

Code
of the
Borough of Helmetta

COUNTY OF MIDDLESEX

STATE OF NEW JERSEY

SERIAL NO. 6

GENERAL CODE PUBLISHERS CORP.
Spencerport, New York 14559

1971

Code
of the
Borough of Helmetta

COUNTY OF MIDDLESEX

STATE OF NEW JERSEY

Editor in Chief

H. H. J. STOLL

Managing Editor

H. H. HENRY

Editor of this Code

T. B. CLANCY

Consulting Editors

P. B. LUSKEY

J. E. FLINT

J. S. KITT

GENERAL CODE PUBLISHERS CORP.
Spencerport, New York 14559

PREFACE

The Borough of Helmetta, like many other municipalities, has passed through the struggles that characterize all American communities in their early history. While only a few simple laws were necessary in the early twentieth century, subsequent growth of the community, together with the complexity of modern life, has created the need for more and detailed ordinances for the proper function and government of the borough. The recording of local law is an aspect of municipal history and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process; ordinances must be more than mere chronological enactments lost in history in the pages of old records. They must be available and they must be logically arranged for convenient use. They must be kept up to date. It was with thoughts such as these in mind that the Mayor and Council ordered the following codification of ordinances.

A brief introduction to the organization and main features of the Code is in order, for efficient use will obviously enhance its value. The following points should be noted.

Contents of Code

The various chapters of the Code contain all currently effective ordinances of a general and permanent nature enacted by the Council of the Borough of Helmetta. In accordance with recognized codification procedures, these ordinances are printed intact; that is to say, no part of any ordinance has been deleted in the preparation of this Code unless it has been either repealed or superseded by subsequent legislation.

Division of Code

The Code is divided into three parts. Part I, Administrative Legislation, contains all Borough Council ordinances of an administrative nature, to wit, ordinances dealing with the administration of government, ordinances establishing or regulating municipal departments, and ordinances affecting officers and employees of the municipal government and its departments. Part II, General Legislation contains all other Borough Council ordinances of a regulatory nature. Ordinances in this part generally impose penalties for violation of their provisions, whereas those in Part I do not. Part III, Board of Health Legislation, contains all currently effective ordinances enacted by the Board of Health of the Borough of Helmetta.

Grouping of Ordinances and Arrangement of Chapters

The ordinances are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more ordinances dealing with the same subject, they are combined into a single chapter. Thus, for example, all ordinances dealing with the Police Department may be found in Part I, in the chapter entitled "Police Department," and all ordinances pertaining to traffic regulation may be found in Part II, in the chapter entitled "Vehicle and Traffic." In such chapters, the identity of the individual ordinances is preserved by the use of Article designations.

Table of Contents

The table of contents details the arrangement of material by chapter as means of identifying specific areas of legislation. Wherever two or more ordinances have

been combined by the editors into a single chapter, titles of the several Articles are listed beneath the chapter title in order to facilitate location of the individual ordinances.

Pagination

A unique page-numbering system has been used, in which each chapter forms an autonomous unit. One hundred pages have been allotted to each chapter, and the first page of each is the number of that chapter followed by the numerals "01." Thus, Chapter 5 begins on page 501, Chapter 48 on page 4801, etc. By use of this system, it is possible to add or change pages in any chapter without affecting the sequence of subsequent pages in other chapters, and to interpolate entire new chapters without affecting the existing organization.

Numbering of Sections

A unique system of section numbering is also used. Each section of every ordinance is assigned a number which indicates both the number of the chapter in which the ordinance is located and the location of the section within that chapter. Thus, the first section of Chapter 5 is § 5-1, and the sixth section of Chapter 48 is § 48-6.

Scheme

The scheme is the list of titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the ordinance. Taken separately, each describes the content of a particular ordinance section. For ease and precision of reference, the scheme titles are repeated as section headings in the text.

General References

A system of general references is included as reference tables in each and every interrelated chapter, in order to direct the reader to material of related interest.

Index

The index is a guide to information. Since its is likely that this Code will be used by persons without formal legal training, the index has been formulated to enable such persons to locate a particular section quickly. Each section of each ordinance has been indexed. As new ordinances are added, appropriate index lines will be included with the supplement.

Appendix

Certain forms of local legislation do not meet the definition of "ordinance" but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The appendix of this Code is reserved for such legislation, and for any other material not qualifying as ordinances that the community may wish to include.

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New ordinances and amendments will be included and repeals will be indicated as soon as possible after passage.

Acknowledgment

The valuable assistance of the Borough Attorney, Richard F. Plechner, Esq., and the Borough Clerk, Frances A. Vincent,

is gratefully acknowledged. Their cooperation and dedication to the achievement and maintenance of the highest standards of excellence in municipal government have added to the merit of this Code.

The codification of the ordinances of the Borough of Helmetta reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes that involve nearly every aspect of community life. Problems increase in number and complexity, and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code Publishers that this Code will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

Part I

Administrative

Legislation

TABLE OF CONTENTS

PART I. ADMINISTRATIVE LEGISLATION

| CHAPTER | PAGE |
|---|-------|
| 1. General Provisions | 101 |
| Article I Adoption of Code | |
| 1A. Administration of Government | 1A01 |
| 2. Administration, Department of | 201 |
| 3. Board of Health | 301 |
| 4. Business Administrator | 401 |
| 5. Civil Defense | 501 |
| 6. Court, Municipal | 601 |
| 7. (Reserved) | 701 |
| 8. Environmental Commission | 801 |
| 8A. Finance, Department of | 8A01 |
| 9. Fire Department | 901 |
| 10. (Reserved) | 1001 |
| 11. (Reserved) | 1101 |
| 12. Personnel | 1201 |
| 13. Police Department | 1301 |
| 13A. Public Works, Department of | 13A01 |
| 14. Recreation Advisory Council | 1401 |
| 15. Salaries and Compensation | 1501 |
| 16. Shade Tree Commission | 1601 |
| 17. Vouchers and Claims | 1701 |

HELMETTA CODE

| CHAPTER | | PAGE |
|----------------------------|--|-------|
| PART II | | |
| GENERAL LEGISLATION | | |
| 17A. | Affordable Housing | 17A01 |
| 18. | Air Pollution | 1801 |
| 19. | Alcoholic Beverages | 1901 |
| | Article I Sale and Distribution | |
| | Article II Club Licenses; Hours of Sale | |
| 20. | Amusement Games, Automatic | 2001 |
| 21. | Animals at Large | 2101 |
| 22. | (Reserved) | 2201 |
| 23. | Bicycles | 2301 |
| 24. | Bingo and Raffles on Sunday | 2401 |
| 25. | (Reserved) | 2501 |
| 26. | (Reserved) | 2601 |
| 27. | Buildings, Moving of | 2701 |
| 28. | Buildings, Numbering of | 2801 |
| 28A. | Certificates of Occupancy | 28A01 |
| 29. | Circuses, Shows and Exhibitions | 2901 |
| 29A. | Construction Codes, Uniform | 29A01 |
| 30. | Curfew | 3001 |
| 31. | Dogs and Cats | 3101 |
| 32. | (Reserved) | 3201 |
| 33. | (Reserved) | 3301 |
| 34. | Fire Prevention | 3401 |
| 35. | (Reserved) | 3501 |
| 36. | Flood Damage Prevention | 3601 |
| 37. | (Reserved) | 3701 |

TABLE OF CONTENTS

| CHAPTER | PAGE |
|---|-------|
| 38. Licensed Businesses | 3801 |
| 39. Housing Standards | 3901 |
| 40. Land Development | 4001 |
| Licensed Businesses — See Ch. 38 | |
| 40A. Littering; Property Maintenance | 40A01 |
| 41. Mining Operations | 4101 |
| 41A. Noise | 41A01 |
| 42. Peace and Good Order | 4201 |
| 43. (Reserved) | 4301 |
| 44. (Reserved) | 4401 |
| 45. Refrigerators, Abandoned | 4501 |
| 46. Reimbursement to Qualified Private Communities | 4601 |
| 47. Sewers | 4701 |
| Article I Sanitary Sewers | |
| Article II Connections and User Charges | |
| 48. (Reserved) | 4801 |
| 49. Smoke Detectors | 4901 |
| 49A. Solid Waste | 49A01 |
| 50. Streets and Sidewalks | 5001 |
| Article I Street Openings and Excavations | |
| Article II Snow and Ice Removal | |
| 51. (Reserved) | 5101 |
| 52. Swimming Pools | 5201 |
| 53. Tobacco Vending Machines | 5301 |
| 54. Towing and Storage | 5401 |

*This chapter is included in a separate volume.

HELMETTA CODE

| CHAPTER | PAGE |
|--|------|
| 55. Vehicles and Traffic | 5501 |
| 56. (Reserved) | 5601 |
| 57. Water | 5701 |
| 58. Water Restrictions, Emergency | 5801 |

**PART III
BOARD OF HEALTH LEGISLATION**

| | |
|--|------|
| 59. (Reserved) | 5901 |
| 60. (Reserved) | 6001 |
| 61. Boarding Homes for Children | 6101 |
| 62. (Reserved) | 6201 |
| 63. (Reserved) | 6301 |
| 64. Nuisances, Public Health | 6401 |
| 65. (Reserved) | 6501 |
| 66. (Reserved) | 6601 |
| 67. Sewage Disposal Systems, Individual | 6701 |
| 68. (Reserved) | 6801 |
| 69. (Reserved) | 6901 |

APPENDIX

| | |
|--|-------|
| A70. (Reserved) | A7001 |
| A71. (Reserved) | A7101 |
| A72. Cable Television Franchise | A7201 |

INDEX

GENERAL PROVISIONS

Chapter 1

GENERAL PROVISIONS

ARTICLE I

Adoption of Code by Mayor and Council

- § 1-1. Adoption of Code.
- § 1-2. Provisions considered continuation of existing ordinances.
- § 1-3. When effective.
- § 1-4. Definitions.
- § 1-5. Repeal of certain ordinances.
- § 1-6. Ordinances saved from repeal; matters not affected by repeal.
- § 1-7. Additions and amendments to Code.
- § 1-8. Code book to be kept up-to-date.
- § 1-9. Sale of Code book; supplements provided.
- § 1-10. Severability of Code provisions.
- § 1-11. Severability of ordinance provisions.
- § 1-12. Captions of sections.
- § 1-13. Ordinances covered by revision and codification.
- § 1-14. General penalty provisions.
- § 1-15. Altering or tampering with Code; penalties for violation.
- § 1-16. Effective date of this ordinance.
- § 1-17. Changes in previously adopted ordinances.

[HISTORY: Adopted by the Mayor and Council of the Borough of Helmetta; Article I; 3-13-74. Amendments noted where applicable.]

ARTICLE I
Adoption of Code by Mayor and Council
[Adopted 3-13-74]

Be it ordained by the Mayor and Council of the Borough of Helmetta, in the County of Middlesex and State of New Jersey:

§ 1-1. Adoption of Code.

A. Pursuant to N.J.S.A. 40:49-4, there is hereby adopted by the Mayor and Council of the Borough of Helmetta a revision and codification of its ordinances known as the "Code of the Borough of Helmetta, County of Middlesex and State of New Jersey," of which not less than one (1) copy has been made and is now filed in the office of the Clerk of the borough, and the same is hereby adopted and incorporated as fully as if set out herein, and from the date this ordinance shall take effect, the provisions thereof shall be controlling.

B. The copy of the revision and codification of the ordinances of the Borough of Helmetta above referred to as being filed in the office of the Clerk of the borough shall remain in said office for use and examination by the public until final action is taken upon this ordinance and thereafter while the same shall be in effect.

§ 1-2. Provisions considered continuation of existing ordinances.

The provisions of this Code, so far as they are the same in substance as those of heretofore existing ordinances, shall be considered continuations of such ordinances and not new enactments.

§ 1-3. When effective.

All provisions of the Code of the Borough of Helmetta, County of Middlesex and State of New Jersey, shall be in full force and effect on and after the effective date of this ordinance.

§ 1-4. Definitions.

A. Terms used in this Code, unless otherwise specifically defined, shall have the meanings prescribed by the Revised Statutes of New Jersey for the same terms.

B. Terms used in this Code shall have the following meanings:

BOROUGH — The Borough of Helmetta, County of Middlesex, New Jersey.

COUNTY — County of Middlesex.

MAYOR AND BOROUGH COUNCIL — The Mayor and Council of the Borough of Helmetta.

ORDINANCES — The ordinances of the Borough of Helmetta and all amendments thereto.

PERSON — Any natural individual, firm, trust, partnership, association or corporation. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine, as applied to partnerships or associations, the word includes the partners or members thereof, and as applied to corporations, includes officers, agents or employees thereof who are responsible for any violations of the Code. The singular includes the plural, and the masculine gender includes the feminine and neuter genders.

STATE — State of New Jersey.

§ 1-5. Repeal of certain ordinances.

All ordinances of a general and permanent nature adopted by the Mayor and Council of the Borough of Helmetta prior to August 12, 1970, and not contained in the Code of the Borough of Helmetta, Middlesex County, New Jersey, are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided in § 1-6, and except all ordinances adopted since August 12, 1970, which such ordinances shall be included in this Code as replacement pages as a part of the Code.

§ 1-6. Ordinances saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-5 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provisions of the Borough of Helmetta prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Borough of Helmetta, or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision of the Borough of Helmetta.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Borough of Helmetta.
- E. Any ordinance of the Borough of Helmetta providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Borough of Helmetta.
- F. Any ordinance or resolution of the Borough of Helmetta appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Borough of Helmetta or other instruments or evidence of the borough's indebtedness.
- G. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.

- H. The levy or imposition of taxes, assessments or charges.
- I. Any ordinance authorizing local improvements.
- J. The resolutions of the Mayor and Council not in conflict or inconsistent with the provisions of this Code.
- K. Any provision of an ordinance or resolution of the Mayor and Council of the borough creating employments, positions or offices and fixing duties therefor which are not provided for in the Code of the Borough of Helmetta, Middlesex County, New Jersey, and which are not in conflict or inconsistent therewith.
- L. Any provision of an ordinance or resolution of the Mayor and Council of the borough fixing the compensation or salaries of borough officials and employees or the pay and compensation of positions and clerical employments.
- M. Any ordinance or provision of any ordinance establishing or creating any office or position in the Borough of Helmetta, or establishing or creating any fees or providing for general fines or penalties.
- N. Any ordinance or resolution not of a general or permanent nature and not incorporated in the Code.
- O. Any ordinance regulating the operation or parking of motor vehicles in the Borough of Helmetta.

§ 1-7. Additions and amendments to Code.

Any and all additions, amendments or supplements to the Code of the Borough of Helmetta, County of Middlesex, State of New Jersey, when passed and adopted in such form as to indicate the intention of the Mayor and Council for them to be a part thereof shall be deemed to be incorporated into such Code, so that reference to the "Code of the Borough of Helmetta, County of Middlesex, State of New Jersey" shall be understood and intended to include such additions and amendments. Where such additions, amendments or supplements to the Code of the Borough of Helmetta, County of Middlesex, State of New Jersey, shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing the said Code as amendments and supplements thereto.

§ 1-8. Code book to be kept up-to-date.

It shall be the duty of the Borough Clerk or someone authorized and directed by the Mayor and Council to keep up-to-date the certified copy of the book containing the Code of the Borough of Helmetta, County of Middlesex, State of New Jersey, required to be filed in the office of the Borough Clerk for the use of the public. All changes in said Code and all ordinances adopted by the Mayor and Council subsequent to August 12, 1970, which the Mayor and Council shall adopt, shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-9. Sale of Code book; supplements provided.

Copies of the Code book containing the Code of the Borough of Helmetta, County of Middlesex, State of New Jersey, may be purchased from the Clerk of the Borough of Helmetta upon the payment of a fee to be set by resolution of the Mayor and Council, who may also arrange, by resolution, for procedures for the periodic supplementation thereof.

§ 1-10. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

§ 1-11. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

§ 1-12. Captions of sections.

The captions of the several sections of the Code of the Borough of Helmetta, County of Middlesex, State of New Jersey, printed in

bold-face type, are intended as mere catchwords to indicate the content of the sections and shall not be deemed or taken to be titles of such sections or as any part of such sections, nor shall they be deemed to be such when any of such sections, including the captions, are amended or reenacted unless expressly so provided in the amendment or reenactment.

§ 1-13. Ordinances covered by revision and codification.

Only general ordinances adopted by the Mayor and Council and the Board of Health of the Borough of Helmetta are meant to be included in the revision and codification, and not ordinances covering bond issues, finances, assessments, franchises, annexations and similarly specific ordinances which are limited in scope and application.

§ 1-14. General penalty provisions. [Amended 8-31-88]

- A. Maximum penalty. For violation of any provision of this Code or any other ordinance of the Borough of Helmetta, unless a specific penalty is otherwise provided in connection with the provision violated, the maximum penalty upon conviction of the violation shall be a fine not exceeding one thousand dollars (\$1,000.) or imprisonment in the county jail for a period not exceeding ninety (90) days, or both.
- B. Separate violations. Except as otherwise provided, each and every day in which a violation of any provision of this Code or any other ordinance of the borough exists shall constitute a separate violation.
- C. Application. The maximum penalty stated in the general penalty clause of this section is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or a particular violation.
- D. Minimum penalty. The Borough Council may prescribe that, for the violation of any particular Code provision or ordinance, at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding one hundred dollars (\$100.).

§ 1-15. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Borough of Helmetta, County of Middlesex, State of New Jersey, to be misrepresented thereby. Anyone violating this section of this ordinance shall be subject, upon conviction, to a fine of not more than five hundred dollars (\$500.) or imprisonment for not more than ninety (90) days, or both, in the discretion of the Judge imposing the same.

§ 1-16. Effective date of this ordinance.

This ordinance shall take effect immediately after final adoption and publication according to law.

§ 1-17. Changes in previously adopted ordinances.

In compiling and preparing the ordinances of the Borough of Helmetta for adoption and revision as part of the Code of the Borough of Helmetta, County of Middlesex, State of New Jersey, pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the Mayor and Council of the Borough of Helmetta that all such changes be adopted as part of the Code of the Borough of Helmetta, County of Middlesex, State of New Jersey, as if the ordinances so changed had previously been formally amended to read as such. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this ordinance.¹

¹ Editor's Note: The following sections of the Code were amended or added pursuant to § 1-17: §§ 3-2, 3-6, 9-1, 9-2, 9-6, 9-8, 9-9, 9-11, 9-12, 9-14, 9-15, 12-2, 12-5, 12-6, 12-7, 19-21, 27-2L, 30-2, 30-3, 30-4, 30-5, 58-2 and 58-3; and penalty provisions in §§ 21-2, 27-7, 30-6, 42-5, 48-5, 51-21, 52-16 and 58-58. A complete description of these changes is on file in the office of the Borough Clerk.

§ 1A-1 ADMINISTRATION OF GOVERNMENT § 1A-1

Chapter 1A

ADMINISTRATION OF GOVERNMENT

§ 1A-1. Title.

§ 1A-2. Borough Council.

§ 1A-3. Meetings.

§ 1A-4. (Reserved)

§ 1A-5. Administrative Organization.

§ 1A-6. Fees for services and copies of documents.

§ 1A-1. Title.

§ 1A-2. Borough Council.

§ 1A-3. Meetings.

§ 1A-6. Fees for services and copies of documents.

[HISTORY: Adopted by the Mayor and Council of the Borough of Helmetta 5-14-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Department of Administration — See Ch. 2.
Business Administrator — See Ch. 4.
Municipal Court — See Ch. 6.
Environmental Commission — See Ch. 8.
Department of Finance — See Ch. 8A.
Fire Department — See Ch. 9.
Personnel — See Ch. 12.
Police Department — See Ch. 13.

§ 1A-1. Title.

This chapter shall be known and may be cited as the "Administrative Code of the Borough of Helmetta."

§ 1A-2. Borough Council.

- A. Organization of the Council. The Council shall consist of the Mayor and six Council persons elected at large in the Borough, all of whom shall be elected and take office in the manner provided by law. The terms of office of the Mayor and six Council persons shall commence on January 1 next following their election.
- B. Standing committee. There shall be the following standing Committees of the Borough Council:
- (1) Finance.
 - (2) Parks and Recreation.
 - (3) Public safety.
 - (4) Streets and Roads.
 - (5) Public Works.
 - (6) Sanitation/Recycling.
- C. Vacancies. A vacancy occurring in the office of Mayor or Borough Council person shall be filled in accordance with the requirements of the Municipal Vacancy Law, known and cited as "N.J.S.A. 40A: 16-1 et seq."

§ 1A-3. Meetings.

- A. Organization, regular and special meetings. The Borough Council shall meet for organization on January 1 at 12:00 noon, following each general election or during the first seven days in January in any year. Thereafter, the Council shall meet regularly at such times and places as provided by resolution. 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 special meetings at such time and place in the Borough as they may designate. In all cases of special meetings, notice shall be given to all Council members or left at their places of residences.

§ 1A-3 ADMINISTRATION OF GOVERNMENT § 1A-3

B. Order of business. At all regular meetings, the Borough Council shall follow rules of order for the conduct of Council meetings which may be adopted from time to time and the business of the Council shall be taken up

(Cont'd on page 1A03)

§ 1A-3 ADMINISTRATION OF GOVERNMENT § 1A-3

for consideration in substantially the following order except as may be otherwise determined by the Mayor and Council:

- (1) Meeting called to order by the presiding officer.
- (2) Reading of notice of compliance with the Open Public Meetings Law.
- (3) Calling of the roll.
- (4) Action on the minutes of previous meeting.
- (5) Reciting of ordinances on second reading and public hearing thereon.
- (6) Clerk's report.
- (7) Treasurer's report
- (8) Report of Borough Attorney.
- (9) Public hearings other than called for by special meeting.
- (10) Reading and consideration of memorials, petitions and communications. Readings of communications shall be as follows: All communications received by the Mayor and Borough Council shall be prepared in digest form and entered upon the minutes of the regular meeting agenda and submitted as follows:
Dated: _____ Recipient: _____ Sender:
_____ Text: _____ and the communications shall not be read in full nor shall the list be read in total unless specified by the Mayor or any Council member.
- (11) Reading of agenda resolutions.
- (12) Consent agenda resolutions by roll call.
- (13) Reports of special committees. [**Amended 3-11-1993 by Ord. No. 6-1993**]
- (14) Unfinished business of preceding meetings.

- (15) New business.
- (16) Reciting by title only of ordinances for introduction for first reading.
- (17) Action on bills and claims.
- (18) Adjournment.

C. Consent agenda.

- (1) Definition. Consent agenda resolutions are items that are routine and not controversial in nature and do not require further discussions.
- (2) Consent agenda items shall not be discussed separately unless brought up by a borough resident in the public portion of a meeting. Such items may remain on the consent agenda unless a Council member requests that they be removed as set forth in Subsection C(3) below.
- (3) Items may be removed from the consent agenda if removed for good cause, if discussion is required or if any member of the Council or the Mayor so asks and requests.
- (4) Items to be placed on the consent agenda shall be discussed at either the meeting preceding the action meeting or prior to the action meeting, and if necessary, a vote shall be taken to place items on the consent agenda or, in the alternative, to remove an item from the consent agenda.

§ 1A-4. (Reserved)¹

(Cont'd on page 1A11)

¹ Editor's Note: Former § 1A-4, Code of Ethics; Ethics Board, added 8-21-1991 by Ord. No. 14-1991, was repealed 6-28-2000 by Ord. No. 4-2000. See now § 12-8.

§ 1A-5. Administrative organization. [Added 3-26-1997 by Ord. No. 5-1997]

A. Departments, Boards and Commissions. There shall be the following departments, offices, boards and commissions in the borough:

(1) Departments.

(a) Department of Law. [Added 2-11-1998 by Ord. No. 1-1998]

[1] There shall be a Department of Law, the head of which shall be the Borough Attorney who shall be appointed by the Mayor with the advice and consent of the Council at the annual organizational meeting in January of each year and shall serve for a term of one year from the first day of January of the year of his appointment and until his successor has been appointed and qualified. He shall be an attorney at law of the State of New Jersey but need not be a resident of the borough. He shall receive a retainer for attendance at Council meetings and preparation of usual and routine resolutions, and such additional compensation as shall be provided from time to time for additional services rendered, all as set by ordinance and/or professional services contract.

[2] The Attorney shall have such powers and perform such duties as are provided for the office of municipal 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 legal counsel and

advice where required by the Council or any member thereof and shall in general serve as the legal adviser to the Council on all matters of borough business. In furtherance of such general powers and duties but without limitation thereof, the Borough Attorney shall:

- [a] 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 municipality.
- [b] With the approval of Council, conduct such 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 Council.
- [c] Subject to the approval of the Council, have power to enter into any agreement, compromise or settlement of any litigation in which the borough is involved.
- [d] Render opinions in writing upon question of law submitted to him by the Council or any member thereof with respect to its or his 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.
- [e] 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 municipality.

(2) Separate offices not under departments.

(a) Prosecutor.

- [1] Established. The position of Prosecutor is hereby created.
- [2] Appointment. At the organization meeting on January 1 of each year, the Prosecutor shall be appointed by the Mayor with the advice and consent of the Council; he/she shall serve for one year and until a successor shall qualify and shall be compensated for services rendered in accordance with the Salary Ordinance of the borough.¹ No person shall be appointed to this position unless he/she is an attorney at law of the State of New Jersey in good standing.
- [3] Duties. It shall be the duty of the Prosecutor to appear and prosecute cases in the Municipal Court on behalf of the state, the complaining witness and the instances:
 - [a] Disorderly persons offenses, petty disorderly persons offenses and other nonindictable offenses except where exclusive jurisdiction is given to the Superior Court.
 - [b] In all cases of death by auto.
 - [c] In all cases involving violations of the motor vehicle and traffic laws of the State of New Jersey.
 - [d] Violations of fish and game laws.

¹ Editor's Note: The Salary Ordinance is on file in the Borough Clerk's office.

- [e] In all violations of Chapter 40, Land Development Regulations, where for any reason the counsel to the Construction Official and/or Board of Adjustment does not appear to prosecute the complaint.
 - [f] In all cases where there is a violation of county or municipal ordinance.
 - [g] In all cases where a member of the Helmetta Police Department is the complainant.
 - [h] In all other matters as may be provided by law.
- [4] Special Cases. The Prosecutor shall appear and prosecute cases before the Municipal Judge in special cases at the express instance and written request of the Judge, the Mayor or the Chairman of the Public Safety Committee. The written request shall specify the special circumstances which it is believed make it necessary or desirable for the borough to be represented in such proceedings. The Prosecutor shall appear on all appeals from the Municipal Court unless otherwise provided by law, and shall, under the supervision of the attorney general or county prosecutor, represent the state, county or municipality in any matter within the jurisdiction of the Municipal Court.
- [5] Additional Duties. The enumeration of the foregoing duties is not to be construed as limiting or defining all the duties of the Prosecutor. The Council may by resolution assign additional functions or duties to the Prosecutor.

(3) Public defender. [Added 2-11-1998 by Ord. No. 1-1998]

(a) Within the Department of Law, there shall be a legal assistant to serve as Municipal Public Defender in accordance with P.L.1997, Chapter 256.² The Public Defender shall be licensed to practice law in New Jersey and shall serve for a term of one year from the date of his or her appointment and until the appointment and qualification of his or her successor.

[1] 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 the Municipal Court who is an indigent municipal defendant entitled to representation pursuant to P.L. 1997, Chapter 256.

[2] The Public Defender shall be responsible for handling all phases of the defense, including but not limited to discovery, pre-trial and post-trial hearings, motions, removals to courts of other jurisdiction and other collateral functions reasonably related to the defense. As used in this subsection, "post-trial hearing" shall not include de novo appeals to the Superior Court.

[3] The Municipal Public Defender shall represent an indigent 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

² Editor's Note: See N.J.S.A. 2B:24-1 et seq.

other consequence of magnitude, the Municipal Public Defender shall defend that indigent defendant.

- (b) Eligibility for services of the Municipal Public Defender shall be determined by the Municipal Court Judge on the basis of need of the defendant. Need shall be measured according to N.J.S.A. 2A:158A-14 and guidelines promulgated by the New Jersey Supreme Court. 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 cost of services rendered to that time.
- (c) Application fee; use of funds.
- [1] A person applying for representation by the Municipal Public Defender, or court-approved counsel, shall pay an application fee of \$200. In accordance with guidelines promulgated by the Supreme Court, the Municipal Court may waive any required application fee, in whole or in part, only 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.
- [2] Funds collected pursuant to Subsection A(3)(c)[1] of this section shall be deposited in a

dedicated fund administered by the Chief Financial Officer of the Borough. 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.

(d) Collection of fee.

- [1] The Borough Attorney, in the name of the Borough, may do all things necessary to collect any moneys due the Borough by way of reimbursement for services rendered by the Public Defender. The Borough Attorney shall have all the remedies and proceedings available for collection which are available for and upon the recovery of a judgment in 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.
- [2] If the defendant has, or reasonably expects to have, a means to meet some part, though not all, of the costs of services rendered, the defendant shall be required to reimburse the municipality, either by a single payment or in an installment in such amounts as he can reasonably be expected to pay; but no default or failure in making payments shall affect or reduce the rendering of services.
- [3] The municipality shall have a lien on any property to which the defendant shall have or acquire an interest for an amount equal to the reasonable value of the services rendered to a defendant pursuant to this act as calculated at the same rate as the Office of the Public Defender bills clients at that time.

- [4] To effectuate such a lien for the municipality, the Borough Attorney shall file a notice setting forth services rendered to 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 the 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 days of the filing of the notice, the Borough 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 Borough Attorney shall fail to give notice, the lien shall be void.
- [5] The Borough Attorney is authorized to compromise and settle any claim for services performed pursuant to this act whenever the financial circumstances of the person receiving the services are such that, in the judgment of the Borough Attorney, the best interests of the state will be served by compromise and settlement.

§ 1A-6. Fees for services and copies of documents.
[Added 12-20-2000 by Ord. No. 16-2000]

A. The following fees shall be charged for copies of public documents:

| Purpose of Fee | Fee |
|-------------------------|--|
| Incident report | \$3.00 per page |
| Case reports | \$3.00 first 2 pages, \$1.00 each additional page |
| Drinking-driving report | \$3.00 first 2 pages, \$1.00 each additional page |

§ 1A-6 ADMINISTRATION OF GOVERNMENT § 1A-6

| Purpose of Fee | Fee |
|---|---|
| Statements | \$3.00 first 2 pages, \$1.00 each additional page. |
| Criminal checks (verbal) | \$1.00 each |
| Criminal checks (letter) | \$2.00 each |
| Letters of good conduct | \$2.00 each |
| Miscellaneous service reports | \$3.00 per page |
| Missing person reports | \$3.00 first 2 pages, \$1.00 each additional page |
| Special reports | \$3.00 first 2 pages, \$1.00 each additional page |
| Fingerprinting | \$3.00 |
| Photos, color, 3½ by 5 inches | \$2.50 each |
| Photos, color, five by seven inches | \$6.50 each |
| Photos, color, eight by 12 inches | \$10.00 each |
| Permit to purchase pistol or revolver | \$2.00 each |
| Firearms I.D. card | \$5.00 each |
| Birth, marriage and death certificates and other vital statistics information | \$4.00 each |
| Bound volume of the Code of the Borough of Helmetta | \$150.00 each |
| Ordinance supplement | \$12.00 each |
| Land Use and Land Subdivision Book | \$17.50 |
| BOCA Property Maintenance Code | \$17.50 |
| Tax search | \$10.00 |
| Duplicate real property bill | \$5.00 |
| Duplicate tax sale certificate | \$100.00 |
| Copies | |
| 1 - 10 pages | \$0.75 per page |
| 11 - 20 pages | \$0.50 per page |
| 21 and over pages | \$0.25 per page |

B. Copy of police accident reports.

- (1) In accordance with N.J.S.A. 39:4-131, every citizen of this state who inspects accident reports in person shall have the right to obtain copies of reports at the same fee established by N.J.S.A. 47:1A-2 as follows:

| Number of Pages | Fee (per page) |
|------------------------|---------------------------|
| 1 to 10 | \$0.75 |
| 11 to 20 | \$0.50 |
| 21 and over | \$0.25 |

- (2) If copies of reports are requested other than in person, in addition to the foregoing schedule, a fee of \$5 shall be charged for the first three pages and \$1 per page shall be charged for each additional page to cover the administrative costs of the report.

C. Breathalyzer ampoules. The following fees shall be charged for furnishing breathalyzer test ampoules, which require specialized handling and packaging because the ampoules contain concentrated acid: \$7.50.

D. Tapes of Borough proceedings. A fee of \$10 shall be charged for each tape recording of Borough proceedings.

E. Fees for police services. The Chief Law Enforcement Officer shall establish a list of approved fees to be charged for the assignment of a Borough Police Officer or Special Reserve Police Officer to quasipublic duty and a list of fees to be charged for the use of police cars when required by the quasiduty assignment. The list of fees shall be filed on an annual basis with the Borough Clerk.

F. Disposition of fees. The fees collected under this section shall be deposited in the Borough of Helmetta general revenue account.