

**ORDINANCE**  
**ORDINANCE REPEALLING EXISTING CHAPTER 86 OF THE CODE OF THE**  
**TOWNSHIP OF FRANKLIN ENTITLED “MUNICIPAL COURT” AND**  
**ADOPTING A NEW CHAPTER 86 ENTITLED “JOINT MUNICIPAL COURT”**  
**TOWNSHIP OF FRANKLIN**

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**WHEREAS**, the Township Committee of the Township of Franklin in the County of Gloucester, State of New Jersey, is of the opinion that the public interest will best be served by repealing existing Ordinance Chapter 86 governing the current Municipal Court and adopting a new Ordinance that will provide for the creation of a Joint Municipal Court together with Buena Borough;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey as follows:

**Section 1**

Chapter 86 of the Franklin Township Code entitled “Municipal Court” be and is hereby repealed in its entirety.

**Section 2**

A new Chapter 86 of the Revised General Ordinances of the Township of Franklin, entitled “Joint Municipal Court” be and is hereby adopted containing the following provisions.

**Section 86.1: Creation of Court, name, jurisdiction.**

- A. Creation of Court. There has been created a Joint Municipal Court consisting of the following members: the Township of Franklin and Buena Borough. This Court is created by the Interlocal Services Agreement dated \_\_\_\_\_, 2011 by and between the aforesaid municipalities and is subject to the terms thereof. The Interlocal Services Agreement is attached hereto and incorporated in this Ordinance and shall be approved by and filed with the Administrative Director of the Courts.
- B. Name of Court. The name of the Joint Municipal Court shall be the "Franklin Joint Municipal Court" and it shall have a seal bearing the name of the Court.
- C. Jurisdiction. The jurisdiction of the Franklin Township Joint Municipal Court shall be coextensive with the territory of the Township of Franklin and the Borough of Buena in the County of Atlantic. The Court shall be under the jurisdiction of the Assignment Judge and Municipal Court Administrator for Vicinage 15.

**Section 86.2: Municipal Judge, powers, duties and qualifications.**

- A. There shall be a Municipal Judge appointed by the Governor as provided by law with regard to a Joint Municipal Court. The Municipal Judge shall serve for a term of three years from the date of appointment and until a successor shall be appointed and qualified.
- B. The Municipal Judge shall have and possess the requisite qualifications in order to serve as a Municipal Court Judge as provided by the laws of the State of New Jersey.
- C. The Municipal Judge shall faithfully carryout all of the responsibilities of a Municipal Court Judge and shall abide by all rules and regulations established for Municipal Court Judges by the Administrative Office of

the Courts, the New Jersey Supreme Court and any other applicable laws and rules.

**Section 86.3: Prosecutor, Administrator, Public Defender, other personnel**

A. Municipal Prosecutor: There shall be appointed a Municipal Prosecutor for the Joint Municipal Court who shall prosecute all cases in the Joint Municipal Court. The Municipal Prosecutor shall be appointed for a one year term by the Township of Franklin. The compensation for the Municipal Prosecutor shall be determined by the Township of Franklin.

B. Municipal Court Administrator: There shall be an administrator of the Franklin Joint Municipal Court who shall perform the functions and duties prescribed for the administrator by law, by the rules applicable to municipal courts and by the municipal court judge. The administrator shall be appointed by Franklin for a term of one year, subject however, to the tenure provisions as set forth in N.J.S.A.2A:8-13.2 and considered an employee of Franklin. The compensation of the administrator shall be determined by Franklin. The administrator's duties shall include, but not be limited to:

1. Carrying out the rules, regulations, policies and procedures relating to the operation of the Franklin Joint Municipal Court.
2. Interviewing and speaking to persons wishing to file criminal or quash criminal complaints or wishing information in that regard; receiving complaints and dispensing information relating to court matters.
3. Maintaining the financial records of Franklin Joint Municipal Court, including receiving and accounting for fines and costs.
4. Attending court, recording pleas, judgments and dispositions; arranging trial calendars; signing court documents, preparing and issuing warrants and commitments and other court-related documents.
5. Maintaining and classifying records and files of the Franklin Joint Municipal Court.
6. Maintaining, forwarding, receiving and reporting such records, reports and files as required by appropriate agencies.
7. Carrying out such additional duties as may be required in order to fulfill the duties of the court administrator.

C. The Township of Franklin shall, hereafter, by Resolution have the power to designate such other persons as may be required to serve as clerks and administrators and other officers thereof and to establish compensation to be paid to the respective persons to manage and run the day to day operations of the Joint Municipal Court. Compensation thereof shall be in accordance with the salary ordinance adopted annually by the Township of Franklin.

D. The Township of Franklin shall, by Resolution, annually appoint a Public Defender to serve within the Franklin Township Joint Municipal Court. The Public Defender shall be compensated as determined by the Township of Franklin. Applications for the appointment of the Public Defender for particular cases shall be in accordance with Chapter 102 of this Title.

E. The auditor appointed by Franklin Township shall act as the auditor for the Franklin Joint Municipal Court. The auditor shall perform a yearly audit of the Franklin Joint Municipal Court, which audit shall be prepared generally in accordance with the requirements of the Local Fiscal Affairs Law, N.J.S.A. 4A:50-1, et. seq. A copy of the complete audit shall be supplied to each participating municipality by September 1 of each year.

**Section 87.4: Withdrawal by a member, expansion of membership.**

A. Withdrawal by Members. The members of the Franklin Township Joint Municipal Court established by this ordinance are the Township of Franklin and

Buena Borough. Collectively, the Township of Franklin and the Buena Borough shall be referred to as members. Any member of the Joint Municipal Court may withdraw at the end of the next calendar year by complying with the provisions of the Interlocal Services Agreement between the Members identified in section 86.1 A *supra* or such subsequent agreements or amendments then existing and in effect.

B. Expansion. The members of the Franklin Joint Municipal Court may be expanded by the admission of new members. Admission shall be granted upon the affirmative vote of the Franklin Township Committee after consultation with the Mayor and Council of the Borough of Buena in accordance with the Interlocal Services Agreement then existing between the Members.

**Section 87.5: Contributions and compensation.**

A. The Borough shall pay the Township of Franklin a fee in accordance with the Interlocal Services Agreement then existing between the parties.

B. The Township shall remit fines and levies collected for infractions occurring in the Borough of Buena to the Borough on at least a monthly basis or as set forth in the agreement between the Township and The Borough.

**Section 87.6: Interlocal Services Act.**

The governing bodies of the Township of Franklin and Buena Borough are authorized to enter into contract with each other embodying the provisions of the contract attached hereto as Exhibit A pursuant to the Interlocal Services Act, N.J.S.A. 40A:65-1 et seq. In the event of a discrepancy between this Ordinance and the Interlocal Services Act, and any amendments thereto, the Interlocal Services Act shall take precedence.

**Section II: Validity.**

If any section, subsection, sentence, clause or phrase of this ordinance, for any reason is held to be unconstitutionally invalid, or incorrect, such decision shall not affect the validity of the remaining provisions of this ordinance.

**Section III: Signature Page**

This Ordinance shall take effect on January 1, 2012

**ATTEST:**

**TOWNSHIP OF FRANKLIN**

\_\_\_\_\_  
**CAROLYN K. TOY, CLERK**

**BY:** \_\_\_\_\_  
**PATRICK DOUGHERTY, MAYOR**

**CERTIFICATION**

I, Carolyn K. Toy, Clerk of the Township of Franklin the County of Gloucester, do hereby certify that the foregoing to be a true and correct copy of an Ordinance introduced by the Township Committee of the Township of Franklin at a meeting held on Tuesday, August 9, 2011 and reintroduced at a meeting held on Tuesday, September 27, 2011, with a subsequent second public reading to be held October 25, 2011, at which time any person interested therein was given an opportunity to be heard.

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**CAROLYN K. TOY, CLERK**