

- A. Hamilton shall be responsible for all budgeting, accounting, and auditing for the Joint Municipal Court.
- B. Annually Hamilton shall prepare a budget for the Joint Municipal Court expenses.
- C. Hamilton will provide Buena with a monthly report of revenues from the court Administrator.
- D. Accounting records for the expenses associated with Joint Municipal Court operations will be maintained by Hamilton.

§ 52-15. Withdrawal by municipality. Any municipality may withdraw from participation in the Joint Municipal Court by delivering written notice to the other municipality of its intentions to withdraw no less than one full year prior to the date of withdrawal. All withdrawals shall be effective January 1, no earlier than one full year subsequent to the date of notice of withdrawal.

§ 52-16. Additional Members. The members of the Joint Municipal Court may be expanded by the admission of new members. The admission of new members will take place after the municipal court judge and municipal court administrator interview the municipality seeking admission and present the then existing members of the Joint Municipal Court their recommendations, along with an audit of the three (3) most recent years of the applying municipality's existing court expenses and revenues and any other information they feel is relevant to the admission application. Admission shall be granted upon an affirmative vote of the majority of the then existing members of the Joint Municipal Court. The municipality granted admission to the Joint Municipal Court must adopt a resolution accepting membership and authorizing the execution of a Shared Services Agreement. The Shared Services Agreement shall be amended as necessary to review the formula for the allocation of the court's budget between the members.

§ 52-17. Repealer. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this chapter are hereby repealed in their entirety.

§ 52-18. Severability. If any provision of this chapter or the application of this chapter to any person or circumstances is held invalid, the remainder of this chapter shall not be affected and shall remain in full force and effect.

§ 52-19. Effective Date; Length of Agreement.

A. This chapter shall take effect on January 1, 2017, or as authorized by the New Jersey Administrative Office of the Courts Or as otherwise provided by law and upon adoption of a substantially similar ordinance by the Township of Buena Vista.

B. Notwithstanding anything herein to the contrary, this Ordinance shall remain in full force and effect for so long and until the Administrative Office of the Courts for the State of New Jersey governing this Vicinage approves the termination of the Joint Municipal Court.

**WITNESSED:**

**TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON,  
COUNTY OF ATLANTIC and  
STATE OF NEW JERSEY**

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**RITA MARTINO, R.M.C.  
TOWNSHIP CLERK**

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**ROGER SILVA, MAYOR**

<b>COMMITTEE MEMBER</b>	<b>MOTION</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
GUISHARD					
KURTZ					
LAWS					
SCHENKER					
MAYOR SILVA					

FIRST READING AND INTRODUCTION: October 17, 2016

FINAL READING AND ADOPTION: