

**ORDINANCE
O-15-22**

**REPEALING ORDINANCE 13-11 OF THE CODE OF THE TOWNSHIP OF
FRANKLIN ENTITLED “MUNICIPAL COURT” AND ADOPTING A NEW
CHAPTER 86 ENTITLED “JOINT MUNICIPAL COURT”
TOWNSHIP OF FRANKLIN TO ADD THE BOROUGH OF NEWFIELD**

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 the Borough of Newfield (Gloucester County), and the Borough Buena (Atlantic County).

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

SECTION I

Chapter 86 of the Franklin Township Code entitled “Municipal Court” be and is hereby repealed in its entirety.

SECTION II

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.

§ 86.1: Creation of Court, name, jurisdiction.

A. Creation of Court. This shall create a Joint Municipal Court consisting of the following members: the Township of Franklin (Gloucester County), the Borough of Newfield (Gloucester County), and the Borough of Buena (Atlantic County). This Court is created by the Shared Services Agreement dated October 1, 2022, by and between the aforesaid municipalities and is subject to the terms thereof. The Shared 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 Township 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 co-extensive with the territory of the the Township of Franklin (Gloucester County), the Borough of Newfield (Gloucester County), and the Borough of Buena (Atlantic County). The Court shall be under the jurisdiction of the Assignment Judge and Municipal Court Administrator for Vicinage 15.

§ 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.

§ 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 and Conflict Public Defenders to serve within the Franklin Township Joint Municipal Court. The Public Defender and Conflict Public Defenders 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.

§ 87.4: Withdrawal by a member

A. Withdrawal by Members. The members of the Franklin Township Joint Municipal Court established by this ordinance are the Township of Franklin (Gloucester County), the

Borough of Newfield (Gloucester County), and the Borough of Buena (Atlantic County), Collectively, the Township of Franklin, the Borough of Newfield, and the Borough of Buena shall 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 Shared Services Agreement between the Members identified in §86.1(A) *supra* or such subsequent agreements or amendments then existing and in effect.

§ 87.5: Contributions and compensation.

A. The Borough of Newfield and the Borough of Buena shall compensate the Township of Franklin a fee in accordance with the Shared Services Agreement then existing between the parties.

§ 87.6: Uniform Shared Services and Consolidation Act.

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

SECTION III

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 IV
Signature Page**

This Ordinance shall take effect on _____, 2022.

ATTEST: TOWNSHIP OF FRANKLIN

Barbara Freijomil, Clerk John Bruno, Mayor

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, do here certify that the foregoing Ordinance was introduced at the Regular Meeting of the Township of Franklin held on June 14, 2022 and thereafter duly advertised in the legal newspaper of the Township at least seven (7) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on July 12, 2022 at which time any person interested therein will be given an opportunity to be heard.

Barbara Freijomil, Municipal Clerk

Introduced June 14, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Doyle						
Deegan						
Petsch-Wilson						
Flaim						
Bruno						

Adopted July 12, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Doyle						
Deegan						
Petsch-Wilson						
Flaim						
Bruno						