

SOUTH ORANGE VILLAGE
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ORDINANCE #2023-09

Introduction: June 26, 2023

Adoption:

AN ORDINANCE AUTHORIZING THE BOARD OF TRUSTEES TO FILE A PETITION WITH THE LEGISLATURE OF THE STATE OF NEW JERSEY FOR THE ADOPTION OF A SPECIAL LAW TO AUTHORIZE THE AMENDMENT OF THE SPECIAL CHARTER GOVERNING THE TOWNSHIP OF SOUTH ORANGE VILLAGE

WHEREAS, the Township of South Orange Village (South Orange) was formed in 1904 with a Charter enacted by the New Jersey State Legislature, and has functioned with a Charter ever since; and

WHEREAS, the Charter requires a review every twelve years, and was last revised by the state legislature in 1977; and

WHEREAS, the Board of Trustees appointed a Charter Review Committee in 2009; and

WHEREAS, the Charter Review Committee made numerous recommendations so that the Charter would comply with state statutes; and

WHEREAS, the Board of Trustees accepted those recommendations and petitioned the state legislature for enactment of an amended Charter; and

WHEREAS, the state legislature has failed to enact an amended Charter.

BE IT HEREBY ORDAINED AND ENACTED by the Board of Trustees of the Township of South Orange Village, County of Essex, as follows:

Section 1.

1. Pursuant to the provisions of N.J.S.A. 1:6-10 et seq., the Board of Trustees of the Township of South Orange Village shall be and is hereby authorized and directed to petition the Legislature of the State of New Jersey, pursuant to the annexed petition for the passage of a special law to amend the Charter, as described in the proposed draft of the revised Charter annexed to the petition and made a part hereof. More specifically such amendments include changing the name of the "Township of South Orange Village" to "South Orange Village", changing the name of the governing body from the "Board of Trustees" to "Council", changing the titles of members of the governing body from "Village President" and "Trustee" to "Mayor" and "Council Member", replacing the office of Village Treasurer with Chief



Financial Officer, to make technical changes to conform with State law, including options for election dates and compensation for elected officials, and to eliminate the sole use of male pronouns.

2. The Village President and other officers and employees of the Township of South Orange Village are hereby authorized and directed to take all the steps which may be necessary for the proper enactment of said law and the Village President, Village Administrator and Village Clerk are hereby authorized and directed to execute any and all documents necessary to that end.

Section 2.

This Ordinance shall take effect 20 days after final passage and publication according to law.

Section 3.

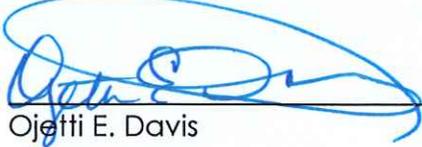
On passage this ordinance shall not be codified.

Introduction – First Reading

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown			X			
Greenberg			X			
Haskins			X			
Hartshorn Hilton		X	X			
Jones	X		X			
Lewis-Change						X

CERTIFICATION

I, Ojetti E. Davis, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Board of Trustees at their meeting held on June 26, 2023.


 Ojetti E. Davis
 Village Clerk



Adoption – Second Reading

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown						
Greenberg						
Haskins						
Hartshorn Hilton						
Jones						
Lewis-Chang						

CERTIFICATION

I, Ojetti E. Davis, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Board of Trustees at their meeting held on July 24, 2023.

 Ojetti E. Davis
 Village Clerk

Adopted:

Attest:

 Sheena C. Collum
 Village President

 Ojetti E. Davis
 Village Clerk

PETITION

TO THE LEGISLATURE OF THE STATE OF NEW JERSEY:

Pursuant to the provisions of Article IV, Section VII, paragraph 10 of the Constitution of the State of New Jersey and P.L. 1948, chapter 199 (C. 1:6-10 to 1:6-20), the Township of South Orange Village, in the County of Essex, a municipal corporation of the State of New Jersey, hereby petitions the Legislature of the State of New Jersey for the passage of a special law relating to certain internal affairs of the Township of South Orange Village in substantially the form of the attached Amended and Restated Charter:

This petition is presented pursuant to the authority of Township Ordinance #2023-09 entitled "An Ordinance Authorizing the Board of Trustees To File a Petition With The Legislature of the State of New Jersey for the Adoption of a Special Law to Authorize the Amendment of the Special Charter Governing the Township of South Orange Village" duly adopted by the Board of Trustees of the Township of South Orange Village on ____, 2023.

More specifically such amendments include changing the name of the "Township of South Orange Village" to "South Orange Village", changing the name of the governing body from the "Board of Trustees" to "Council", changing the titles of members of the governing body from "Village President" and "Trustee" to "Mayor" and "Council Member", replacing the office of Village Treasurer with Chief Financial Officer, to make technical changes to conform with State law, including options for election dates and compensation for elected officials, and to eliminate the sole use of male pronouns.

DATED: South Orange Village, New Jersey

_____, 2023.

By: _____, Village President

ATTEST:

_____, Village Clerk

[SEAL]

Exhibit A

AN ACT TO REVISE AND RESTATE THE 1872 CHARTER, AS AMENDED, OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE, IN THE COUNTY OF ESSEX

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section 1. The Charter. The following amended and restated Charter of the Township of South Orange Village shall take effect upon enactment hereof.

Article I GENERAL PROVISIONS AND POWERS

1.1 Short Title. This Act shall be known and may be cited as the "Charter of South Orange Village"

1.2 Incorporation. The inhabitants of the Village of South Orange, in the County of Essex, within the boundaries heretofore established by law or as may be hereafter amended, shall be and remain a municipal body corporate and politic with perpetual succession and shall be designated as "South Orange Village."

1.3 Definitions. For the purposes of this Act, and for the interpretation of any law, ordinance or resolution applicable to the village, unless the context otherwise requires:

(a) "Charter" means this Act and all statutory provisions of the State of New Jersey, which by their terms are now or may hereafter be applicable to the village and which are not inconsistent with this Act.

(b) "Council" or "Council Member" means the governing body of the village, constituted and elected pursuant to the Charter, formerly known as the Board of Trustees.

(c) "Mayor" means the Mayor duly elected pursuant to the Charter, and formerly known as the Village President.

(d) "Ordinance" means any act of local legislation heretofore or hereafter adopted pursuant to law.

(e) "Month" means a calendar month unless otherwise specifically provided.

(f) "Person" means any corporation, firm, partnership, association, organization or other entity, as well as an individual.

(g) "Village" means South Orange Village within the boundaries now existing or which may be hereafter established pursuant to law.

(h) "Year" means a calendar year unless otherwise specifically provided.

1.4 Construction. For the purposes of the Charter, Administrative Code and other ordinances heretofore or hereafter adopted, except as the context may otherwise require:

- (a) The present tense includes the past and future tenses and the future, the present.
- (b) Both genders will be explicitly referenced throughout the Charter.
- (c) The singular number includes the plural and the plural, the singular.
- (d) The time within which an act is to be done shall be computed by excluding the first and including the last day, and if the last day be a Saturday, Sunday or legal holiday, that day shall be excluded.
- (e) "Writing" and "written" includes printing, typewriting and any other mode of communication using paper, digitally processed data, image processed document, or similar material which is in general use, as well as legible handwriting.

1.5 Powers. In addition to such powers as may otherwise be conferred by the Charter, and subject to the provisions of the Charter, the village may:

- (a) Organize and regulate its internal affairs, and establish, alter, and abolish offices, positions and employments, provide for their manner of appointment and removal, and define the functions, powers and duties thereof, and fix their term, tenure and compensation;
- (b) Adopt and enforce ordinances, subject to due process of law, to regulate persons and property, and to provide for the health, safety and general welfare of the inhabitants of the village, and for the good government thereof;
- (c) Construct, acquire, operate or maintain any and all public improvements, projects or enterprises for any public purpose, subject to referendum requirements otherwise imposed by law;
- (d) Sue and be sued, have a corporate seal, contract and be contracted with, buy, sell, lease, hold and dispose of real and personal property, appropriate and expend moneys, and adopt, amend and repeal such ordinances and resolutions as may be required for the management of the village and the good government thereof;
- (e) Exercise powers of condemnation, borrowing and taxation in the manner provided by general law;
- (f) Exercise all powers of local government in such manner as its governing body may determine, subject to the Charter.

1.6 Self-Government Generally. The general grants of municipal power contained in this Article are intended to confer the greatest powers of local self-government consistent with the Constitution of this state. Any specific enumeration of municipal powers contained elsewhere in the Charter shall not be construed in any way to limit the general description of power contained in this Article, and any such specifically enumerated municipal powers shall be construed as in addition and supplementary to the powers conferred in general terms by this Article. All grants of power to the village, whether in the form of specific enumeration or general terms, shall be liberally construed, as required by the Constitution of this state, in favor of the village.

1.7 Charter Review. The Council or a committee designated by the Council shall review this Charter at least once every twelve years and shall prepare a report on the functioning of the Charter including any suggested amendments to the Charter.

Article II THE GOVERNING BODY

2.1 Municipal Power. The governing body of the village shall be the Council. It shall exercise all municipal powers except as otherwise specifically provided by this Charter. The Council shall function primarily as a legislative body devoted to policymaking and long range planning.

2.2 Elections: Council and Mayor. The Council, consisting of six Council Members, and a Mayor, shall be nominated and elected at large, by a plurality of votes. A municipal election shall be held biennially on the second Tuesday in May. However, if determined by ordinance of the governing body, pursuant to section 1 of P.L.2009, c.196 (C.40:45-7.1), the date of a municipal election may be changed to the day of the general election, the Tuesday after the first Monday in November. Immediately following the election, the results shall be certified to the Village Clerk.

2.3 Qualification; Term.

(a) The Mayor and each Council Member shall be a resident and legal voter of the village for at least one year preceding the election at which such person is chosen.

(b) The Mayor and each Council Member shall serve for a term of four years beginning at noon on the third Monday in May next following his or her election, if in May or at noon on the first day of January next following his or her election, if in November.

2.4 Vacancies. A vacancy in an office of the Mayor or Council occurring during a term shall be filled in accordance with General Law.

2.5 Organization. The Council shall provide for its organization and rules of procedure, not inconsistent with the Charter.

2.6 Meetings. The Council shall hold an annual organizational meeting on the third Monday of May, or on the first day of January in each year, depending on whether May or November elections are held, and shall convene other meetings at such times and places as shall be fixed by the Council. Special meetings may be called by the Mayor whenever he/she deems necessary and shall be called by him or her upon written request signed by three members of the Council. If by reason of absence, or from any other cause, the Mayor does not call such meeting, the Village Clerk shall then issue the call for the same, upon receiving such written request signed by three members.

2.7 Procedures.

(a) **Generally.** The procedures of the Council shall be governed by or pursuant to the Charter. In the event of a conflict between any other applicable laws and this Act, this Act shall prevail.

(b) **Voting; Quorum.** Four Council Members shall constitute a quorum for the transaction of business. The vote upon every ordinance shall be taken by roll call and the yeas and

nays shall be entered on the minutes. The minutes of each meeting shall be signed by the officer presiding at such meeting and by the Clerk of the Board.

(c) **Mayor; Presiding Officer.** The Mayor shall preside over meetings of the Council and may participate in discussions at all meetings of the Council, but shall have no vote except as provided in Section 3.3.

2.8 Investigations; Removals.

(a) The Council may make investigations into the affairs of the village and the conduct of any village department, office, commission or agency, and for this purpose may administer oaths, take testimony and require the production of evidence, as provided by general law.

(b) Except as otherwise provided by law, the Council may remove any officer or employee, over whom it has the power of appointment, for cause, upon notice and opportunity to be heard.

2.9 Compensation. Pursuant to general law, the Mayor and Council Members may receive compensation or emoluments for their services, as established by the Council from time to time.

2.10 A vacancy in the office of the Mayor or Council shall be filled in accordance with General Law.

2.11 Clerk of the Board. The Village Clerk shall serve as Clerk of the Council. The Clerk shall attend meetings of the Council and keep a journal of the proceedings of the Council and record the minutes of every meeting. The Clerk's duties shall be conducted in accordance with General Law.

2.12 Conflict of Interest. Any potential or real conflicts of interest will be dealt with in accordance with General Law.

Article III ORDINANCES AND RESOLUTIONS

3.1 Form of Action. The Council may act either by ordinance or by resolution, except where an ordinance is required by the Charter or by general law.

3.2 Enacting Clause; Record Book. The Council shall act in relation to legislative matters by ordinance. The enacting clause of all ordinances shall be: "Be it Ordained by the Council of South Orange Village:" The Clerk of the Council shall record all ordinances and resolutions adopted by the Council in a book to be kept by him or her for that purpose.

3.3 Vote Required.

(a) No ordinance may be enacted without at least the affirmative vote of four Council Members, or the affirmative vote of three Council Members and the Mayor.

(b) No resolution may be adopted without the affirmative vote of a majority of the Council Members present and voting. The Mayor may cast the deciding vote in the case of a tie vote.

3.4 Procedure for Passage. Ordinances shall be prepared, introduced, considered and acted upon pursuant to general law.

3.5 Penalties for Violating Ordinances. As provided by general law, the Council may prescribe penalties for the violation of ordinances.

Article IV EXECUTIVE AND ADMINISTRATIVE GENERALLY

4.1 Executive Officer. The Mayor shall be the chief executive officer of the village, with ultimate responsibility for and authority over village operations. To the extent permissible by law, the Mayor shall exercise his or her authority to supervise and coordinate the activities of the various units of village government, directly or indirectly, through such administrative officer as may from time to time be authorized by ordinance.

4.2 Acting Mayor; Pro Tempore Officer. Whenever the Council determines that the Mayor is unable to attend to the duties of his or her office due to his or her absence from the village, disability or other cause, the Council may appoint one of its members to serve as Acting Mayor. Any person so appointed as Acting Mayor shall succeed to all of the rights, powers and duties of the Mayor, until the Mayor returns, the disability or other cause ceases. In the event that the Mayor is merely absent from a meeting of the Council, the Clerk of the Council shall call the meeting to order and the Council shall designate one of its members to preside pro tempore. The Acting Mayor shall serve until the vacancy is filled.

4.3 Vacancy. In the event of the death, resignation, removal or disqualification of the Mayor, or in the event the Mayor is unable to attend to the duties of his or her office as provided In Section 4.2, the vacancy will be filled pursuant to General Law. The Acting Mayor shall serve until the vacancy is filled.

4.4 Powers and Duties; Generally. The Mayor shall:

- (a) Report annually in writing to the public and Council on the condition of the village, and the work of the previous year;
- (b) Recommend to the Council whatever action or programs he/she deems necessary or desirable for the village and the welfare, of its residents;
- (c) Have such other executive powers and duties as General Law or the Charter may provide or as the Council may by ordinance prescribe.

4.5 Executive Powers and Duties. The Mayor, as chief executive officer of the village government, subject to the Charter and ordinances, shall:

- (a) Supervise and direct all subordinate officers and employees of the village, and examine any complaints which may be lodged against any of them;
- (b) Cause the ordinances of the village to be enforced;
- (c) Sign all withdrawals, checks, notes, bonds or obligations of the village as required by General Law;

(d) Inspect the books and vouchers of the Chief Financial Officer;

(e) Appoint officers and employees as authorized by law, and for which no other provision for appointment or removal is made by General Law, the Charter, or the Council by ordinance.

4.6 Counsel. There shall be a Village Counsel who shall be nominated and appointed by the Council. The Counsel shall serve for such term as may be fixed by ordinance, and until the appointment and qualification of his or her successor. He/she shall be the chief legal advisor to the Council, and shall have such specific functions, powers and duties as may be provided by or pursuant to ordinance.

4.7 Village Clerk. There shall be a Village Clerk who shall be appointed by the Council. The Village Clerk shall serve for such term of office, shall have powers and duties, and shall be subject to the tenure and removal provisions as provided by General Law concerning municipal clerks.

4.8 Village Clerk; Powers and Duties. The Village Clerk shall:

(a) Have the custody of the Village Seal, and of all books and papers belonging to the village, or which may be filed in his or her office; for which no other custody is provided by the Charter or Administrative Code;

(b) Countersign and keep an accurate record of all licenses, and of all warrants for the withdrawal of moneys from the Chief Financial Officer, and countersign and seal all bonds, notes or other obligations for the payment of moneys by the village under the direction of the Board;

(c) Pay over unto the Chief Financial Officer all moneys belonging to the village which may have come into his or her hands;

(d) Perform and discharge such other functions, powers and duties as may be required of him or her by the Council or as provided by the Charter.

Article V FINANCIAL ADMINISTRATION

5.1 Fiscal Year. The fiscal year of the village shall begin on the first day of January and end on the thirty-first day of December in each year, unless otherwise provided by law.

5.2 Budget Preparation; Current Operations. The Council shall establish a procedure for the preparation of the budget. Such procedure shall include provision for public participation in the formulation of the budget program of revenues and expenditures, and for justification of budget requests by department heads.

5.3 Capital Budget. The Council may, and when required by law shall, approve and adopt a capital budget. The Council shall provide for the manner of compiling the capital budget. The capital budget shall be adopted in accordance with the requirements of the Local Budget Law.

5.4 The Budget Process. The Council shall review the various budget requests, estimates of revenues, and related data, and shall, in the exercise of its discretion and judgment, cause the budget

to be prepared in such form and with such explanatory statements and schedules, in addition to those required by the Charter, as the Council may deem in the public interest.

5.5 Action by the Council. The Council shall make available for public distribution copies of the budget, and cause a budget resolution (ordinance) to be introduced, published and adopted pursuant to the Local Budget Law. Adoption of the budget shall require the affirmative vote of four Council Members. The Mayor shall have no right to vote on the adoption of the budget.

5.6 Budget Operation. The adopted budget shall be administered in accordance with the requirements of general law, and pursuant to such procedures as may be established by ordinance.

5.7 Borrowing. The village may borrow money pursuant to the Local Bond Law.

5.8 Fiscal Procedures. The fiscal affairs of the village shall be administered in accordance with the requirements of the Local Fiscal Affairs Law.

5.9 Tax Collector. The Council shall appoint a Tax Collector. The Tax Collector shall serve for such term of office, shall have powers and duties, and shall be subject to the tenure and removal provisions as provided by General Law.

5.10 Tax Assessor. The Council shall appoint a Tax Assessor. The Tax Assessor shall serve for such term of office, shall have powers and duties, and shall be subject to the tenure and removal provisions as provided by General Law.

5.11 Chief Financial Officer. There shall be a Chief Financial Officer who shall be appointed by the Council. The Chief Financial Officer shall serve for such term of office, shall have powers and duties, and shall be subject to the tenure and removal provisions as provided by General Law.

5.12 Payment of Bills. All bills, claims and demands against the village shall be approved or disapproved by the Council pursuant to law.

5.13 Taxes and Assessments. The assessment and collection of property taxes and municipal assessments shall be in accordance with general law.

Article VI RECALL ELECTIONS

6.1 In General. The members of the Council and the Mayor shall be subject to removal from office for cause connected with their office after having served at least one year, upon the filing of a recall petition and the affirmative vote of a majority of those voting on the question of removal at any general, regular municipal or special election.

6.2 Petition Contents. A recall petition shall demand the removal of a designated incumbent, shall be signed by qualified voters equal in number to at least twenty-five per centum (25 percent) of the registered voters of the village, and shall be filed with the Village Clerk. It shall set forth a statement of the cause upon which the removal is sought.

6.3 Petition Signatures, Examination, Certification, Amendment. The signatures to a recall petition need not all be appended to one paper but each signer shall add to his or her signature his or her place of residence giving the street and number or other sufficient designation if there shall be no street and number. One of the signers to each such paper shall take an oath before an officer competent to administer oaths that the statement therein made is true as he/she believes that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing the petition the Village Clerk shall examine and ascertain whether or not such petition is signed by the requisite number of qualified voters, and shall attach to the petition his or her certificate showing the result of his or her examination. If by that certificate the petition is shown to be insufficient it may be amended within ten days from the date of said certificate. The Village Clerk shall, within five days after such amendment, make a similar examination and determination of the amended petition, and if the certificate shall show the same to be insufficient, it shall be returned to the person filing it without prejudice to the filing of a new petition to the same effect.

6.4 Service of notice. If the petition shall be sufficient the Village Clerk shall within two days notify the Council Member, Council Members or Mayor whose recall is sought thereby. If such notice cannot be served personally, service may be made by registered mail addressed to the officer's last known address. If within five days after the service of the notice by the Village Clerk the Council Member, Council Members or Mayor sought to be recalled by such petition do not resign, or having tendered their resignation it shall not have been accepted by the Council, the Village Clerk shall order and fix a date for holding a recall election not less than sixty nor more than ninety days from the filing of the petition. Notice of the filing of the petition and of the date of the election shall be posted for public view in the office of the Village Clerk and he/she shall also insert the notice forthwith in a newspaper published in the village, or if there be no such newspaper, then in a newspaper having general circulation in the village.

6.5 Ballot Specifications; Question; Directions. The ballots at the recall election shall conform to the requirements respecting the election of officers of the village, as provided in Title 19 of the Revised Statutes (Elections), except that the words "recall election" shall appear on the ballot. The recall features of the ballot shall appear at the top thereof and shall be separated from the portion of the ballot for the election of officers by a heavy black line. The proposal for recall shall be placed on the ballot in the following manner:

**"Shall _____ (here insert the name of incumbent)
be removed from office by recall?"**

This matter shall occupy two lines in boldface type. Immediately below the above wording shall appear the phrase "for recall," and immediately underneath such phrase the words "against recall." Immediately at the left of each of these two phrases shall be printed a square, in which the voter may make a cross (X) or plus (+) or a check (✓) mark. Immediately below the foregoing shall appear the following:

**"Indicate your vote by placing a cross (X) or plus (+) or
a check (✓) mark in one of the squares above."**

6.6 Repetition of Question and Direction. If the removal of more than one officer is sought the same provisions for submitting to the electors the question and direction hereinbefore described shall be repeated in the case of each officer concerned and their position on the ballot for their recall shall be in order of the filing of the petition with the Village Clerk.

6.7 Voting for Successor to Recalled Officer. The same ballot used for submitting the question or questions of recall shall be used for the election of a successor to the incumbent sought to be removed and immediately under the black line following the recall question shall appear the phrase

**"Nominees for successors
of (here insert name of incumbent)
in the event he or she is recalled."**

The names of all person nominated as successors shall be placed upon the ballot in the same manner provided for other elections of officers of the village.

6.8 Provisions Applicable to Elections. The provisions of Title 19 of the Revised Statutes (Elections), concerning the nomination of village officers, preparation of the ballot, election of village officers, counting and canvassing of the results of the election of such officers, shall apply to the election for the recall of officers and the election of their successors.

6.9 Publishing Election Notices. The Village Clerk shall cause to be made due publication of notices of arrangements for holding all recall elections and they shall be conducted as are other elections for officers of the village.

6.10 Recall Election Results.

(a) If a majority of votes in connection with the recall of any officers be in favor of the recall, the term of office of such officer shall terminate upon the certification of the results of election by the Village Clerk.

(b) If the results of such recall election shall, by the certificate of the Village Clerk, be shown to be against the recall of the officer he or she shall continue in office as if no recall election had been held, and the vote for the election for the successor of such officers taken at the time of such attempted recall shall be void.

6.11 Election Successor, Term. If the office of the incumbent shall become vacant either by his or her resignation or by the result of the recall election, the successor shall be the nominee receiving the greatest number of votes at the recall election. The person so elected shall serve for the remainder of the unexpired term.

Article VII TRANSITION

7.1 Ordinances, etc. Upon the taking effect of this Charter, all ordinances and resolutions, franchises, contracts, licenses and permits, theretofore existing shall remain in full force and effect according to their respective terms.

7.2 Personnel. Upon the taking effect of this Charter, all officers and employees shall be continued in their respective offices and employments, unaffected in term, tenure, compensation or otherwise.

7.3 Actions and Proceedings. Upon the taking effect of this Charter, all legislative, executive and judicial actions and proceedings then pending shall continue unaffected.

Section 2. Repealer. Upon the taking effect of this restated Charter, the 1872 Charter of the Township of South Orange Village, as amended, shall be repealed.