

BOROUGH OF RIVERDALE

ORDINANCE NO. 18-2015

**ORDINANCE AMENDING CHAPTER 2 OF THE
REVISED GENERAL ORDINANCES OF THE
BOROUGH OF RIVERDALE**

BE IT ORDAINED by the Mayor and Council of the Borough of Riverdale, in the County of Morris and State of New Jersey, as follows:

Section 1. Chapter 2, "Administration of Government," of the Revised General Ordinances of the Borough of Riverdale, shall be amended to read in its entirety as follows:

Chapter 2

ADMINISTRATION OF GOVERNMENT

- §2-1. Title.
- §2-2. Borough Council.
- §2-3. Meetings.
- §2-4. Mayor.
- §2-5. President of the Council.
- §2-6. Committees.
- §2-7. Borough Clerk.
- §2-8. Borough Deputy Clerk.
- §2-9. Borough Attorney.
- §2-10. Borough Engineer.

§ 2-1. Title.

This chapter shall be known and may be cited as the "Administrative Code of the Borough of Riverdale" and is herein referred to as the "code."

§ 2-2. Borough Council.

A. Organization. The Council shall consist of six Councilmen elected at large in the Borough, all of whom shall be elected and take office in the manner provided by law. The term of office of the Councilmen shall commence on January 1 next following their election.

B. Powers of Council.

The Council shall be the legislative body of the municipality.

The Council may, subject to general law:

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.

Control and regulate the finances of the municipality and raise money by borrowing or taxation.

Create such offices and positions as it may deem necessary. The officers appointed thereto shall perform the duties required by law and the ordinance of the Council. Officers shall serve at the pleasure of the Council, except as otherwise provided by law.

Investigate any activity of the municipality.

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

Override a veto of the Mayor by a 2/3 majority of all the members of the Council.

The Council shall have all the executive responsibilities in the municipality not placed, by general law or this act, in the office of the Mayor.

The Council, whenever it fails to confirm the nomination by the Mayor of any official to a subordinate office of the Borough within 30 days of being presented such nomination, shall make the appointment to that office, provided that at least three affirmative votes shall be required for such purpose, the Mayor to have no vote thereon, except in the case of a tie.

§ 2-3. Meetings.

- A. Annual meeting. The Mayor and Council shall hold an annual meeting on the first day of January at 12:00 noon or during the first seven days of January in any year. The Council has the right to fix the time for the annual meeting at any other time permitted by law if it so desires.
- B. Regular meetings. At the annual meeting, the Council shall fix the time and place for holding regular meetings during the ensuing year, which time and place may not be changed, except by a resolution duly adopted at a regular meeting.
- C. Election of President of the Council. At its annual meeting, the Council shall, by the vote of a majority of its number, elect a President of the Council, who shall preside at

all its meetings when the Mayor does not preside. The President of the Council shall hold office for one year and until the next annual meeting. He shall have the right to debate and vote on all questions before Council. If the Council fails to elect a President at the annual meeting, the Mayor shall appoint the President from the Council and, in that case, no confirmation by the Council shall be necessary.

- D. Standing committees. The Council shall, at its annual meeting, establish for its members such committees of the Council as will assist it for the ensuing year.
- E. Special meetings. The Mayor shall, when necessary, call special meetings of the Council. In case of his neglect or refusal, any four members of the Council may call such meeting at such time and place in the Borough as they may designate, and in all cases of special meetings, notice shall be given to all the members of the Council or left at their place of residence. The Council shall hold such other meetings at such time and place as it may by resolution direct, but all regular meetings shall be held within the Borough.
- F. Quorum. Three Councilmen and the Mayor or, in the absence of the Mayor, four Councilmen shall constitute a quorum for transacting business.
- G. Order of business. The following order of business shall be observed at any regular or special meeting:
 - a. Roll call.
 - b. Approval of minutes.
 - c. Greeting of public and invitation for discussion.
 - d. Presentation of correspondence, petitions.
 - e. Advertised hearings.
 - f. Introduction of ordinances.
 - g. Second readings and final disposition of ordinances.
 - h. Resolutions (consent agenda).
 - i. Unfinished business.
 - j. New business.
 - k. Reports of committees and department heads.
 - l. Open public discussion.
 - m. Adjournment.
- H. Voting.

Action by majority vote. All action of the Council shall be by a majority vote of those present, except as otherwise required by statute or specifically provided in this chapter.

Roll call vote. A roll call vote shall be taken and the yeas and nays entered in the minutes of the meeting when ordered by the Mayor or upon demand of one member of the Council or when directed by statute.

I. Consent agenda.

a. The agenda for each regular Council meeting shall contain a section entitled "consent agenda." The consent agenda shall consist of all resolutions and applications not necessary to be read in their entirety at the regular Council meeting, as determined by the Borough Clerk and the Mayor.

b. Items that appear on the consent agenda shall be included in one resolution entitled "resolution authorizing passage of consent agenda." The resolution shall contain the title of all of the resolutions and applications to be considered at the regular Council meeting. It shall only be necessary for the Council to vote on the resolution authorizing the passage of the consent agenda. Any individual member of the Council may, on request, remove any item from the consent agenda and request that it be voted upon separately by the Council.

c. All resolutions adopted as part of the consent agenda shall be filed with the Borough Clerk and entered in the minutes.

J. Rules of order. The deliberations of the Council shall be governed by Robert's Rules of Order.

§ 2-4. Mayor.

A. Presiding officer. The Mayor shall preside at meetings of the Council and may vote to break a tie. The Mayor shall be the head of the municipal government and shall have all those powers designated by general law.

B. Appointments. The Mayor shall nominate and with the advice and consent of Council, appoint all subordinate officers of the Borough unless the specific terms of the general law clearly require a different appointment procedure. He shall make his nomination to any such office within 30 days of that office becoming vacant. If the Mayor fails to nominate within said 30 days or the Council fails to confirm any nomination made by the Mayor, then after the expiration of said 30 days the Council shall appoint. No appointment of any subordinate officer of the Borough shall be confirmed except by a vote of a majority of the members present at the meeting, provided that at least three affirmative votes shall be required for such purpose, the Mayor voting only in case of a tie.

C. Duties.

a. Enforcement. The Mayor shall see to it that the laws of the state and the

ordinances of the Borough are faithfully executed. He shall recommend to the Council such measures as he may deem necessary or expedient for the welfare of the Borough. He shall maintain peace and good order and have the power to suppress all riots and tumultuous assemblies in the Borough.

- b. Maintenance of order and decorum. The Mayor shall at all times maintain the strictest order and proper decorum and shall cause the removal of any person or persons who shall interrupt the orderly proceedings of the Council.

Recognition. When two or more Councilmen shall rise simultaneously, the Mayor shall designate the one entitled to the floor, and he alone shall be recognized.

Question of order. The Mayor shall decide all questions of order, without debate, subject to an appeal to the Council, and he may call upon the Council for its opinion concerning any question of order.

- D. Liaison duties. The Mayor shall serve as liaison between the Borough Council and all boards, agencies, committees or organizations, except where liaison duties are hereafter assigned to a specific council committee.

- E. Approval of ordinances; veto.

- a. Every ordinance adopted by the Council shall, within five days after its passage, Sundays excepted, be presented to the Mayor by the Borough Clerk. The Mayor shall, within 10 days after receiving the ordinance, Sundays excepted, either approve the ordinance by affixing his signature thereto or return it to the Council by delivering it to the Clerk, together with a statement setting forth his objections thereto of any item or part thereof. No ordinance or any item or part thereof shall take effect without the Mayor's approval, unless the Mayor fails to return the ordinance to the Council, as prescribed above, or unless the Council, upon consideration of the ordinance following its return, shall, by a vote of 2/3 of all the members of the Council, resolve to override the veto.
- b. No ordinance shall be passed except by a vote of a majority of the members of the Council present at the meeting, provided that at least three affirmative votes shall be required for such purpose, the Mayor voting only in the case of a tie.

§ 2-4.1. Duties Prohibited by Mayor.

Prohibition. The Mayor shall be prohibited from performing the following duties:

- i. Preparing the annual budget
- ii. Negotiating collective bargaining agreements
- iii. Preparing and soliciting bids

- iv. Negotiating contracts for out-sourced services
- v. Supervising borough employees
- vi. Overseeing the day-to-day operations

§ 2-5. President of the Council

Duties. The President of the Council shall perform all the duties of the Mayor during any period in which the Mayor is absent from the Borough for three days or more or is unable to perform the duties of his office. Where such absence is intended, the President of the Council shall become the Acting Mayor until the Mayor's return. If the President of the Council is unable to perform the duties of the Acting Mayor, then the member of Council with the longest term of service may act temporarily for the President of the Council.

Meetings. In the absence of the Mayor, the President of the Council shall preside at any meeting of the Council.

§ 2-6. Committees.

- A. Appointment. The Council shall appoint all members of the standing committees by majority vote.
- B. Standing committees.

At the reorganization meeting, standing committees of the Council, consisting of three Council members each, shall be appointed as follows:

- 1. Finance Committee.
- 2. Public Safety Committee.
- 3. Department of Public Works Committee.
- 4. Personnel Committee.
- 5. Buildings & Grounds Committee.
- 6. Community Affairs Committee.

Membership. Each Councilman shall be chairman of one of the standing committees and shall be a member of at least two other standing committees.

Purpose; powers; duties. The purpose of standing committees is to serve as a liaison between the Council and the respective departments of the municipality and be responsible for making policy recommendations to the Council and the Municipal Administrator concerning municipal departments. The standing committee is to expedite and facilitate the work of the Council, but not to interfere with the responsibilities of the Administrator in the general administration of the municipality.

Special committees. Special committees may be appointed by the Council for purposes not included in the duties of the standing committees.

Appointment of Chairman; committee assignments. The Council shall designate one of the appointees as Chairman and shall designate a Vice Chairman to be the successor in case of death, absence, resignation or removal of the Chairman.

Reports. The Chairman of each standing and special committee shall be prepared to report to the Mayor and Council at each regular meeting on the principal activities and achievements of his committee.

Meetings. Meeting of a committee shall be subject to requirements of the Open Public Meetings Act, if applicable. At least two members of the committee must be present to constitute a quorum.

§ 2-7. Borough Clerk.

- A. Appointment. There shall be a Clerk of the Borough of Riverdale appointed by the Mayor with the advice and consent of the Council for a term of three years. The term shall run from January 1 of the year in which he is appointed. Prior to his appointment, the Borough Clerk shall be qualified by training and experience to perform the duties of his office.
- B. Clerk of Council and committees. The Borough Clerk shall serve as Clerk of the Council and as secretary of any special legislative committees of the Council. He shall attend all meetings of the Council and of such committees when required by the Chairman and shall keep the minutes of the meetings of the Council and of such committees. The minutes of each meeting of the Council shall be signed by the officer presiding at the meeting and by the Clerk.
- C. Ordinances and resolutions.
 - (1) The Clerk shall record all ordinances in books to be provided for that purpose. After each ordinance, he shall also record and certify the proof of publication thereof as required by law. Each ordinance so recorded shall be signed by the Mayor and the Clerk, who shall attest that it was duly adopted upon a date stated, and, when so signed, the recorded copy shall be deemed to be a public record of the ordinance. Any omission by the Clerk or the Mayor to record, sign or certify as herein required shall not impair or affect the validity of any ordinance which has been duly adopted.
 - (2) At the close of each year, the Clerk, with the advice and assistance of the Borough Attorney, shall bind, compile or codify all the ordinances, or true copies thereof, which then remain in force and effect. He shall also properly index the record books, compilation or codification of ordinances.
- D. Custodian of records. The Clerk shall have custody of and shall safely keep all records, books and documents of the Borough, except those committed by ordinance to any other office or transferred thereto by the Mayor and Council. He shall, upon request and upon the payment of the fees prescribed therefor by resolution of the Council for the use of the Borough, furnish a certified copy of any such paper in his custody under the Corporate Seal of the Borough.

E. Corporate Seal.

- (1) Use of Seal. The Clerk shall cause the Corporate Seal of the Borough to be affixed to instruments and writings when authorized by ordinance or resolution of the Council 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 shall appear to have been a public act of the Borough or a public document. He shall not affix the seal or cause or permit it to be affixed to any other instrument, writing or other paper unless required by law or ordinance.

F. Insurance; surety bonds; contracts. The Clerk, subject to the supervision of the Mayor and Council, shall:

- (1) Be the depository and custodian of all official surety bonds furnished by or on account of any officer or employee, except his own bond, which bond shall be placed in the custody of the Treasurer; of all insurance policies upon or with respect to risks insured for the benefit of the Borough 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 municipality may be a party.
- (2) Be the depository for and have custody of all performance bonds running to the Borough as obligee, or any other form of security given by any contractor, subdivision developer or other persons on account of work done or to be done in or for the Borough.
- (3) Have custody of all leases of property owned by the Borough.
- (4) Report to the Borough Council annually, at such time as the Council 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.

G. Other laws and ordinances. In addition to such other functions, powers and duties as may be prescribed by ordinance and subject to the supervision and direction of the Mayor and Borough Council, the Clerk shall:

- (1) Perform all of the functions required of municipal clerks by the General Election Law (Title 19 of the Revised Statutes) and any other law or ordinance.
- (2) Administer the provisions of Borough ordinances with reference to the licensing of occupations and activities for which licenses are required by law or ordinance to be obtained from the Clerk.
- (3) Have such other, different and additional functions, powers and duties as may be prescribed by law or ordinance or delegated to him by the Mayor and Borough Council.

- H. Registrar of real property. The Clerk shall maintain a record of all real property which the Borough may acquire, sell or lease. The records shall be in such form and contain such information as the Division of Local Finance in the Community Affairs of the State of New Jersey shall prescribe. It shall be available for inspection in the office of the Clerk.

§ 2-8. Borough Deputy Clerk.

- A. Appointment. There shall be a Deputy Clerk of the Borough of Riverdale appointed by the Mayor with the advice and consent of the Council for a term of three years. The term shall run from January 1 of the year in which he is appointed. Prior to his appointment, the Borough Deputy Clerk shall be qualified by training and experience to perform the duties of his office.
- B. Clerk of Council and committees. During the absence or disability of the Borough Clerk, the Borough Deputy Clerk shall serve as Clerk of the Council and as Secretary of any special legislative committees of the Council. He shall, during the absence or disability of the Borough Clerk, have the same duties and responsibilities as enumerated in §2-7 of this chapter.

§2-9. Borough Attorney.

- A. Appointment. The Borough Attorney shall be appointed by the Mayor with the advice and consent of the Council for a term of one year. He shall be an attorney at law of New Jersey but need not be a resident of the Borough. The Attorney shall receive a retainer and shall in addition be paid such fees and charges as shall be deemed reasonable.
- B. Powers and duties. The Attorney shall have such powers and perform such duties as are provided for the office of Borough Attorney by general law or ordinances of the Borough. He shall represent the Borough in all judicial and administrative proceedings in which the municipality or any of its officers or agencies may be a party or have an interest. He shall give all legal counsel and advice where required by the Council or any member thereof, and shall in general serve as the legal advisor to the Council on all matters of Borough business. In furtherance of such general powers and duties, but without limitation thereto, the Borough Attorney shall:
 - (1) Draft or approve as to form and sufficiency all legal documents, contracts, deeds, ordinances and resolutions made, executed or adopted by or on behalf of the Borough.
 - (2) With the approval of the Council, conduct appeals from orders, decisions or judgments affecting any interest of the Borough as he may in his discretion determine to be necessary or desirable or as directed by the Mayor and Council.
 - (3) Subject to the approval of the Borough Council, have power to enter into any agreement, compromise or settlement of any litigation in which the Borough is involved.

- (4) Render opinions in writing upon any question of law submitted to him by the Council or any member thereof with respect to their official powers and duties, and perform such duties as may be necessary to provide legal counsel to the Council in the administration of municipal affairs.
- (5) Supervise and direct the work of such additional attorneys and technical and professional assistants as the Council may authorize for special or regular employment in or for the Borough.

§ 2-10. Borough Engineer.

- A. Established. There is hereby established the position of Borough Engineer.
- B. Appointment; term. The Borough Engineer shall be appointed by the Mayor with the approval of the Council for a term of one year. The Borough Engineer shall receive such compensation as may be agreed upon and determined by the Council. He shall be a duly licensed professional engineer of the State of New Jersey.
- C. Duties. The Borough 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 Borough, either on force account or by public contract.
 - (2) Provide and maintain surveys, maps, plans, specifications and control records with respect to public works and facilities owned or operated by the Borough.
 - (3) Operate, maintain and repair the Borough storm sewer system.
 - (4) Provide technical and engineering advice and assistance to all Borough departments as needed; provided, however, that he shall be under the general supervision of the Council Committee of the Department of Public Works.
 - (5) All papers, documents, memoranda, reports and other materials relating to the administration of engineering duties of the Borough Engineer shall be and remain the property of the Borough. Upon the termination of his service with the Borough, the Borough Engineer shall forthwith surrender to any successor all such property. The Borough Engineer shall also act as assessment search officer of the Borough.

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Adopted this ____ day of
_____, 2015.

Abubakar Jalloh, Borough Clerk

William Budesheim, Mayor