

## TOWNSHIP OF WANTAGE

### AN ORDINANCE TO REPEAL ORDINANCE 2008-07 OF THE TOWNSHIP OF WANTAGE, ABOLISHING THE MUNICIPAL COURT FOR THE TOWNSHIP OF WANTAGE AND THE BOROUGH OF SUSSEX, AND ESTABLISHING A MUNICIPAL COURT FOR THE TOWNSHIP OF WANTAGE, THE BOROUGH OF SUSSEX AND THE TOWNSHIP OF STILLWATER

#### ORDINANCE #2011-02

*BE IT ORDAINED* by the Township Committee of the Township of Wantage that Section 2-2 of the revised General Ordinances of the Township of Wantage be and is hereby amended as follows:

**Section 1.** The Municipal Court of the Township of Wantage and Borough of Sussex is abolished. Sections 2-2.1 through Section 2-2.8 of the General Ordinances of Wantage Township are repealed in their entirety.

**Section 2.** The court abolishment and this ordinance shall be effective April 30, 2011 at 11:59PM and after due notice is given as set forth in Section 3. All Summonses issuing from the Township of Wantage, the Borough of Sussex and the Township of Stillwater shall be processed in the Joint Municipal Court after April 30, 2011.

**Section 3.** Notice of repeal and abolishment of the Municipal Court of the Township of Wantage and Borough of Sussex, and the Municipal Court of the Township of Stillwater, shall be given by notice to the Borough of Sussex, the Township of Stillwater, the Administrative Offices of the Courts and the Assignment Judge of the Morris/Sussex Vicinage in writing.

**Section 4.** The Township Committee of the Township of Wantage in response to the abolishment of the Municipal Court of the Township of Wantage and Sussex Borough desires to establish a single Municipal Court for the Township of Wantage, the Borough of Sussex and the Township of Stillwater.

**Section 5.** Pursuant to the provisions of N.J.S.A. 2B:12-1 et seq., the Joint Municipal Court of the Township of Wantage, the Borough of Sussex and the Township of Stillwater is hereby established.

**Section 6.** The Municipal Court shall have an official seal which shall bear the impress of the name of the court.

**Section 7.** Municipal Judge, Appointment and Jurisdiction.

a. The Township Committee of the Township of Wantage shall appoint a part-time judge of the Municipal Court who shall be an attorney-at-law of New Jersey and shall have the qualifications required by law and shall serve for a term of 3 years from the date of his/her appointment and until his/her successor has been appointed and has qualified.

b. The compensation of the judge shall be such annual salary as is now or hereinafter may be provided by ordinance, which salary shall be in lieu of any and all other fees.

**Section 8.** The territorial jurisdiction of the Municipal Court shall be co-extensive with the territory of the Township of Wantage, the Borough of Sussex and the Township of Stillwater.

**Section 9.** Municipal Court Administrator. There shall be a Municipal Court Administrator who shall be appointed by the Township Committee of the Township of Wantage and who shall serve for a term of one year from the date of his/her appointment and until a successor has been appointed and is qualified.

**Section 10.** Support Staff. The Township Committee of the Township of Wantage shall appoint support staff of the Municipal Court who shall perform the functions assigned by the municipal judge and by the Municipal Court Administrator.

**Section 11.** Municipal Prosecutor. There shall be a municipal prosecutor appointed by the Township Committee of the Township of Wantage. The municipal prosecutor shall have the jurisdiction, powers and duties prescribed by N.J.S.A. 2B:25-1 et seq.

**Section 12.** Representation by Municipal Public Defender.

Any person applying to the Municipal Court of the Township of Wantage, the Borough of Sussex and the Township of Stillwater for representation by a municipal public defender shall, in accordance with the provisions of P.L. 1997, c.256, pay an application fee of not more than \$200, but only in an amount determined by the Municipal Court judge, necessary to pay the costs of municipal public defender services. The Municipal Court may waive said application fee in whole or in part if the court determines, in its discretion, that the application fee represents an unreasonable burden on the person seeking representation. Said determination shall be made in accordance with the applicable provisions under law.

**Section 13. Repealer.** All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**Section 14. Severability.** If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

**Section 15. Effective Date.** This Ordinance shall take effect upon adoption of an ordinance by the Borough of Sussex abolishing the Municipal Court of the Township of Wantage and Borough of Sussex, and after adoption of an ordinance by the Township of Stillwater abolishing the Municipal court of Stillwater Township, and after publication and passage according to law.

ATTEST:

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William DeBoer, Mayor

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James Doherty, Administrator/Municipal Clerk

**NOTICE**

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Township Committee of the Township of Wantage on January 27, 2011, and will be considered for final passage after public hearing at a regular meeting of the Township Committee of the Township of Wantage to be held on February 10, 2011, at 7:00 p.m. in the Municipal Building, 888 Route 23 South, Wantage, New Jersey.

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James Doherty, Administrator