

**BOROUGH OF WESTWOOD
NOTICE**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 4th day of January, 2011, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 18th day of January, 2011 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

**ORDINANCE NO. 11- 1
AN ORDINANCE REGULATING THE
POSITION OF BOROUGH CLERK**

WHEREAS, in conjunction with the recodification project undertaken by the Borough officials, review of the Borough's body of legislation has uncovered that certain subjects pertaining to the administration of Borough Government have not previously been adopted; and

WHEREAS, the Governing Body has determined that legislation pertaining to the position of Borough Clerk is desired for inclusion in the new Code;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Westwood as follows:

Section 1. The following provisions pertaining to the position of Borough Clerk shall be included in the new Code of the Borough of Westwood as Article XIV, Borough Clerk, of Chapter 40, Officers and Employees:

**ARTICLE XIV
Borough Clerk**

§ 40-45. Appointment; term; tenure.

Pursuant to N.J.S.A. 40A:9-133 et seq., there shall be a Borough Clerk appointed by the Mayor and Borough Council. The initial term of office of the Clerk shall be three years, in accordance with the statutes. The Borough Clerk shall have rights of tenure pursuant to state statutes.

§ 40-46. Qualifications.

No person shall be appointed as Borough Clerk unless he or she shall have a registered Municipal Clerk Certificate issued pursuant to N.J.S.A. 40A:9-133 et seq.

§ 40-47. Compensation.

The salary of the Borough Clerk shall be established in the Salary Ordinance and in accordance with N.J.S.A. 40A:9-165.

§ 40-48. Powers and duties.

The Borough Clerk shall:

- A. Act as secretary to the governing body, attend all meetings of the Council, keep a correct record of all its proceedings, have the power and authority to take and administer oaths and affirmations in Borough matters, and perform all the functions of a Municipal Clerk as specified by law.
- B. Act as secretary of the municipal corporation and custodian of the Municipal Seal and of all minutes, books, deeds, bonds, contracts, and archival records of the municipal corporation. The Borough Council may, however, provide by ordinance that any other specific officer shall have custody of any specific other class of record.
- C. Serve as the chief administrative officer in all elections held in the Borough, subject to the requirements of Title 19 of the Revised Statutes.
- D. Serve as chief registrar of voters in the Borough, subject to the requirements of Title 19 of the Revised Statutes.
- E. Serve as the administrative officer responsible for the acceptance of applications for licenses and permits and the issuance of licenses and permits, except where statute or ordinance has delegated that responsibility to some other Borough officer.
 - (1) The Borough Clerk is authorized to approve the granting of raffle and bingo licenses, as is provided by N.J.A.C. 13:47-1.1 et seq.
 - (2) The Borough Clerk is authorized to issue banner, block party and shake-a-can fund-raiser permits, as per Borough policy.
 - (3) Any application deemed incomplete by the Borough Clerk or her designee will be rejected and returned to the applicant. Applications that are resubmitted within 30 days of rejection shall be charged 1/2 of the original application fee as the resubmission charge. Applications that are resubmitted 31 or more days after rejection shall be considered a new application and the full application fee shall apply. No application shall be considered compliant, and no business shall be considered licensed, until the application is approved.
- F. Serve as coordinator and records manager responsible for implementing local archives and records retention programs as mandated pursuant to Title 47 of the Revised Statutes.
- G. 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 or her office, or to certify any act of paper which, from the records in his or her office, shall appear to have been a public act of the Borough or a public document.
- H. Insurance; surety bonds; contracts; vehicle titles. The Borough Clerk shall:
 - (1) Be the depository for and the custodian of all official surety bonds furnished by or on account of any officer or employee, except his or her own bond, which shall be placed in the custody of the treasurer; all insurance policies on or with respect to risks insured for the benefit of the Borough or to protect it against any claim, demand or liability; and all formal contractors for work, labor, services, supplies, equipment and materials to which the Borough may be a party.
 - (2) Be the depository for and the custodian of all performance bonds running to

the Borough as obligee, or any other form of security given by a 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) Have custody of all titles of ownership of municipal vehicles.
- I. Administrative rules and regulations; filing and publication. The Borough Clerk shall maintain a current compilation of all rules and regulations, which shall be available for public inspection in his or her office during business hours. No rule or general regulation made by a department, officer, agency or authority of the Borough, unless it relates to the organization or internal management of the municipal government or a part thereof, shall take effect until it is filed with the Clerk.
- J. In the event of the absence or disability of the Borough Administrator, the Clerk shall possess, exercise and perform the duties of the Administrator as described in § 40-36B of the Code of the Borough of Westwood.
- K. Perform such other duties as are now or hereafter imposed by statute, regulation or by municipal ordinance or regulation.

Section 2. Any ordinance or a part thereof which is inconsistent with the provisions of this ordinance shall be, and is, hereby amended.

Section 3. If any section, subsection, part, clause or phrase of this ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this ordinance.

Section 4. This ordinance shall take effect immediately upon final passage and publication as required by law.

Adopted: _____

Approved:

Attest:

John Birkner, Jr., Mayor

Karen Hughes, Borough Clerk