

ORDINANCE NO. 3882-10

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEWJERSEY, MORE PARTICULARLY CHAPTER 5, ADMINISTRATION OF GOVERNMENT.

SUMMARY

This ordinance amends Chapter 5, Administration of Government in the Municipal Code of the Township of Franklin as follows: 1) Provide amending the agenda may occur anytime during a Council Meeting; 2) Provision for Additional Attorneys; 3) Provide Certification Requirement for Deputy Clerk; 4) Relocating the Division of Grant Administration and the Division of Vital Statistics under the Township Clerk; 5) Provision of the Division of Economic Development and the Division of Information Technology under the Township Manager; 6) Updating the Division of Financial Administration; 7) Provisions for Assistant Public Defenders; 8) Separate Department of Community Affairs into two departments: Department of Planning and Zoning and Department of Construction Code Enforcement; 9) Repeal Article VI, Public Health; 10) Relocate Division of Animal Control under Public Safety; and 11) Repeal Article XI, Economic Development and Article XII, Information Technology.

BE IT ORDAINED, by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey as follows:

SECTION I

Chapter 5, Administration of Government, Article II, Executive and Legislative, of the Municipal Code of the Township, County of Somerset, New Jersey is hereby amended as follows:

5-4. Meetings of Township Council. [Amended 3-14-2000 by Ord. No. 3115; Amended 11-12-2002 by Ord. No. 3333]

A. Conduct of meetings.

- (1) All meetings shall be conducted by the Mayor when present.
- (2) The Deputy Mayor shall conduct the meeting when the Mayor is absent.
- (3) If the Mayor and Deputy Mayor are both absent, the Township Clerk shall call the meeting to order and conduct the nomination and election of a Temporary Chairperson. The Temporary Chairperson shall conduct the meeting, but shall have no powers beyond those necessary to conduct the meeting.
- (4) The Township Attorney shall be the Parliamentarian.
- (5) The meeting shall be conducted in accordance with these regulations and Robert's Rules of Order for items not covered in these regulations.

B. Agenda.

- (1) The proposed agenda for each meeting shall be compiled by the Township Clerk and the Township Manager who shall consult with the Mayor and the Deputy Mayor as the presiding officers of the Township Council. The Township Clerk shall make the proposed agenda available to the public and press upon request after same has been made available to Council. All ordinances and resolutions shall be distributed to the Council no later than the third business day preceding the meeting of the Council. [Amended 2-8-2005 by Ord. No. 3525]
- (2) The Council may amend the agenda **as the first item of business** at the meeting upon the determination that a need to amend the agenda exists. A majority of Council members present must agree that a need exists in order to add an item for discussion

- (3) A member of Council, the Manager, and Attorney may cause matters to be listed on the proposed agenda to be reviewed at the work session meeting. If a majority of members of Council do not agree the items should be included in the agenda for the regular meeting, the items shall be deleted.
- (4) The agenda for the work session meetings shall be as follows: [Amended 2-11-2003 by Ord. 3355; 10-9-2007 by Ord. No. 3710]
- (a) Call to order.
 - (b) Public discussion (two minutes per speaker).
 - (c) Council's subcommittee report.
 - (d) Council discussion items.
 - (e) Council comments/reports. [Amended 9-8-2009 by Ord. No. 3839]
 - (f) Executive session.
 - (g) Adjournment.
- (5) The agenda for regular meetings of the Council shall be as follows: [Amended 2-11-2003 by Ord. 3355; 10-9-2007 by Ord. No. 3710]
- (a) Call to order.
 - (b) Pledge of allegiance.
 - (c) Invocation.
 - (d) Roll call.
 - (e) Commendations and proclamations.
 - (f) Mayor's report.
 - (g) Deputy Mayor's report.
 - (h) Public discussion (five minutes per speaker).
 - (i) Council comments/reports. [Amended 9-8-2009 by Ord. No. 3839]
 - (j) Approval of minutes.
 - (k) Approval of warrants.
 - (l) Public hearing and adoption of ordinances on second hearing.
 - (m) Introduction of ordinances on first reading.
 - (n) Adoption of consent agenda resolutions.
 - (o) Resolutions.
 - (p) Old business. [Added 9-8-2009 by Ord. No. 3839EN]
 - (q) Executive session.
 - (r) Adjournment.
- (6) The agenda for combined worksession/regular meetings of the Council shall be as follows: [Added 11-12-2002 by Ord. No. 3333; amended 2-11-2003 by Ord. 3355; 2-8-2005 by Ord. No. 3525; 6-14-2005 by Ord. No. 3549; 10-9-2007 by Ord. No. 3710]
- (a) Call to order.
 - (b) Pledge of allegiance.
 - (c) Invocation.
 - (d) Roll call.
 - (e) Commendations and proclamations.
 - (f) Mayor's report.
 - (g) Deputy Mayor's report.
 - (h) Public discussion (five minutes per speaker).
 - (i) Council comments/reports. [Amended 9-8-2009 by Ord. No. 3839]
 - (j) Council discussion items.
 - (k) Approval of minutes.
 - (l) Approval of warrants.
 - (m) Public hearing and adoption of ordinances on second reading.
 - (n) Introduction of ordinances on first reading.
 - (o) Adoption of consent agenda resolutions.
 - (p) Resolutions.
 - (q) Old business. [Added 9-8-2009 by Ord. No. 3839EN]

- (r) Executive session.
 - (s) Adjournment.
- (7) All ordinances shall be read by the Mayor, Deputy Mayor or Township Clerk, by title only, before introduction and adoption. [Amended 2-8-2005 by Ord. No. 3525; 1-6-2009 by Ord. No. 3808; 9-8-2009 by Ord. No. 3839]
 - (8) All consent agenda resolutions shown on the regular meeting agenda shall be considered in the form of one motion by the Township Council. If any member of the Township Council requests that a consent agenda resolution be considered and voted upon independently of all other consent agenda resolutions, then that item will be read by title by the Mayor, Deputy Mayor or Township Clerk and a separate vote shall be taken. All other consent agenda items not affected by the requests shall be considered in the form of one motion by the Township Council. All resolutions not on the consent agenda shall be voted on separately and shall be read by title only by the Mayor, Deputy Mayor or Township Clerk. [Amended 2-8-2005 by Ord. No. 3525]

§ 5-6. Township Attorney. [Amended 8-12-1997 by Ord. No. 2025]

- A. Appointment; term of office; qualifications; compensation. The Township Attorney shall be appointed by the Council by a majority vote of its members for a term of one year from the first day of January of the year of the appointment and until his/her successor has been appointed and qualified. The Township Attorney shall be an attorney at law of the state but need not be a resident of the Township. The Attorney shall be paid such retainer as may be agreed upon and authorized by the Council plus such fees and charges as shall be deemed reasonable.
- B. Powers and duties the Township Attorney shall:
 - (1) Serve as legal advisor to the Council and Manager on all legal matters of Township business.
 - (2) Represent the Township in all judicial and administrative proceedings except as otherwise directed by Council, in which the municipality or any of its officers or agencies may be a party or have an interest.
 - (3) 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.
 - (4) 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.
 - (5) Perform such duties as may be deemed necessary to provide legal counsel to the Council and the Manager in the administration of municipal affairs.

§ 5-7. Additional Attorneys.

Appointment; term of office; qualifications; scope of work; compensation. The Council may appoint, by a majority vote of its members, for a term of one year from the first day of January of the year of the appointment and until his/her successor has been appointed and qualified, such additional attorneys as may be deemed necessary and appropriate. The additional attorneys shall be attorneys at law of the State but need not be a resident of the Township. The additional attorneys shall provide such legal work as directed by Council and shall be paid as authorized by Council.

§ 5-7 ~~8~~. Township Clerk. [Amended 10-10-2000 by Ord. No. 3162]

Township Clerk shall be appointed by the Township Council by a majority vote of its membership to hold office and perform the duties of a Municipal Clerk as set forth in N.J.S.A. 40A:9-133.

§ 5-8 ~~9~~. Deputy Township Clerk.

There shall be a Deputy Township Clerk who shall be appointed by the Manager. The Deputy Township Clerk shall generally assist the Township Clerk in the proper performance of all his/her duties. The Deputy Township Clerk shall also have all the powers and perform all duties vested in the Township Clerk at such times as the Township Clerk shall be absent from the Township or unable to serve by reason of disability or otherwise. The Deputy Clerk shall attain the Registered Municipal Clerk certification from the State of New Jersey within 3 years of appointment.

§ 5-9 ~~10~~. Division of Election Administration. [Amended 10-10-2000 by Ord. No. 3162]

Within the Department of the Township Clerk, there shall be a Division of Election Administration under the jurisdiction of the Township Clerk. This Division shall be responsible for performing election duties in accordance with N.J.S.A. 40A:9-133 for all elections set forth in Titles 19, Chapters 40 and 40A of the New Jersey statutes.

§ 5-11. Division of Grant Administration

Within the Office of Township Clerk, there shall be a Division of Grant Administration. This Division shall be under the jurisdiction of the Grants Coordinator and shall be responsible for the administration of grants.

§ 5-12. Division of Vital Statistics.

A. Within the Department of the Township Clerk, there shall be a Division of Vital Statistics under the jurisdiction of the Township Clerk. He/she shall be responsible for the maintenance of vital statistics in accordance with mandated standards.

B. Within the Division of Vital Statistics, there shall be a Registrar of Vital Statistics, a Deputy Registrar and a Subregistrar, all of whom shall be appointed by the Manager for terms of service in accordance with state guidelines.

§ 5-10 ~~13~~. Township Manager.

A. Appointment, compensation; assistant. The Township Manager shall be appointed and may be removed in accordance with the Charter. He/she shall receive such compensation as shall be provided by ordinance, payable as other municipal salaries are paid, unless and until otherwise provided by ordinance. The Manager may designate that the Assistant Township Manager or a qualified administrative officer of the municipality perform his/her duties during his/her temporary absence or disability. In the event of his/her failure to make such designation, the Council may, by resolution, appoint an administrative officer of the municipality to perform the duties of the Manager during such absence or disability until he/she shall return or his/her disability shall cease.

B. Powers and duties.

(1) Generally. The Manager shall be the chief executive and administrative officer of the municipality. He/she shall see that all ordinances, resolutions and policies of the Council and all the state laws subject to enforcement by municipal action are faithfully enforced and executed. He/she shall:

- (a) Represent the municipality and assert its proper interest in relation to the state and other political subdivisions and with respect to municipal contracts and franchises.
 - (b) Attend all meetings of the Township Council with the right to take part in discussions but without the right to vote.
 - (c) Keep the Council advised of the financial condition of the municipality, make reports to the Council as requested by it and, at least once a year, make an annual report on the government for the benefit of the Council and the public.
 - (d) Study the governmental and administrative operations and needs of the municipal government and prepare and recommend to the Council necessary and desirable plans and programs to meet present and foreseeable needs.
 - (e) Investigate at any time the affairs of any officer or department of the municipality.
 - (f) Receive inquiries and complaints concerning Township business, provide information and assistance and remedy or cause to be remedied the source of any just complaint.
 - (g) Perform such other duties as may be required of him/her by ordinance or resolution of the Council.
 - (h) Enter, with the Township Council, into employment agreements.
- (2) Administrative supervision and direction. The Township Manager shall:
- (a) Direct and supervise the administration of all departments of the municipal government and be responsible for the maintenance of sound personnel policies and administrative practices.
 - (b) Approve all bills and vouchers for payment, subject to preaudit control as may be provided herein.
 - (c) Establish working, personnel, vacation and sick leave schedules and appropriate records and reports.
 - (d) Maintain a continuing review and analysis of budget operations, work programs and costs of municipal services.
 - (e) Approve or prescribe the internal organization of each department.
 - (f) Assign and transfer administrative functions, powers and duties among and within departments, subject to the Charter and organization code.
 - (g) Delegate to department heads and officers such of his/her duties and powers as he/she may deem necessary for efficient administration.
 - (h) Assign, as necessary, any department head, division head or other employee to any administrative, special staff or task force.
 - (i) Operate a reproduction center for internal forms and other documents.

§ 5-14 14. Assistant Township Manager. [Amended 4-27-1999 by Ord. No. 3038]

There shall be an Assistant Township Manager who shall be appointed by the Manager. The Assistant Township Manager shall generally assist the Township Manager in the proper

performance of all his/her duties. The Assistant Township Manager shall also have all the powers and perform all the duties vested in the Township Manager at such times as the Township Manager shall be absent from the Township or unable to serve by reason or disability or otherwise.

§ 5-12 ~~15~~ 15. Personnel administration.

The Township Manager shall perform the duties of Director of Personnel. The Assistant Township Manager or such person as may be designated shall act as the Personnel Officer, whose duties shall include the following: recruiting, examination, classification, assignment and coordination of performance evaluation functions; implementation of Township personnel ordinances, rules and regulations; maintenance of an official personnel records repository; conducting and coordination of personnel investigations and hearings; preparation and implementation of a pay plan and Salary Ordinance approved by Council; implementation and review of contracts with municipal employee organizations; implementation of the separation process; and performance of such other personnel functions as the Manager may assign.

§ 5-13 ~~16~~ 16. Procurement of goods and services. [Amended 5-26-1992 by Ord. 1708; 7-13-1999 by Ord. No. 3053]

- A. The Township Manager shall perform the duties as Director of Purchasing and designate a Purchasing Agent, whose duties shall include the planning, organizing and implementing of all Township procurement and property disposal. He/she shall coordinate the writing of specifications but shall not write technical specifications in detail unless the material or services involved are directly related to his/her department. Technical specifications for the particular commodity or services concerned shall be written by individual department heads.
- B. The Director of Purchasing and/or the designated Purchasing Agent shall coordinate, organize and plan all activities related to procurement.
- C. Procedure.
 - (1) General. All purchases shall be made in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all regulations promulgated pursuant thereto as amended from time to time.
 - (2) Contracting agent. Pursuant to N.J.S.A. 40A:11-2(3), the Township Manager is hereby designated as contracting agent for the Township. The Manager may name a designee who would act as Purchasing Agent or Qualified Purchasing Agent as defined in the rules and regulations of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. As contracting agent for the Township, the Manager or his/her designee shall:
 - (a) Pursuant to N.J.S.A. 40A:11-3, enter into contracts on behalf of the Township for performance of any work, or the furnishing of any materials or supplies, the total cost of which is less than \$8,500 and does not exceed the bid threshold as established by statute. The Township Manager or his/her designee shall prepare requests for resolution for purchases of commodities or services over the bid threshold following the procurement guidelines established by statute.
 - (b) Prepare specifications for and advertise for receipt of bids, and receive and review bids for items or services as are authorized for purchase in the annual budget as approved pursuant to N.J.S.A. 40A:11-4. The Purchasing Agent shall coordinate purchases made from state or other cooperative purchasing contracts and assist the

departments in the preparation of requests for proposals, requests for competitive contracts, and requests for quotations.

(3) Bid advertisement.

(a) All legal advertisements for any item to be bid will be prepared by the Purchasing Agent.

(b) The bids shall be received at such place and time as may be provided for in the legal notice of bid proposals. Upon receipt of sealed bids by the Purchasing Agent, the bids shall be opened by the Purchasing Agent in the presence of the Township Clerk or the Clerk's designee, and the department head involved in said bid.

(c) A record of the proceedings shall be submitted to the Township Council, including a summary of all bids received. The award of bid shall be accomplished by resolution of the Township Council. Items purchased through a:

[1] Cooperative purchasing agreement; or

[2] Commodity/service exempt from bidding as noted in N.J.S.A. 40A:11-5 are exempt from the foregoing process but shall require approval of the Township Council if the bidding threshold established pursuant to N.J.S.A. 40A:11-3 is exceeded.

(4) Contracts. Contract documents, other than professional service agreements, will be prepared or obtained by the Purchasing Agent. Purchase orders for purchases from all departments will be issued and signed by the Purchasing Agent after the guidelines for procurement above have been fulfilled.

D. Emergency purchases can only be made following the rules and procedures outlined in Local Public Contract Law, N.J.S.A. 40A:11-6.

~~§ 5-14. Division of Grant Administration [Added 10-26-2004 by Ord. No. 3498]~~

~~Within the Office of Township Manager, there shall be a Division of Grant Administration. This Division shall be under the jurisdiction of the Grants Coordinator and shall be responsible for the administration of grants.~~

§ 5-17. Economic Development.

Within the Department of the Township Manager, there shall be a Division of Economic Development under the jurisdiction of the Township Manager. This Division shall be responsible for the development and implementation of programs which promote, attract and maintain businesses in Franklin Township and facilitate interaction between the business community and the various government agencies.

§ 5-18. Information Technology.

Within the Department of the Township Manager, there shall be a division of Information Technology under the jurisdiction of the Township Manager. This Division shall be responsible for:

A. The planning and administration of overall computer service requirements for the Township's computer network and/or personal computer systems utilizing generic or Department specific software.

B. The planning, coordination and direction of the work designated support staff assisting with departmental computer efforts.

C. Serves as the Department's focal point for systems development, software acquisition and overall development, maintenance and operation of the local- and wide-area networks (LAN/WAN).

SECTION II

Chapter 5, Administration of Government, Article III, Administrative Services and Municipal Court of the Municipal Code of the Township, County of Somerset, New Jersey is hereby amended as follows:

ARTICLE III, Administrative Services and Municipal Court [Adopted 2-10-1987 by Ord. No. 1319]

§ 5-15 19. Divisions.

Within the Department of Administrative Services, there shall be:

- A. The Division of Financial Administration.
- B. The Division of Tax Title Lien Administration.
- C. The Division of Revenue Collection Administration.
- D. The Division of Tax Assessment Administration.
- E. The Division of Insurance Administration.
- F. The Division of Group Insurance Administration.
- G. The Municipal Court.

§ 5-16 20. Duties of ~~Director of Finance~~ Chief Financial Officer.

- A. The ~~Director of Finance~~ Chief Financial Officer shall supervise the work of the above divisions, with the exception of the Municipal Court. He/she shall be appointed by the Manager and shall be qualified by training and experience in municipal budgeting, accounting and finance. Such individual shall be a certified municipal finance officer.
- B. The ~~Director shall be the~~ Chief Financial Officer ~~of the municipality,~~ shall supervise the work of the Department and its divisions and be responsible for the accounting, preauditing control, receipt, custody and disbursement of municipal moneys and accounting of municipal assets.

§ 5-17 21. Division of Financial Administration; ~~duties of Treasurer~~.

- A. Within the Department of Administrative Services, there shall be Division of Financial Administration, the head of which Division shall be the Chief Financial Officer/Treasurer. He/she shall have, perform and exercise all of the functions, powers and duties as provided by general law and municipal ordinances. He/she shall keep and maintain books and records of all financial transactions of the Township in accordance with the standards and requirements of the Division of Local Government in the State Department of the Treasury. He/she shall have custody of all public monies of the Township and shall make monthly reports to the Director of all receipts, expenditures, commitments and unexpended appropriations. All moneys received from any source by or on behalf of the Township by any department, board, office or agency, except as otherwise provided by municipal ordinance, shall be paid to the Chief Financial Officer/Treasurer, who shall, by the next ensuing bank day after their receipt, deposit them to the credit of the Township in the authorized public depository of the Township to the credit of the proper account.
- B. Any person claiming payment from the Township shall present a detailed bill of demand to the Treasurer, duly certified or, in the alternative, supported by an affidavit of the claimant. It shall be the duty of the Chief Financial Officer/Treasurer to see that the signature of the officer or employee who has been duly assigned by

the Township to certify that the materials have been received or the services rendered to the Township appears on every claim.

- C. The Chief Financial Officer/Treasurer shall prepare a voucher list supported by vouchers and submit the same to an agenda meeting for the Township Council prior to its regular meeting. Claims shall be considered by the Council, which shall approve the same, except that the Council may, for sufficient legal cause, reject any claim presented to it, stating the reasons for such rejection. Any disapproved claim shall be referred back to the Chief Financial Officer/Treasurer with such instructions as the Council may give at the time of disapproval. The Township Clerk will record all claims in the official minutes, indicating that the Township Council has, by formal action, approved the same.
- D. Disbursements and payment of bills, claims and demands shall be made by the ~~Treasurer~~ upon preaudit and warrant of the Chief Financial Officer/~~Treasurer~~ ~~Director of Finance~~, and approved by the Manager. After the Township Council has approved such claims for payment, the Chief Financial Officer/Treasurer shall forthwith prepare the necessary checks for the payment thereof. The checks shall be signed by the Mayor and Chief Financial Officer/Treasurer ~~or Acting Treasurer~~ or any officer hereafter designated by state statute.

§ 5-18 22. Chief Financial Officer to handle special payments.

In the event that it is not possible to preestimate or wait for a regularly scheduled meeting for approval of payroll, all related mandatory payroll deductions and expenses and payments for principal reduction and interest payments for Township bonds and notes, the Chief Financial Officer shall present such claims for approval at the next regularly scheduled meeting of the Council after disbursement by the Chief Financial Officer for such claims.

§ 5-19 23. Division of Tax Title Lien Administration.

Within the Office of the Tax Collector of Revenue, there shall be a Division of Tax Title Lien Administration. This Division shall be under the jurisdiction of the Collector of Revenue and shall be responsible for the administration of tax title liens.

§ 5-20 24. Division of Revenue Collection Administration; Municipal Collector of Revenue.

Within the Department of Administrative Services, there shall be a Division of Revenue Collection Administration. The head of the Division shall be the Municipal Collector of Revenue. The Collector of Revenue shall have, perform and exercise all the functions, powers and duties as are provided by general law and municipal ordinances. He/she shall receive and collect all moneys assessed or raised by taxation or assessment for any purpose. He/she shall keep proper records and shall report to the Director, at least once a month, all receipts and deposits made by him/her and shall report and account for all moneys for which he/she is responsible. He/she shall keep a current record of all tax title liens, advising the Director promptly as such liens become subject to foreclosure under law. He/she shall also bill, receive and collect water charges and other revenues.

§ 5-21 25. Division of Tax Assessment Administration.

Within the Department of Administrative Services, there shall be a Division of Tax Assessment Administration. The head of the Division shall be the Municipal Tax Assessor, who shall be appointed by the Township Council for a term as prescribed by law. The Tax Assessor shall have, perform and discharge all the functions, powers and duties prescribed for assessors by state statute and municipal ordinance.

§ 5-22 26. Division of Insurance Administration.

Within the Department of Administrative Services, there shall be a Division of Insurance Administration under the jurisdiction of the Township Manager. This Division shall be responsible for the administration of general insurance policies for the Township.

§ 5-23 27. Division of Group Insurance Administration.

Within the Department of Administrative Services, there shall be a Division of Group Insurance Administration under the jurisdiction of the Township Manager. This Division shall be responsible for the administration of group insurance policies for the Township.

§ 5-24 28. Municipal Court.

- A. There is hereby established in the Township a Municipal Court to be known and designated as the "Municipal Court of the Township of Franklin, Somerset County, New Jersey."
- B. Powers and duties. The Municipal Court and the Judge thereof shall have, possess and exercise all of the functions, powers, duties and jurisdiction in all cases of every nature conferred upon such Court or such Judge by the statutes of the state in such case made and provided. Such Court and Judge shall have jurisdiction over complaints for violations of any of the provisions of this Code or other ordinances of the Township. [Amended 7-10-1990 by Ord. No. 1586]
- C. Officials and personnel. [Amended 2-11-1998 by Ord. No. 2053]
 - (1) The Judge of the Municipal Court shall be appointed by the Council as provided by general law and municipal ordinance and shall hold office for such term as provided therein. He shall have and possess the qualifications and shall have and perform the jurisdiction, powers and duties prescribed by general law.
 - (2) There may also be appointed by the Council an Associate Judge, who, if such position is appointed, shall hold office for such term as provided by general law and municipal ordinance and shall have and possess the qualifications and have and perform the jurisdiction, powers and duties as prescribed for the Judge of the Municipal Court.
 - (3) There shall be a Public Defender who shall be appointed by the Council as provided by general law and municipal ordinance and shall hold office for a term one year, beginning January 1 and ending December 31 next ensuing. He shall have and possess the qualifications and shall have and perform the jurisdiction, powers and duties prescribed by general law. In the event Council appoints assistant Public Defenders, as authorized in paragraph 4, the Public Defender shall serve as the Chief Municipal Public Defender and shall have authority over the assistant Public Defenders serving the Court with respect to the performance of their duties.
 - (4) There may also be appointed by Council, assistant Public Defenders, as deemed necessary and appropriate, who shall hold office for a term of one year, beginning January 1 and ending December 31 next ensuing. Such assistant Public Defenders shall have and possess the qualifications and shall have and perform the jurisdiction powers and duties prescribed by law.
 - (4 5) There shall be an Administrator of the Municipal Court who shall be appointed by the Manager. The Administrator of the Municipal Court shall be responsible for the supervision of administrative operations of said entity. [Amended 11-14-2000 by Ord. No. 3165]

- D. The ~~Director of Finance~~ **Chief Financial Officer** shall supervise the fiscal transactions of the Municipal Court so as to ensure compliance with accounting standards as established for Municipal Courts in the State of New Jersey.

SECTION III

ARTICLE IV, Department of ~~Community Development~~ **Planning and Zoning**

§ 5-2529. Establishment of Department; Director.

~~There shall be a Department of Community Development~~ **Planning and Zoning**, the head of which shall be the **Planning Director of Community Development**. He/she shall be appointed by the Township Manager and shall be qualified by training and experience in municipal land use and code enforcement.

§ 5-26. Divisions.

~~A. Within the Department of Community Development there shall be:~~

~~(1) The Division of Planning, Zoning and Zoning Code Enforcement/Planning Board and Board of Adjustment.~~

~~(2) The Division of Construction Code Enforcement.~~

§ 5-2730. ~~Divisions of Planning, Zoning and Zoning Code Enforcement/Planning Board and Board of Adjustment~~ **Administrative Officer; Planning Board; Board of Adjustment.**

A. Within the Department of Planning and ~~Code Enforcement~~ **Zoning**, there shall be ~~an Division of Planning, Zoning and Zoning Code Enforcement/Planning Board and Board of Adjustment~~, the head of which shall be the Administrative Officer. He/she shall have, perform and exercise all of the functions, powers and duties as provided by general law and municipal ordinance. He/she shall be responsible for the day-to-day administration of the ~~Division~~ **Department**.

B. The ~~Division~~ **Department** shall provide planning support for all Township bodies and, in particular, provide staff support and liaison to the Planning Board and Board of Adjustment. The ~~Division~~ **Department** shall perform planning research and related work as required. The ~~Division~~ **Department** shall be responsible for the enforcement of the Township's zoning regulations.

C. Planning Board.

The Township Planning Board and Secretary thereto, heretofore created by ordinance pursuant to general law, are continued with the functions, powers, and duties prescribed by general law and ordinance. The Council shall appoint the members of the Board, who shall serve without compensation for terms prescribed by law.

D. Board of Adjustment.

The Township Board of Adjustment and Secretary thereto, heretofore created by ordinance pursuant to general law, are continued with the functions, powers, and duties prescribed by general law and ordinance. The Council shall appoint the members of the Board, who shall serve without compensation for terms prescribed by law.

ARTICLE V, Department of **Construction Code Enforcement**

§ 5-2831. ~~Division~~ **Department** of Construction Code Enforcement; Municipal Construction Official.

A. Within the Department of ~~Planning and~~ **Construction** Code Enforcement, there shall be a ~~Division of Construction Code Enforcement~~, the head of which ~~Division shall be the~~ Municipal Construction Official. He/she shall be appointed by the Township

Manager, and he/she shall be competent in the field of building construction, plumbing, fire and electrical inspection. He/she shall develop, coordinate and implement the various code enforcement activities and operations as well as conduct overall administrative activities to the code enforcement function of the ~~Division~~ **Department**.

B. The Construction Official shall possess licensing as required by the New Jersey Department of Community Affairs for plan review and inspections under the uniform construction code in at least one category of trade inspections. Said individual shall ensure that all provisions of the uniform construction codes are adequately enforced through the Township and further that all persons performing inspections are licensed to do so by the New Jersey Department of Community Affairs.

C. The Construction Official shall be responsible, in addition to those functions and duties listed specifically above, for overall operation of the ~~Division~~ **Department**, which shall include planning, programming, budgeting, personnel and other related matters and functions.

SECTION IV

Chapter 5, Administration of Government, Article V, Department of Public Works and Engineering are hereby renumbered as follows:

ARTICLE VI, Department of Public Works and Engineering

§ 5-~~29~~ **32**. Establishment of Department; Director.

§ 5-~~30~~ **33**. Divisions.

§ 5-~~31~~ **34**. Assistant Directors.

§ 5-~~32~~ **35**. Division of Public Works.

§ 5-~~33~~ **36**. Division of Water Utilities.

§ 5-~~34~~ **37**. Division of Engineering.

SECTION V

Chapter 5, Administration of Government, Article VI, Public Health of the Municipal Code of the Township, County of Somerset, New Jersey is hereby repealed in its entirety:

ARTICLE VI, Public Health [Adopted 2-10-1987 by Ord. No. 1319]

§ 5-35. Establishment of Department; Director.

~~There is hereby created a Department of Health, the head of which shall be the Director of Health, who shall be a licensed health officer in the State of New Jersey. He/she shall be appointed by the Manager and shall be qualified by training and experience.~~

§ 5-36. Divisions.

~~Within the Department of Public Health, there shall be:~~

~~A. The Division of Health Administration and Vital Statistics.~~

~~B. The Division of Health Inspection/Control.~~

~~C. The Division of Clinic/Hospital Services.~~

~~D. The Division of Animal Control.~~

~~E. The Division of Housing Inspections.~~

§ 5-37. Division of Health Administration and Vital Statistics.

~~A. Within the Department of Public Health, there shall be a Division of Health Administration and Vital Statistics, the head of which shall be the Director of Health. He/she shall be responsible for the enforcement of general laws and municipal~~

ordinances regarding the enforcement of health standards and pollution control as well as the maintenance of vital statistics in accordance with mandated standards.

B. Within the Division of Health Administration and Vital Statistics, there shall be a Registrar of Vital Statistics, a Deputy Registrar and a Subregistrar, all of whom shall be appointed by the Manager for terms of service in accordance with state guidelines.

§ 5-38. Division of Health Inspection/Control.

Within the Department of Public Health, there shall be a Division of Health Inspection/Control, the head of which shall be the Director of Health. He/she shall supervise and be responsible for the implementation and maintenance of inspections as defined in this section. Inspections under this section shall include but not be limited to sanitary inspections of restaurants, inspections and approval of well water and septic systems, pool inspections, housing inspections as provided for by local ordinance, weed maintenance, rodent/insect problems and other health nuisance matters. Inspectors employed within this Division shall possess and maintain professional licenses as may be required by the State of New Jersey or the municipality.

§ 5-39. Division of Clinic/Hospital Services.

Within the Department of Public Health, there shall be a Division of Clinic/Hospital Service, the head of which shall be the Director of Health. He/she shall be responsible for the implementation of clinic and preventative activities as defined as core activities in the Minimum Standards of Performance as promulgated by New Jersey State Department of Health.

§ 5-40. Division of Animal Control.

A. Within the Department of Public Health, there shall be a Division of Animal Control, the head of which shall be the Director of Health. He/she shall be responsible for the enforcement of general laws and municipal ordinances governing the control of wild and domestic animals within the Township as well as for the maintenance and operation of an animal shelter.

B. The Director of Health shall supervise the functions of the Animal Control Officer.

§ 5-41. Division of Housing Inspections.

A. Within the Department of Public Health, there shall be a Division of Housing Inspections, the head of which shall be the Director of Health. He/she shall be responsible for the enforcement of housing standards as promulgated by municipal ordinances governing the maintenance of dwelling units.

B. The Director of Health shall supervise the functions of the Division.

SECTION VI

Chapter 5, Administration of Government, Article VII, Public Safety of the Municipal Code of the Township, County of Somerset, New Jersey is hereby amended as follows:

ARTICLE VII, Public Safety

§ 5-42 38. Establishment of Department; Director.

A. There is hereby created a Department of Public Safety, the head of which shall be the Director of Public Safety. The Director of Public Safety may also serve in the capacity of Chief of Police at the option of the Township Manager. He/she shall be appointed by the Manager and shall be qualified by training and experience.

- B. Subject to the direction and supervision of the Manager, the Director of Public Safety shall be responsible for the proper and efficient conduct of the Department and the supervision of its activities.

§ 5-43 39. Police force.

The police force heretofore established by ordinance is continued within the Department. The Department shall have all the functions, powers, duties and responsibilities prescribed by law for a municipal Police Department generally and by any provision of the Charter and ordinances relating to the Department of Public Safety.

§ 5-44 40. Standards and regulations.

The Department of Public Safety shall exist in accordance with the standards and regulations as set forth in Chapter 50 of the Code of the Township of Franklin, Somerset County, New Jersey, entitled "Police Department."

§ 5-45 41. Office of Emergency Management.

See Chapter 50, Police Department.

§ 5-42. Division of Animal Control.

A. Within the Department of Public Safety, there shall be a Division of Animal Control, the head of which shall be the Director of Public Safety. He/she shall be responsible for the enforcement of general laws and municipal ordinances governing the control of wild and domestic animals within the Township as well as for the maintenance and operation of an animal shelter.

B. The Director of Public Safety shall supervise the functions of the Animal Control Officer.

§5-43. Reserved.

§5-44. Reserved.

§5-45. Reserved.

SECTION VII

Chapter 5, Administration of Government, Article XI, Economic Development and Article XII, Information Technology of the Municipal Code of the Township, County of Somerset, New Jersey are hereby repealed in their entirety:

ARTICLE XI, Economic Development [Added 10-26-2004 by Ord. 3498]

§ 5-58. Department established; Director.

~~There shall be a Department of Economic Development, the head of which shall be a Director of Economic Development. He/she shall be appointed by the Township Manager and shall be qualified by training, experience and education in the field of urban studies and urban planning. He/she shall be responsible for the development and implementation of programs which promote, attract and maintain businesses in Franklin Township and facilitate interaction between the business community and the various government agencies.~~

ARTICLE XII, Information Technology [Added 10-26-2004 by Ord. No. 3498]

§ 5-59. Department established; Director.

~~There shall be a Department of Information Technology, the head of which shall be a Director of Information Technology. He/she shall be appointed by the Township Manager and shall be qualified with the attainment of a bachelor's degree in computer science, management information systems or closely related field, and two years of professional~~

level experience in systems analysis and personal computer or mini-computer hardware and software operation and maintenance. Microsoft certified system engineer is preferred, but not required.

§ 5-60. Responsibilities of Director.

The Director shall be responsible for:

- A. The planning and administration of overall computer service requirements for the Township's computer network and/or personal computer systems utilizing generic or Department specific software.
- B. The planning, coordination and direction of the work designated support staff assisting with departmental computer efforts.
- C. Serves as the Department's focal point for systems development, software acquisition and overall development, maintenance and operation of the local and wide-area networks (LAN/WAN).

SECTION VIII

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the extent that if any clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

SECTION IX

All ordinances or parts of ordinances which are inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION X

This Ordinance shall take effect immediately upon adoption and publication according to law.

ORDINANCE NO. 3882-10

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, New Jersey.

Introduced: May 25, 2010
Public Hearing: June 10, 2010
Adoption: June 10, 2010
Published: June 18, 2010
Effective: June 30, 2010

Ann Marie McCarthy, Township Clerk